



# 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

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED: 7016 0750 0000 8179 8511**

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

**RE: Notice of Violation, Docket No. 5970-19, Quality Landscape & Nursery, Inc., Limited Mining Operation, 1496ET**

Dear Mr. Stevens:

Enclosed you will find a Notice of Violation issued against Quality Landscape & Nursery, Inc. under the provisions of W.S. §35-11-701(c)(i). The Notice of Violation is for mining that has occurred outside the legal description of this authorization and mining has caused material damage to the adjacent property. Additionally, there has been a failure to salvage topsoil for reclaiming the mining operation.

The Land Quality Division (LQD) is attempting to resolve this issue without further enforcement action and requires that Quality Landscape & Nursery, Inc. contact Robin Jones, LQD District 1 Supervisor, within fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should a resolution of the enforcement action be reached as a result of this meeting, a settlement agreement will be signed.

If you have questions, please contact Robin Jones, LQD District 1 Supervisor, at (307) 777-8956 or Brian Goodnough at (307) 777-5922 or [brian.goodnough@wyo.gov](mailto:brian.goodnough@wyo.gov).

Sincerely,

Todd Parfitt  
Director  
Department of Environmental Quality

Kyle Wendtland  
Administrator  
Land Quality Division

Date: September 20, 2019

Enclosure: Notice of Violation Docket No. 5970-19

**DEQ Exhibit 15**

cc: Matt VanWormer, Attorney General's Office  
Cheyenne DEQ-LQD Upload  
Karin Quigley, LQD Administrator's Administrative Assistant  
Jody Paessler, DEQ Director's Administrative Assistant  
Robin Jones, Brian Goodnough, DEQ-LQD District 1

**DEQ 15 - 0001**

**BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

**IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )**


**Quality Landscape & Nursery, Inc. )  
Mr. Randy Stevens )  
P.O. Box 1074 )  
Saratoga, Wyoming 82331 )**

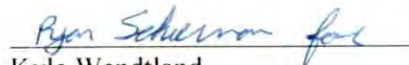
**DOCKET NUMBER # 5970-19**

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to the Environmental Quality Act (EQA), Wyoming Statute (W.S.) §35-11-701(c)(i) which requires that a written notice shall be issued in case of failure to correct or remedy and alleged violation.
2. The Land Quality Division (LQD) Noncoal Rules and Regulations (NCRR) Chapter 10, Section 1(a)(ii) states the notification must contain written consent for the operation from the surface owner and surface lessee, if any, of the lands to be affected. The Limited Mining Operation (LMO) 1496ET Form 10 lists the legal description as Lots 1 thru 10 Block 11 to be affected by the mining operation. LQD has determined that mining has occurred outside of this legal description without surface owner consent and this mining has caused material damage to the adjacent property.
3. LQD NCRR Chapter 10 Section 1(a)(v)(A)(B)(I) states the notification must provide a legal description of the fifteen (15) acres or less of land to be affected. The LMO operator provided a legal description of Lots 1 thru 10 Block 11 to be affected by mining operation. LQD has determined that mining has occurred outside of this legal description and this mining has caused material damage to the adjacent property.
4. LQD NCRR Chapter 10 Section 4 (b) states all topsoil from the affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion. Such stockpiles shall be clearly identified by a sign. Topsoil cannot be sold or removed from site. LQD noted in the 2019 Annual Inspection that there was no topsoil stockpiled at LMO 1496ET.
5. EQA W.S. §35-11-901(a) provides that any persons who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted there under is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought on by the Attorney General in the name of the People of the State of Wyoming.

Signed this 20 day of September, 2019.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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Kyle Wendtland  
Administrator  
Land Quality Division