

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO)
MCGARVIN-MOBERLY CONSTRUCTION COMPANY) DOCKET NO. 4910-11
P.O. BOX 1166)
WORLAND, WY 82401)
RE: LIMITED MINING OPERATION NO. 1513ET)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

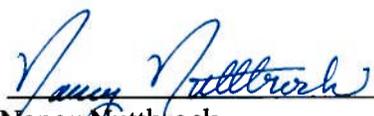
1. This Notice of Violation is being sent to you pursuant to Wyoming Statute § 35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On September 28, 2011 an inspection of the McGarvin-Moberly Limited Mining Operation No. 1513ET was conducted by Craig Smith of the Land Quality Division, District II. The pit is located in the SW ½ NW ¼ and the NW ¼ SW ¼ of Sec. 5, T.44N., R.94W., Hot Springs County, Wyoming.
3. During the inspection the disturbed area was measured using Global Positioning System (GPS) equipment. The size was found to be 15.0 acres plus a .4 acre access road for a total disturbed area of 15.4 acres.
4. Limited Mining Operation No. 1513ET was issued December 6, 2010 for 10 acres of mining. Affecting more than 10 acres is a violation of Wyoming Statute § 35-11-401(e)(vi) which allows the operator of an exempt mining operation to affect up to 10 acres of land.
5. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.
6. 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 11th day of October, 2011



John Corra
Director
Department of Environmental Quality



Nancy Nuttbrock
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.