



# 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

Quality Landscape & Nursery  
Mr. Randy Stevens  
P.O. Box 1074  
Saratoga, WY 82331

**RE: 2016-2017-2018 Inspections Report, Limited Mining Operation (LMO) 1496ET, Quality Landscape & Nursery, Inc.**

Dear Mr. Stevens:

Enclosed is the Wyoming Department of Environmental Quality-Land Quality Division (LQD) Inspection Report summarizing site reviews conducted on June 23, 2016; June 2, 2017; July 5, 2017; and March 27, 2018. The June 2, 2017 and March 27, 2018 inspections were conducted in response to complaints received by the LQD. One compliance work item and the associated deadline is outlined in the attached inspection report.

Please note that mining disturbance of LMO 1496ET encroaches approximately 2 feet south of the property boundary. During the inspection, it was acknowledged by Mr. Wilcoxson (Saratoga Town Council member) that the Town of Saratoga instructed you to mine up to the steel retaining wall. As noted during the March 2018 inspection by all parties, in the Planning and Zoning Dept.'s 3/27/18 Daily Report, and the Wyoming State Mine Inspector's report summarizing his April 3, 4, and 19, 2018 inspections, the safety of the steel retaining wall is a concern. Also as noted during the 3/27/18 inspection, neither the Town of Saratoga nor you are willing to conduct repair or maintenance work directly related to the wall without approval and concessions from the other party. Therefore, as noted, the issues involving the steel wall maintenance and other issues concerning the final status along your south side property line with the Town of Saratoga will be resolved via legal means. The earthen highwall sloping and grading, as well as the berming and fencing on the north side of the steel wall meet the minimum requirements of the LQD and the Wyoming State Mine Inspector's Office. Thank you for completing this work.

The remaining LQD concern relates to the delineation and sediment control along the west side of the operation between your property and the Wyoming Department of Transportation property. Please install a ditch or berm along the western edge to delineate your boundary, keep disturbance within your LMO boundary, and contain potential sediment on site. Please complete this work and submit photo documentation to the LQD by **June 15, 2018**.

If you have questions or comments please contact me at (307) 777-7070 or rich.vincent@wyo.gov.

Sincerely,

Richard Vincent  
District I LMO Coordinator  
WDEQ-Land Quality Division  
Enclosure – LQD 2016-2018 Inspection Report

Date: 6/4/18

**DEQ Exhibit 4**

**DEQ 4 - 0001**

200 West 17th Street · Cheyenne, WY 82002 · <http://deq.wyoming.gov> · Fax (307)635-1784

ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
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**LIMITED MINE OPERATION (LMO)  
INSPECTION REPORT**

Wyoming Department of Environmental Quality, Land Quality Division  
122 West 25th Street, Cheyenne, WY 82002  
(307) 777-7057 FAX: (307) 777-5864



<b>LMO Number:</b>	ET1496	<b>Operator:</b>	QUALITY LANDSCAPE & NURSERY INC
<b>Inspection Date:</b>	3/27/2018	<b>Inspector(s):</b>	Rich Vincent
<b>Report Date:</b>	6/4/2018	<b>Participant(s):</b>	Randy Stevens, Quality Landscape & Nursery, 2016, 7/2017 & 2018; Brian Goodnough, LQD District 1, 6/2017; Dan Ferrin, Saratoga Zoning and Planning Director, 3/2018; Steven Wilcoxson, Citizen-Complaint Filer, 3/2018
<b>Last Inspection:</b>	6/4/2015	<b>Current Bond:</b>	\$1,000
<b>Inspection Reason(s):</b>	Annual, Complaint	<b>Field Conditions:</b>	
<b>Status:</b>	Active	<b>Approved Acreage:</b>	1
<b>County:</b>	Carbon	<b>Mineral:</b>	Dirt
<b>Total Disturbed Acres:</b>	1		

**Opening Comments**

Located within the **Saratoga, WY** town limits at the SW corner of East Maple Avenue and South River Street (south of the Hugus Ditch; concrete lined irrigation ditch). Access to the site is from South River Street, east of the LMO disturbance.

**Compliance Assessment**

Inspection Topic	In Compliance
Compliance	N/A
● Erosion Control	Yes
<p><b>and Sediment Control:</b></p> <p>* Little to no erosion was noted. Water erosion behind the steel retaining wall installed by the Town of Saratoga was first noted in 2015 (<b>Photo #1</b>).</p> <p>* The bulge in the steel wall appeared to have increased between the 2016 and June 2017 inspections (<b>Photo #2</b>).</p> <p>* The operator installed a small sump in the NW corner of the operation on 6/30/15, at the request of the LQD. The sump contains sediment onsite and keeps runoff from flowing directly into Hugus Ditch (<b>Photo #3</b>). The sump at the NW corner has functioned since it was installed in 2015.</p> <p>* By the 2016 inspection mining had progressed along the northern edge to lower the pit floor below the berm between the operation and Hugus Ditch on the north (<b>Photo #4</b>).</p> <p>* By 2017 and 2018, the sump at the NW corner wasn't so much a sump as the lowered pit floor (<b>Photos #5 &amp; #6</b>). Note a sediment control berm should be installed along a portion of the west side of the operation to reestablish sediment control between the operation and the adjacent Wyoming Department of Transportation (WYDOT) property.</p>	
● Fuel Storage	Yes
No fuel storage or leak stains were noted at the LMO.	
● Impoundments	Yes
No impoundments were observed. Water could be contained onsite along the north and especially at the NW corner of the mining disturbance.	

**DEQ 4 - 0002**

Inspection Topic	In Compliance
● Off-site/Permit Disturbance	Yes
<p>* The LMO disturbance is approved for 1.0 acre to be located on Lots 1-10, Block 11, in the NE¼NE¼ Section 14, T17N, R84W.</p> <p>* According to the Carbon County Assessor's website the total size of the property is 0.74 acres (approximately 116' x 271').</p> <p>* According to the on-site and image estimates, disturbance was estimated to be about 1.1 acres (150' x 320'). The entire site between Hugus Ditch and the Town of Saratoga right-of-way has been disturbed.</p> <p>* The steel retaining wall was installed 2 feet inside the Town of Saratoga property. Mining has been conducted flush with the steel wall (<b>Photo #7</b>). Both Randy Stevens and a representative of the town council stated the Town of Saratoga requested Mr. Stevens to mine up to the wall, thus into the alley and the property owned by the Town of Saratoga.</p> <p>* The LQD will not require the operator to amend the 2 foot wide strip along the south side, if the city requested this material be mined. If the pending litigation directs the operator to conduct maintenance, repair, or construction along this corridor, the LQD will follow the court's rulings and requirements.</p>	
● Other	Yes
<p>* On June 1, 2017 the LQD received an anonymous complaint concerning the perceived safety of the steel retaining wall and the adjacent Saratoga-Encampment-Rawlins Conservation District building.</p> <p>* On March 23, 2018 the LQD received a complaint from Mr. Steven Wilcoxson (Saratoga Town Council), complaining as an individual citizen, about the safety of the wall.</p> <p>* Both complaints requested the LQD require the operator to cease mining and stabilize the wall. In summary:</p> <ol style="list-style-type: none"> <li>1. All parties agree the steel retaining wall's condition presents a safety hazard.</li> <li>2. The operator declined to maintain the wall stating it was installed by the Town of Saratoga and located on property owned by the Town of Saratoga.</li> <li>3. The Town declined to conduct the wall maintenance: a) without direction from the Town Council; and b) without permission to trespass on Mr. Steven's property.</li> <li>4. Decisions concerning the wall and other responsibilities along the Town of Saratoga and Randy Stevens property boundary are proposed to be decided in a pending court case scheduled for September 2018.</li> <li>5. Reference the Wyoming State Mine Inspector's April 2018 Inspection Report received by the LQD on 4/20/18 and the Saratoga Zoning and Planning Coordinator's Daily Report from 3/27/18 received by the LQD on 4/10/18 for more details.</li> </ol>	
● Permit Signs	Yes
<p>* An LMO entry sign was posted along the east side of the operation facing South River Street (east) (<b>Photo #8</b>). The sign contained the LQD Non-coal Rules and Regulations (R&amp;R), Chapter 10, Section 4(a) required information.</p> <p>* The operator was requested (4/18/18) to make the sign more visible from the east entry and the work was completed and photo documentation supplied to the LQD on 4/19/18.</p>	
● Roads and Culverts	Yes
No entrance road or culvert is associated with this LMO.	
● Solid Waste Disposal	Yes
Several items related to the landscaping and nursery business located within the property limits have been removed from the site since 2013. No real waste is located at the site.	
● Topsoil Protection	Yes
<p>* It is unclear if topsoil was available for salvage prior to mining. No topsoil originally from the site has been observed during LQD inspections.</p> <p>* A portion of the material excavated from this site is mixed with compost material to create topsoil (<b>Photo #9</b>).</p> <p>* If topsoil is needed for the commercial post-mine land use, then the operator can use a portion of the created topsoil.</p>	

Inspection Topic	In Compliance
● Topsoil Salvage	Yes
<p>* It is unclear if topsoil was available for salvage prior to mining.            * It would not be possible to salvage soil from this area now.</p>	
● Weed Control	Yes
<p>* Canada thistle was noted at the northwest corner during the July 2017 Inspection and the operator was requested to treat it. Mr. Stevens stated he would spray the Canada thistle when irrigation water was not running in Hugus Ditch.            * No other noxious weed infestations were noted during the inspections, although several weedy species have invaded the disturbed areas.            * Canada thistle regeneration and effectiveness of the weed control will be evaluated during the 2018 growing season.</p>	
Reclamation	N/A
● Slope/Grading/Drainage	Yes
<p>* Regrading consists of the pit floor to allow for storage of landscape material and site access.            * The operator was requested by the State Mine Inspector (4/4/18) and the LQD (3/27/18) to reduce the slopes or partially regrade the earthen vertical slopes east of the steel wall (<b>Photo #10</b>). The operator completed the work and submitted photo documentation to the LQD on 4/19/18.            * The operator was requested by the State Mine Inspector (4/4/18) and the LQD (3/27/18) to protect the base of the steel wall. The operator completed this work by installing a large berm at the base of the wall and erecting a chain-link fence north of the berm. Photo documentation was submitted to the LQD on 4/19/18.</p>	
● Vegetation	Yes
No reseeding or reclamation has been conducted at this site.	

#### Actions Required

Inspection Topic	Inspection Date	Proposed Resolution Date
Erosion Control	3/27/2018	6/15/2018
Install a berm along a portion of the west side of the operation, to delineate the LMO boundary and contain sediment onsite, and provide photo documentation to the LQD by June 15, 2018.		

#### Actions Completed Since Last Inspection

Inspection Topic	Inspection Date	Proposed Resolution Date	Resolution Date
Other	6/4/2015	3/25/2016	3/18/2016
Submit the 2014-2015 Annual Report (covering the period from July 22, 2014 through July 21, 2015) to the LQD no later than March 25, 2016.			

## Inspection Summary Comments

LMO 1421ET was approved on February 7, 2008, for Quality Landscape and Nursery, Inc. (Applicant) and Randy Stevens (Operator) to disturb 1.0 acre of on Lots 1-9, Block 11, in the NE¼NE¼ Section 14, T17N, R84W. The disturbance is located inside the Town of Saratoga limits at the SW corner of East Maple Avenue and South River Street. The Randy Stevens Living Trust bought ten lots within the Town of Saratoga, on which Mr. Stevens planned to use for his landscaping business' equipment and material storage. To use the site for his business, much of the site required leveling and the removal of excess material. Since the removed material would be sold through the landscaping business, the LQD required Quality Landscape and Nursery (and/or Mr. Randy Stevens) to attain a limited mining operation. Mr. Stevens stated that he had contacted Saratoga officials and had their approval for this operation. The lots were purchased on January 16, 2008. The ten lots in Block 11 are 0.74 acres in size. The original authorization was terminated on July 30, 2008, after the Town of Saratoga informed the LQD that the Town had prohibited the operation within the town limits.

LMO 1496ET was approved on July 22, 2010, after the Settlement Agreement signed by Judge Wade Waldrip between Mr. Stevens and the Town of Saratoga, was received by the LQD requiring Mr. Stevens to have all required DEQ permits. LMO 1496ET was approved for Quality Landscape and Nursery, Inc. (Applicant) and Randy Stevens (Operator) to disturb 1.0 acre of on Lots 1-10, Block 11, in the NE¼NE¼ Section 14, T17N, R84W. The Randy Stevens Living Trust owns both the surface and mineral. Sand and gravel is the mineral being mined.

### Recent Operation History

\* The operator uses the site to stockpile various grades of rock, sand, and soil materials within the LMO disturbance boundary. Moss rock has been brought to the site from another location. **Removal and sale of the offsite rock requires the operator to obtain an approved mining operation for the rock removal location.**

\* Material removal (mining) remained active at the site and increased from 2015 through 2018. Compare **Photo #3** to **Photo #5** (and with Photos #3-#5 from the 2013-2015 Inspection Report) to compare material removal changes in the western portions of the operation between 2016 and 2018.

\* Mining has occurred along the north side of the operation (**Photos #3** and **#5**). Photos #10 and #11 display the most recent mining areas along the south side and east of the steel retaining wall.

On June 1, 2017 the LQD received an anonymous complaint concerning the perceived safety of the steel retaining wall and the adjacent Saratoga-Encampment-Rawlins Conservation District building. The LQD conducted an unannounced inspection June 2, 2017. Refer to the *Compliance-Other* section of this report for a summary of findings. The LQD contacted the party that submitted the original complaint on June 6<sup>th</sup> to inform them that we do not have the authority to regulate the mining concerns they have regarding the steel retaining wall. The Wyoming State Mine Inspector was contacted on June 5<sup>th</sup> and informed of our findings, including photos, and the safety issues were referred to them. The Town of Saratoga Directors of Public Works (Mr. Jon Winter) and Zoning and Planning (Mr. Dan Ferrin) were called for information about items related to the property boundaries. Mr. Ferrin requested a copy of the 6/29/15 letter from the LQD to Mr. Stevens.

On March 23, 2018 the LQD received a complaint from Mr. Steven Wilcoxson (Saratoga Town Council), complaining as a private citizen, about the safety of the wall. I contacted Mr. Stevens, informed him of my plans to inspect the site and requested the approval for Mr. Ferrin and Mr. Wilcoxson to attend. I meet with Mr. Ferrin, Mr. Stevens, and Mr. Wilcoxson at the site on 3/27/18. Refer to the *Compliance-Other* section of this report for a summary of findings.

**This inspection report incorporates LQD inspections conducted on June 23, 2016; June 2, 2017; July 5, 2017; and March 27, 2018.**

**Inspection Recipient and Attachment Information**

Recipient	Email	Address/Notes
Operator	Yes	QUALITY LANDSCAPE & NURSERY INC Dan Ferrin, Town of Saratoga, Planning and Zoning Terry Adcock, Wyoming State Mine Inspector Mr. Steve Wilcoxson, Citizen Complaint (March 2018) Anonymous Citizen Complaint (June 2017)

**Attachment Types:**  Photo Addendum  Map(s)  Table(s)  Other

**Attachment Notes**

Type	FileName	Size (MB)	# Pages
Cover Letter	2018-06-04_1496ET_Insp_Rpt_RV(2016-2017-03-28-18) _Cover_Letter_Final_Signed.pdf	0.53	1
Photos	2018-04-25_1496ET_Insp_Rpt_RV(2016-2017-03-28-18) _Photos_Merged.pdf	2.74	4



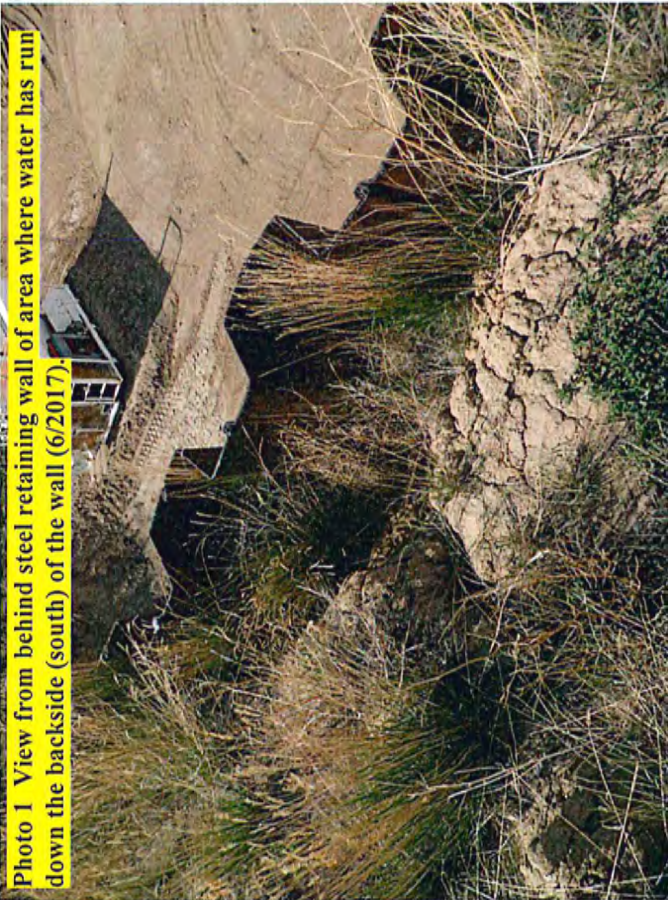


Photo 2 North side of steel retaining wall, note bulge in wall (6/2017).



Photo 3 Overview of operation & west side from the NW corner, note sediment containment ditch in lower right of photo (2016).

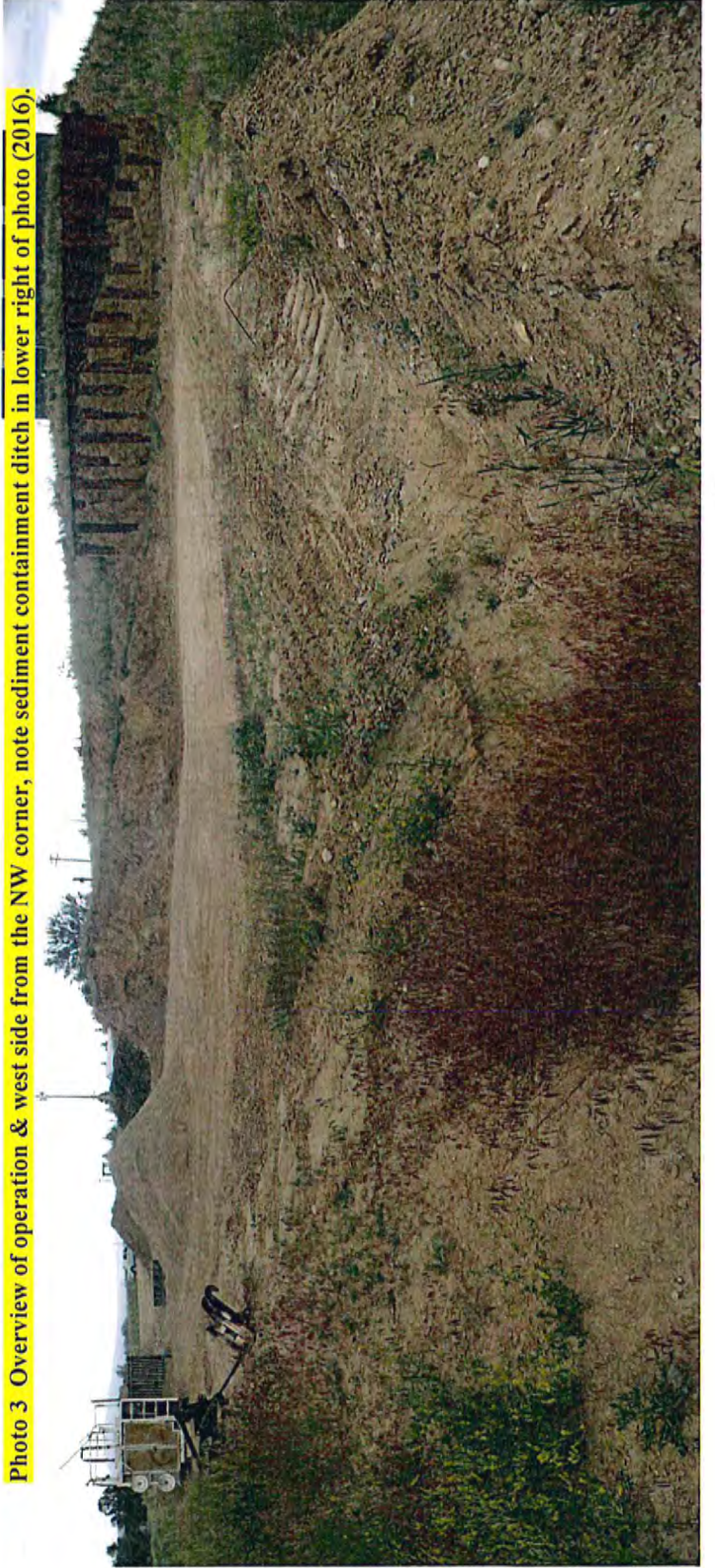




Photo 4 Overview of operation from NE corner, note mining floor is lower than Hugus Ditch berm on north (right side) (2016).



Photo 5 Overview of operation & west side from the NW corner, note sediment containment & operation delineation needed on west side (2018).







Photo 6 Overview of the west side of the operations, from the SW corner-west side of the steel retaining wall (7/2017).



Photo 8 LMO Entry sign south side of created soil material stockpile (7/2017).



Photo 7 North side steel wall, note all material mined from in front of the wall (2018).



**Photo 9 Created soil material stockpile (6/2017).**



**Photo 10 South side earthen highwall which was graded to more stable slope on 4/19/18 per the LQD's & WY State Mine Inspector's requests (2018).**

