

FILED

JAN 16 2009

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

**Jim Ruby, Executive Secretary
Environmental Quality Council**

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
DIRTWORKS, LLC)
MINING PERMIT 1113ET)**

Docket No. 08-4501

ORDER OF BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council (Council) on a motion from the Wyoming Department of Environmental Quality (DEQ) for forfeiture of bonds against Dirtworks, LLC (Dirtworks). The Council, having reviewed the motion and having been otherwise fully informed, MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Dirtworks posted a \$9,996.00 reclamation performance bond, in the form of Certificate of Deposit No. 6-2881, issued by Security State Bank of Gillette, P.O. Box 489, Gillette, Wyoming 82717, allowing Dirtworks to conduct a limited mining operation located in parts of the SW¹/₄ of Section 16, Township 26 North, Range 89 West, in Carbon County, Wyoming.
2. The DEQ issued Notice of Violation No. 4213-08 to Dirtworks on March 12, 2008, because Dirtworks had failed to commence reclamation of the area disturbed during its limited mining operation.
3. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Dirtworks on September 30, 2008.

4. On October 9, 2008, the Office of the Attorney General mailed Notice of Bond Forfeiture to Dirtworks by certified mail. The notice stated that the Council would enter an order forfeiting Dirtworks' bond unless Dirtworks demanded a hearing before the Council within thirty days. Dirtworks received the notice on or about October 16, 2008. Dirtworks did not request a hearing within thirty days of its receipt of the Notice of Bond Forfeiture.

5. The record in this matter establishes that the DEQ has satisfied all requirements for bond forfeiture pursuant to WYO. STAT. ANN. § 35-11-421 for an order forfeiting Dirtworks' \$9,996.00 reclamation performance bond, in the form of Certificate of Deposit No. 6-2881, issued by Security State Bank of Gillette, P.O. Box 489, Gillette, Wyoming 82717.

The Environmental Quality Council, being otherwise fully advised on the premises, HEREBY ORDERS:

1. The aforementioned reclamation performance bond forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the DEQ for the reclamation of all lands affected by Dirtworks, LLC mining operations under permit number 1113ET.

2. Any proceeds remaining after reclamation shall be subject to any claim by the people of the State of Wyoming.

3. Any funds remaining after reclamation and payment of other claims shall be returned to Dirtworks, LLC, if it can be found.

DATED this 15 day of January, 2009.

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 16th day of January, 2009, I served a copy of the foregoing **ORDER OF BOND FORFEITURE** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

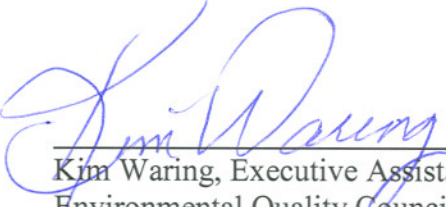
Mr. Malcom Shepard
Dirtworks, LLC
2300 Knollwood
Gillette, WY 82718

also to the following persons via electronic mail:

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