



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor

Todd Parfitt, Director

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

RE: June and July 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 12th and July 26th 2018. The June inspection was conducted in response to complaints received by the LQD and as a follow-up to the work required as a result of the March 27, 2018 complaint inspection. One compliance work item pertaining to controlling noxious weeds and the associated deadline is outlined in the attached inspection report.

As noted in my letter dated June 4, 2018, please note that mining disturbance of LMO 1496ET encroaches approximately 2 feet south of the property boundary. During the March 27, 2018 Inspection, it was acknowledged by Mr. Wilcoxson (Town of Saratoga Council member) that the Town of Saratoga instructed you to mine up to the steel retaining wall. Since it appears the Town of Saratoga authorized you to remove material up to 2 feet inside their property line, the LQD will not pursue enforcement action (also previously noted). Please continue to monitor and perform any necessary maintenance for sediment containment, earthen highwall slope reduction and stability measures (i.e., remove vertical or almost vertical slopes), and the steel wall access protection measures (i.e., the no trespassing sign and fence along the toe of the wall).

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 June and July 2018 Inspection Report

Date: 1/25/19

DEQ Exhibit 5

DEQ 5 - 0001

**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

LMO Number:	ET1496	Operator:	QUALITY LANDSCAPE & NURSERY INC
Inspection Date:	7/26/2018	Inspector(s):	Rich Vincent
Report Date:	1/24/2019	Participant(s):	Randy Stevens, Owner Quality Landscape & Nursery, Inc., July 2018
Last Inspection:	3/27/2018	Current Bond:	\$1,000
Inspection Reason(s):	Annual, Follow-up	Field Conditions:	

Status:	Active	Approved Acreage:	1
County:	Carbon	Mineral:	Dirt
Total Disturbed Acres:	1.1		

Opening Comments

Located within the town of **Saratoga, WY** 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
<ul style="list-style-type: none"> Erosion Control 	Yes
<p>and Sediment Control:</p> <ul style="list-style-type: none"> * Little to no erosion was noted. * Water erosion behind the steel retaining wall installed by the Town of Saratoga was first noted in 2015. The bulge in the steel wall may have increased between the 2016 Inspection and the June 2017 Inspection, but did not appear to have increased between June 2017 and July 2018. * The operator installed a small sump in the NW corner of the operation on 6/30/15 to contain sediment onsite and keep runoff from flowing directly into Hugus Ditch. The sump at the NW corner remains functional (Photo #1). * A sediment control ditch-berm was installed along the west side of the operation to reestablish sediment control between the operation and the adjacent Wyoming Department of Transportation (WYDOT) property (Photo #1). 	
<ul style="list-style-type: none"> Fuel Storage 	Yes
<ul style="list-style-type: none"> * No fuel storage or leak stains were noted at the LMO. 	
<ul style="list-style-type: none"> Impoundments 	Yes
<ul style="list-style-type: none"> * No impoundments were observed. * Water could be contained onsite along the north side of the mining disturbance. 	

Inspection Topic	In Compliance
● Off-site/Permit Disturbance	No
<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 (Photos #1 & #2). 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 (March 2018 Inspection).</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>	
● Permit Signs	Yes
<p>* An LMO entry sign was posted at the southeast portion of the operation facing South River Street (east) (Photos #3 & #4).</p> <p>* The LMO entry sign contained the information required by LQD Non-coal Rules and Regulations (R&R), Chapter 10, Section 4(a).</p>	
● Roads and Culverts	Yes
<p>* No entrance road or culverts are associated with this LMO.</p>	
● Solid Waste Disposal	Yes
<p>* Several items related to the landscaping and nursery business located within the property limits have been added and removed from the site since 2013.</p> <p>* No real waste is located at the site.</p>	
● 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 (Photos #2-#4).</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>	
● Topsoil Salvage	Yes
<p>* It is unclear if topsoil was available for salvage prior to mining.</p> <p>* 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 2018 Inspections (Photo #2). The operator was requested to treat it during the June 2017 Inspection.</p> <p>* No other noxious weed infestations were noted during the inspections, although several weedy species have invaded the disturbed areas.</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.</p> <p>* The operator reduced the south earthen highwall slopes by partially regrading and backfilling the area east of the steel wall (Photo #2). Continue to maintain the reduced earthen highwall slopes or backfilling adjacent to the slopes to eliminate vertical or unstable slopes.</p> <p>* Maintain the chain-link fence north of the berm to restrict access to the area directly below the steel wall (Photo #1).</p>	

Inspection Topic	In Compliance
● Vegetation	Yes
* No seeding or reclamation has been conducted at this site.	

Actions Required

Inspection Topic	Inspection Date	Proposed Resolution Date
Weed Control	7/26/2018	5/15/2019
Control Canada thistle during the 2019 growing season. Initiate noxious weed control and provide photo documentation to the LQD before May 15, 2019.		

Actions Completed Since Last Inspection

Inspection Topic	Inspection Date	Proposed Resolution Date	Resolution Date
Erosion Control	3/27/2018	6/15/2018	6/6/2018
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.			

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.

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.** Offsite material and soil has been brought on-site to use in the landscaping business (**Photo #1**). Material removal (mining) remained active at the site and increased from March 2018 through July 2018. Material removal along the north side of the operation continued (Compare **Photos #1 & #5**). Portions of the north side cribbing have been removed (**Photo #6**).

After the March 27, 2018 Inspection, the LQD received six additional phone calls commenting or complaining about the operation, or stating that material from an unauthorized location was being brought to the operation and used for the landscaping business (i.e., sold as mineral product). Three calls were from Mr. Steven Wilcoxson and a fourth call was from the Wyoming Local Government Liability Pool at the request of Mr. Wilcoxson. **This inspection report summarizes the site reviews conducted by the LQD on June 12th and July 26th 2018.** These 2018 inspections were conducted to review the LQD required compliance and maintenance work resulting from the March 27, 2018 Inspection. The LQD also attempted to confirm if offsite material from an unauthorized operation was being brought onsite for processing and sale. As noted in the *Compliance-Off-Site/Permit Disturbance* section, the LQD will follow the court's rulings and requirements when notified that requirements contrary to the current site condition have been provided to the LQD.

Inspection Recipient and Attachment Information

Recipient	Email	Address/Notes
Operator	Yes	QUALITY LANDSCAPE & NURSERY INC

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

Attachment Notes

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Type	FileName	Size (MB)	# Pages
Cover Letter	2019-01-25_1496ET_Insp_Rpt_RV(06-12&07-26-18) _Cover_Letter_Final_Signed.pdf	0.44	1
Photos	2019-01-15_1496ET_Insp_Rpt_RV(06-12&07-26-18) _Photos_Merged.pdf	1.93	3

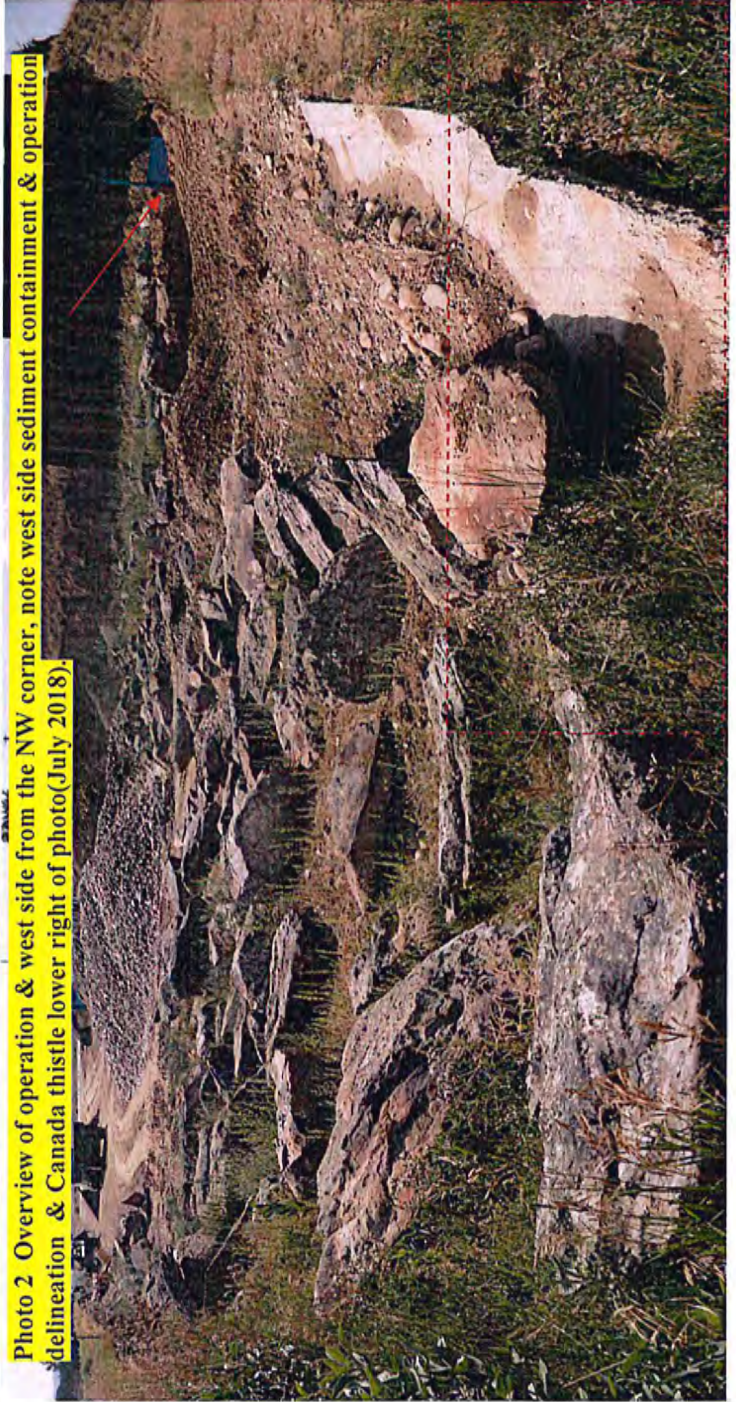
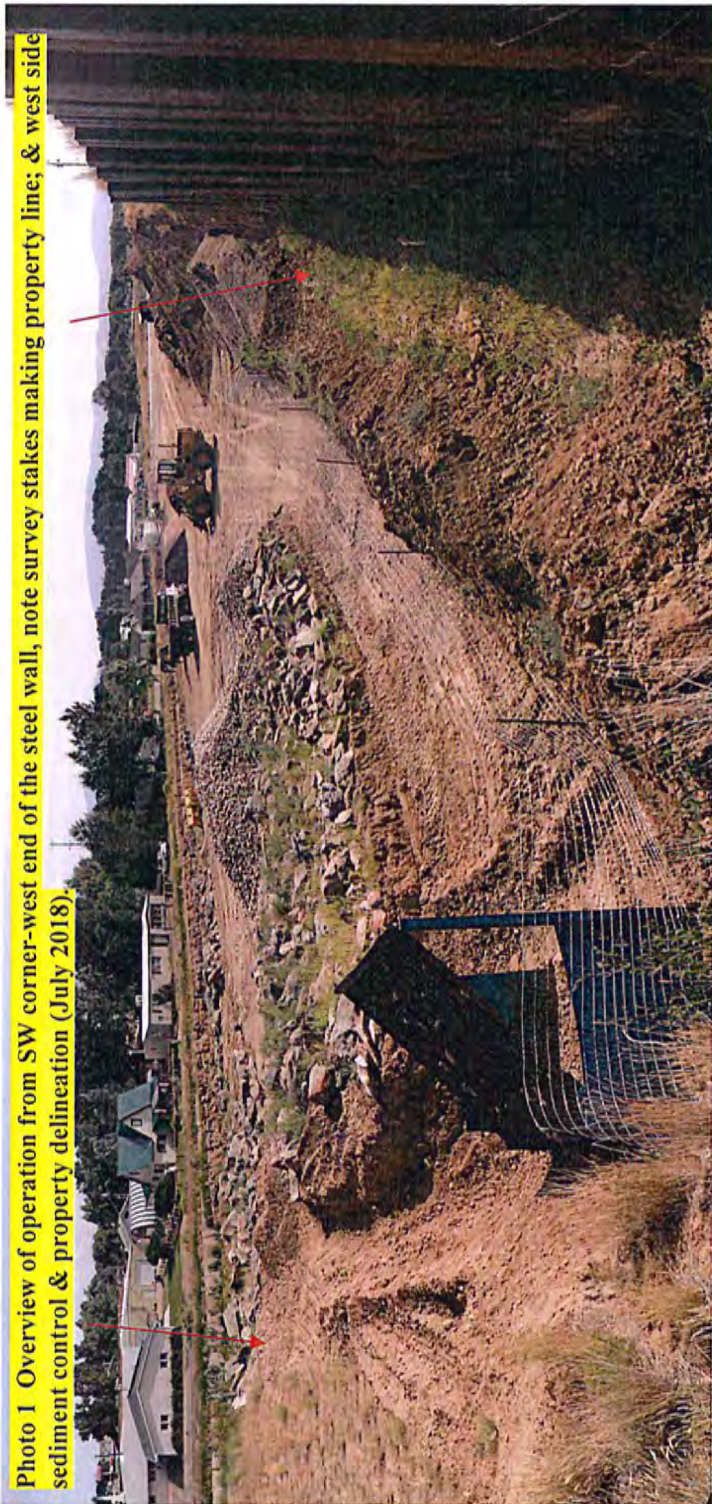


Photo 3 South & east portion of the operation from east, note entry sign & "created" soil material (June 2018).

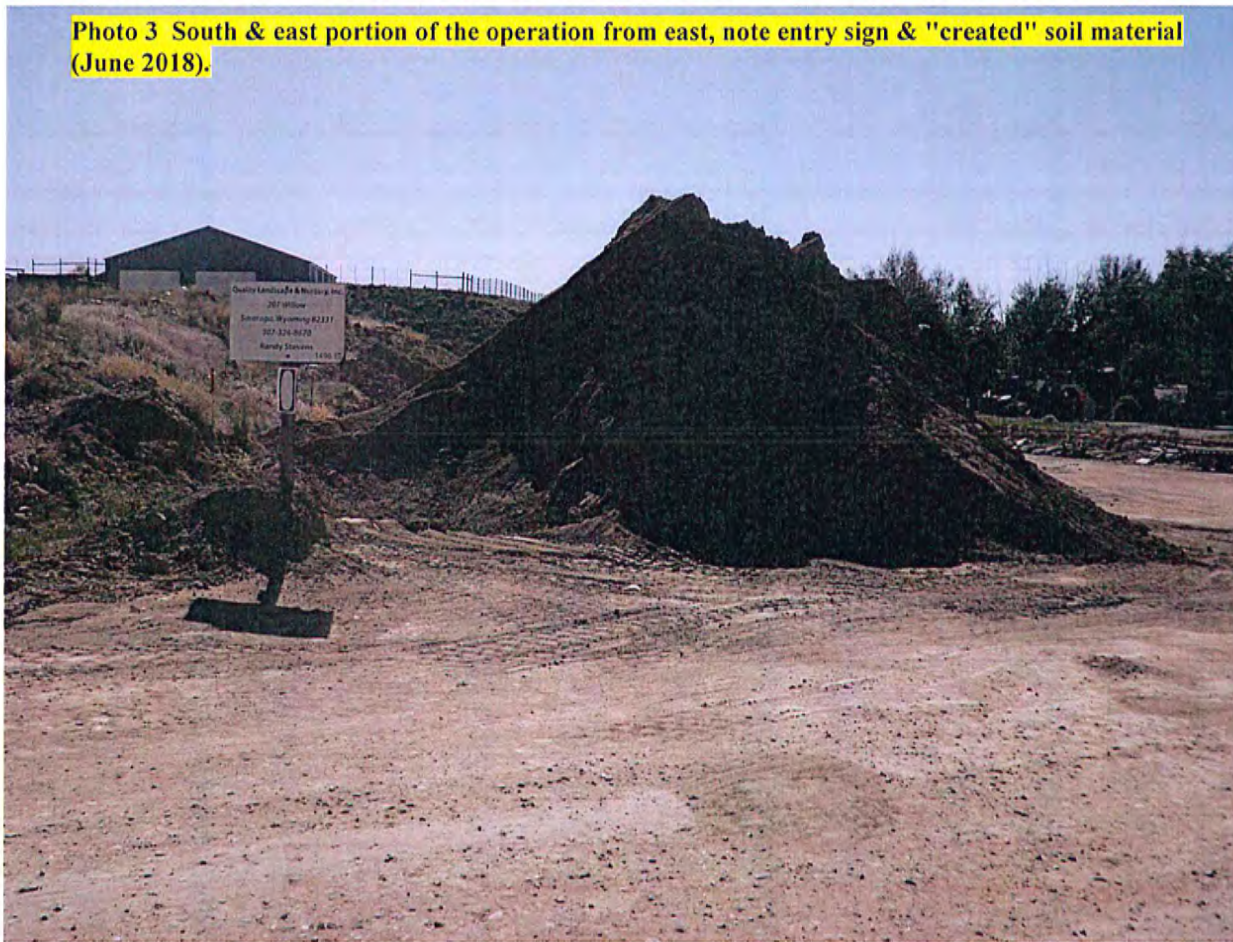


Photo 4 South & east portion of the operation from east, note entry sign & "created" soil material (July 2018).

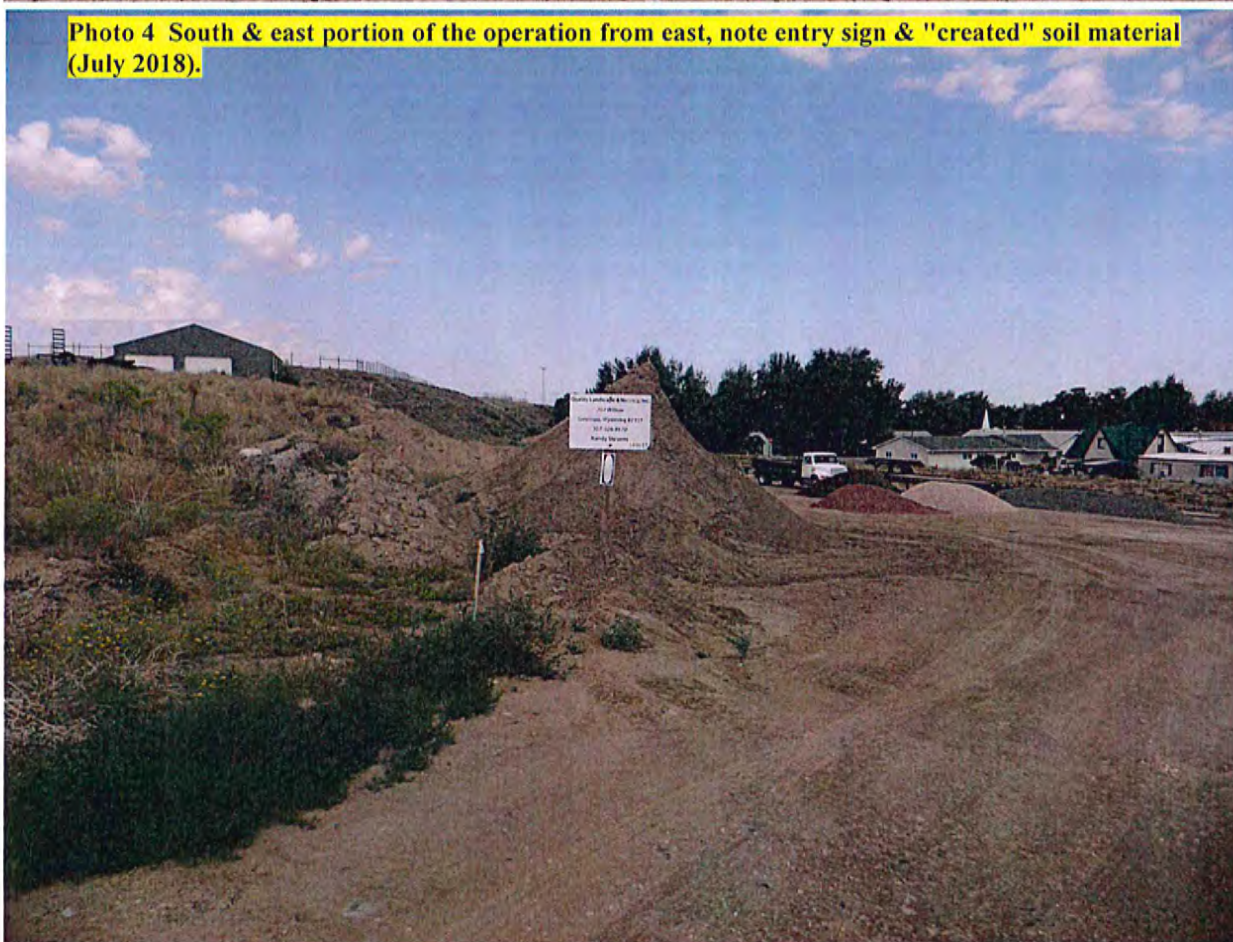


Photo 5 Overview from west end of steel wall, compare with Photo #1 (June 2018).

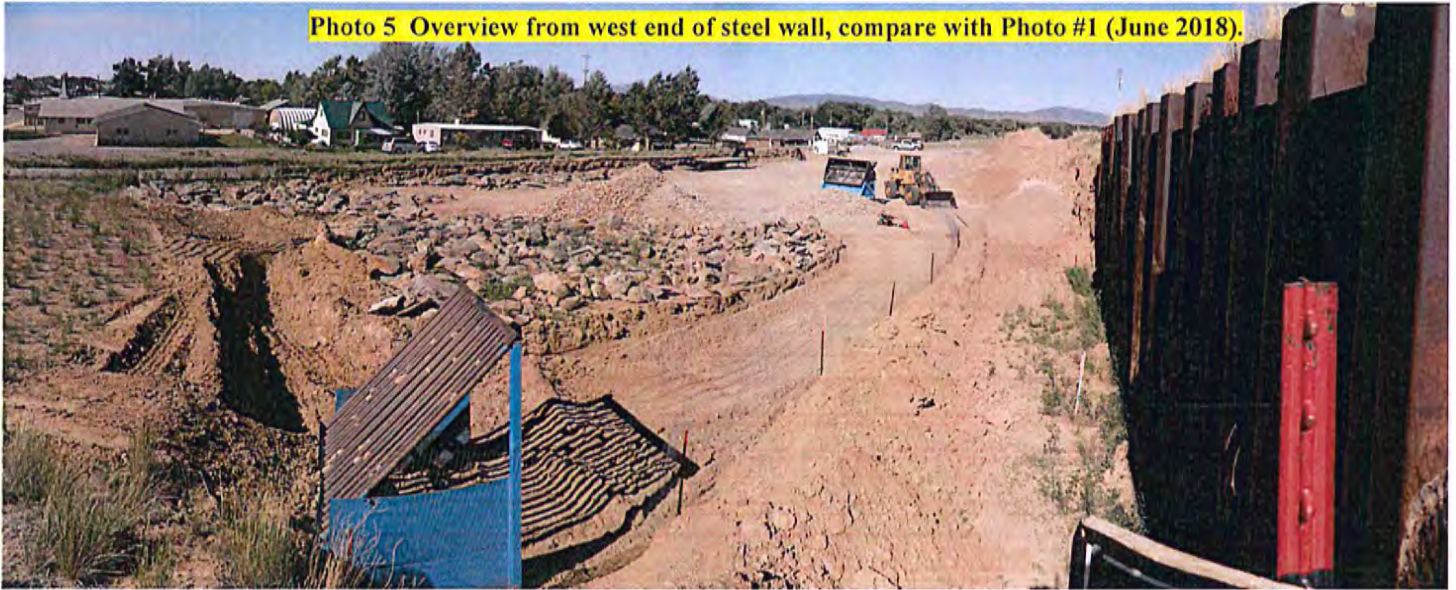


Photo 6 North wall along Hugus Ditch where some of the cribbing was removed (July 2018).

