

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MELGAARD CONSTRUCTION COMPANY, INC.) DOCKET NO. 5516-14
ATTN: MR. JOHN MELGAARD)
P.O. BOX 2408)
GILLETTE, WY 82602)
LIMITED MINING OPERATION 1540ET)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

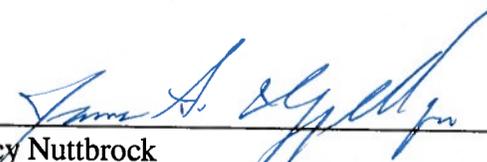
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. Melgaard Construction Company, Inc. is the operator of a scoria mining operation located in Campbell County, Wyoming, in the NE1/4 NE1/4 Section 31, T.48N., R.72W. and the NW1/4 NE1/4 Section 32, T. 48, R.72W for the pit proper, and the NW1/4 NW1/4 Section 32, T. 48, R.72W for the haul/access road. As part of its Limited Mining Operation, Melgaard Construction Company, Inc. has mined scoria from this site and distributed or sold the mined scoria for commercial use.
3. An inspection of the scoria mining operation was performed on October 22, 2014 by Mr. Kurt King of the Land Quality Division District III staff. The operation was surveyed with Global Positioning System equipment. The survey found that a portion of the haul/access road and spur of the truck turnaround road had been constructed in the SE1/4 Section 30, T. 48N., R. 72W. This represented an unapproved disturbance and violation of W.S. §35-11-401(e)(vi).
4. Failure of Melgaard Construction Company, Inc. to notify the Land Quality Division of the location of the land to be mined and to provide written permission from the landowner before disturbing lands is a violation of W.S. §35-11-401(e)(vi).
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 22nd day of December, 2014



Todd Parfitt
Director
Department of Environmental Quality



Nancy Nuttbrock
Administrator Land Quality Division &
Deputy Director Dept. of Environmental Quality

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

LMO 1540ET

cc: Mark Rogaczewski, LQD DIII
Cheyenne LQD File