

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
PINNACLE MATERIALS, INC. )  
ATTEN: MR. LARRY FREEMAN ) DOCKET NO. 4930-11  
P.O.BOX 706 )  
DOUGLAS, WY 82633 )

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 violations noted on this mine site were discovered by Anna Krzyszowska-Waitkus and Lowell Spackman, Land Quality Division, District I, during an inspection conducted on November 16, 2011. This mining disturbance is located in Converse County, T31N, R68W, Sections 9 and 8.
3. The inspection documented that Pinnacle Materials, Inc. failed to obtain Land Quality Division authorization prior to the start of mining operations. This action is in violation of the Wyoming Statute §35-11-401(e)(vi) and the Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations, Chapter 10, Section 1(a).
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 22<sup>nd</sup> day of December, 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 inquires regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3<sup>rd</sup> W, 122 West 25<sup>th</sup> Street, Cheyenne, WY 82002

**CERTIFIED MAIL #7010 0780 0000 4621 4589**

**RETURN RECEIPT REQUESTED**

**DOCKET NO. 4930-11**

**ET 1546**

cc: Lowell Spackman, LQD