


MEMORANDUM

TO: Todd Parfitt, WDEQ Director
File, Docket No. 6137-22, LMO ET1314 Failure to Reclaim

THROUGH: Kyle Wendtland, LQD Administrator
Mark Rogaczewski, WDEQ/LQD District 3 Supervisor

FROM: Pete Rakowski 

DATE: May 17, 2022

SUBJECT: Bond Forfeiture Recommendation – Twenty Mile, LLC, Limited Mining Operation No. ET1314

Background:

Authorization for Limited Mining Operation (LMO) ET1314 was granted to Twenty Mile LLC on May 31, 2005. The mine is located in the NESW and NWSE Qtr-Qtr of Section 11 of Township 52N, Range 75W. Currently, there are approximately 4.9 acres that have been disturbed and left un-reclaimed. The Department of Environmental Quality, Land Quality Division (LQD) is currently holding Certificate of Deposit Number 8100707 with American National Bank in the amount of \$10,000. The total bond currently held by the LQD is \$10,000.00 for the reclamation of this mine. The Wyoming Secretary of State dissolved Twenty Mile LLC on October 9, 2013, for delinquent taxes.

An annual report for this LMO was last submitted by Twenty Mile LLC on May 13, 2016. The report stated as part of the proposed operations for the next year, “No reclamation shall take place.” No communication has been received by LQD from Twenty Mile LLC since. The annual inspection conducted on the site on September 23, 2021 confirmed that no reclamation has taken place. According to Chapter 10, Section 5(a) of the Non-Coal Rules, “After the mining operations have ceased the operator shall notify the Administrator of such fact and commence reclamation and restoration.”

Twenty Mile LLC was issued a NOV for failure to reclaim LMO ET1314 under Docket No. 6137-22 on January 20, 2022. The NOV, sent to the last-known address for the company, was returned undelivered. Based on the aforementioned information and the lack of response to the NOV, I recommend that the following bond for LMO ET1314 be forfeited:

- 10,000.00 Certificate of Deposit, issued by American National Bank (No. 8100707)

Reclamation Requirements:

The reclamation cost estimate was developed for ET1314 based on the existing liabilities present at the site. The reclamation cost is based on current WDEQ/LQD Guideline 12A rates in conjunction with information provided from past inspections and aerial imagery.

The mine site is inactive with no formal reclamation plan. This site is an LMO and therefore exempt from statutory permitting requirements. Information from inspection reports indicates that the total disturbance spans approximately 4.9 acres. There are approximately 2500 cubic yards of stockpiled topsoil. The Sheridan LQD office estimated that reclamation at the site will cost approximately \$8950.00, which is \$1050.00 less than the bond currently held by WDEQ. This estimate may be subject to increase as a result of any unforeseen costs.

Pertinent History:

The following chronological timeline is provided to show the correspondence and requests the LQD District 3 has sent to Twenty Mile LLC or related contacts.

1. 5/13/16 – LQD District 3 received an annual report from Twenty Mile LLC, signed by Ms. Natalie Hardesty. The annual report stated that no additional acres were disturbed in the report period, and the total disturbance was 4.9 acres. It also stated that no mineral was removed from the mine during the report period. It stated the expected remaining life of the operation (through reclamation) to be 5 years.
2. 4/25/19 – LQD District 3 mailed an inspection report to Ms. Hardesty at Twenty Mile LLC. The cover letter requested that delinquent annual reports be submitted to LQD, discussed possible options for keeping the LMO operational, and requested that Twenty Mile LLC inform LQD of future plans for the mine. No response was received from Twenty Mile LLC. Also copied on the cover letter were Ms. Kandi Barton of Deer Track Ranch, the surface owner, Ms. Bez Malli, widow of Mr. Don Malli, former owner of Twenty Mile LLC, and the BLM Buffalo field office.
3. 12/10/19 – In a phone conversation with LQD District 3, Ms. Betty Ann (Bez) Malli stated that her husband, Don Malli, and Ken Barker were the two partners in Twenty Mile LLC and they had both passed away. The reclamation bond for the mine was provided by an account she shared with Mr. Malli—thus she was the only remaining party with interest in the reclamation bond.

4. 1/23/20 – In a phone conversation with LQD District 3, Ms. Hardesty stated that she was a former employee of Twenty Mile LLC but no longer maintained any connection with the company, and was not aware of any plans for the company to reorganize.
5. 8/3/20 – An annual inspection was performed at the mine site with LQD, BLM, and Ms. Barton (the surface owner) in attendance. The inspection report was mailed to Ms. Malli under a September 3, 2020 cover letter, with all parties in attendance at the inspection copied. The inspection report outlined the reclamation work needing to be done on the mine site to allow the eventual termination of the operation and bond release.
6. 11/20/20 – A phone meeting was attended by LQD District 3, Ms. Malli, and Ms. Barton to discuss the reclamation work required by the September LQD inspection report. A site visit to further discuss the work was planned.
7. 11/30/20 – LQD District 3 staff met Ms. Barton on site to review and make minor modifications to the reclamation work required. The inspection report was mailed to Ms. Malli under a December 14, 2020 cover letter. With the required reclamation work clarified, Ms. Malli stated in subsequent phone conversations with LQD that she would attempt to find a contractor she could hire to perform the reclamation.
8. 9/23/21 – An annual inspection was performed at the mine site with LQD and BLM staff in attendance. No changes to the site were noted. The inspection report was mailed to Ms. Malli under an October 21, 2021 cover letter, with Ms. Barton and BLM copied.
9. 1/11/22 – In a phone conversation with LQD District 3, Ms. Malli stated that she had not found a contractor to perform the reclamation work, and understood the termination process would move forward through forfeiture.
10. 1/20/22 – An NOV for abandonment and failure to reclaim LMO ET1314 was sent to Ms. Hardesty at the last known address for Twenty Mile LLC, via certified mail.
11. 2/25/22 – After the NOV documents sent to Twenty Mile LLC were returned undelivered, Ms. Malli was informed by LQD District 3 that the NOV documents were being re-sent to her, as the only known party with a connection to Twenty Mile LLC. She was informed that she was not expected to take action on the NOV, but that the mailing was being done so the forfeiture process could continue.
12. 3/4/22 – Ms. Malli informed LQD District 3 that she had received the NOV documents. LQD responded that the forfeiture process would move forward.