

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

NOTICE OF VIOLATION
AND
ORDER

FEB 12 2004

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
LEWIS HOLDING COMPANY)
ATTN: MR. PAUL LEWIS)
150 WEST 11TH STREET, SPACE 27)
SHERIDAN, WYOMING 82801)
PERMIT 405S)

DOCKET NO. 3528-04

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation 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.
2. The violations noted on this site were originally discovered by Marit Sawyer, Land Quality Division, District II, during the Annual Inspection conducted on February 27, 2001 and later inspected September 11, 2001 by Deb Phenicie of District II which re-affirmed that violations noted on this site had not been corrected. This small mine permit is located in Big Horn County.
3. The violations noted are failure to file the annual reports yearly as required pursuant to W.S. '35-11-401; and failure to reclaim the site in a timely manner as required pursuant to W.S. '35-11-415(b)(ix) and the Wyoming Department of Environmental Quality/Land Quality Division (LQD) Noncoal Rules and Regulations, Chapter 3, Section 2.(k)(i).
4. The aforementioned violations have not been corrected or remedied, nor has the operator/licensee provided any information concerning the violation.
5. 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 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. Lewis Holding Company must submit to the LQD photographic documentation clearly demonstrating that all trash and scrap material has been removed from the site and disposed of appropriately within ninety (90) days of receipt of this Notice of Violation.
2. A reclamation plan must be submitted for review within thirty (30) days of receipt of this Notice of Violation and Order.

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:

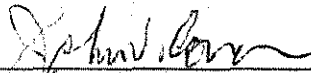
Chairperson
Environmental Quality Council
Herschler Building
122 West 25th Street, 1st Floor West Wing
Cheyenne, Wyoming 82002

A copy of the appeal shall be sent to:


Director
Department of Environmental Quality
122 West 25th Street, 4th Floor West Wing
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, nor shall this NOV and Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 2nd day of February, 2004



John V. Corra
Director
Department of Environmental Quality



Richard A. Chancellor
Administrator
Land Quality Division

Please direct all inquires regarding this Notice of Violation and Order to Mr. Mark Moxley, Wyoming DEQ/LQD, Lincoln Street, Lander, Wyoming 82520, Telephone No. (307) 332-3047

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7003 1010 0003 8625 4271
DOCKET NO. 3528-04
PERMIT 405s

cc: Mark Moxley, District II Supervisor
Georgia Cash Hoenig, LQD
John Burbridge, Attorney General's Office

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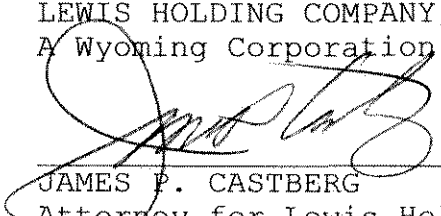
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150 WEST 11TH STREET, SPACE 27)
SHERIDAN, WYOMING, 82801)
PERMIT 405S)

NOTICE OF APPEAL FROM ORDER AND REQUEST FOR HEARING

COMES NOW Lewis Holding Company, Inc., a Wyoming Corporation, and gives notice of appeal from the Order entered herein on the 2nd day of February, 2004, and requests a hearing before the Environmental Quality Council.

DATED this 10th day of February, 2004

LEWIS HOLDING COMPANY, INC.
A Wyoming Corporation



JAMES P. CASTBERG
Attorney for Lewis Holding
Company, Inc.
P.O. Box 6011 (U.S. Mail Only)
Sheridan, Wyoming 82801
939 2nd Ave. East (FEDEX/UPS)
307-674-6315
307-672-8484 (FAX)

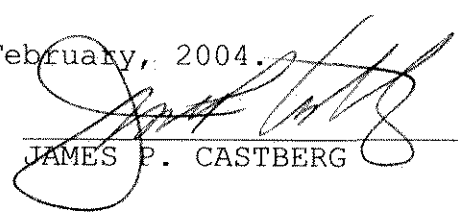
Certificate Of Service

I, James P. Castberg, attorney for Lewis Holding Company, Inc., do hereby certify that I served copies of the foregoing Notice Of Appeal From Order And Request For Hearing by depositing true copies thereof in the U.S. Mail with sufficient postage prepaid thereon on the 10th day of February, 2004, addressed as follows:

Chairperson
Environmental Quality Council
Herschler Building
122 West 25th Street, 1st Floor West Wing
Cheyenne, Wyoming 82002

Director
Department of Environmental Quality
Herschler Building
122 West 25th Street, 4th Floor West Wing
Cheyenne, Wyoming 82002

DATED this 10th day of February, 2004.



JAMES P. CASTBERG