

FILED**FEB 02 2006****MEMORANDUM**

TO: John V. Corra, Director, Department of Environmental Quality (DEQ) **Terri A. Lorenzon, Director
Environmental Quality Council**

THROUGH: Richard A. Chancellor, Administrator, Land Quality Division (LQD)

FROM: Lowell Spackman, District I Supervisor, LQD *LS*
Bill Hogg, District I Engineer, LQD

DATE: January 26, 2006

RE: History and Documentation for the Recommendation for the Forfeiture of the Reclamation Performance Bond held for Raven Quarry, Permit 683(s)

Introduction

Raven Quarry did not fulfill the requirements of the Notice of Violation and Order (NOV and Order, Docket No. 3577-04) issued on 7/20/04 that required the mine to complete the following:

- 1) post an entry sign,
- 2) post an adequate performance reclamation bond in the amount of \$144,400.00,
- 3) commence with final reclamation, and
- 4) continue to submit the required Annual Reports.

The LQD received no response from the estate of the operator related to the NOV and Order. Furthermore, in a letter from Mr. Chancellor dated April 29, 2005, Raven Quarry was required to clean-up the trash and hazardous waste on the site by August 1, 2005. This timeframe was not met. The LQD inspections in August confirmed that the requirements of the NOV and Order including the clean-up activity had not occurred. We formally request that the bond forfeiture procedures be continued for the reclamation performance bond held for Permit 683(s).

Documentation Leading to the Recommendation for Bond Forfeiture

Information that documents the events that have lead to this recommendation for bond forfeiture include the following:

- 1) The NOV and Order (Docket No. 3577-04) issued on July 20, 2004; Appropriate Minutes from the Environmental Quality Council hearing of October 25, 2004; and approval of NOV and Order by the Environmental Quality Council on October 27, 2004.
- 2) Brief history of the operation leading up to the Notice of Violation and Order (Chronology of Events – Memo dated May 27, 2004).
- 3) Documentation of attempts to get the operator to reclaim the site (Inspection Reports dated June 2, 2004, April 29, 2005, and May 18, 2005; also a letters dated April 29, 2005 and August 3, 2005 clarifying the need to remove the trash and the requirements outlined in the NOV and Order).

- 4) Information submitted by the attorney that has represented the Executor of the Estate of the operator (Letters dated September 1, 2004, January 21, 2005, and August 5, 2005 from Alvin Weiderspahn; no correspondence has been received directly from Mr. Don Orendorff, the Executor of the Estate).
 - 5) The status from the Wyoming Secretary of State for the operation as a viable operating cooperation within the State of Wyoming (two sheets: one for Thomas (Toby) SerVoss as the registered agent and the other for Alvin Wiederspahn as the registered agent). Also included is a statement from Thomas SerVoss that relinquishes all rights to the quarry.
 - 6) Landowner and legal description: Appendix A from the approved permit that lists the landowners (Section 16 – State of Wyoming and Section 9 – Kennedy Vale Ranch) and mineral owners (Section – State of Wyoming and Section 9 – BLM); Appendix C from the approved permit that lists the legal description of the operation. Also there are letters dated May 28, 2004 from the private landowner and September 8, 2003 from the Bureau of Land Management, the Federal Land Management agency.
 - 7) Global Positioning Survey showing the disturbance area and listing the number of acres disturbed (9.44 acres).
 - 8) Information on the Reclamation Performance Bond which is a CD in the amount of \$13,200.
 - 9) A statement on the reclamation that is needed and a statement of the adequacy of the bond (Bond estimate Memo dated June 19, 2003 and the letter from the WDEQ Director requiring the bond increase to \$144,400).
 - 10) Attached is a memorandum from the DEQ Director, John Corra to the EQC requesting initiation of the bond forfeiture process (Memo dated January 24, 2006).
- c: Carol Bilbrough