

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
LARRY FREEMAN) DOCKET NO. 4860-11
PINNACLE MATERIALS, INC.)
720 COLD SPRINGS ROAD)
DOUGLAS, WY 82633)
LIMITED MINING OPERATION (LMO) No. 1322ET)

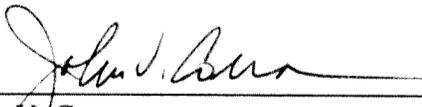
NOTICE

NOTICE IS HEREBY GIVEN THAT:

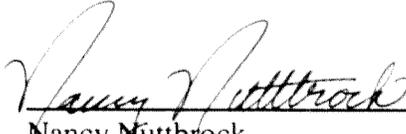
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On June 8, 2011, an inspection of the Huxtable Pit under Limited Mining Operation (LMO) No. 1322ET was conducted by Anna Krzyszowska-Waitkus of District I Land Quality Division (LQD). The LMO No. 1322ET is currently operated by Pinnacle Materials, Inc. This LMO is located in Section 33, T32N, R72W, in Converse County, Wyoming.
3. During the inspection, Anna Krzyszowska-Waitkus measured the mining affected area associated with LMO No. 1322ET using a Global Positioning System (GPS) unit and Trimble TerraSync software. The GPS data was later post-processed and differentially corrected using Pathfinder software. Mining disturbances were found to affect a total of 13.1 acres.
4. Affecting more than 10 acres is a violation of Environmental Quality Act under W.S. §35-11-401(e)(vi), which allows exempt mining operations to remove limestone from an area up to 10 acres of affected land.
5. 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 OF VIOLATION (NOV) 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 7th day of July, 2011



John V. Corra
Director
Department of Environmental Quality



Nancy Nuttbrock
Administrator
Land Quality Division

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

cc: Lowell Spackman, LQD, District I
LMO 1322ET, NOV File, Cheyenne NOV File