



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: 2021 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 April 27, 2021. LQD continues to monitor any off site impacts and mining evidence 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.

Sincerely,

Date: 06/23/21

Brian Goodnough
Permit Coordinator
LQD District 1

Enclosure

cc: Robin Jones, Cheyenne DEQ-LQD
Matt VanWormer, Wyoming Attorney General's Office
Heather Kroupa, State Mine Inspector
James Salisbury, The Salisbury Firm, P.C. – Attorneys at Law

DEQ Exhibit 8

DEQ 8 - 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:	4/27/2021	Inspector(s):	Brian Goodnough
Report Date:	6/23/2021	Participant(s):	None
Last Inspection:	3/3/2021	Current Bond:	\$66,000
Inspection Reason(s):	Annual	Field Conditions:	Overcast, 49°F @ 11:43 am

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

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 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 has received QLN's annual reports and it has been reported that mined materials have been minimal. QLN continues to use the LMO for mixing imported materials and this activity has been documented in previous inspection reports. QLN has converted the LMO into a sales yard with commercial signs posted at the entrance of the LMO. Also, QLN constructed a commercial access from S 1st Street (**Photo #1**). 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 provide the approved site plan described in Section 7(c) of the agreement. If QLN does not fulfill the conditions set forth in Section 7(c), then QLN must proceed with developing an alternative plan to stabilize and reclaim LMO 1496ET in accordance with Section 7(d) of the agreement.

Compliance Assessment

Inspection Topic	In Compliance
Compliance	Yes
<p>April 2021 Field Inspection: LQD walked the perimeter of the mining operation to conduct the annual inspection. LQD continues to monitor and document the volume fluctuations of materials stockpiled at the LMO 1496ET. As noted in the photos, QLN has minimal materials stockpiled on the pit floor. The photo documentation illustrates the material stockpiles located on the pit floor and the volume fluctuations from July 14, 2020, September 24, 2020, and May 27, 2021 (Photos #2 thru #7).</p>	
<ul style="list-style-type: none"> Erosion Control 	Yes
No erosion issues were noted during the inspection.	

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Inspection Topic	In Compliance
● Off-site/Permit Disturbance	Yes
Mining has occurred outside the legal description and the mining has resulted in material damage to the sheet pile retaining wall. The operator has 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 (Photo #8).	
● Other	Yes
As requested, QLN has installed a fence and constructed a small berm at the foot of the sheet pile retention wall (Photos #9 & #10). QLN has posted danger signs around this wall.	
● Permit Signs	Yes
The LMO identification sign was in place at the entrance of the mine and posted the required information (Photo #11).	
● 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 (State Highway 230) into the LMO (Photo #12). The materials excavated to construct the access have been stockpiled on the LMO. The material volumes will need to be recorded on the 2020-2021 Annual Report.	

Inspection Summary Comments

LQD will continue to monitor the material stockpile volumes and any material damage to the sheet pile retaining wall and property adjacent to 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, LQD will proceed with the forfeiture process and execute the option to recover any additional cost to reclaim the LMO.

Inspection Recipient and Attachment Information

Recipient	Email	Address/Notes
Operator	Yes	QUALITY LANDSCAPE & NURSERY INC Randy Steven, randyqln@union-tel.com
Wyoming Attorney General's Office	Yes	WYOMING ATTORNEY GENERAL'S OFFICE Matt VanWormer, matt.vanwormer@wyo.gov
The Salisbury Firm, P.C.	Yes	The Salisbury Firm, P.C. - Attorneys at Law James R. Salisbury, jim@lawwyo.com

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	2021-04-27-1496ET-CL-062321.pdf	0.07	1
Photos	2021-04-27-1496ET-IR-Photos.pdf	1.29	3

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**2021 ANNUAL INSPECTION REPORT
QUALITY LANDSCAPE & NURSEY, INC.
LIMITED MINING OPERATION 1496ET**

PHOTO ADDENDUM



Photo #1: General overview of the commercial sign posted at the east entrance of the LMO.



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



Photo #3: Materials stockpiled against the highwall on the south side of the LMO boundary. The stockpiled material has decreased in volume. Photo taken September 24, 2020.



Photo #4: Materials stockpiled against the highwall on the south side of the LMO boundary. The stockpiled material has decreased in volume. Photo taken September 24, 2020.



Photo #5: Materials stockpiled against the highwall on the south side of the LMO boundary. The stockpiled material has decreased in volume. Photo taken May 27, 2021.



Photo #6: Materials stockpiled against the highwall on the south side of the LMO boundary. The stockpiled material has decreased in volume. Photo taken May 27, 2021.



Photo #7: Materials stockpiled against the highwall on the south side of the LMO boundary. The stockpiled material has decreased in volume. Photo taken May 27, 2021.



Photo #8: General overview of steel retaining wall looking east. Mining has resulted in material damage to the steel retaining wall. The middle of the wall is slowly bulging out towards the north.



Photo #9: QLN installed and maintains a fence around the perimeter of the steel retaining wall. Mining outside the LMO boundary has resulted in material damage to the steel retaining wall.



Photo #10: QLN installed and maintains a fence around the perimeter of the steel retaining wall. Mining outside the LMO boundary has resulted in material damage to the steel retaining wall.



Photo #11: Permit identification sign posted at entrance of the LMO.



Photo #12: QLN constructed commercial access to the LMO.