

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
BIG HORN REDI-MIX INC.)	DOCKET NO. 4699-10
P.O. BOX 48)	
THERMOPOLIS, WY 82443)	
RE: SMALL MINE PERMIT 277C(s))	

NOTICE

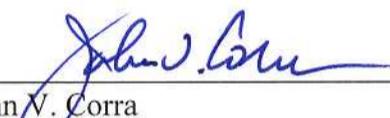
NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation is being sent to you pursuant to Wyoming Statute § 35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On March 6, 2009 an inspection of the Big Horn Redi-Mix, Inc. Permit 277C(s) was conducted by Craig Smith of the Land Quality Division, District II. The permit location is in the E1/2NW1/4NE1/4 and W1/2NE1/4NE1/4, Sec. 16, T.53N., R.101W., Park County, Wyoming 40 acres in total.
3. During the inspection, Mr. Smith observed that Big Horn Redi-Mix, Inc. was improperly disposing of trash and refuse.
4. Failure to properly dispose of refuse is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 3, Section 2(c)(v).
5. Mr. Smith also observed during the inspection that Big Horn Redi-Mix, Inc. had failed to control noxious weeds.
6. Failure to control noxious weeds is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 3, Section 2(d)(ix).
7. Mr. Smith also observed during the inspection that Big Horn Redi-Mix, Inc. failed to control erosion of surface waters on the pit highwall.
8. Failure to control erosion from surface water flow is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 3, Section 2(e)(i).
9. Mr. Smith also observed that Big Horn Redi-Mix, Inc. was impounding water that was not permitted in its approved mine plan or permitted by the State Engineers Office.
10. Impounding water without proper permitting action is a violation of Land Quality Division Non-Coal Rules and Regulation, Chapter 3, Section 2(b)(ii)(A).
11. A file and permit review of Mine Permit 277C(s) revealed that Big Horn Redi-Mix, Inc. was mining outside of the established permit boundary.
12. Mining outside the mine permit boundary is a violation of Wyoming Statute § 35-11-415(b)(ii).
13. The file and permit review also revealed that Big Horn Redi-Mix, Inc. had disturbed more land area than it was permitted to disturb.
14. Disturbing more land than permitted to disturb is a violation of Wyoming Statute § 35-11-415(a).
15. The file and permit review also revealed that Big Horn Redi-Mix, Inc. was mining without landowner consent as the Wyoming state land lease had expired.

16. Mining without landowner consent is a violation of Wyoming Statute § 35-11-406(b)(xi)/(xii).
17. A review of the file on June 18, 2010 revealed that the annual report for permit 277C(s) has not been submitted for the last reporting period and is 90 days delinquent.
18. Failure to file an annual report for a mine permit is a violation of Wyoming Statute § 35-11-411(a).
19. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.
20. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 25 day of JUNE, 2010



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.

Xc: Becky Brosius – Cheyenne
Jamie Van Hatten, State Lands, Cheyenne