

14

PAGE #1

5 PAGES

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
CROELL REDI-MIX, INC.)
ATTN: Ms. JULIE EWING)
P.O. BOX 1352)
SUNDANCE, WYOMING 82729)
1395ET - LIMITED MINING OPERATION)

DOCKET NO. 4181-07

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This 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. LMO No. 1228ET was approved for Melgaard Construction Co., Inc (Melgaard) on September 25, 2002 and is located within the NW1/4NW1/4 of Section 7, T. 50 N., R. 77 W. in Johnson County, Wyoming. During the November 6, 2007 inspection of LMO 1228ET, Mr. David Schellinger of the Land Quality Division (LQD) was informed by Mr. Pete Maas of Croell Redi-Mix, Inc.(Croell) and Ms. Jenna Polk of Melgaard that Croell had been contracted by Melgaard to perform mining operations at LMO 1228ET.

LMO No. 1395ET was approved for Croell Redi-Mix, Inc. on June 29, 2007, and is located within SW1/4NE1/4, of Section 7, Section 7, T. 50 N., R. 77 W. in Johnson County, Wyoming. This LMO is also operated by Croell.

LMO Nos. 1228ET and 1395ET are located less than one-half mile apart. Both are operated by Croell.
3. During the November 6, 2007 inspection of LMO 1228, Mr. David Schellinger and Mr. Jon Sweet of LQD substantiated the information that Croell was operating in both pits through conversations with employees and personal observations that the same individuals were operating Croell equipment in both LMOs, and that Croell equipment was being moved between the two LMOs.
4. Operating two LMOs within such close proximity is a violation of the Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 8(a)(i) that states: "The operator will not be allowed to: Conduct more than one operation under W. S. § 35-11-401(e)(vi) within adjacent areas when the operations are to mine the same minerals." Adjacent lands are defined as all lands within one-half mile of the permit area (W. S. § 35-11-103(e)(vii)).
5. By operating both LMO 1395ET and 1228ET, Croell Redi-Mix, Inc., is circumventing the Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 8(a)(ii) which states: "The operator will not be allowed to : Conduct nearby operations of ten acres or less so as to circumvent the general requirements of the Environmental Quality Act."

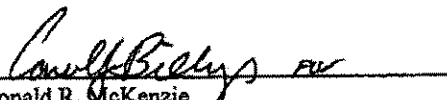


- 6. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered 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 27th day of December, 2007


 John V. Corra
 Director
 Department of Environmental Quality


 Donald R. McKenzie
 Administrator
 Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 1866 South Sheridan Avenue, Sheridan, WY, 82801

1395ET – LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
 NOV File, 1395ET

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
OPERATOR: CROELL REDI MIX, INC.)	DOCKET NO. 4387-08
ATTN: MS. JULIE EWING)	
P.O. BOX 1352)	
SUNDANCE, WYOMING 82729)	
1396ET - LIMITED MINING OPERATION)	

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 Wyoming Environmental Quality Act, W. S. § 35-11-401(e)(vi) allows a permit exemption for surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of ten (10) acres or less.
3. During inspections performed on October 28, 2008, Mr. Glenn Mooney mapped the disturbances associated with Limited Mining Operation (LMO) 1396ET using a Global Positioning System. The mapped disturbances equaled approximately 20.5 acres; 10.5 acres greater than the 10 acres allowed under a LMO by state law.
4. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(A) requires that all topsoil to be removed from all areas to be affected in the permit area prior to the areas being affected by mining. The topsoil must be segregated as not to become mixed with spoil or waste materials, must be stockpiled, and must be saved for reclamation purposes.
5. During the October 29, 2008, inspection of LMO No. 1396ET Mr. Mooney observed numerous areas around the edges of the disturbed areas where gravel and rock had been placed or spilled into native topsoil. Overall, it appeared that topsoil salvage from most of the affected area was inadequate.
6. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 6(b) states: The operator may allow contractors to operate within its limited mining area provided notice is given to the Division and the contractor meets the other requirements of the Division, including filing of Form 10.
7. The 2007-2008 Annual Report for LMO 1396ET indicated that Bruening Rock Products is performing mining operations at LMO No. 1396ET. Croell Redi Mix Inc. did not submit a Form 10 for LQD approval that changed the operator of LMO 1396ET from Croell Redi-Mix, Inc. to Bruening Rock Products. Bruening Rock Products is not registered with the Wyoming Secretary of State's Office to do business in the State of Wyoming.
8. 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

NOV #4

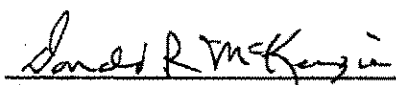
violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

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 5th day of November, 2008



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 1866 South Sheridan Avenue, Sheridan, WY, 82801

1396ET - LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
file, 1396ET

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
ROGER CROELL)	DOCKET NO. 4551-09
P. O. BOX 1352)	
SUNDANCE, WY 82729)	
LIMITED MINING OPERATION (LMO) NO. 1212ET)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(e)(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 associated with this Limited Mining Operation were documented by Monte Buchanan, Land Quality Division, District I during the Annual Inspection conducted on August 11, 2009. This LMO is located in Platte County.
3. The operator/permittee failed to adequately save and protect topsoil during mining operations conducted under 1212ET. This is a violation of the Environmental Quality WDEQ/LQD Noncoal Rules and Regulations, Chapter 10, Section 4(b), "All topsoil from affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion."
4. The aforementioned violations have not been corrected or remedied, nor has the operator/licensee provided any information concerning the violation.
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 OF VIOLATION (NOV) 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 27th day of August, 2009



 John V. Corra
 Director
 Department of Environmental Quality



 Donald R. McKenzie
 Administrator
 Land Quality Division

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7008 1140 0004 2414 2060
DOCKET NO. 4551-09
LIMITED MINING OPERATION (LMO) NO. 1212ET

cc: Lowell Spackman, LQD, District I
LMO 1212ET, NOV File
Cheyenne NOV File