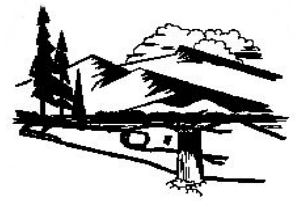




Filed: 7/12/2023 11:34:27 AM WEQC  
Department of Environmental Quality

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

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

**RE: 2020 Annual Inspection Report, Randy Stevens, Quality Landscape & Nursery, Inc., Limited Mining Operation (LMO) 1496ET**

Dear Mr. Stevens:

Enclosed is a copy of the referenced inspection report. The Land Quality Division (LQD) conducted an annual inspection of the LMO on July 14, 2020 and additional inspections on April 29, 2020, September 24, 2020, and October 15, 2020. LQD noted off site impacts and material damage as a result of mining during this inspection. The details are noted in the compliance section of the enclosed inspection report.

If there are any incorrect or misleading statements within this report, or if you have any comments, please respond in writing in order for your comment to become part of the written record in the permit file.

If you have any questions or require further information, please contact me at 307-77-5922 or [brian.goodnough@wy.gov](mailto:brian.goodnough@wy.gov).

Sincerely,

Brian Goodnough

Date: 03/03/2021

Brian Goodnough  
Surface Water Hydrologist  
LQD District 1

Enclosure

cc: Robin Jones, Cheyenne DEQ-LQD  
Matt VanWormer, Attorney General's Office  
Heather Kroupa, State Mine Inspector

**DEQ Exhibit 7**

**DEQ 7 - 0001**

**LIMITED MINE OPERATION (LMO)  
INSPECTION REPORT**

Wyoming Department of Environmental Quality, Land Quality Division  
200 W. 17th 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>	7/14/2020	<b>Inspector(s):</b>	Brian Goodnough
<b>Report Date:</b>	3/3/2021	<b>Participant(s):</b>	None
<b>Last Inspection:</b>	6/13/2019	<b>Current Bond:</b>	\$66,000
<b>Inspection Reason(s):</b>	Annual, Follow-up	<b>Field Conditions:</b>	Sunny 88°F @ 3:30 pm

<b>Status:</b>	Active	<b>Approved Acreage:</b>	1
<b>County:</b>	Carbon	<b>Mineral:</b>	Dirt
<b>Total Disturbed Acres:</b>	1.03		

**Opening Comments**

Authorization of the Limited Mining Operation (LMO) was issued to Quality Landscape & Nursery, Inc. (QLN) on July 22, 2010. The LMO is located in Lots 1 thru 11, Block 1 (NE1/4NE1/4 of Section 14 T17N R84W) within the Town of Saratoga, Wyoming.

QLN is required to submit an Annual Report to Land Quality Division (LQD) on or before July 22 of each year. LQD did not received the 2019-2020 Annual Report within this time period. LQD sent a Notification of Late Annual Report on September 29, 2020 and it required QLN to submit the Annual Report within 30 days of receiving the notification. The 30 day deadline concluded on October 29, 2020. LQD issued a Notice of Violation (NOV), Docket No. 6063-20 on December 16, 2020 for the failure to submit the 2019-2020 Annual Report. QLN submitted the 2019-2020 Annual Report to LQD on January 12, 2021. LQD reviewed the Annual Report and it was deemed technically deficient and provided QLN the deficiencies on January 22, 2021. QLN has provided LQD with a responses to the Annual Report deficiencies on February 19, 2021.

QLN signed Notice of Violation Settlement Agreement (NOVSA) for the NOV Docket No. 5970-19 on July 8, 2020. With the signing of this NOVSA, it has been established that there is no more minable areas within the legal description of LMO 1496ET. LQD continues to monitor and document the volume fluctuations of materials stockpiled at the LMO 1496ET (**Photos #1 thru #4**). LQD has established that the stockpiled materials located on the LMO were imported from the 13th Street Property. LQD would like to reiterate that these materials cannot be sold for commercial use and only be utilized for personal use on your own property.

Again, LQD has received QLN's annual reports over the last five years and mined materials reported have been minimal. QLN continues to use the LMO for mixing imported materials and this activity has been documented in pervious inspection reports. QLN has converted the LMO into a sales yard with commercial signs posted at the entrance of the LMO and constructed a commercial access from S 1st Street (**Photos #5 thru #7**). These activities are not considered mining under W.S. § 35-11-401(e)(vi) or Noncoal Rules and Regulations, Chapter 10 Limited Mining Operations for Fifteen Acres of Affected Lands. As agreed upon in the NOVSA, QLN has until July 8, 2022 to complete the requirements described in this agreement. If QLN does not complete these requirements within this deadline, QLN must proceed with LMO reclamation as described in the NOVSA.

**Compliance Assessment**

**DEQ 7 - 0002**

Inspection Topic	In Compliance
Compliance	Yes
LQD conducted the annual inspection on July 14, 2020. LQD conducted additional inspections on April 29, 2020, September 24, 2020 and October 15, 2020.	
● Erosion Control	Yes
No erosion issues were noted during the inspection.	
● Fuel Storage	Yes
There is no fuel stored on site.	
● Impoundments	Yes
Impoundments are not associated with this LMO.	
● Off-site/Permit Disturbance	No
Mining has occurred outside the legal description and has resulted in material damage to the steel retaining wall and removed material from the adjacent property. This compliance issue was conditionally resolved with the July 8, 2020 Settlement Agreement for NOV Docket No. 5970-19 (Photos #8 & #9).	
● Other	Yes
As requested, QLN has installed a fence and constructed a small berm at the foot of the steel retention wall (Photos #10). QLN has posted danger signs around the perimeter and above of the steel retention wall.	
● Permit Signs	Yes
The LMO identification sign was in place at the entrance of the mine and posted the required information.	
● Roads and Culverts	Yes
QLN was granted authorization to construct commercial access on the south side of the LMO by the Wyoming Department of Transportation. The public access is from S 1st Street into the LMO. The materials excavated to construct the access have been stockpile on the LMO. The material volumes will need to be recorded on the 2020-2021 Annual Report.	
● Solid Waste Disposal	Yes
There was no solid waste was stored at this LMO.	
● Topsoil Salvage	Yes
There was no topsoil stored at this LMO.	
● Weed Control	Yes
Weeds were not a concern at this time.	

**Inspection Summary Comments**

LQD will continue to monitor the material stockpile volumes and the material damage to the steel retaining wall at the LMO. LQD would like to reiterate the NOVSA for the NOV, Docket No. 5970-19 deadline of July 8, 2022 to complete the requirements described in this agreement. If QLN does not complete these requirements within this deadline, QLN must proceed with LMO reclamation as described in the NOVSA.

**Inspection Recipient and Attachment Information**

Recipient	Email	Address/Notes
Operator	Yes	QUALITY LANDSCAPE & NURSERY INC Randy Stevens, randyqln@union-tel.com
State Mine Inspector	Yes	STATE MINE INSPECTOR Heather Kroupa, heather.kroupa@wyo.gov
Attorney General's Office	Yes	ATTORNEY GENERAL'S OFFICE Matt VanWormer, matt.vanwormer@wyo.gov

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

**Attachment Notes**

This inspection report will be sent via email only. Hard copy can be sent upon request. Please contact LQD to request hard copy.

Type	FileName	Size (MB)	# Pages
Cover Letter	2020-10-16-1496ET-CL-030321.pdf	0.66	1
Photos	2020-10-16-1496ET-IR-Photos.pdf	1.33	5

**DEQ 7 - 0004**

**2020 ANNUAL INSPECTION REPORT  
QUALITY LANDSCAPE & NURSEY, INC.  
LIMITED MINING OPERATION 1496ET**

**PHOTO ADDENDUM**



**Photo #1: Materials stockpiled against the highwall on the south side of the permit boundary. Photo taken on April 29, 2020.**



**Photo #2: Materials stockpiled against the highwall on the south side of the permit boundary. Photo taken on July 14, 2020.**





**Photo #3:** The material stockpiles have been removed from the LMO. Photo taken on September 24, 2020.



**Photo #4:** New material stockpiles located on the LMO. Photo taken on October 15, 2020.



**Photo #5: Permit identification sign posted at entrance of the LMO. Photo taken on July 14, 2020.**



**Photo #6: Commercial sign posted on the LMO. Photo taken on July 14, 2020.**





**Photo #7: QLN constructed commercial access to the LMO. Photo taken on October 15, 2020.**



**Photo #8: Mining has occurred outside the legal description and has resulted in material damage to steel retaining wall and adjacent property. Photo taken on July 14, 2020.**

DEQ 7 - 0008





**Photo #9: Mining has occurred outside the legal description and has resulted in material damage to steel retaining wall and adjacent property. Photo taken on July 14, 2020.**



**Photo #10: QLN installed and maintains a fence around the perimeter of the steel retaining wall. Photo taken on July 14, 2020.**