



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: 7020 0640 0000 7739 5271

Mr. Randy Stevens
P.O. Box 1074
Saratoga, Wyoming 82331

RE: Notice of Violation, Docket No. 6044-20, Randy Stevens

Dear Mr. Stevens:

Enclosed you will find a Notice of Violation issued to you under the provisions of W.S. §35-11-701(c)(i). The Notice of Violation is for conducting mining operations without notification or authorization in violation of the Environmental Quality Act. You have willfully and knowingly extracted solid minerals from the property located within SENE & NESE of Section 10, T17N, R84W without LQD notification or authorization. This action is a violation of Wyoming Statutes § 35-11-401(a).

The Land Quality Division (LQD) is attempting to resolve this issue without further enforcement action and requires that you 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.

Sincerely,

Todd Parfitt
Director
Department of Environmental Quality

Kyle Wendtland
Administrator
Land Quality Division

Date: August 24, 2020

Enclosure: Notice of Violation Docket No. 6044-20

cc: Matt VanWormer, Attorney General's Office
Robin Jones, Cheyenne DEQ-LQD
deq-lqd.upload@wyo.gov
Karin Quigley, LQD Administrator's Administrative Assistant
Jody Paessler, DEQ Director's Administrative Assistant

DEQ Exhibit 30

DEQ 30 - 0001

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

NOTICE OF VIOLATION

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

**Mr. Randy Stevens)
P.O. Box 1074)
Saratoga, Wyoming 82331)**

DOCKET NUMBER [6044-20]

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to the Environmental Quality Act (EQA), Wyoming Statutes § 35-11-701(c)(i), which requires that a written notice be issued in case of failure to correct or remedy an alleged violation.
2. The EQA, at W.S. § 35-11-401(a), states that no mining operation or operation by which solid minerals are intended to be extracted from the earth shall be commenced after the effective date of the act, except in accordance with its requirements.
3. Randy Stevens, at all times relevant to this Notice of Violation, owned the real property located within SENE & NESE of Section 10, T17N, R84W (Property).
4. Mr. Stevens willfully and knowingly extracted solid minerals from the Property without DEQ-LQD notification or authorization. This action is a violation of W.S. § 35-11-401(a).
5. As an exception to W.S. § 35-11-401(a), the EQA permits a landowner, without authorization, to extract sand, gravel, dirt, scoria, limestone, dolomite, shale, ballast or feldspar from his or her own property for his own noncommercial use. W.S. § 35-11-401(e)(iii). DEQ-LQD's investigation shows that Mr. Stevens extracted minerals from the Property for uses, commercial or noncommercial, that are not exempt under W.S. § 35-11-401(e)(iii).
6. The EQA, at W.S. § 35-11-701(c)(i), provides the Administrator authorization to grant a cease and desist order to the persons who violate any provisions of the EQA or any rule, regulation, standard, permit, license, or variance. Mr. Stevens is hereby ordered to cease and desist in any activity to extract solid minerals from the Property.
7. W.S. § 35-11-901(a) provides that any person who violates any provisions of the EQA or any rule, regulation, standard, permit, license, or variance is liable for 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.

NOTHING IN THIS 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.

Signed this 24th day of August, 2019. 20



Todd Parfitt
Director
Department of Environmental Quality



Kyle Wendtland
Administrator
Land Quality Division

Memorandum

TO: Kyle Wendtland, Administrator, Land Quality Division
Robin Jones, District One Supervisor, Land Quality Division

FROM: Brian Goodnough, Surface Water Hydrologist, District One

DATE: August 12, 2020

RE: Randy Stevens Site Investigation

Introduction

The Wyoming Department of Environmental Quality, Land Quality Division (LQD) issued a Notice of Violation (NOV), Docket No. 5990-19 to Mr. Randy Stevens (Mr. Stevens) for willfully and knowingly extracting solid mineral for commercial use without LQD authorization on December 23, 2019. The alleged illegal mining occurred on the 10 acre tract of land owned by Randy W. Stevens Trust located within the SENE & NESE of Section 10, T17N, R84W or the 13th Street Property (Property) within the city limits of the Town of Saratoga, Wyoming. Mr. Stevens provided LIDAR survey of this property on February 5, 2020. The evaluation of this survey led LQD to determine that Mr. Stevens demonstrated the materials excavated from the property were utilized to improve the private property. The improvements on the survey are consistent with observations made during the site inspection. LQD abated the NOV, Docket No. 5990-19, on March 18, 2020.

LQD has receive new citizen complaints and complaints from the Town of Saratoga. These complaints implicate Mr. Stevens in the act of illegally extracting mineral without LQD notification or authorization. The citizen complaints identified Mr. Stevens using excavated materials mined from the said property, processing the materials through a grizzly, loading the processed materials, and transporting the materials to the Limited Mining Operation (LMO) 1496ET. The complainants also alleged that these mining activities have taken place in the early morning hours until late in the evening. The primary concerns of these complaints are with the dust, noise, and over excavation generated from these activities.

LQD personnel conducted an investigation of Mr. Stevens' activity for the week of April 27, 2020 thru May 1, 2020 and the week of May 4, 2020 thru May 8, 2020 in response to the citizen complaints. The summary of the investigation is provided below and the detailed investigation notes are available upon request through Wyoming Department of Environmental Quality Public Records Request at <https://wydeq.nextrequest.com/>.

Site Investigation

Week 1:

Monday - April 27, 2020: LQD Investigator Robin Jones

LQD arrived at the property approximately 8:44 am. LQD contacted the complainant and they indicated that Mr. Stevens was digging and hauling materials from the site over the weekend. LQD observed Mr. Stevens loading a white dump truck with screened river cobble. Mr. Stevens left the site and drove the white dump truck through town. LQD inspector followed Mr. Stevens to the Limited Mining Operation (LMO) 1496ET. The white dump truck unloaded the river cobble at the LMO 1496ET. LQD inspector observed a large amount of identical materials at the LMO. The white dump truck returned to the property. Mr. Stevens continued to screen material through the grizzly and loaded the white dump truck. LQD inspector departed the site at 2:49 pm. LQD inspector observed one load of river cobble delivered to the LMO 1496ET.

Tuesday – April 28, 2020: LQD Investigator Christine Henkel

LQD inspector arrived at the property at 9:20 am. The LQD inspector discussed the activities with the complainant and the complainant indicated that there was no new activity this morning. At 11:00 am a white dump truck arrived at the property. Mr. Stevens proceeded to process materials through the grizzly. Mr. Stevens then loaded screened rock into the white dump truck. At 12:23 pm, Mr. Stevens drove the white dump truck to his residence and the truck was parked outside his residence for approximately an hour. Mr. Stevens left his residence in the white dump truck and proceeded to the LMO 1496ET. LQD inspector observed him dumping the load of rock on the southeast corner of the LMO. Mr. Stevens returned to the property and loaded the white dump truck with dirt. He returned back to the LMO 1496ET and unloaded the dirt alongside the southern highwall. LQD inspector observed two loads of dirt delivered to LMO 1496ET.

Wednesday – April 29, 2020: LQD Investigator Brian Goodnough

LQD inspector arrived at the Property at 9:20 am. Mr. Stevens was loading the white dump truck with soil from the property. Mr. Stevens left the property and drove to the LMO 1496ET. He dumped the load at the LMO and proceed to leave the LMO. He noticed the LQD inspector, parked the white dump truck, and exited the vehicle. LQD inspector was escorted by Mr. Stevens around the LMO. He stated that he was developing the property and he was moving the excess materials to the LMO. He indicated that the materials will be used as fill to grade the LMO site. Then, Mr. Stevens stated he was stockpiling the materials at the LMO. Mr. Stevens then stated he was processing the imported materials at the LMO. LQD inspector told him that he could not import the materials to the LMO for commercial use. Then, LQD asked Mr. Stevens if all the materials located on the LMO were from the property. Mr. Stevens stated that all the material was from the property. Mr. Stevens continued to walk around the LMO and he stated that he had sold the property the material was mined from. LQD inspector followed Mr. Stevens back to the property. He discussed how he had sold the property and he was constructing an impoundment for the future surface owner.

At 10:30 am, LQD inspector met with Mr. Jeff Hancock (Air Quality Division), Honorable Mayor John Zeiger, Councilman Steve Wilcoxson, and Zoning Officer Ken Smith at the property. Mr. Stevens loaded the white dump truck and took a load to the LMO while everyone was arriving at the property. Mr. Stevens returned to the property in an empty dump truck. The assembled group proceeded to the excavation site to discuss Mr. Stevens' activities. Again, Mr. Stevens stated that he sold the property and the new owner wanted a pond and pole barn constructed with the sale of the property. He reiterated to the group that he was moving the excess materials to the LMO for processing. Again, LQD inspector told him that he could not import the materials to the LMO for commercial use. The LQD inspector informed Mr. Stevens to stop moving the materials to the LMO as he might have to bring all the materials back to fill in the excavation. To this point, LQD observed two loads leaving the property.

Mr. Ken Smith stated no permit was necessary to construct a pond within city limits. Mr. Stevens asked if he could continue with the construction of the impoundment. Mr. Smith answered yes. Additionally, LQD inspector stated that Mr. Stevens will need to apply for a Stock Pond permit with the State Engineer's Office to permit his impoundment. Mr. Smith said he would follow up with the new surface owner of the property and verify the construction agreement with Mr. Stevens. Mr. Stevens was asked why he would improve the property if the sale has not been completed with no money up front. Mr. Stevens stated the property was sold and he had an agreement.

The meeting concluded and all the participants left the site. LQD GPS surveyed the site and took photographs of the excavation. Air Quality Division (AQD) and LQD inspectors conducted a joint inspection of LMO 1496ET. LQD walked the permit boundary and took several photographs to document the material stockpiles and the LMO boundary. LQD inspector contacted the complainant. The complainant stated that Mr. Stevens may have taken several loads from the property prior to LQD arrival. The complainant indicated that Mr. Stevens started at 7:30 am. Mr. Stevens returned to the property and surveyed the excavation. Mr. Stevens continued to excavate material, screen material through the grizzly, and grade the surface around the excavation. LQD inspector met with Mr. Smith, another adjacent landowner. The LQD inspector left the site at 4:00 pm and returned to Cheyenne.

The LQD did confirm a new surface owner had purchased the property. The new landowner stated the sale was in process with the title company.

Thursday – April 30, 2020: LQD Investigator Brian Goodnough

LQD inspector arrived at the property approximately 9:40 am. Mr. Stevens was moving material from the top to the lower side of the excavation. He continued to contour and grade the surface to construct an impoundment. LQD did not observe Mr. Stevens transporting mined materials from the property to the LMO 1496ET. LQD visited with the complainant. The complainant stated Mr. Stevens stopped working on the 29th around 6:30 pm. The complainant continued to discuss the issue with the dust and noise for Mr. Stevens' property. Additionally, the complainant stated that one load of material left the 13th St. property this morning. LQD inspector left the property at 3:15 pm and returned to Cheyenne.

Friday – May 1, 2020: LQD Investigator Pam Rothwell

The LQD inspector arrived at the property at 8:30am. Mr. Stevens was removing material from the excavation and processing material through the grizzly. Mr. Stevens was dressing up the side slopes of the excavation with the screened material. The white dump truck was loaded with river cobble. A Silverado pickup arrived, the driver talked with Mr. Stevens for a few minutes and he returned to work on the excavation. Mr. Stevens stopped working and talked with the Silverado driver, then got into his white dump truck. They each left the site in their trucks. I followed at a distance. They drove to Saratoga then headed north on US-130. They drove to the interstate and pulled off at a WYDOT yard. Mr. Stevens parked the white dump truck and joined the Silverado driver in his pickup. They headed east on I-80. I stayed parked in view of the white dump truck at the WYDOT yard. The Silverado pickup and another pickup returned to the white dump truck. Two men talked with Randy Stevens for a few minutes. The third truck left. Randy got into his white dump truck and pulled out with the Silverado following; they headed west on I-80. I followed at a distance. The trucks arrived at a residential location in Rawlins and unloaded the rock in the driveway. The street address of this residential location was 2167 Royal Ct., Rawlins, WY. Then they went into the house. I left and returned to Saratoga. The LQD inspector returned to the property and did not see any more activity and left the property at 3:30 pm and drove back to Cheyenne.

Week 2:

Monday – May 4, 2020: LQD Investigator Christine Henkel

The LQD inspector arrived in the Town of Saratoga at 9:27 am and proceeded to the LMO 1496ET. No activity was observed at the LMO. LQD inspector took photographs of the material stockpiles. LQD drove to the property, there was no activity, and equipment was parked on the property. LQD inspector spoke with the complainant and stated that there was no activity today or over the weekend. LQD inspector left the property at 2:05 pm and drove back to Cheyenne.

Tuesday – May 5, 2020: LQD Investigator Kellen Waldo

The LQD inspector arrived at the property at 9:30 am. The LQD inspector noted no activity at the property and proceeded to the LMO 1496ET. The LQD inspector noted no activity at either of the sites and returned back to Cheyenne at 2:10 pm.

Wednesday – May 6, 2020: LQD Investigator Julie Powell

LQD inspector arrived at the LMO 1496ET at 9:52 am. LQD inspector observed Mr. Stevens loading fine-grained material from a stockpile located on the LMO into the white dump truck. Then, Mr. Stevens proceeded to an alley behind a private property. The street address of this private property was 112 Elk Street. A bobcat, truck with goose neck, and Mr. Stevens' white dump truck were on site. There was fresh road base placed on the alley road surface. Mr. Stevens was working on a drainage lined with river cobble that was identical to the material

located at the LMO. Mr. Stevens continued to load river cobble from the LMO to this location to construct a rock lined drainage. Mr. Stevens loaded gravel from the LMO and dumped it on the driveway. LQD inspector observed Mr. Stevens transport one load of dirt from the LMO to this location and apply a portion of the dirt to the surface of the alley. At 1:40 pm, the LQD inspector left the site and returned to Cheyenne.

Thursday – May 7, 2020: LQD Investigator Pam Rothwell

The LQD inspector arrived at the property at 8:30 am. All equipment was parked on the property. The white dump truck was not located on the property. LQD left the property and drove to the LMO 1496ET at 1:00 pm. Mr. Stevens was loading dirt into the white dump truck and the inspector drove around the block for a better view. Mr. Stevens left the LMO in the white dump truck. The LQD inspector was unable to follow and stayed at the LMO. Mr. Stevens returned to the LMO around 2:00 pm and unloaded the white dump truck. He loaded the white dump truck with river cobble and proceeded south down River Street. The LQD inspector was unable to follow and stayed behind at the LMO. Mr. Stevens returned with the white dump truck empty and parked the truck at the shop located at the intersection of River and Willow Street. To this point, LQD observed two loads of dirt leaving the LMO to an unknown location.

Friday – May 8, 2020: LQD Investigator Christine Henkel

The LQD inspector arrived in Saratoga at 10:23 am and proceeded to LMO 1496ET. LQD inspector drove between the LMO and the property and documented no activity at either location. However, Mr. Stevens met another individual at the LMO and then left the site. The LQD inspector left for Cheyenne at 3:30 pm.

Summary

LQD conducted a two week investigation of Mr. Stevens' activities at the property and LMO 1496ET following written citizen complaints and concerns expressed by the Town of Saratoga. LQD observed approximately seven loads of material leaving the property and being unloaded at LMO 1496ET. The adjacent surface owners of the property indicated that Mr. Stevens was loading and transporting materials prior to LQD arriving and after leaving the property during this two week investigation. The complainants stated Mr. Stevens would continue these activities into the weekends. Further, LQD observed Mr. Stevens deliver a load of river cobble to a residence in Rawlins, Wyoming and he provided materials for a project at a private residence in Saratoga, Wyoming.

The photographs taken over the two weeks illustrate a volume increase in river cobble and dirt stockpiled on the LMO 1496ET. As a baseline, LQD has utilized photographs taken during the 2019 field season of the LMO and the property to document the increase of stockpiled materials during this investigation. LQD did not observe use of the stockpiled materials for grading of LMO 1496ET during the investigation. Photographs and descriptions are provided below in this investigation.

Conclusion

The LQD has received numerous citizen complaints regarding the mining activities of Mr. Stevens. Since 2018, LQD has been documenting the complaints relating to Mr. Stevens mining and excavating materials from the said property and transporting the materials to the LMO 1496ET. There are no more minable areas within the LMO 1496ET legal description. The 2017-2018 Annual Report (AR) indicated 1,600.0 tons were removed by mining and the 2018-2019 AR indicated no mineral was removed during this reporting period. However, the material stockpiles volumes continue to increase during the construction of this private property impoundment. The similarity of the river cobble and dirt present on both properties further indicates that materials have been transported to the LMO 1496ET and comingled. Mr. Stevens continues to conduct business out of the LMO 1496ET and utilizes the stockpiled materials for his projects. Based on two (2) week investigation, LQD has determined that Mr. Stevens has removed mineral from the property without LQD notification or authorization and sold, traded or bartered this mineral for commercial use. The LQD is issuing a Notice of Violation for these actions in violation of the Act.

Photograph Addendum



Photo #1: Baseline photograph of the river cobble stockpiled on the property (11/19/2019).



Photo #2: Baseline photograph of the river cobble stockpiled on the property (11/19/2019).



Photo #3: Baseline photograph of the west side LMO 1496ET. Notice no river cobble stockpiled on the LMO (11/19/2019).



Photo #4: Baseline photograph of the west side LMO 1496ET (11/19/2019).

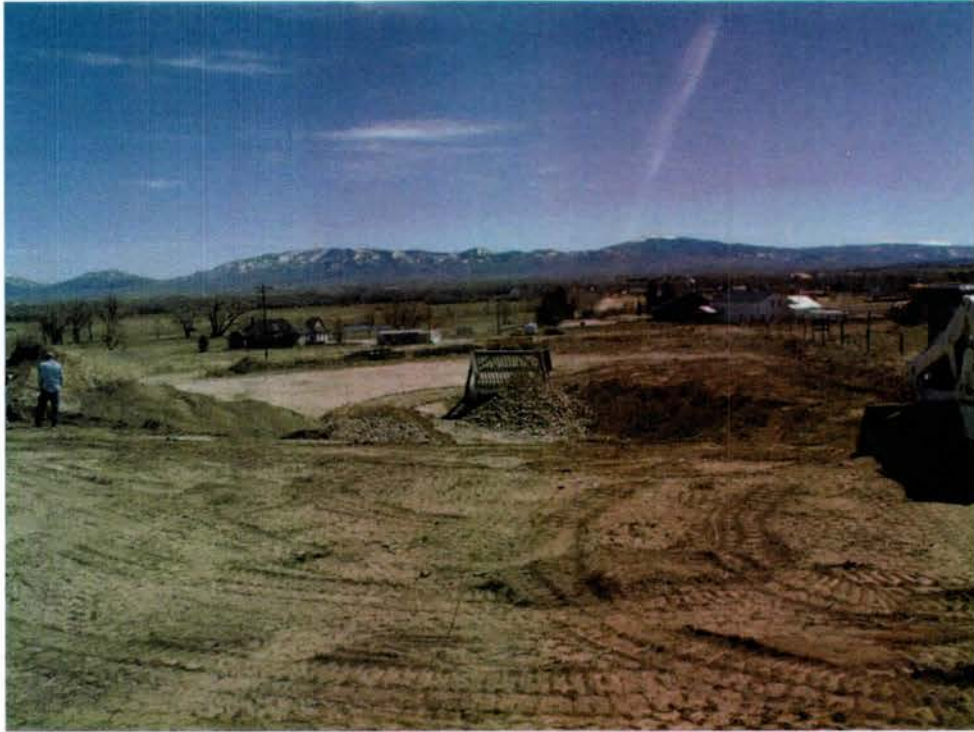


Photo #5: General overview of the property looking east. Mr. Stevens continues to screen the soil from the river cobble. Notice the stockpiles of river cobble has been removed from the property (04/29/2020).



Photo #6: General overview of the property looking west. Mr. Stevens continues to screen the soil from the river cobble. Notice the stockpiles of river cobble has been removed from the property (04/29/2020).

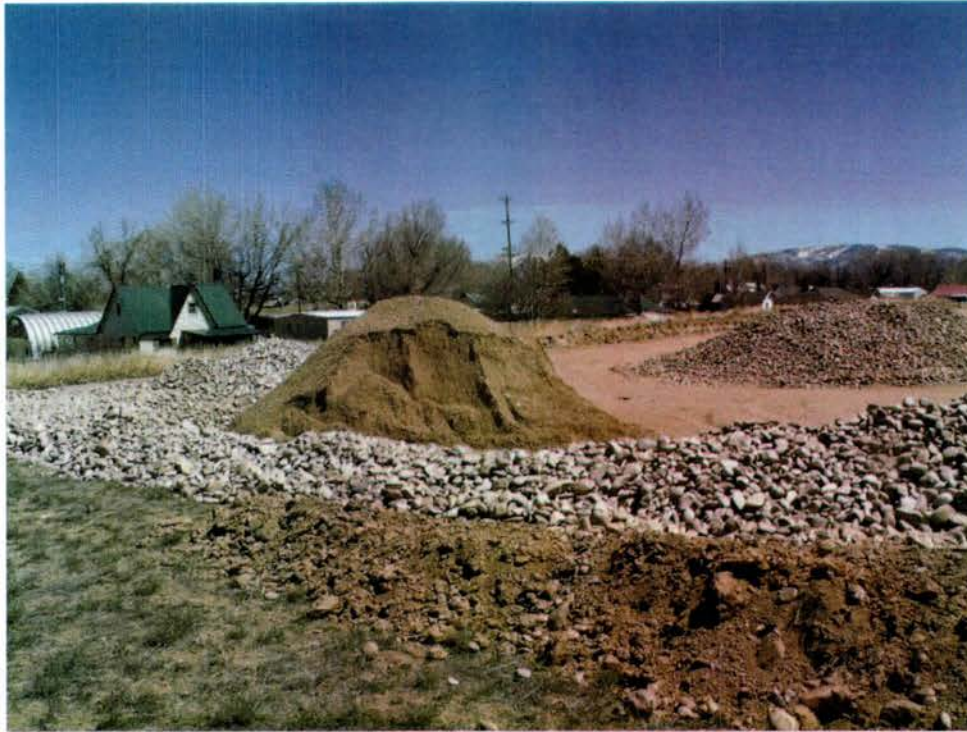


Photo #7: General overview of the LMO 1496ET looking northeast. Stockpile of river cobble located at the LMO (04/29/2020).

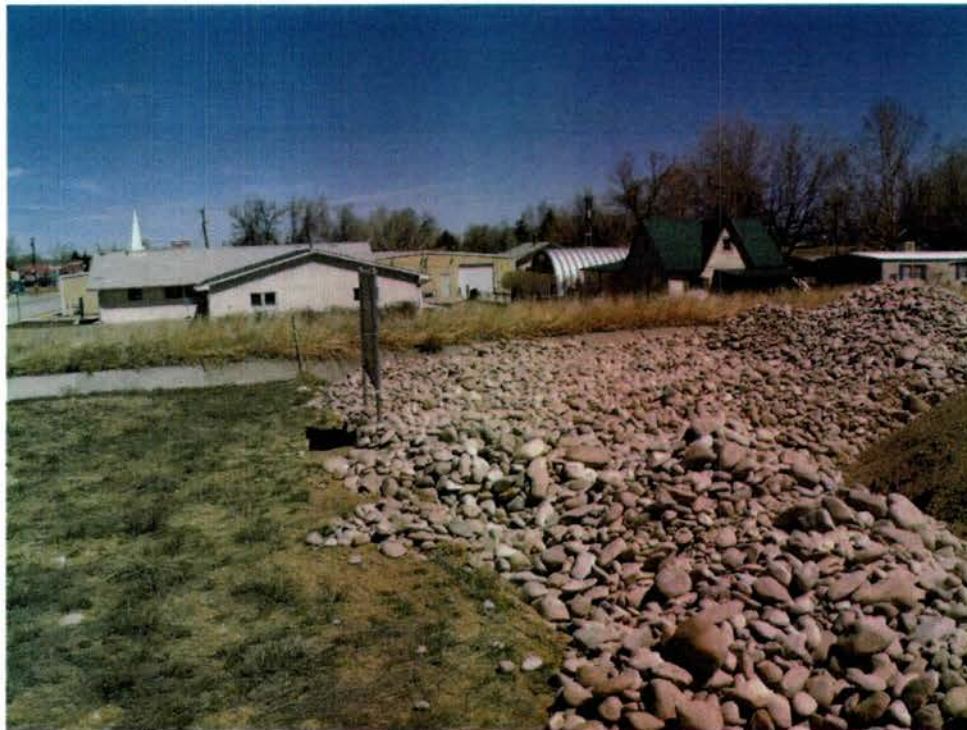


Photo #8: General overview of the LMO 1496ET. Stockpile of river cobble located at the LMO (04/29/2020).



Photo #9: LQD observed Mr. Stevens loading the white dump truck with river cobble (04/27/2020).



Photo #10: LQD observed Mr. Stevens leaving the property with a load of river cobble (04/27/2020).

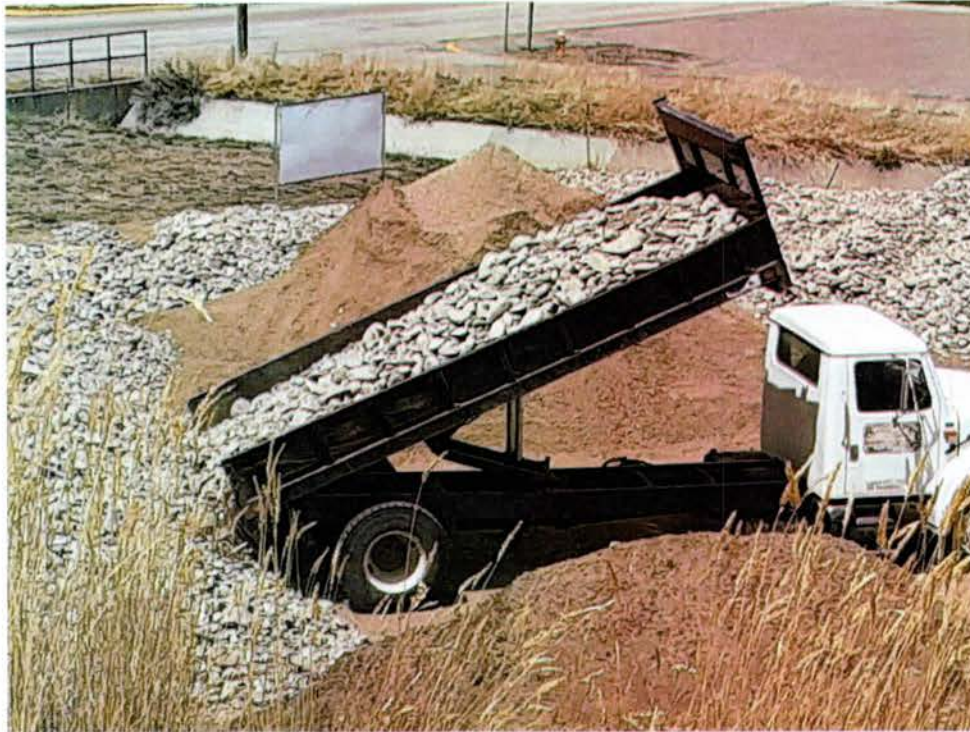


Photo #11: LQD observed Mr. Stevens unloading the white dump truck at the LMO 1496ET (04/27/2020).



Photo #12: Baseline photograph of the material stockpiles located on the southern side of LMO 1496ET (08/29/2019).

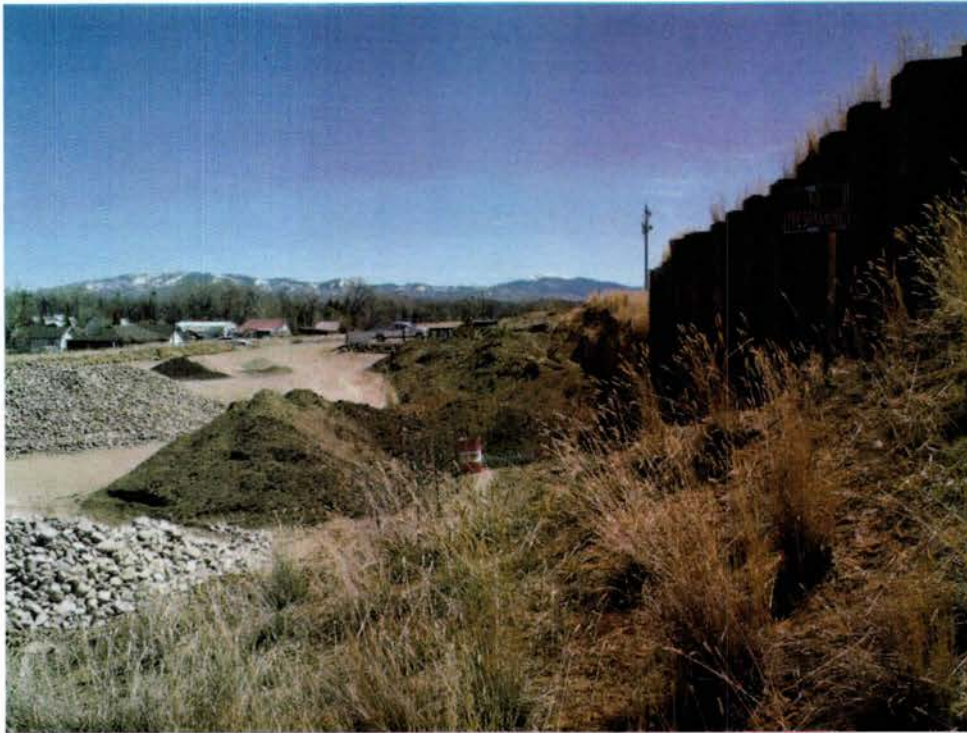


Photo #13: General overview of stockpiles of dirt along the southern highwall. Notice the volume of dirt has increased since August 29, 2019 photograph (04/29/2020).



Photo #14: General overview of southern highwall. Notice the screen located against the highwall (04/28/2020).



Photo #15: LQD observed Mr. Stevens load the white dump truck at the property and haul the dirt to the LMO 1496ET (04/28/2020).



Photo #15: LQD observed Mr. Stevens unload the dirt at the LMO 1496ET (04/28/2020).

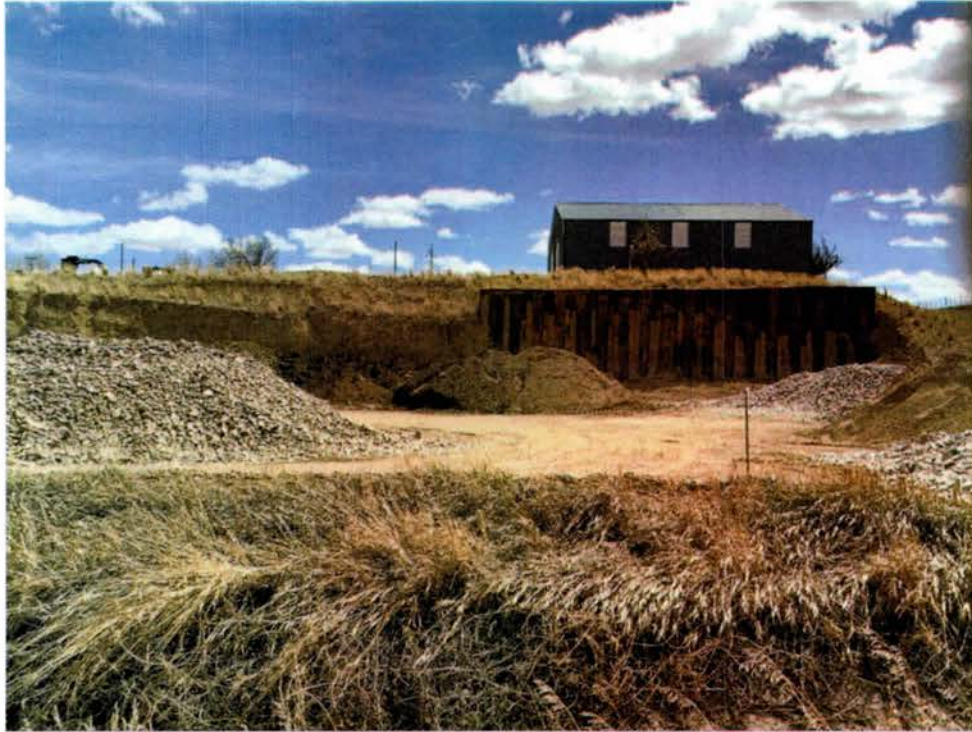


Photo #15: Notice the screen has been moved from the southern highwall and the void has been filled with dirt (04/28/2020).



Photo #16: LQD observed Mr. Stevens leave the property in the white dump truck with a load of river cobble. LQD proceed to follow him through the Town of Saratoga. Then turn north on U-130 (05/01/2020).



Photo #17: LQD followed Mr. Steven north on US-130.



Photo #18: Mr. Stevens parked the white dump truck at the WDOT station and entered the Silverado and proceed to drive east on I-80.



Photo #19: Mr. Stevens returned to the white dump truck and drove west on I-80. LQD followed Mr. Stevens to a residence located in Rawlins, Wyoming. Mr. Stevens and associated talked in the street.



Photo #20: Mr. Steven unloaded the river cobble at a residence location in Rawlins, Wyoming.



Photo #21: Mr. Stevens working at a private property located at 112 Elk Street. A load of road base has been applied to the alley surface. Mr. Stevens is beside the bobcat walking toward the LQD inspector.



Photo #22: Mr. Stevens' white dump truck with a load of road base in front of the private property located at 112 Elk Street.

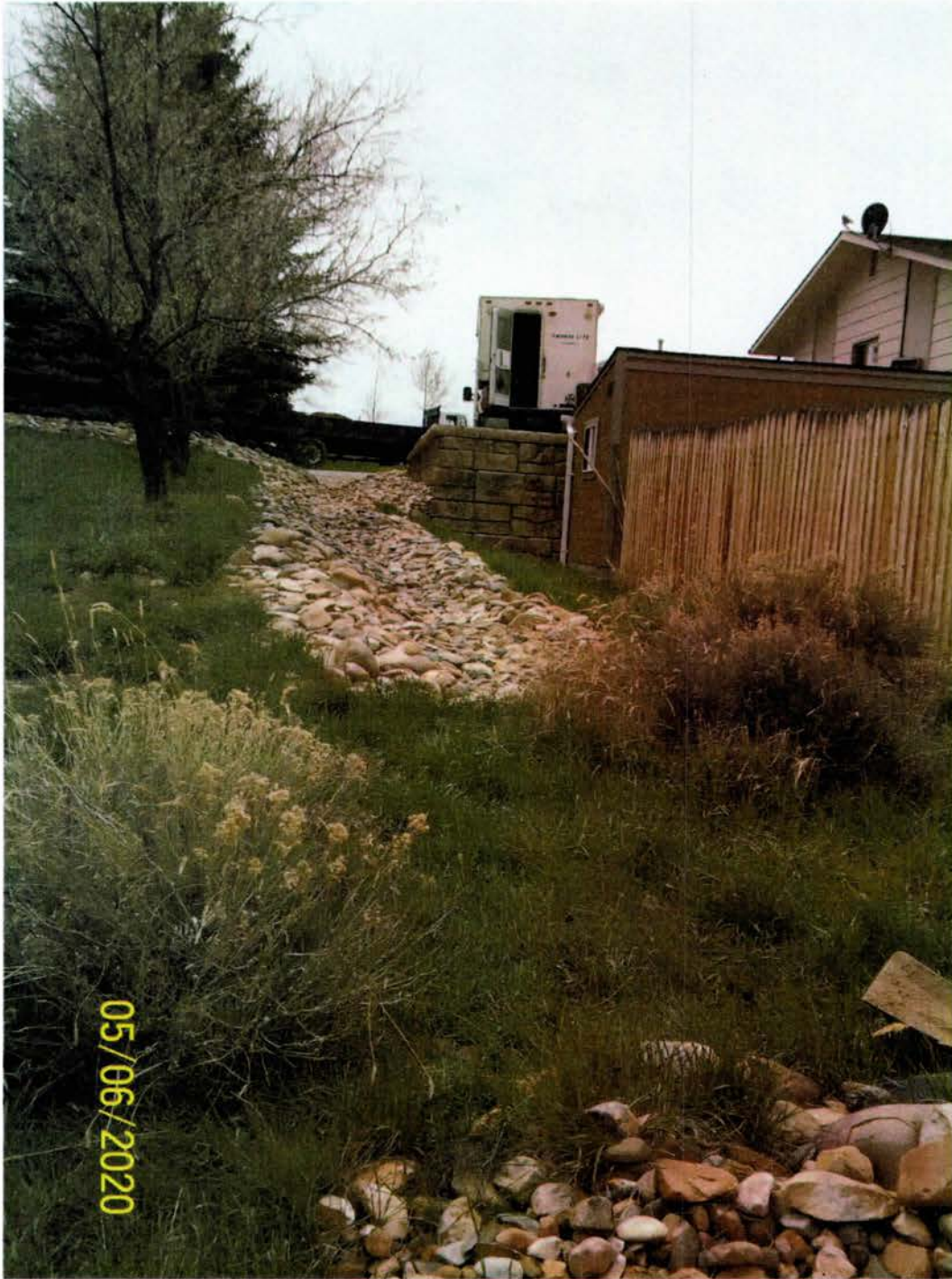


Photo 23: Mr. Stevens constructed drainage lined with river cobble at the private property (112 Elk Street). The river cobble is identical to the material located at the LMO 1496ET.