

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MULLINAX CONCRETE SERVICE CO., INC.) DOCKET NO. 5193-13
ATTN: MR. ROBERT MULLINAX)
P.O. BOX 2044)
SHERIDAN, WY 82801)
PERMIT 782)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

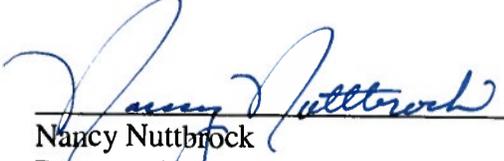
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. Mullinax Concrete Service Co., Inc. (Mullinax) is the operator of a sand and gravel mining operation located in Sheridan, County Wyoming. As part of its operation, Mullinax has mined mineral from this site and distributed or sold the mined mineral for commercial use.
3. The inspection was performed on August 9, 2013, by Mr. Mark Rogaczewski of the LQD District III staff.
4. Information provided by Mullinax and observations during the inspection revealed that a portion of the haul road located NE¼ Section 25, Township 56 North, Range 85 West was constructed outside the approved permit boundary.
5. Affecting lands outside the approved permit boundary of Permit 782 is a violation of W.S. § 35-11-415 (b) (ii).
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 26th day of August, 2013



Todd Parfitt
Director,
Department of Environmental Quality



Nancy Nuttbrock
Deputy Director,
Department of Environmental Quality
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 S. 5th Street, Sheridan, WY, 82801

Permit 782

cc: Mark Rogaczewski, LQD DIII
Cheyenne LQD File