

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
S. G. WELSH CO., INC.)	DOCKET NO. 4695-10
ATTN: SHAWN WELSH)	
144 S. BYPASS ROAD)	
BUFFALO, WYOMING 82834)	
Permit No. 769(s) – SMALL MINE OPERATION)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) 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. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 3, Section 2(c)(i)(A) states that all topsoil or approved surface material shall be removed from areas to be affected in the permit area prior to these areas being affected unless otherwise authorized by the Administrator.
3. During the June 16, 2010 inspection of Small Mine 769(s), Mr. David Schellinger observed significant disturbance of native topsoil by equipment operation at the pit. Also, topsoil and non-topsoil materials had been pushed over the edge of the pit onto adjacent slopes. Mr. Welsh was informed that such actions were violations in the December 14, 2009 Annual Inspection Report for LMO 1249ET (the former designation of this gravel operation).
4. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 3, Section 2(c)(i)(A) also states that topsoil shall be segregated so as not to become mixed with spoil or waste material.
5. During the June 16, 2010 inspection of Small Mine 769(s), Mr. David Schellinger observed processed and waste materials mixing with topsoil on the northeast and southwest edges of the pit. Mr. Welsh was informed that such actions were violations in the December 14, 2009 Annual Inspection Report for LMO 1249ET (the former designation of this gravel operation).
6. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 3, Section 2(c)(i)(B) states that when topsoil is not promptly redistributed, the topsoil or approved surface material shall be stockpiled on stable areas within the permit area in such a manner so as to minimize wind and water erosion and unnecessary compaction.
7. During the June 16, 2010 inspection of Small Mine 769(s), Mr. David Schellinger observed that a portion of the southwest pit edge topsoil stockpile had been pushed over the steep slope edge of the pit onto native topsoil. The location would not prevent topsoil loss from water erosion.
8. 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 29th 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 Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5th Street Sheridan, WY, 82801

769(s) – Small Mine Operation

cc: Mark Rogaczewski, LQD
File, Small Mine Permit 769(s)