

STATE OF WYOMING  
DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF VIOLATION  
AND  
ORDER

IN THE MATTER OF THE NOTICE )  
OF VIOLATION AND ORDER ISSUED )  
TO MULLER CONSTRUCTION )  
29 DECKER ROAD )  
SHERIDAN, WYOMING 82801 )  
LIMITED MINING PERMIT 786ET )

Docket No. 2398-92

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation is being sent to you pursuant to W.S. 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.

2. Effective May 11, 1990, the Land Quality Division granted Permit No. 786ET to Gary Muller for the mining of gravel. This permit covers three (3) acres of land in the SW¼NW¼ of Section 31, T.56N., R.83W. in Sheridan County, Wyoming.

3. In February of 1992, Gary Muller, dba Muller Construction Company, filed for bankruptcy under Chapter 7 of the bankruptcy code.

4. On April 23, 1992, the Land Quality Division received a copy of a letter from Pat and Suzie Puckett to Gary Muller stating that they were the new landowners of the land containing the gravel operation. Mr. and Mrs. Puckett stated that they wanted the site reclaimed by May 30, 1992.

5. On May 18, 1992, the Land Quality Division sent a letter to Gary Muller requesting a written statement by May 25, 1992, identifying any future plans for Permit No. 786ET. No response has been received.

6. On June 24, 1992, Mr. Pat Puckett called and asked that the Land Quality Division take actions necessary to insure the timely reclamation of Permit No. 786ET.

7. The operation has been abandoned since at least March 15, 1992, and no reclamation activities have commenced. This is a violation of W.S. 35-11-401(e)(viii) which requires that within thirty (30) days after abandonment of the mining operation, the operator shall notify the administrator of such fact and commence reclamation.

8. With this document, the Department of Environmental Quality is notifying Mr. Gary Muller of the aforementioned violations. Any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license, or variance adopted thereunder 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 by the Attorney General in the name of the People of the State of Wyoming.

ORDER

WHEREFORE, IT IS HEREBY ORDERED THAT:


1. Gary Muller shall submit a reclamation plan and schedule to the Land Quality Division within fifteen (15) days of the receipt of this Notice of Violation and Order.

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Muller Construction Company  
Limited Mining Operation 786ET  
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THIS ORDER is final and binding, unless not later than ten (10) days after the day the Order is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Dennis Hemmer, Executive Secretary, Environmental Quality Council, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 22ND day of July, 1992.

  
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Roger Shaffer, Administrator  
Land Quality Division  
Department of Environmental Quality

  
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Dennis Hemmer, Director  
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Bob Giurgevich, District III Supervisor, Land Quality Division, District III Office, 2161 Coffeen Avenue, Suite 401, Sheridan, WY 82801, telephone (307) 672-6488.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
Certified Receipt No. 73541