

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

OCT 06 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) DOCKET NO. 10-4501
TERRY HANKINS)
PERMIT NO. 255C)

ORDER OF BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council on a motion from the Wyoming Department of Environmental Quality (DEQ) for forfeiture of Mr. Terry Hankins' reclamation performance bond for permit 255C. The Council, having reviewed the motion and having been otherwise fully informed, **MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. Mr. Hankins posted a one thousand dollar (\$1,000.00) reclamation performance bond, in the form of a cashier's check, number 398684, issued by Colorado National Bank of Denver, allowing Mr. Hankins to conduct a mining operation located in Section 16, T14N, R86W, of Carbon County, Wyoming.
2. The DEQ issued Notice of Violation No. 4643-10 to Mr. Hankins on March 2, 2010, because Mr. Hankins had failed to commence reclamation of the area disturbed during its mining operation.
3. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Mr. Hankins on January 13, 2011.

4. On January 28, 2011, the Office of the Attorney General mailed Notice of Bond Forfeiture to Mr. Hankins by certified mail. The notice stated that the Council would enter an order forfeiting Mr. Hankins' bond unless he made a demand for a hearing before the Council within thirty days.

5. Mr. Hankins received the notice on or about February 1, 2011. Mr. Hankins did not request a hearing within thirty days of its receipt of the Notice of Bond Forfeiture.

6. The record in this matter establishes that the DEQ has satisfied all requirements for bond forfeiture pursuant to WYO. STAT. ANN. § 35-11-421.

The Environmental Quality Council, being otherwise fully advised in 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 Department for the reclamation of all lands affected by Mr. Hankins' mining operation under permit number 255C.

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

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3. Any funds remaining after reclamation and payment of other claims shall be returned to Mr. Hankins.

DATED this 5 day of 10, 2011.

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 6th day of October, 2011, I served a copy of the foregoing ORDER OF BOND FORFEITURE by electronic mail to the following:

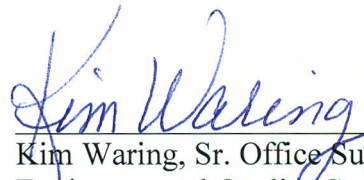
John Corra
Director, DEQ
john.corra@wyo.gov

Nancy Nuttbrock, Administrator
DEQ Land Division
nancy.nuttbrock@wyo.gov

Luke Esch
Asst. Attorney General
lesch@state.wy.us

also by depositing the same in the United States mail addressed to:

Terry Hankins
ATTN: Mr. Terry Hankins
Sterling Correction Facilities
12101 Highway 61
Sterling, CO 80751-8428



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