

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

FEB 04 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) Docket No. 08-4503
ELECTRO WIN,)
MINING PERMIT 600s.)

MOTION FOR BOND FORFEITURE ORDER

The Wyoming Department of Environmental Quality, Land Quality Division (DEQ), by and through the Office of the Attorney General, pursuant to WYO. STAT. ANN. § 35-11-421(b) (West 2007), moves the Council for an order requiring Electro Win to forfeit its reclamation performance bond. The grounds for this motion are:

1. On April 13, 1987, the DEQ approved small mining permit 600s to Electro Win to conduct a limited mining operation located 15.2 miles west of Baggs in Section 24, T12N, R94W, in both Sweetwater and Carbon Counties, Wyoming. Electro Win posted a \$500.00 reclamation performance bond, in the form of a Certificate of Deposit, Number 2711, issued by the Moffat County State Bank (now Bank of the West), Box 37, Craig, Colorado 81626.
2. The DEQ issued Notice of Violation No. 4272-08 to Electro Win on May 14, 2008 because Electro Win failed to commence reclamation of the area disturbed during its small mining operation.
3. Based on that fact, the DEQ determined Electro Win's reclamation performance bond should be forfeited.

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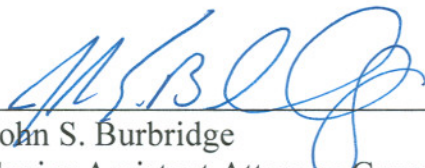
4. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Electro Win on September 30, 2008.
5. The DEQ then requested that the Office of the Attorney General begin this proceeding.
6. On December 10, 2008, the Office of the Attorney General mailed notice to Electro Win by certified mail that the Council would enter an order forfeiting its bond unless Electro Win demanded a hearing before the Council within thirty days.
7. Electro Win received the notice on or about December 15, 2008.
8. Neither the EQC, DEQ or the Office of the Attorney General received a request for hearing from Electro Win within 30 days of Electro Win's receipt of the Notice of Bond Forfeiture.
9. The DEQ and the Attorney General's Office have satisfied all of the statutory prerequisites to forfeit the bond, and the Council should therefore order the bond forfeited.

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THEREFORE, the DEQ respectfully requests that the Council enter an order requiring Electro Win to forfeit its reclamation performance bond to the DEQ to be used to reclaim those lands affected by Electro Win's mining activities under small mining permit 600s.

Respectfully submitted this 4th day of February, 2009.

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY,
LAND QUALITY DIVISION



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CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on February 4th, 2009, I served a true copy of the foregoing Motion for Bond Forfeiture order as follows:

Mr. Terry Hankins
Moffat County Safety Center
800 West 1st, Suite 200
Craig, Colorado 81625

U.S. Mail, postage prepaid
 Facsimile
 Hand Delivery
 Express Mail



John S. Burbridge