DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	**DOCKET NO. 5087-12**
ATTN: MR. EUGENE BRUMMOND	)	
MCMURRY READY MIX CO.	)	
P.O. BOX 2488	)	
CASPER, WY 82602	)	

OPERATOR, PERMIT NO. 776 – REGULAR MINING PERMIT

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. During his inspection performed on September 26, 2012, Mr. David Schellinger observed that McMurry Ready Mix Co. (McMurry) had disturbed an area outside the approved affected area boundary in the current permit, and that the same disturbance affected an area designated as a jurisdictional wetland by the Army Corps of Engineers (Corps) in Appendix D10 of the permit without prior approval from the Corps. Mr. Schellinger also documented that McMurry had advanced their mining activities into areas that were not approved to be affected until 2015.

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 14th day of November, 2012

Todd Parfitt
Director
Department of Environmental Quality

Nancy Nutbrock
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

Permit No. 776 – Regular Mining Permit

cc: Mark Rogaczewski, LQD
file, Permit No. 776