



Department of Environmental Quality

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

John Corra, Director

Dave Freudenthal, Governor

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

EQC
Docket No. 10-4803
McMurry
Exhibit GG

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

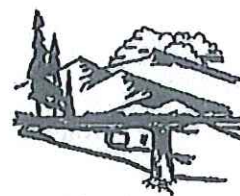
WATER QUALITY
(307) 332-3144
FAX 332-7726





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November 13, 2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7007 1490 0002 1624 0205

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

RECEIVED
NOV 16 2009
McMurry Ready Mix

RE: Limited Mining Operation 1423ET, Eastfork Ranch Pit

Dear Mr. McMurry,

A follow-up inspection was conducted at the above site on October 29, 2009. The report and map are attached.

We received a letter from the landowner, Mr. Joel Bousman, on October 27, 2009, stating that he wanted the haulroad and that it should not be considered as part of the operation. Additional bonding will therefore not be required for the haulroad disturbance.

However, even without including the new haulroad, the disturbance associated with the pit as of October 29, 2009 is 11.34 acres, an increase from August of 0.58 acres. The pit has extended to the west and the highwall has encroached into un-stripped topsoil. Topsoil salvage will be required along the west side to pull back the soil from the edge of the pit to insure that no additional topsoil is lost. We would normally require that this be done immediately. However due to acreage constraints we are willing to defer this work on condition that McMurry will not disturb the west side of the pit. Any activity in that area could cause the loss of further topsoil. We view this as a serious issue and will be monitoring this situation closely.

In order to remedy the outstanding NOV (docket no. 4557-09), the following actions must be completed no later than November 30, 2009:

1. The affected area of the pit must be reclaimed back to 10 acres or less. Reclamation plans must receive LQD concurrence prior to implementation.
2. Additional bonding in the amount of \$2,000 must be posted to cover the existing disturbance associated with the pit area.

As we discussed in our phone conversation, we will plan to meet you at the pit next week to discuss the proposed reclamation. Once the above actions have been completed and the NOV terminated, you may re-submit the Application for a Permit to Mine to expand the pit.

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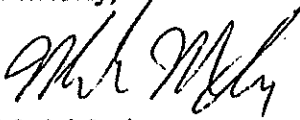
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FAX 332-7726

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



If you have any questions please contact me.

Sincerely,



Mark Moxley
WDEQ/LQD District II Supervisor

enclosure: 10/29/09 Inspection Report

xc: Cheyenne DEQ/LQD
Tanya King – Lander DEQ/LQD
Sublette County Planning and Zoning - Attn: Mr. Bart Myers, 21 South Tyler Avenue,
P.O. Box 506, Pinedale, Wyoming 82941
Chron file - Tanya