

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

APR 11 2006

IN THE MATTER OF THE BOND )  
FORFEITURE PROCEEDINGS )  
AGAINST THE BONDS OF )  
LYNN H. GROOMS, )  
MINING PERMIT 618s. )

Docket No.

05-4403

Terri A. Lorenzon, Director  
Environmental Quality Council

**MOTION FOR BOND FORFEITURE ORDER**

The Department of Environmental Quality, Land Quality Division (DEQ), by and through the Office of the Attorney General, pursuant to Wyo. Stat. § 35-11-421(b), moves the Council for an order requiring Lynn H. Grooms (Grooms) to forfeit his reclamation performance bond, and as grounds for this motion, offers the following:

1. On March 31, 1989, the DEQ approved small mining permit 618s to Grooms to conduct a Bentonite mining operation located on BLM lands in Section 22, T53N, R102W, in Park County, immediately west of Cody, Wyoming. Grooms posted two reclamation performance bonds, one in the amount of five hundred dollars (\$500.00) and the other in the amount of two thousand dollars (\$2,000.00), in the form of Certificate of Deposits numbers 276 and 2736 respectively; issued by the Western Bank of Cody.
2. The DEQ issued Notice of Violation No. 3598-04 to Grooms on October 11, 2004 because the mining site has been inactive since at least October 9, 2002, and Grooms had failed to commence reclamation of the area disturbed during its mining operation. On October 9, 2002, Sylvia Grooms contacted the DEQ and stated that her husband, Lynn Grooms, had passed away several years earlier and that she had no means of reclaiming the mined lands.
3. On August 7, 2003, the DEQ was notified by the U.S. Bankruptcy Court that Sylvia Grooms had filed for bankruptcy.
4. Based on these facts, the DEQ determined Grooms' reclamation performance bonds should be forfeited.

5. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Grooms on February 15, 2006.
6. The DEQ then requested that the Office of the Attorney General begin this proceeding.
7. On March 1, 2006, the Office of the Attorney General mailed notice to Mrs. Grooms by certified mail that the Council would enter an order forfeiting its bond unless she demanded a hearing before the Council within thirty days.
8. Grooms received the notice on March 3, 2006.
9. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Grooms.
10. Wyo. Stat. § 35-11-421(b) states that if no demand is made by the operator within thirty days of his receipt of the notice, then the Council shall order the bonds forfeited.
11. The DEQ and the Attorney General's Office have satisfied all of the statutory prerequisites to this bond forfeiture, and the Council should therefore order the bonds forfeited.

THEREFORE, the DEQ respectfully requests that the Council enter an order requiring Lynn Grooms to forfeit his reclamation performance bonds to the DEQ to be used to reclaim those lands affected by Grooms' mining activities under small mining permit 618s.

Respectfully submitted this 11<sup>th</sup> day of April, 2006.

FOR THE DEPARTMENT OF  
ENVIRONMENTAL QUALITY, LAND  
QUALITY DIVISION



John S. Burbridge  
Senior Assistant Attorney General  
Attorney General's Office  
123 Capitol Building  
Cheyenne, Wyoming 82002  
(307) 777-7841

CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on April 11, 2006, I served a true copy of the foregoing Motion For Bond Forfeiture order as follows:

Mrs. Lynn H. Grooms  
P.O. Box 1447  
Cody, Wyoming 82414

U.S. Mail, postage prepaid  
 Facsimile  
 Hand Delivery  
 Express Mail

  
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John S. Burbridge