

Luke Esch
Assistant Attorney General
123 Capital Building
Cheyenne, WY 82002
Telephone: (307) 777-6946
Facsimile: (307) 777-3542

FILED

APR 08 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

Attorney for the State of Wyoming

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF)
NOTICE OF VIOLATION AND)
ORDER NO. 4331-08) Docket No. 08-3807
ISSUED TO KDA CONSTRUCTION, INC.)

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
SUPPLEMENTATION OF THE ADMINISTRATIVE RECORD**

Respondent, the Wyoming Department of Environmental Quality (DEQ), by and through the Office of the Attorney General of the State of Wyoming, hereby submits return receipts for certified mailings made to KDA Construction, Inc. (KDA), to supplement the administrative record in the above captioned appeal.

I. Background

1. DEQ's Motion for Summary Judgment was filed and sent by certified mail to KDA on December 22, 2008.
2. KDA received DEQ's Motion for Summary Judgment on December 26, 2008. *See* Attachment 1, Return Receipt for Motion for Summary Judgment.
3. Petitioner, KDA, did not respond to DEQ's Motion for Summary Judgment.

4. DEQ's Motion for Setting of Hearing on Motion for Summary Judgment was filed and sent by certified mail to KDA on February 5, 2009.
5. KDA received DEQ's Motion for Setting of Hearing on Motion for Summary Judgment on February 9, 2009. *See Attachment 2, Return Receipt for Motion for Setting of Hearing on Motion for Summary Judgment.*

WHEREFORE, DEQ respectfully requests that the Environmental Quality Council admit the attached documents to the administrative record in this matter.

Dated this 8th day of April, 2009.

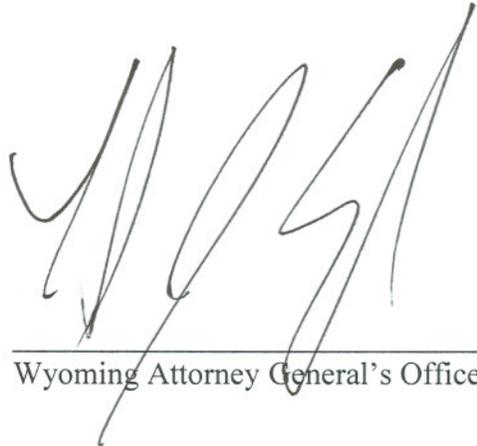


Luke J. Esch (Bar No. 6-4155)
Assistant Attorney General
123 State Capitol Building
Cheyenne, Wyoming 82002
307-777-6946
307-777-3542 (fax)

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S SUPPLEMENTATION OF THE ADMINISTRATIVE RECORD was served this 8th day of April, 2009 by United States mail, postage prepaid addressed as follows:

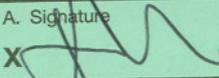
Brad Hankins
KDA Construction, Inc.
3950 Fairview Industrial Dr., SE
Suite, 210
Salem, Oregon 97302



A handwritten signature in black ink, appearing to be 'M. G.', is written over a horizontal line. The signature is stylized and cursive.

Wyoming Attorney General's Office

ATTACHMENT 1

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee
1. Article Addressed to: Brad Hawkins KDA Construction, Inc. 3950 Fairview Industrial Dr. S.E. Suite 210 Salem OR 97302	B. Received by (Printed Name) C. Date of Delivery 12/26/08
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
Article Number (from service label)	7005 3110 0001 8313 5859

February 2004

Domestic Return Receipt

102595-02-M-1540

ATTACHMENT 2

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Brad Hankins KOA Construction, Inc. 3950 Fairview Industrial Dr. S.E. Suite 210 Salem OR 97302</i>	B. Received by (Printed Name) <i>[Signature]</i> On Date of Delivery <i>2-29-04</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7003 1680 0007 0340 3330
	102595-02-M-1540