

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
FISHER SAND & GRAVEL CO.) DOCKET NO. 4906-11
ATTN: RAY LEAHY)
P.O. BOX 1120)
SPEARFISH, SD 57783)
Permit No. 1310ET – MINE OPERATION)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

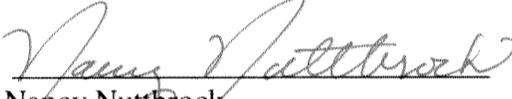
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The Department of Environmental Quality, Land Quality Division Non-coal Rules and Regulations Chapter 10, section 4. (b) states that "In no case shall any materials be pushed or dumped over natural escarpments."
3. During an inspection on August 31, 2011 of LMO 1310ET, Mr. Miles Bennett observed and documented limestone rubble rock from the mining operations had been pushed over the natural escarpment.

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 September, 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. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5th Street Sheridan, WY, 82801

LMO 1310ET- Mine Operation

cc: Mark Rogaczewski, LQD
Cheyenne LQD File, LMO 1310ET