

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

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
HETTINGER LLC)
LIMITED MINING OPERATION)
NO. 1412(ET))**

Docket No. 13-4502

FILED

FEB 26 2014

ORDER OF BOND FORFEITURE

Jim Ruby, Executive Secretary
Environmental Quality Council

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

1. On October 31, 2007, the DEQ approved Limited Mining Operation 1412(ET) to conduct a small scoria mining operation. Hettinger LLC, the operator under the permit, posted a \$10,000.00 cash reclamation performance surety bond.
2. Hettinger filed Chapter 7 bankruptcy on March 7, 2012, in the United States Bankruptcy Court for the District of Delaware, Case Number 1:12-bk-10823.
3. The DEQ issued Notice of Violation No. 5156-13 to Hettinger LLC on May 3, 2013, because Hettinger failed to demonstrate active mining at the above location and to commence reclamation of the area disturbed by its mining operations within thirty days after abandonment.
4. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Hettinger LLC on September 12, 2013.

5. On October 14, 2013, DEQ requested that the Office of the Attorney General begin forfeiture proceedings.

6. On December 4, 2013, the Office of the Attorney General mailed *Notice of Proposed Bond Forfeiture for Permit 1412(ET)* to Hettinger LLC via certified mail. The Notice informed Hettinger LLC that the Council would enter an order of forfeiture against Hettinger's reclamation bond unless Hettinger made written demand, within 30 days of receipt of the Notice, for a hearing before the council. The Notice was returned to the Attorney General's office on December 17, 2013, because delivery had failed. No other current mailing addresses for Hettinger are known. Hettinger LLC did not make written demand for a hearing.

7. 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 Hettinger LLC's \$10,000.00 reclamation performance surety bond.

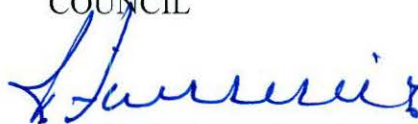
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

1. Forfeiture of Hettinger LLC's Reclamation Performance Bond in the amount of \$10,000.00 to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the DEQ for reclamation of all lands affected by limited mining operations under permit number 1412(ET).
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 Hettinger LLC or its estate in bankruptcy, if it can be located.

DATED this 25th day of February, 2014

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Tyffanne Rowan, certify that at Cheyenne, Wyoming, on the 27th day of February, 2014, I served a copy of the foregoing **ORDER OF BOND FORFEITURE** by electronic mail to the following:

Jeremy Gross
Asst. Attorney General
Jeremy.gross@wyo.gov

Nancy Nuttbrock
LQD Administrator
nancy.nuttbrock@wyo.gov

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

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

Hettinger, LLC
12596 W. Bayaud Ave.
Lakewood, CO 80228



Tyffanne Rowan, Office Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134