

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION
AND
ORDER

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
NICHOLLS & LEWIS)
ATTN: MR. MIKE LEWIS)
P.O. BOX 456)
LOVELL, WYOMING 82431)
813ET, LIMITED MINING OPERATION)

DOCKET NO. 3588-04

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you by the Land Quality Division (LQD) 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. The violations noted at this site were documented during the Annual Inspection conducted on April 16, 2004 by Deb Phenicie. The site has been abandoned and the disturbance created by mining has not been reclaimed. This Limited Mining Operation is located in Big Horn County.
3. The violations noted are failure to file the annual reports yearly as required pursuant to W.S. § 35-11-401; and failure to reclaim the site in a timely manner as required pursuant to W.S. § 35-11-401(e)(viii) which requires the operator to commence reclamation and restoration within thirty (30) days of abandonment of the mining operation.
4. The aforementioned violations have not been corrected or remedied. One of the officers of the now defunct company, Paul Lewis, has signed a "Voluntary Bond Forfeiture Agreement".
5. 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 there under 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.

ORDER

WHEREFORE, IT IS HEREBY ORDERED THAT:

1. Nicholls & Lewis, Inc. must submit to the LQD a reclamation plan within twenty (20) days of receipt of this Notice of Violation and Order.
2. All delinquent annual reports must be submitted within twenty (20) days of receipt of this Notice of Violation and Order.

THIS ORDER is final and binding, unless not later than ten (10) days after the day the Order is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to:


Chairperson
Environmental Quality Council
Herschler Building
122 West 25th Street, 1st Floor West Wing
Cheyenne, Wyoming 82002

A copy of the appeal shall be sent to:


Director
Department of Environmental Quality
122 West 25th Street, 4th Floor West Wing
Cheyenne, Wyoming 82002

NOTHING IN THE ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Notice of Violation and Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 15th day of September, 2004



John V. Corra
Director
Department of Environmental Quality



Richard A. Chancellor
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation and Order to Mr. Mark Moxley, Wyoming Department of Environmental Quality/Land Quality Division, Lincoln Street, Lander, Wyoming 82520, Telephone No. (307) 332-3047

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7003 1680 0007 0433 9003
DOCKET NO. 3588-04

813ET, LIMITED MINING OPERATION

cc: Mark Moxley, District II Supervisor
Georgia Cash Hoening, LQD
John Burbridge, Attorney General's Office
Carol Bilbrough, LQD
Laura Laughlin, WDEQ
Paul Lewis, Lewis Holding Company, 150 West 11th Street, Space 27, Sheridan,
Wyoming, 82801