

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MULLINAX CONCRETE SERVICES CO.)
ATTN: Ms. Vicki Baumgartner) Docket No. 5502-14
P.O. Box 2044)
Sheridan, WY 82801)
PERMIT PT766)

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 Services Co. is the operator of a sand & gravel mining operation located in Sheridan County, Wyoming, in Sections 01, and 02 of Township 54 North, Range 85 West, and Section 35 of Township 55 North, Range 85 West. As part of its operation, Mullinax Concrete Services Co. has mined mineral from this site and distributed or sold the mined mineral for commercial use.
3. During an inspection performed on October 3, 2014 by Mr. David J. Myers of the LQD District III staff, multiple instances of mine-related equipment and product stockpiles placed on unsalvaged topsoil within the active mine area were found. These discrepancies were observed in Section 35 of Township 55 North, Range 85 West.
4. Failure to properly salvage topsoil in advance of mining operations constitutes a violation of the terms of the approved permit which states that topsoil will be salvaged in advance of operations as required by Land Quality Division Non-Coal Rules & Regulations Chapter 3, Section 2(c)(i)(A).
5. 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 3rd day of November, 2014



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 West 5th St., Sheridan, WY, 82801

Permit PT766

cc: Mark Rogaczewski, LQD DIII
Cheyenne LQD File