



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor



John Corra, Director

December 28, 2009



Mr. Ron McMurry
McMurry Ready Mix Co.
P. O. Box 2488
Casper, WY 82602

RE: Limited Mining Operation 1423ET, Eastfork Ranch Pit
Termination of Notice of Violation Docket 4557-09

Dear Mr. McMurry,

This letter is to address and terminate the Notice of Violation (NOV) Docket 4557-09 issued to you subsequent to the Annual Inspection of the Limited Mining Operation 1423ET.

To remedy the NOV DEQ/LQD required the following actions in our letter to you dated November 13, 2009:

1. The affected area of the pit would be reclaimed back to 10 acres or less.
2. Additional bonding in the amount of \$2,000 would be posted to cover the existing disturbance associated with the pit area.

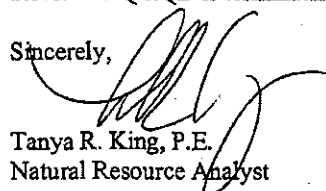
On November 19, 2009, Mark Moxley and Tanya King of DEQ/LQD met with you and Mr. Gene Brummond to determine an acceptable approach to reclaiming the pit back to 10 acres or less. It was determined during that on site meeting, that the topsoil pile would be relocated into the pit along the existing east highwall. The pile was to be constructed with slopes gentle enough to allow seeding of the topsoil pile to minimize loss to erosion. The area where the pit was originally located would be graded and seeded; additionally, the borrow ditches of the haulroad would be graded and seeded.

Mr. Brummond sent photographs of the grading and seeding process for our review. Ms. Willie Armstrong, the mine manager requested that we inspect the work to release the NOV.

A follow-up inspection was conducted at the above site on December 23rd, 2009. I verified that the topsoil pile had been relocated into the pit along the east highwall. From the photos received, it is clear that the grading and seeding of the original location and the borrow ditches had been graded and seeded. During the follow-up inspection, enough snow covered the ground that I could not clearly observe the work. The topsoil stockpile is not yet seeded, as the final contour of the pile had not been established.

DEQ/LQD has received and accepted the additional bonding of \$2,000, to cover the disturbance in the pit area beyond 10 acres. DEQ/LQD is terminating the NOV Docket 4557-09 as the items required for remedy the NOV have been honored.

Sincerely,


Tanya R. King, P.E.
Natural Resource Analyst

xc: Cheyenne DEQ/LQD
Mark Moxley - Lander DEQ/LQD
chron file - Tanya

Boulder Residents
Exhibit 36

Lander Field Office • 510 Meadowview Drive • Lander, WY 82520 • <http://deq.state.wy.us>

ABANDONED MINES
(307) 332-5085
FAX 332-7726

AIR QUALITY
(307) 332-6755
FAX 332-7726

LAND QUALITY
(307) 332-3047
FAX 332-7726

SOLID & HAZARDOUS WASTE
(307) 332-6924
FAX 332-7726

WATER QUALITY
(307) 332-3144
FAX 332-7726





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Dave Freudenthal, Governor

John Corra, Director

September 11, 2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7008 1140 0004 2414 2114

Mr. Ron McMurry
McMurry Ready Mix Co.
P. O. Box 2488
Casper, WY 82602

**RE: McMurry Ready Mix Co., Limited Mining Operation No. 1423ET
Notice of Violation, Docket No. 4557-09**

Dear Mr. McMurry:


Enclosed you will find a Notice of Violation issued for violating the provisions of W.S. § 35-11-401(e)(vi) and 35-11-401(e)(vii). The Notice of Violation is based on the inspection conducted by Ms. Tanya King on August 6, 2009. The items requiring correction are: mining in excess of the ten acres allowed by a Limited Mining Operation Notification and inadequate bonding.

The Land Quality Division is attempting to resolve this issue without further enforcement action, and requires that you contact Mr. Mark Moxley, LQD District II Supervisor, at 307-332-3047 within fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement will be signed by both parties.

Should you have any questions, please contact Mr. Mark Moxley.

Respectfully,


John V. Corra
Director
Department of Environmental Quality


Donald R. McKenzie
Administrator
Land Quality Division

Enclosure: Notice of Violation
xc: Mark Moxley, LQD, District II

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7937
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7369
FAX 777-5973

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
McMURRY READYMIX CO.)	DOCKET NO. 4557-09
Mr. RON McMURRY)	
P.O. BOX 2488)	
CASPER, WY 82602)	
RE: LIMITED MINING OPERATION NO. 1423ET)	

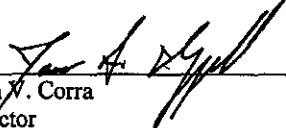
NOTICE

NOTICE IS HEREBY GIVEN THAT:


1. This Notice of Violation is being sent to you pursuant to Wyoming Statute (W.S.) §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. On August 6, 2009 an inspection of the McMurry Ready Mix Co. Limited Mining Operation No. 1423ET was conducted by Tanya King of the Land Quality Division (LQD), District II. The pit is located in the SE¼SE¼ Sec. 6, T.31N., R.106W., Sublette County, Wyoming.
3. During the inspection, Ms. King measured the area affected by mining using Global Positioning System equipment. Mining disturbances were found to affect 10.8 acres in the pit and 6.6 acres along the haul road (4,787 feet in length by an average width of 60 feet).
4. Affecting more than 10 acres is a violation of W.S. §35-11-401(e)(vi), which allows exempt mining operations to remove gravel from an area of 10 acres or less of affected land.
5. The operator has not posted an adequate reclamation bond. McMurry Ready Mix Co did not post bond for disturbance beyond 10 acres. The currently affected area of 17.4 acres requires a total bond of \$17,400, an increase of \$7,400 from the current bond of \$10,000.00.
6. Failure to post bond is a violation of W. S. §35-11-401(e)(vii) which requires the operator to file a bond to insure reclamation in the amount of \$1,000.00 per acre of affected land.
7. These violations have not been corrected or remedied nor has the operator provided any information to the LQD concerning the violations.
8. W.S. §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 17th day of September, 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. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY 82520, telephone 307-332-3047.