DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION ISSUED TO	)	
BALD BUTTE QUARRY, L.P.	)	**DOCKET NO. 5067-12**
709 S. KANSAS AVE.	)	
TOPEKA, KS 66603	)	
Re: PERMIT 551s, Bald Butte Quarry	)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute (W.S.) §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 Bald Butte Quarry (BBQ) is located in a portion of Section 31, T31N, R63W and a portion of Section 6, T30N, R63W which includes areas in both Niobrara and Goshen Counties, Wyoming.

3. As a result of the operator's failure to demonstrate active mining status with no observed reclamation activity and failure to increase the bond to meet updated and current cost requirements the LQD requested numerous times for the operator to schedule meetings with the LQD and also to respond to a Letter of Conference and Conciliation in effort to eliminate violations. The operator did not respond to the requests.

4. The operator has failed to maintain the Limited Partnership license with the State of Wyoming.

5. Failure to reclaim mining operations within thirty days after abandonment is a violation of Wyoming Statute § 35-11-401 (e)(viii) and § 35-11-415(b)(ix).

6. Failure to post adequate bonding for surface mining disturbances is a violation of Wyoming Statutes § 35-11-417 (c)(ii) .

7. W.S. § 35-11-901(a) provides that any person who violates and 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) 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 THIS NOTICE shall be interpreted in any way, limit or contravene any other remedy available under the Environmental Quality Act, nor shall this notice be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 8th day of October, 2012

John V. Corra
Director
Department of Environmental Quality

Nancy Nuttbrock
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation and Order to Mr. Lowell Spackman, Wyoming Department of Environmental Quality, Land Quality Division, Cheyenne Office, 122 West 25th Street, Cheyenne, WY 82002. Telephone No. (307) 777-7052.

cc: Lowell Spackman, District I