



Department of Environmental Quality

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




Matthew H. Mead, Governor

Todd Parfitt, Director

MEMORANDUM

TO: Environmental Quality Council

FROM: Todd Parfitt – DEQ Director 

DATE: February 1, 2013

RE: Bond Forfeiture Recommendation – Wolverine Operations, LLC, Limited Mining Operations No. 1240ET

Attached is information relating to the failure of Wolverine Operations, LLC, to reclaim lands affected by mining under the above-referenced Limited Mining Operation Notification.

I have determined that the bond for this Limited Mining Operation should be forfeited. Since this is a voluntary forfeiture, it is requested that the Council approve this request as a final action.

Should you have any questions, please contact Don Crecelius, LQD District III.

xc: Nancy Nuttbrock – LQD Administrator
Mark Rogaczewski – LQD District III Supervisor

Attachments: Notice of Violation, Docket No. 5061-12

Date

Approved
Chairman, Environmental Quality Council



FILED

Feb 05, 2013

MEMORANDUM

Jim Ruby, Executive Secretary
Environmental Quality Council

TO: Todd Parfitt, Director, DEQ

THROUGH: Nancy Nuttbrock, Administrator, LQD *U&N.*

FROM: Don Crecelius, Senior Analyst

DATE: February 1, 2013

SUBJECT: Chronology of events for Wolverine Operations, LLC, **bond forfeiture**, Limited Mining Operation, 1240ET

1. Wolverine Operations, LLC received a Limited Mining Operation to mine scoria on May 19, 2003. The proposed disturbance was for 4 acres, and a \$4,000 cash bond was accepted.
2. A small, approximately 2 acre scoria pit was opened to support their CBM activities in the area.
3. The last annual report received from Wolverine was received on March 8, 2005.
4. Sometime after 2006 we found that Wolverine was no longer authorized to operate in Wyoming for failure to pay back taxes.
5. In May of 2007 I met with the surface owner, Phil Little of Leiter, WY and outlined options he had for taking over the pit, reclaiming it, or having the state start bond forfeiture on Wolverine.
6. I met with Phil Little again in early 2012 and discussed options with him again. He decided bond forfeiture would be the best course.
7. I did the Annual Inspection on July 17, 2012.
8. I wrote a Notice of Violation, Docket No. 5061-12 that was signed on September 25, 2012. The NOV was for failure to reclaim the pit.
9. Attempts to reach Wolverine by certified mail at their East Lansing, MI and Buffalo, WY addresses (last known addresses) were unsuccessful.
10. A memo has been prepared to forward this forfeiture request to the EQC.

/dc

xc: Cheyenne files



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Matthew H. Mead, Governor

Todd Parfitt, Director

December 3, 2012

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7012 1640 0000 8427 2839

Wolverine Operations, LLC
1905 Abbot, Suite 1
East Lansing, Michigan 48823

**RE: Notice of Violation, Docket No. 5061-12
1240ET, Wolverine Operations, LLC**

To Whom It May Concern:

Enclosed you will find a Notice of Violation issued under the provisions of W.S. §35-11-701(c). The Notice of Violation is based on inspections conducted by Mr. Don Crecelius on July 17, 2012. The violation is for failure to reclaim mining disturbance from your scoria operation in Sheridan County, WY.

The LQD is attempting to resolve this issue without further enforcement action, and requires that you contact Mr. Mark Rogaczewski, LQD District III Supervisor at 307-675-5616 **within** fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement will be signed by both parties.

Should you have any questions, please contact Don Crecelius at 307-675-5614.

Respectfully,



Todd Parfitt
Director
Department of Environmental Quality



Nancy Nuttbrock
Administrator
Land Quality Division

Enclosures: **Notice of Violation**

cc: Mark Rogaczewski, LQD, District III
Wolverine Operations, P.O Box 1118, Buffalo, WY 82834 - **CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7012 1640 0000 8427 2846**



DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
WOLVERINE OPERATIONS, LLC) DOCKET NO. 5061-12
1905 ABBOT, SUITE 1)
EAST LANSING, MICHIGAN 48823)
1240ET – LIMITED MINING OPERATION)

NOTICE

NOTICE IS HEREBY GIVEN THAT:


1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 10, Section 5(a) states that "After mining operations have ceased or within thirty (30) days after the abandonment of the mining operation, the operator shall notify the Administrator of such fact and commence reclamation and restoration."
3. During his inspection performed on July 17, 2012, Mr. Don Crecelius documented that the operation has been abandoned for several years. The landowner, Mr. Phil Little, confirmed the site is abandoned.
4. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 3rd day of December, 2012



Todd Parfitt
Director
Department of Environmental Quality



Nancy Nuttbrock
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5th Street, Sheridan, WY, 82801

cc: Mark Rogaczewski, LQD
Wolverine Operations, LLC, P.O. Box 1118, Buffalo, WY 82834
file, 1240ET

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NOV 21 2012

RECEIVED

2012 Inspection, Wolverine Operations, LLC, 1240ET

TO: File, 1240ET
FROM: Don Crececius, Senior Analyst
DATE: November 14, 2012
SUBJECT: Annual Inspection

On July 17, 2012 I inspected the scoria mining operation referenced above. This small pit has been abandoned for several years. I met with the landowner, Mr. Phil Little of Leiter, WY and talked about options for this pit. He was not interested in leaving it open for his private use and requested the state proceeds with bond forfeiture and ultimately reclamation.



The site will require some regrading work. A small topsoil stockpile remains on site that will then need to be respread prior to seeding. The road leading into the pit will remain as it is part of the ranch access.

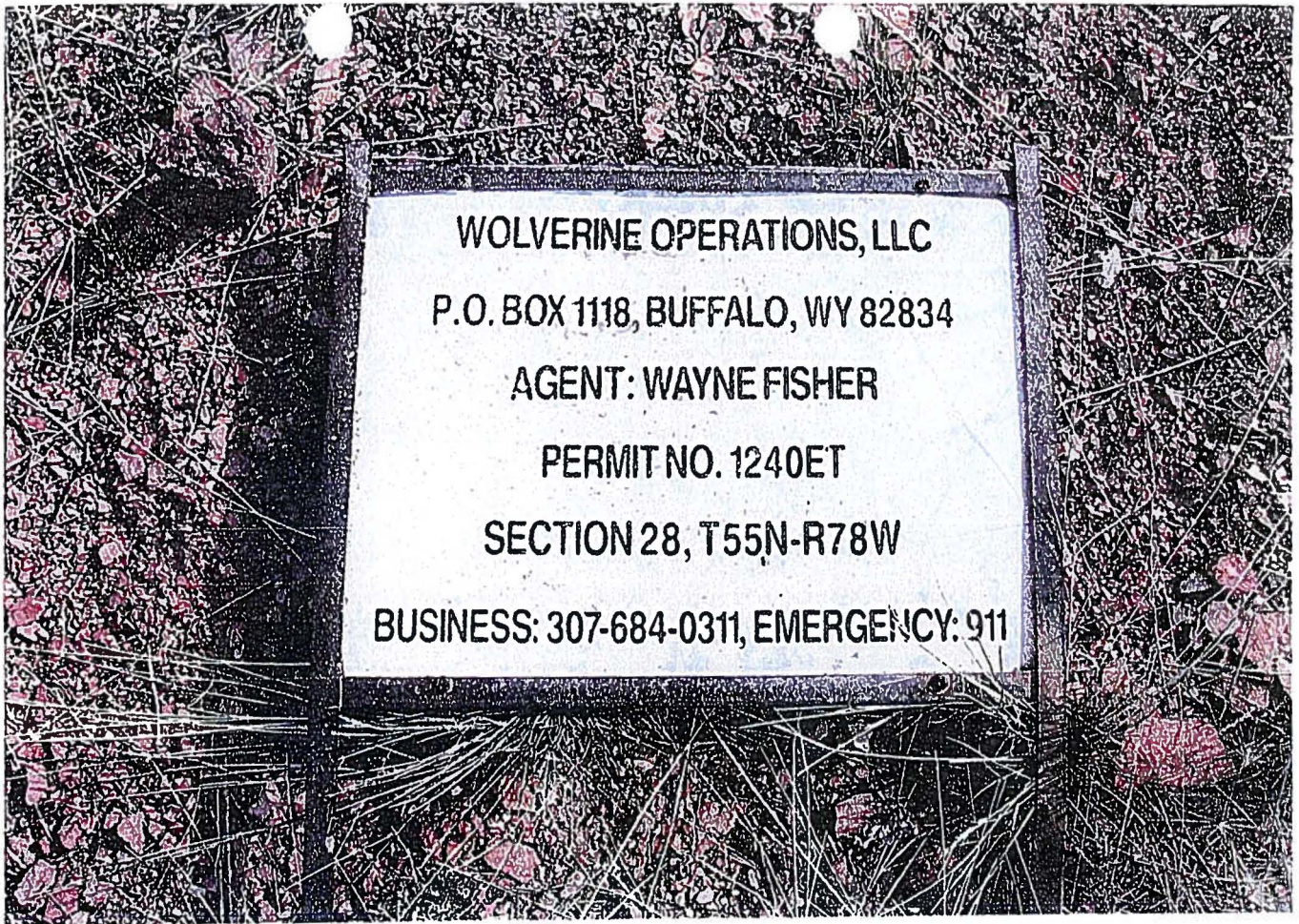
All indications are that Wolverine Operations, LLC have left the state and are in bankruptcy. An NOV, Docket No. 5061-12 was written on September 17, 2012. It was sent to two previously known addresses (in Buffalo, WY and East Lansing, MI) by certified mail. Both were returned to us as undeliverable.

We currently hold a \$4,000 bond on this operation.

/dc

CHEYENNE

2/14/12
11/14/12



WOLVERINE OPERATIONS, LLC
P.O. BOX 1118, BUFFALO, WY 82834
AGENT: WAYNE FISHER
PERMIT NO. 1240ET
SECTION 28, T55N-R78W
BUSINESS: 307-684-0311, EMERGENCY: 911

7/17/12

IC

OD

Met with Phil Little or wife Gary.
 He is interested in having the pit
 reclaimed; not interested in doing
 work himself as he has little equipment
 and time.

NOV 21 2012

RECEIVED