

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

ORDER

IN THE MATTER OF THE ORDER ISSUED TO)	
PETE LIEN & SONS, INC.)	DOCKET NO. 3297-01
ATTN: MS. LECIA CRAFT)	
P.O. BOX 440)	
RAPID CITY, SD 57709-0440)	
PERMIT 567(s))	

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This Order is being sent to you pursuant to Wyoming Statute (W.S.) §35-11-109 (a)(i) and (xii), and Land Quality Division Non-coal Rules and Regulations Chapter 7, Section 5(a) which gives the director the authority to amend and require revision of permits and W.S. § 35-11-406 (b)(v) and (xiii) which gives the agency the authority to require the inclusion of a drainage plan and public safety issues in a mine plan.
2. On July 23, 2001, the Land Quality Division (LQD) received a complaint from Mr. Richard Cirks and Mr. Leroy Anderson. On July 24, 2001, the Land Quality Division (LQD) received a complaint from Ms. Rita Pickerd, Mr. Dick Wilson and Ms. Veronica Canfield. Mr. Cirks, Mr. Anderson, Ms. Pickerd and Mr. Wilson have property located down slope of the mining operation authorized under Permit 567(s) on the north half in Section 14, Township 51 North, Range 63 West. The complaint alleged that Pete Lien & Sons, Inc. had conducted mining operations that had resulted in storm run off affecting lands and property outside of the Permit 567(s) boundary and had impacted the Pickerd and Wilson's property. Ms. Veronica Canfield is the Crook County Emergency Response Coordinator.
3. An inspection was conducted on July 26, 2001 by Ms. Stacy Page and Mr. Larry Barbula of the LQD District III office. The inspection determined that storm run off from the Pete Lien & Sons, Inc.'s mining operation had impacted the Pickerd, Wilson, Cirks, Clausen, Anderson and Coon properties.
4. The inspection found the mining operation was being conducted in conformance to the approved permit issued by the Land Quality Division.

ORDER

WHEREFORE, IT IS HEREBY ORDERED THAT:

1. Pete Lien & Sons, Inc. shall submit a revision to the drainage control plan during mining in the permit Mine Plan that will control the 100 year, 1 hour thunder storm event to protect private property and the public health and safety. This drainage control plan for the 100 year storm event shall be P.E. certified. This revision must be submitted and approved within 30 days of receiving this letter.
2. Pete Lien & Sons, Inc. shall submit a revision to the Mine Plan and Reclamation Plan to revise the mining sequence and Postmining topography and features. The elements of this revision must be discussed with Land Quality Division, District III. No reclamation or additional mining may take place until this revision is approved.

Exhibit 1

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:

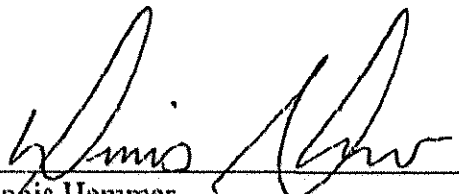
Chair
Environmental Quality Council
Herschler Building
122 West 25th Street
Cheyenne, Wyoming 82002

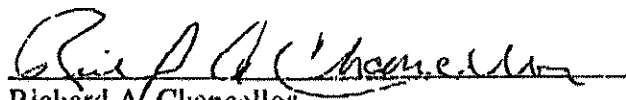
A copy of the appeal shall be sent to:

Director
Department of Environmental Quality
122 West 25th Street
Cheyenne, Wyoming 82002

NOTHING IN THE ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act.

ORDERED this 21 day of August, 2001


Dennis Hemmer
Director
Department of Environmental Quality


Richard A. Chancellor
Administrator
Land Quality Division

Please direct all inquires regarding this Order to Mr. Don McKenzie, Wyoming DIQ/LQD, 1043 Coffeen Ave, Suite D, Sheridan, WY 82801, Telephone No. (307) 672-6488.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 11000 0542 0024 2133 4891
DOCKET NO. 3099-01
PERMIT 567(s), PETE LIEN & SONS, INC.

cc: District III
Georgia Cash Hoenig, LQD

*served 8/29/01
by cert. mail*