



The State  
of Wyoming



## Department of Environmental Quality

Dave Freudenthal, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

<b>ADMIN/OUTREACH</b> (307) 777-7758 FAX 777-3610	<b>ABANDONED MINES</b> (307) 777-6145 FAX 777-6462	<b>AIR QUALITY</b> (307) 777-7391 FAX 777-5616	<b>INDUSTRIAL SITING</b> (307) 777-7368 FAX 777-6937	<b>LAND QUALITY</b> (307) 777-7756 FAX 777-5864	<b>SOLID &amp; HAZ. WASTE</b> (307) 777-7752 FAX 777-5973	<b>WATER QUALITY</b> (307) 777-7781 FAX 777-5973
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June 20, 2005

Mr. Ron McMurry  
 Vice President  
 McMurry Ready Mix Company  
 Rissler & McMurry Company  
 P.O. Box 2488  
 Casper, WY 82602

**RE: Notice of Compliance for Notice of Violation, Docket No. 3728-05, 1297 ET.**

Dear Mr. Ron McMurry:

The Land Quality Division (LQD) had previously provided you with a Notice of Compliance on April 27, 2005 addressing the compliance of violations outlined in the Notice of Violation, Docket No. 3728-05. However, as a result of a third party complaint about the incomplete salvage of topsoil at the site, the LQD conducted additional inspections on May 19 and June 1, 2005. As a result of these inspections, the LQD determined that three additional compliance concerns needed to be addressed in a compliance inspection report dated June 13, 2005. These concerns included:

1. stripping the remaining topsoil (i.e., the A horizon as defined in the Noncoal Rules and Regulations) on the haul road and some areas within the plant area;
2. controlling sediment along the haul road to protect Cold Springs Creek from sediment deposition off the road; and
3. clean-up of the small area of petroleum contaminated material adjacent to the plant area.

Photo documentation of the mitigation of these areas were to be provided within 60 days of receipt of this latest inspection report.

On June 20, 2005, the LQD received an explanation of the activity that was done to mitigate the concerns and photographs that shows this mitigation. The operator salvaged an additional five inches of topsoil from the haul road, cleaned up the wind rows of soil in the plant area, and cleaned up the petroleum contaminated material near the fuel tanks. In addition, sediment from the haul road was either cleaned up or repaired. Additional sediment control structures including silt fences and hay wattles were included along the road. It is the operators intent to add rock check dams to provide a more stable control structure after the mining begins on site when the rock is available.

McMurry, 1297ET

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All compliance issues related to this NOV have been satisfied. Thank you for your efforts to comply with the LQD rules and regulations.

If you should have any questions regarding this notice, please contact Anna Krzyszowska-Waitkus at (307) 777-6284 or Lowell Spackman at (307) 777-7052.

Sincerely,



Richard A. Chancellor  
Administrator  
Land Quality Division

cc: Anna Waitkus, LQD



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April 27, 2005

Mr. Ron McMurry  
Vice President  
McMurry Ready Mix Company  
Rissler & McMurry Company  
P.O. Box 2488  
Casper, WY 82602

**RE: Notice of Compliance for Notice of Violation, Docket No. 3728-05, 1297 ET.**

Dear Mr. Ron McMurry:

The Land Quality Division (LQD) staff reviewed your response sent on April 19, 2005 addressing the compliance of violations outlined in the Notice of Violation, Docket No. 3728-05. The LQD received:

- a copy of the surface owner consent (Temporary Use Permit No. 1460) from the Office of State Lands and Investments for the access road;
- a statement that the permit entry sign is in place as of April 19, 2005;
- a statement that the operator will salvage the topsoil not previously salvaged and will stockpile it according to standard practices.

All compliance issues related to this NOV have been satisfied.

If you should have any questions regarding this letter, please contact Anna Krzyszowska-Waitkus at (307) 777-6284.

Sincerely,

  
Richard A. Chancellor  
Administrator  
Land Quality Division

cc: Anna Waitkus, LQD



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April 14, 2005

**Certified Mail # 7004 2890 0004 5125 6487**

**Return Receipt Requested**

Mr. Ron McMurry  
Vice President  
McMurry Ready Mix Company  
Rissler & McMurry Company  
P.O. Box 2488  
Casper, WY 82602

**RE: Notice of Violation, Docket No. 3728-05, 1297 ET.**

Mr. Ron McMurry:

Enclosed you will find a Notice of Violation under the provision of Wyoming Statue § 35-11-701 (c). The Notice of Violation is based on the inspection conducted by Anna Krzyszowska-Waitkus on March 10, 2005. The violation is for failure to obtain a surface owner consent, for failure to post a permit entry sign, and for failure to salvage and protect topsoil. You can not commence with any activity before obtaining the surface owner consent and posting a permit entry sign. Please provide the LQD with documentation that the surface owner consent has been obtained and photographs of the permit entry sign in place. All topsoil and suitable subsoil must be salvaged, protected and used for reclamation.

If you should have any questions regarding this letter, please contact Anna Krzyszowska-Waitkus at (307) 777-6284. Thank you in advance for your cooperation in this matter.

Respectfully,

Richard A. Chancellor  
Administrator  
Land Quality Division

John V. Corra  
Director  
Department of Environmental Quality

cc: Anna Waitkus, Lowell Spackman, LQD  
James Whalen, Office of State Lands and Investments

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
McMURRY READY-MIX COMPANY )  
RISSLER & McMURRY CO. )  
ATTEN: MR. RON McMURRY ) DOCKET NO. 3728-05  
P.O. BOX 2488 )  
CASPER, WY 82602 )

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 discovered by Anna Krzyszowska-Waitkus, Land Quality Division, District I, during an inspection conducted on March 10, 2005. This mining disturbance is located in Platte County.
3. The inspection documented that McMurry Ready-Mix Co., Rissler & McMurry Company failed to obtain a surface owner consent. This action is in violation of the Wyoming DEQ NonCoal Rules and Regulations, Chapter 10, Section 1 (a)(ii). The operator can not perform any additional activity before obtaining the surface owner consent.
4. The inspection documented that McMurry Ready-Mix Co., Rissler & McMurry Company failed to post a permit entry sign. This action is in violation of the Wyoming DEQ NonCoal Rules and Regulations, Chapter 10, Section 4 (a).
5. The inspection documented that the topsoil had not been salvaged and stockpiled prior to the mining operation. Failure to salvage, protect and identify topsoil material is a violation of Noncoal Rules and Regulations Chapter 10, Section 4.(b). The amount of topsoil loss was minimal. Any further disturbance requires the salvage of all topsoil.

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 14th day of April, 2005

  
John V. Corra  
Director  
Department of Environmental Quality

  
Richard A. Chancellor  
Administrator  
Land Quality Division

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

CERTIFIED MAIL # 7004 2890 0004 5125 6487

RETURN RECEIPT REQUESTED

DOCKET No. 3728-05

ET 1297

cc: Anna Waitkus, Lowell Spackman, LQD