

FILED

MAY 11 2007

Terri A. Lorenzon, Director
Environmental Quality Council

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN THE MATTER OF A NOTICE OF VIOLATION)
ISSUED TO LANDRICA DEVELOPMENT)
COMPANY, Kfx MINE, P.O. BOX 1777,)
GILLETTE, WY 82717-1777, PERMIT NO.)
486-T5, NOV. NO. 100516, DOCKET NO. 3928-06)**

Docket No. 06-4806

RESPONSE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality(DEQ)/Land Quality Division (LQD) by and through its attorney, John S. Burbridge, Senior Assistant Attorney General, hereby responds to Landrica Development Company's (Landrica) appeal of the Notice and Violation and Order, Docket Number 3928-06, issued by the DEQ/LQD and states to the Environmental Quality Council (EQC) the following:

1. The DEQ admits the information contained in paragraph 1 of Landrica's petition.
2. The DEQ admits the information contained in paragraph 2 of Landrica's petition.
3. The DEQ admits the information contained in paragraph 3 of Landrica's petition and states specifically that Landrica failed to follow the approved mine plan.
4. The DEQ admits the information contained in paragraph 4 of Landrica's petition.
- 5a. The DEQ denies the allegations contained in paragraph 5a of Landrica's petition.
- 5b. The DEQ admits the allegations contained in paragraph 5b of Landrica's petition.
- 5c. The DEQ denies the allegations contained in paragraph 5c of Landrica's petition.

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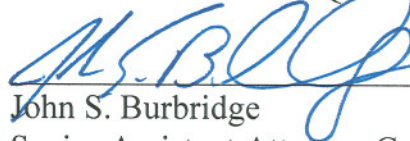
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- 5d. The DEQ denies the allegations contained in paragraph 5d of Landrica's petition.
- 5e. The DEQ denies the allegations contained in paragraph 5e of Landrica's petition.
6. The DEQ denies each and every allegation not specifically admitted to in this response.

WHEREFORE, the DEQ prays that the Environmental Quality Council enter an ORDER affirming NOV, Docket Number 3928-06 and subsequent Decision of the Director.

DATED this 11th day of May, 2007.

FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY



John S. Burbridge
Senior Assistant Attorney General
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123 Capitol Avenue
Cheyenne, Wyoming 82002
307-777-6946

CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that the foregoing Response was served by US. Mail, postage prepaid, and addressed correctly, to the following people on the 11th day of May, 2007:

Steven F. Freudenthal
Freudenthal, Salzburg & Bonds, P.C.
123 East 17th Street
P.O. Box 387
Cheyenne, WY 82003

