

## MEMORANDUM

TO: John V. Corra, Director, Department of Environmental Quality (DEQ)

FROM: Donald R. McKenzie, Administrator, Land Quality Division (LQD) *DRM*  
Lowell Spackman, District I Supervisor, LQD *7/14/08*  
Bill Hogg, District I Engineer, LQD

DATE: July 14, 2008

RE: History and Documentation for the Forfeiture Recommendation of the Reclamation Performance Bond held for George's Excavation, 487ET

### Introduction

Georges' Excavation did not fulfill the reclamation requirements for this mine. Although the mine pit has been re-contoured, repeated attempts to seed have failed.

The operator, Mr. George Allen, passed away sometime during the winter of 2006-2007. Mr. Allen's wife, Mrs. Winifred Allen, does not have the physical or financial ability to complete the reclamation. Mrs. Allen has signed a voluntary forfeiture dated April 17, 2007 to release the bond to allow the State to complete the reclamation.

### Documentation Leading to the Recommendation for Bond Forfeiture

Information that documents the events that have led to this recommendation for bond forfeiture include the following as outlined in LQD Instruction Memorandum 34:

- 1) Notice of Violation (NOV) that forms the basis for the forfeiture – A NOV has been issued for failure to complete reclamation under noncoal rules and regulations, Chapter 10, Section 5 (b). LQD has been advised by the AG to provide a NOV even with the voluntary forfeiture agreement from Mrs. Winifred Allen. The NOV is attached.
- 2) Brief history of the operation leading up to the Voluntary Forfeiture – A memo dated April 20, 2007 outlining the Chronology of Events is attached.
- 3) Explanation of why forfeiture is necessary – With the passing of Mr. Allen, and the inability of Mrs. Allen to re-seed the site, reclamation will not be completed as required by LQD rules.
- 4) Documentation of attempts to get the operator to reclaim the site. The attached Inspection Reports dated July 28, 2006 and August 9, 2005 document the LQD's attempts to have the operator complete reclamation. A NOV was issued June 10, 2008, and received on June 17<sup>th</sup>.
- 5) Information submitted by the operator relevant to the forfeiture – The Voluntary forfeiture agreement from Mrs. Allen is attached.

- 6) Status of Operator - The operator is deceased. The status from the Wyoming Secretary of State for the operation as a viable operating cooperation within the State of Wyoming is that George's Excavation is inactive and delinquent (see attachment).
- 7) Land ownership and legal description: The Form 10 from the approved application lists the landowner as the River Meadows, Inc. in NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 16 T16N, R83W (5 acres) and NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 17, T16N, R83W (5 acres) in Carbon County, Wyoming;
- 8) Number of acres disturbed and reclaimed: A Global Positioning Survey (GPS) was conducted by the LQD inspectors showing the disturbance area and listing the number of acres disturbed as 11.88 acres (see attached map), which is over the 10 acres allowed by an Limited Mining Operation or ET. Vegetation has not been established.
- 9) Information on the Reclamation Performance Bond:
  - On April 9, 2008, the LQD was notified by the Rawlins National Bank that the Letter of Credit in the amount of \$8,000 was to expire on July 11, 2008.
  - On June 12, 2007, the Letter of Credit was presented for payment to the bank because it was to expire.
  - The payment from the bank was received on July 3, 2008.

The cash bond was returned as a forfeiture instead of a cash bond for reclamation. The bond moneys were deposited in the Trust and Agency account instead of the Cash Bonds Account for reclamation purposes.

In addition, two CD's worth \$200 each have been deposited with the State Treasurer's Office for safekeeping until the bonds are forfeited.

A total bond of \$8,400 is available for forfeiture.

- 10) Reclamation that is needed and the adequacy of the bond: Final seeding and erosion control need to be completed. At \$550 per acre for seed and seeding, the cost of the remaining reclamation is estimated to be approximately \$6,600. The forfeited bond will be adequate to complete the reclamation.
- 11) Memos from the WDEQ Director to the Attorney General's office requesting initiation of the bond forfeiture process:
  - Attached is a memorandum from Don McKenzie, LQD Administrator, to John Burbridge, Assistant Attorney General, requesting initiation of the bond forfeiture process (Memo dated June 10, 2008).
  - Attached is a draft memo from the WDEQ Director to the EQC requesting approval to initiate bond forfeiture

c: Pam Rothwell



# Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7007 1490 0001 0736 2382**

June 10, 2008

Mrs. Winifred Allen  
George's Excavation  
P. O. Box 231  
Saratoga, WY 82331

**RE: Notice of Violation, Docket No. 4286-08  
Permit No. 487ET**

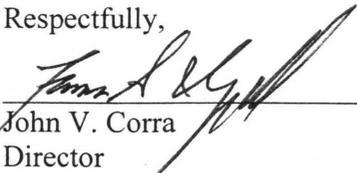
Dear Mrs. Allen:

Enclosed you will find a Notice of Violation (NOV) issued under the provisions of Wyoming Statute 35-11-701(c). The Notice of Violation is based on an inspection conducted by Mr. Bill Hogg on July 17, 2006. The violation is for failure to reclaim the mine site to post-mine land use.

You do not need to do anything as a result of receiving this letter and NOV. We are aware you have been contacted by our staff regarding the bonding and reclamation of this mine site. We appreciate your cooperation. The Department is simply following our forfeiture process.

Should you have any questions, please contact Mr. Don McKenzie at 777-7046.

Respectfully,

  
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John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
Donald R. McKenzie  
Administrator  
Land Quality Division

Enclosures: Notice of Violation  
Inspection Report

cc: Lowell Spackman, LQD, District I

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH  
(307) 777-7758  
FAX 777-3610

ABANDONED MINES  
(307) 777-6145  
FAX 777-6462

AIR QUALITY  
(307) 777-7391  
FAX 777-5616

INDUSTRIAL SITING  
(307) 777-7368  
FAX 777-6937

LAND QUALITY  
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FAX 777-5864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7781  
FAX 777-5973

