



Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

May 15, 2008

**CERTIFIED MAIL #7007 1490 0001 0735 7555
RETURN RECEIPT REQUESTED**

Mr. Randy Stevens
Quality Landscape
P.O. Box 1074
Saratoga Wyoming 82331

RE: Notice of Violation, TFN 5 2/25, Docket No. 4271-08

Dear Mr. Stevens:

Enclosed you will find a Notice of Violation under the provisions of Wyoming Statute § 35-11-701(c)(i). The Notice of Violation is based on you failure to obtain a permit. The failure to obtain Land Quality Division authorization prior to the start of mining operations was verified during an inspection on April 28, 2008.

The inspection documented that Quality Landscape failed to obtain Land Quality Division authorization prior to the start of mining operations. This action is in violation of the Department of Environmental Quality Act §35-11-401(e)(vi).

In an effort to resolve this matter without further legal action, the LQD is requesting you contact Mr. Lowell Spackman, LQD, District I Supervisor at 307-777-7052 or at lspack@state.wy.us within fifteen (15) days of receipt of this letter to schedule a meeting to discuss resolution of this enforcement action. Should a resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement will be signed by both parties.

If you should have any questions regarding this letter, please contact Mr. Spackman at the above noted telephone number. Thank you in advance for your cooperation in this matter.

Respectfully,

Donald R. McKenzie
Administrator
Land Quality Division

John V. Corra
Director
Department of Environmental Quality

DEQ 28 - 0001

cc: Lowell Spackman, LQD; District I; Harold Kemp, State Lands

DEQ Exhibit 28

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7368
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO
MR. RANDY STEVENS
QUALITY LANDSCAPE
P.O. BOX 1074
SARATOGA, WY 82331
TFN 5 2/25

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DOCKET NO. 4271-08

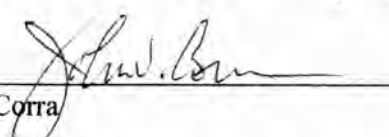
NOTICE

NOTICE IS HEREBY GIVEN THAT:

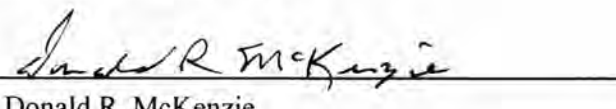
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation. This site is located in Carbon County.
2. The violations noted on this mine site were discovered by Bill Hogg, Land Quality Division, District I, during an inspection conducted on April 25, 2008. Harold Kemp of the Wyoming Land and Farm Board had informed LQD that you had started operations without DEQ/LQD approval.
3. The inspection documented that Quality Landscape failed to obtain Land Quality Division authorization prior to the start of mining operations. This action is in violation of the Department of Environmental Quality Act §35-11-401(e)(vi).
4. The topsoil that was salvaged was not protected from wind and water erosion and identification signs were not in place. Failure to salvage, protect and identify topsoil material is a violation of Noncoal Rules and Regulations Chapter 10, Section 4.(b).
5. The Environmental Quality Act §35-11-401(e)(vi) requires the operator to have written permission of the owner and lessee of the land that is to be mined.
6. 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 hereunder is liable to a penalty of ten dollars (\$10,000.00) for each day of violation, which penalty 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 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.

SIGNED this 14 day of May, 2008



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

CERTIFIED MAIL # 1007 1490 0001 0735 7533
RETURN RECEIPT REQUESTED
DOCKET NO.
TFN 5 2/25

cc: Lowell Spackman, LQD; Harold Kemp, State Lands
TFN 5 2/25

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To *Randy Stevens*
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

DEQ 28 - 0003

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>John Spencer</i></p> <p>B. Received By (Printed Name) <input type="checkbox"/> Agent <i>John Spencer</i> <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery <i>5-16-08</i></p>
<p>1. Article Addressed to:</p> <p><i>Mr. Randy Stevens</i> <i>Quality landscape</i> <i>PO Box 1074</i> <i>Saratoga WY 82331</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7007 1490 0001 0735 7555</p> <p>RECEIVED MAY 16 2008 SARATOGA WY 82331 USPS</p> <p><i>7555225</i> <i>NOV 08</i></p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540