

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
BCN CONSTRUCTION, INC.)	
ATTEN: MR. SHAWN HULLINGER)	DOCKET NO. 5533-15
PO BOX 1326)	
RAWLINS, WY 82301)	
LIMITED MINING OPERATION 1471ET)	

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. The violations noted on this mine site were confirmed during inspections conducted by: Richard Vincent, Land Quality Division District 1, on July 9, 2013 and August 25, 2014. This mining disturbance is located in Carbon County, T22N, R86W, Section 25.
3. The inspections documented that BCN Construction Inc.'s actions resulted in the following violations:
 - a) Exceeded the maximum disturbance acreage approved for the Limited Mining Operation (LMO) (10 acres). The disturbance was recorded at 11.4 acres in 2013 and 2014. This is a violation of Chapter 10, Section 1(a)(vi) of the Land Quality Division Noncoal Rules and Regulations.
 - b) Disturbed outside the approved LMO boundary. This is a violation of Chapter 10, Section 1(a)(iii) and Section 1(a)(v)(B)(I) of the Land Quality Division Noncoal Rules and Regulations.
 - c) The operator failed to file an adequate bond to insure reclamation of all affected land in accordance with the purposes of the Wyoming Environmental Quality Act. This is a violation of W.S. §35-11-401(e)(vi)(B).
 - d) The operator did not salvage and save all topsoil. This is a violation of Chapter 10, Section 4(b) of the Land Quality Division Noncoal Rules and Regulations.
 - e) The operator did not protect topsoil from wind and water erosion. This is a violation of Chapter 10, Section 4(b) of the Land Quality Division Noncoal Rules and Regulations.
 - f) The operator did not post and/or maintain the required topsoil sign on the topsoil stockpiles. This is a violation of Chapter 10, Section 4(b) of the Land Quality Division Noncoal Rules and Regulations.
 - g) The operator did not notify the LQD that the operation had ceased or was abandoned within 30 days of abandonment of the operations. This is a violation of W.S. §35-11-401(e)(vi)(C).
 - h) The operator failed to submit annual reports for the past three annual report periods. This is a violation of W.S. §35-11-401(k) and Chapter 10, Section 3 of the Land Quality Division Noncoal Rules and Regulations.
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 19th day of February, 2015



Todd Parfitt
Director
Department of Environmental Quality



Alan Edwards
Deputy Director
Department of Environmental Quality
Acting Administrator, Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Robin Jones, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

cc: Robin Jones, LQD