

**FILED**

**MAY 21 2013**

Jim Ruby, Executive Secretary  
Environmental Quality Council



## *Office of the Attorney General*

Governor  
Matthew H. Mead

Water and Natural Resources Division  
123 State Capitol  
Cheyenne, Wyoming 82002  
307-777-6946 Telephone  
307-777-3542 Fax

Chief Deputy Attorney General  
Peter K. Michael

Attorney General  
Gregory A. Phillips

Division Deputy  
Jay A. Jerde

April 2, 2013

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Dennis Kerrigan  
General Counsel  
Fidelity and Deposit Company of Maryland  
1400 American Lane  
Schaumburg, IL 60196

Mr. Steve Hutchinson  
Bald Butte Quarry, LLC  
709 Kansas Ave., Room 200  
Topeka, KS 66603

**RE: Notice of Proposed Bond Forfeiture for Permit 551(s); Notice of Violation  
No. 5067-12**

Dear Mr. Kerrigan:

On October 8, 2012, the Wyoming Department of Environmental Quality, Land Quality Division issued Notice of Violation No. 5067-12 to Bald Butte Quarry, LLC alleging that Bald Butte had abandoned its mining operations without completing reclamation in violation of the Land Quality Rules and Regulations and WYO. STAT. ANN. §§ 35-11-401(e)(viii) and 35-11-

**EXHIBIT**

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415(b)(ix) and that Bald Butte had failed to post adequate bonding for surface mining disturbances in violation of § 35-11-417(c)(ii). On January 9, 2013, the DEQ requested and received the Wyoming Environmental Quality Council's (EQC) approval to request that the Attorney General's Office initiate bond forfeiture proceedings pursuant to WYO. STAT. ANN. § 35-11-421(a).

DEQ now seeks an order from the EQC to forfeit Bald Butte's reclamation performance bond, Bond No. 36-0130-25356-97-1, issued by Fidelity and Deposit Company of Maryland, 1400 American Lane Schaumburg, IL 60196, in the amount of \$193,874.00. If the bond is forfeited, the DEQ will use the proceeds to reclaim the mine site located in Niobrara and Goshen Counties, Wyoming.

Pursuant to WYO. STAT. ANN. § 35-11-421(b), the Wyoming Attorney General's Office is hereby notifying you that the EQC will order the bond forfeited unless you make a written demand for a hearing to the EQC within thirty (30) days after receiving this notice.

If you have any questions concerning these proceedings, please feel free to contact me.

Sincerely,



Matthias L. Sayer  
Assistant Attorney General  
(307) 777-6946

cc: Nancy Nuttbrock  
file



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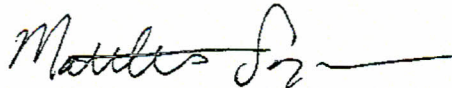
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Sincerely,

A handwritten signature in black ink, appearing to read "Matthias L. Sayer", followed by a horizontal line extending to the right.

Matthias L. Sayer  
Assistant Attorney General  
(307) 777-6946

cc: Nancy Nuttbrock  
file