

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
INDIAN PIPE CATTLE CO. DBA SUSSEX SAND & )  
GRAVEL ) DOCKET NO. 4885-11  
ATTN: MR. JAMES W. ULLERY )  
1645 SUSSEX ROAD )  
KAYCEE, WY 82639 )  
1508ET – LIMITED MINING OPERATION )

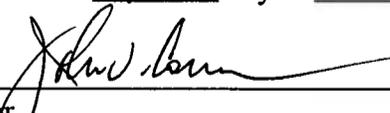
NOTICE

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 10, Section 4(b) states that "All topsoil from affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion. Such stockpiles shall be identified by a sign."
3. During his inspection performed on July 27, 2011, Mr. David Schellinger observed a topsoil stockpile constructed immediately adjacent to the entrance road with limited vegetation or other measures used to prevent loss of topsoil through erosion onto the entrance road.
4. During the July 27, 2011 inspection of LMO 1508ET, Mr. Schellinger noted a topsoil windrow constructed along the northern and western pit edges that was not identified by a topsoil sign.
5. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 10, Section 4(c) states that "In no case shall materials be pushed or dumped over natural escarpments."
6. During the inspection performed on July 27, 2011, Mr. Schellinger observed materials pushed over the sloping southern pit edge onto areas where topsoil salvage was not performed.
7. 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 18<sup>th</sup> day of August, 2011

  
\_\_\_\_\_  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
Administrator  
Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5<sup>th</sup> Street, Sheridan, WY, 82801

**1508ET – LIMITED MINING OPERATION**

cc: Mark Rogaczewski, LQD  
file, 1508ET