

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
MCMURRY READY MIX CO. )  
ATTN: GENE BRUMMOND )  
P.O. BOX 2488 )  
CASPER, WYOMING 82602 )  
PERMIT NO. 766 – REGULAR MINE OPERATION )

DOCKET NO. 4928-11

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. Wyoming Statute § 35-11-415(b)(ii) states the operator, pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revision thereto, shall conduct all surface mining and reclamation activities within the permit area in conformity with his approved plan.
3. Sections MP-1.5.2 (Surface Water) and MP-1.5.3 (Wildlife) in the Mine Plan of Permit No. 776 restrict mining operations from occurring within a 150 foot buffer from the stream bank of Piney Creek.

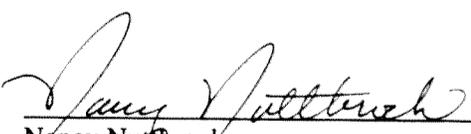
During an inspection on September 15, 2011, David Schellinger observed mining related disturbances in the Section 32 Portion of Permit 776 within 150 feet of the stream bank of Piney Creek. In his October 6, 2011, Inspection Report, Mr. Schellinger requested McMurry Ready Mix Co. to survey the distance between the mining related disturbances and the stream bank of Piney Creek to verify his observations. In a response letter dated October 19, 2011, submitted by Mr. Eugene Brummond of McMurry Ready Mix Co., McMurry Ready Mix Co. provided a map and text stating they had disturbed lands approximately 105 feet from the Piney Creek stream bank. During a follow-up inspection on November 14, 2011, it was confirmed that mining related disturbances conducted by McMurry Ready Mix Co. in the Section 32 portion of Permit 776 had encroached within the 150 feet buffer for Piney Creek.

4. 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 25<sup>th</sup> day of November, 2011

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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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 5<sup>th</sup> Street Sheridan, WY, 82801

**Permit No. 766 – Regular Mine Operation**

cc: Mark Rogaczewski, LQD  
File: Regular Mine Permit 776