

FILED

JUN 03 2012

Jim Ruby, Executive Secretary
Environmental Quality Council

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
BALD BUTTE QUARRY, LP)
SMALL MINING PERMIT 551(S))**

Docket No. 12-4502

ORDER OF BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council on a motion from the Wyoming Department of Environmental Quality for forfeiture of bonds against Bald Butte Quarry, LP. The Council, having reviewed the motion and having been otherwise fully informed, MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. On November 22, 1983 the DEQ approved small mining permit 551s to conduct a small mining operation located in a portion of Section 31, T31N, R63W and a portion of Section 6, T30N, R63W, which includes areas in both Niobrara and Goshen Counties, Wyoming. Bald Butte Quarry, LP, the operator under permit 551s, posted a \$193,874.00 reclamation performance surety bond on November 7, 2001.
2. The DEQ issued Notice of Violation No. 5067-12 to Bald Butte Quarry, LP on October 8, 2012 because Bald Butte failed: to demonstrate active mining at the above location; to commence reclamation of the area disturbed by its mining operations within thirty days after abandonment; and to post adequate bonding for surface mining disturbances.

3. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Bald Butte on January 10, 2013.

4. On April 2, 2013, the Office of the Attorney General mailed *Notice of Proposed Bond Forfeiture for Permit 551s* to Bald Butte and Fidelity and Deposit Company of Maryland (Surety) via certified mail. The Notice informed Bald Butte and Fidelity that the Council would enter an order of forfeiture against Bald Butte's reclamation bond unless Bald Butte made written demand, within 30 days of receipt of the Notice, for a hearing before the council. Both Bald Butte and Fidelity received the Notice on April 8, 2013. Bald Butte did not make written demand for a hearing.

5. The record in this matter establishes that the DEQ has satisfied the requirements of Wyo. Stat. Ann. § 35-11-421 in pursuit of forfeiture of Bald Butte's \$193,874.00 reclamation performance surety bond.

The Environmental Quality Council, being otherwise fully advised, HEREBY ORDERS:

1. Forfeiture of Bald Butte Quarry, LP's Reclamation Performance Bond in the amount of \$193,874.00 to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the DEQ for reclamation of all lands affected by small mining operations under permit number 551s.

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 Bald Butte, if it can be located.

DATED this 31st day of May, 2013

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Jessica Brown, certify that at Cheyenne, Wyoming, on the 3rd day of June, 2013, I served a copy of the foregoing ORDER OF BOND FORFEITURE by electronic mail to the following:

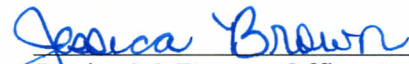
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Nancy Nuttbrock
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Todd Parfitt
Director, DEQ
Todd.Parfitt@wyo.gov

and by depositing copies of the same in the United States mail, postage prepaid, overnight delivered, duly enveloped and addressed to:

Bald Butte Quarry, LP
709 Kansas Ave., Room 200
Topeka, KS 66603



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