



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: 7021 2720 0001 0121 5108

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

James Salisbury
The Salisbury Firm, P.C. – Attorneys at Law
P. O. Box 1617
Cheyenne, WY 82003

RE: Notice of Violation, Docket No. 6183-22, Quality Landscape & Nursery, Inc., Stevens Mine, Limited Mining Operation, ET1496

Dear Mr. Stevens:

At this time the Department of Environmental Quality (DEQ), Land Quality Division (LQD) is notifying you that Notice of Violation (NOV) Docket No. 6183-22 is being issued to you for the failure to fulfill the terms of the Settlement Agreement for Docket No. 6176-22.

Actions required by the Settlement Agreement for Docket No. 6176-22 have exceeded the cure period established by LQD. Please note that as of and including October 10, 2022, the stipulated penalty provision of Item 7.f. of the Settlement Agreement for Docket No. 6176-22 is fully engaged.

This, unfortunately, leaves LQD with no other option except to issue this NOV to initiate the process for forfeiting the reclamation performance bond for Limited Mining Operation (LMO) ET1496 for violating both the Settlement Agreement and the Wyoming Environmental Quality Act (Act). LQD may also refer this matter to the Wyoming Attorney General's Office if the forfeited bond is inadequate to cover the costs of final reclamation, and may seek to enforce the stipulated penalty contained in the Settlement Agreement, as well as any injunctive and other relief as provided under the Act.

If you have further questions related to LQD's actions in this matter, please contact me at 307-777-7046, or at kyle.wendtland@wyo.gov.

Sincerely,

Todd Parfitt, Director
Department of Environmental Quality

Kyle Wendtland, Administrator
Land Quality Division

Enclosure: Notice of Violation Docket No. 6183-22
cc: David DeWald, Attorney General's Office
Robin Jones, Brian Goodnough, LQD District 1 Supervisor
deq-lqd.upload@wyo.gov
Karin Quigley, LQD Administrator's Administrative Assistant
Jamie Jenkins, DEQ Director's Administrative Assistant

DEQ Exhibit 20

DEQ 20 - 0001

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:)
)
) **DOCKET NO. 6183-22**
QUALITY LANDSCAPE & NURSERY, INC. ET1496)
ATTN: RANDY STEVENS)
P.O. BOX 1074)
SARATOGA, WYOMING 82331)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute § 35-11-701(c)(i) which requires that a written notice be issued in the case of failure to correct or remedy an alleged violation.
2. The Settlement Agreement (SA) for Docket No. 5970-19 specified under Item 7 that Quality Landscape & Nursery, Inc. (Quality Landscape) provide a site plan (Item 7.c.) or an alternative plan (Item 7.d.) to the Department of Environmental Quality/Land Quality Division (DEQ/LQD) by July 29, 2022. This site plan or the alternative plan were to address their respective requirements specified in the SA. As of August 10, 2022, the DEQ/LQD has not received a site plan or alternative plan that addresses the requirements of the SA.
3. The NOV for Docket No. 6176-22 provided notice of violation to Quality Landscape for violating the terms of the executed SA for Docket No. 5970-19. The DEQ/LQD provided Quality Landscape a reasonable opportunity of 45 (forty-five) days to cure this violation. As of October 3, 2022, the DEQ/LQD has not received a site plan or alternative plan that addresses the requirements of the SA. Quality Landscape requested an extension of the deadline to cure this violation by October 7, 2022. Finally, Quality Landscape was unable to provide a site plan or an alternative plan within the time frames established by the SA for Docket No. 5970-19 or NOV for Docket No. 6176-22.
4. DEQ/LQD is providing notice of violation to Quality Landscape for violating the terms of the executed SA for Docket No. 5970-19 and NOV for Docket No. 6176-22. Therefore, DEQ/LQD will seek approval from the Environmental Quality Council to initiate the process for forfeiting the reclamation performance bond. DEQ/LQD holds a \$66,000 bond for Limited Mining Operation ET1496.
5. Wyoming Statute § 35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted thereunder is subject to a penalty of up to ten thousand dollars (\$10,000.00) for each day of violation, a temporary or permanent injunction, or both a penalty and an injunction. Such penalties or injunctive relief may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

DATED THIS 17th day of October, 2022



Todd Parfitt
Director
Department of Environmental Quality



Kyle Wendtland
Administrator, Land Quality Division
Department of Environmental Quality