

MEMORANDUM

TO: Todd Parfitt, Director, DEQ

FROM: Kurt King, Senior Analyst

DATE: July 31, 2013

SUBJECT: Chronology of events for Hettinger LLC, **bond forfeiture**, Small Mining Permit No. 711(s)

1. Hettinger Welding, Inc. received a Small Mining Permit to mine scoria on March 11, 2004. The Small Mining Permit was transferred from Hettinger Welding, Inc. to Hettinger LLC on April 15, 2008. An amendment to incorporate 79.8 acres into Permit No. 711(s) was approved on November 30, 2009. The total proposed disturbance was for 158.72 acres. The reclamation bond was comprised of US Bank cashier's Check No. 789500789 in the amount of \$18,095.00 and US Bank Certificate of Deposit No. 375011959182 in the amount of \$25,105.00. The accepted bonding aggregate is \$43,200.00.
2. The scoria pit was opened and approximately 14.6 acres have been disturbed to date.
3. The last annual report received from Hettinger LLC was received on March 14, 2011.
4. Hettinger LLC was no longer authorized to operate in Wyoming effective May 10, 2010 for failure to pay taxes. Further, Hettinger LLC filed Chapter 7 bankruptcy on March 7, 2012 in the United States Bankruptcy Court for the District of Delaware, Case Number 1:12-bk-10823.
5. On December 5, 2012, I informed Mr. Mike Lepchitz, representative for the surface landowner, Alpha Coal Land Company, that the pit was inactive and we would begin the bond forfeiture process for the reclamation of the pit. I talked to Mr. Lepchitz on May 1, 2013 and he said he would like the pit reclaimed. He added that they would like to do the reclamation.
6. I conducted Annual Inspections on April 19, 2012 and January 25, 2013. The January 25, 2013 inspection found that the Small Mining Permit had been abandoned for at least 1 ½ years and no reclamation had occurred.
7. I wrote a Notice of Violation (NOV), Docket No. 5157-13 that was signed on May 3, 2013. The NOV was for failure to reclaim mining disturbance from the pit.
8. The NOV was received and signed for on May 6, 2013 by Hettinger LLC. Land Quality Division has not received a response from Hettinger LLC to resolve the NOV as of July 31, 2013.
9. A memo has been prepared to forward this forfeiture request to the EQC.

/kk

xc: Cheyenne files