

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAY 28 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) Docket No.
BLAZE-ON CONSTRUCTION, INC.,)
LIMITED MINING OPERATIONS,)
NUMBERS 1224ET and 1225ET.)

MOTION FOR BOND FORFEITURE ORDER

The Department of Environmental Quality, Land Quality Division (LQD), by and through the Office of the Attorney General, pursuant to WYO. STAT. ANN. § 35-11-421(b) (West 2008), moves the Council for an order forfeiting Blaze-On Construction, Inc.'s (Blaze-On) reclamation performance bonds, and as grounds for this motion, offers the following:

1. On August 7, 2002, the LQD approved permit 1224ET to Countryside Construction, Inc. to conduct a non-coal limited mining operation (Kemmerer Airport Pit) located in the Section 2, T.20N, R.116W, Lincoln County, Wyoming. Permit 1224ET was transferred to Blaze-On on February 17, 2006. Blaze-On posted a three thousand dollar (\$3,000.00) reclamation performance bond, in the form of Cash.
2. On August 30, 2002, the LQD approved permit 1225ET to Countryside Construction, Inc. to conduct a non-coal limited mining operation (Blazeon Gap

Pit) located in the Section 29, T.20N, R.116W, Lincoln County, Wyoming. Permit 1225ET was transferred to Blaze-On on February 17, 2006. Blaze-On posted a five thousand dollar (\$5,000.00) reclamation performance bond, in the form of Cash.

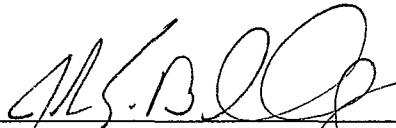
3. The DEQ issued Notice of Violation No. 4304-08 to Blaze-On on July 8, 2008 because the mining sites have been inactive since at least July 12, 2007 at the Kemmerer Pit and July 31, 2007 at the Blazeon Pit, and Blaze-On failed to commence reclamation of the areas disturbed during its mining operations at both sites. In addition, Blaze-On was administratively dissolved by the Wyoming Secretary of State's Office on June 5, 2007.
4. Based on these facts, the DEQ determined Blaze-On's reclamation performance bonds should be forfeited.
5. The DEQ requested that the Environmental Quality Council approve this proceeding on February 27, 2009.
6. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Blaze-On on March 25, 2009.
7. The DEQ then requested that the Office of the Attorney General begin this proceeding.
8. On April 3, 2009, the Office of the Attorney General mailed notice to Blaze-On by certified mail that the Council would enter an order forfeiting its bonds unless a demand for a hearing before the Council was made within thirty days.

9. Blaze-On received the notice on April 6, 2009.
10. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Blaze-On.
11. WYO. STAT. ANN. § 35-11-421(b) states that if no demand is made by the operator within thirty days of his receipt of the notice, then the Council shall order the bonds forfeited.

THEREFORE, the DEQ respectfully requests that the Council enter an order requiring Blaze-On Construction, Inc. to forfeit its reclamation performance bonds to the DEQ to be used to reclaim those lands affected by Blaze-On's mining activities under permit numbers 1224ET and 1225ET.

Respectfully submitted this 28th day of May, 2009.

FOR THE DEPARTMENT OF ENVIRONMENTAL
QUALITY, LAND QUALITY DIVISION



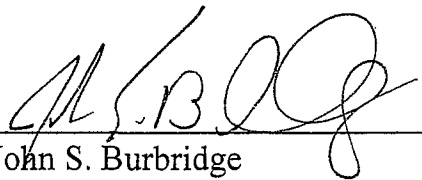
John S. Burbridge # 5-2856
Senior Assistant Attorney General
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002
(307) 777-7841

CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on May 28th, 2009, I served a true copy of the foregoing MOTION FOR BOND FORFEITURE ORDER as follows:

Mr. Michael D. Kohout
Blaze-On Construction, Inc.
421 Emerald
Kemmerer, Wyoming 83101

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



John S. Burbridge

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ORDER OF BOND FORFEITURE

THIS MATTER having come before the Wyoming Environmental Quality Council (“Council”) on a motion from the Department of Environmental Quality (“DEQ”) for bond forfeitures against Blaze-On Construction, Inc. (“Blaze-On”), and the Council having reviewed the motion and having been otherwise fully informed in the premises **MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. Blaze-On posted a two thousand dollar (\$2000.00) reclamation performance bond and a five thousand dollar (\$5,000.00) reclamation bond, both in the form of cash to conduct limited mining operations located in Section 2, T.20N, R.116W (Kemmerer Airport Pit), and Section 29, T.20N, R.116W (Blazeon Gap Pit), Lincoln County, Wyoming.
2. The DEQ issued Notice of Violation No. 4304-08 to Blaze-On on July 8, 2008 because the mining site had been inactive since at least July 12, 2007 at the Kemmerer Pit and July 31, 2007 at the Blazeon Pit, and Blaze-On failed to commence reclamation of the areas disturbed during its mining operations at both sites. In addition, Blaze-On was

administratively dissolved by the Wyoming Secretary of State's Office on June 5, 2007.

3. On April 3, 2009, the Office of the Attorney General mailed notice to Blaze-On by certified mail that the Council would enter an order forfeiting its bonds unless a demand for a hearing before the Council was made within thirty days.

4. Blaze-On received the notice on April 6, 2009.

5. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Blaze-On.

6. WYO. STAT. ANN. § 35-11-421(b) states that if no demand is made by the operator within thirty days of his receipt of the notice, then the Council shall order the bond forfeited.

7. The record in this matter establishes that Blaze-On knew of its rights regarding bond forfeiture. As such, bond forfeiture is appropriate in this case pursuant to WYO. STAT. ANN. § 35-11-421, for Blaze-On's cash bonds held by the DEQ for permits 1224ET (\$3,000.00) and 1225ET (\$5,000.00).

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

1. The aforementioned reclamation performance bonds be forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the Department for the reclamation of all lands affected by the aforementioned operation.

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 Michael D. Kohout, of Blaze-On Construction, Inc., if he can be found.

DATED this ____ day of _____, 2009.

WYOMING ENVIRONMENTAL
QUALITY COUNCIL

Chairman

CERTIFICATE OF SERVICE

I, Jim ruby, do hereby certify that the foregoing ORDER FOR BOND FORFEITURE was served by placing a true and correct copy in the United States mail, postage prepaid, on this _____ day of _____, 2009, addressed to the following:

Mr. Michael D. Kohout
Blaze-On Construction, Inc.
421 Emerald
Kemmerer, Wyoming 83101

AND also to the following person via interoffice mail of the State of Wyoming:

John Corra, Director
Department of Environmental Quality
Herschler Building
Cheyenne, WY 82002

Don McKenzie, Land Quality Administrator
Department of Environmental Quality
Herschler Building
Cheyenne, WY 82002

John S. Burbridge
Attorney General's Office
2424 Pioneer Building
Cheyenne, Wyoming 82002

Jim Ruby