

MEMORANDUM

FILED

AUG 31 2006

Terri A. Lorenzon, Director
Environmental Quality Council

TO : Environmental Quality Council

FROM : John Corra - DEQ Director 

DATE : August 31, 2006

RE : Bond Forfeiture - Countryside Construction, Inc., Limited Mining
Operation No. 1015ET

Attached is information relating to the failure of Countryside Construction, Inc. to reclaim lands affected by mining under Limited Mining Operation No. 1015ET.

I have determined that the bond for Countryside Construction, Limited Mining Operation No. 1015ET, should be forfeited. Since this is a voluntary forfeiture by Countryside Construction, it is requested that the Council approve this request as a final action.

Should you have any questions, please contact Rick Chancellor.

xc: Carol Bilbrough - LQD Program Manager
John Erickson - LQD District II
Terri Lorenzon - EQC Director

Attachments: Notice of Violation, Docket No. 3915-06; Voluntary Bond Forfeiture Agreement; Chronology

Date

Approved
Chairman, Environmental Quality Council



MEMORANDUM

TO : John Corra, DEQ Director

THROUGH : Richard Chancellor, LQD Administrator *mc*
Carol Bilbrough, LQD Program Manager

FROM : John Erickson - LQD District II Assistant Supervisor *J.E. 8/28/06*

DATE : August 28, 2006

RE : Bond Forfeiture Recommendation for Countryside Construction, Inc.,
Limited Mining Operation No. 1015ET

I recommend forfeiture of the \$2000 reclamation performance bond posted by Countryside Construction, Inc. for Limited Mining Operation (LMO) No. 1015ET. The operator, Brad McClaren, has failed to reclaim the permitted gravel pit. He has provided the enclosed sworn statement that he is unable to reclaim and is willing to voluntarily forfeit the bond.

Brief History of the Operation

LMO 1015ET was issued to Mr. Brad McClaren, dba Countryside Construction, Inc., on September 4, 1996. The LMO was issued for 2 acres on private land belonging to Mr. Roland Lewis of Kemmerer. The pit is specifically located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.21N., R.117W., Lincoln County, Wyoming. The last Annual Report from Countryside Construction was received by the Land Quality Division on December 19, 2003.

The Land Quality Division conducted an Annual Inspection with the landowner on March 14, 2004. The operation was inactive, and Mr. Lewis requested that the pit be reclaimed. The inspection report conveying this request was sent to Countryside on April 14, 2004.

On April 6, 2005 an Annual Inspection was conducted which documented that the pit had not yet been reclaimed. The inspection report, sent to Countryside on April 29, 2005, required reclamation of the pit within 60 days, or no later than June 30, 2005. This deadline passed with no response.

During the late summer of 2005, the LQD became aware that Mr. McClaren had moved to Nebraska, and an auction of the assets and equipment belonging to Countryside Construction was held in Kemmerer.

As of May 30, 2006, the Corporations Division of the Wyoming Secretary of State's Office declared Countryside Construction, Inc. to be "defunct". The 2006 Annual Inspection was conducted on June 8, 2006. The inspection documented that the pit had still not been





Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Dave Freudenthal,

John Corra, Direct

Date: July 12, 2006

CERTIFIED MAIL, RETURN RECEIPT REQUESTED 7005 0390 0001 7735 5853

Mr. Brad McClaren
425 Pepper Creek Rd.
Hay Springs, NE 69347

RECEIVED

JVC JUL 18 2006

**RE: Countryside Construction, Inc., Limited Mining Operation No. 1015ET
Notice of Violation, Docket No. 3915-06**

LAND QUALITY DIV.
DIST. II


Dear Mr. McClaren:

Enclosed you will find a Notice of Violation issued under the provisions of W.S. § 3511-701(c). The Notice of Violation is based on the inspection conducted by Mr. John Erickson on June 8, 2006 at the Lewis Ranch pit near Kemmerer, Wyoming. The violations noted are failure to reclaim the pit and failure to submit required Annual Reports.

The LQD is attempting to resolve this issue without further enforcement action, and requires that you contact Mr. Mark Moxley, LQD District II Supervisor at 307-332-3047 within fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement will be signed by both parties.

Should you have any questions, please contact Mr. Mark Moxley.

Respectfully,


John V. Corra
Director
Department of Environmental Quality


Richard A. Chancellor
Administrator
Land Quality Division

Enclosure: Notice of Violation
cc: Mark Moxley, LQD District II



Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
----------------------------------	-----------------------------------	-------------------------------	-------------------------------------	--------------------------------	--------------------------------------	---------------------------------



DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
BRAD McCLAREN)
COUNTRYSIDE CONSTRUCTION, INC.)
425 PEPPER CREEK RD.)
HAY SPRINGS, NE 69347)
RE: Limited Mining Operations Notification)
No. 1015ET)

DOCKET NO. 3915-06

RECEIVED

JUL 18 2006


LAND QUALITY DIV.
DIST. II


NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. 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. On June 8, 2006, an Annual Inspection of the Countryside Construction, Inc. Limited Mining Operation Notification (LMO) No. 1015ET was conducted by John Erickson of the Land Quality Division, District II office. The pit is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 4, T.21N., R.117W., Lincoln County, Wyoming.
3. The inspection revealed that there had been no mining or reclamation activity since the previous inspection conducted April 6, 2005.
4. Countryside Construction, Inc. has failed to file an Annual Report for LMO No. 1015ET since December 19, 2003.
5. Land Quality Division Noncoal Rules and Regulations, Chapter 10, Section 5.(a)(i)(B) states that an operation will be considered to be abandoned if no further mining or reclamation work has been done from one annual report to the next.
6. Failure to commence reclamation after mining operations have ceased or within 30 days after the abandonment of the mining operation is a violation of Land Quality Division Noncoal Rules and Regulations, Chapter 10, Section 5(a).
7. Failure to provide an Annual Report is a violation of Land Quality Division Noncoal Rules and Regulations, Chapter 10, Section 3.
8. The violations have not been corrected or remedied, nor has the operator provided any information to the Land Quality Division concerning the violations.
9. W.S. §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.

SIGNED this _____ day of _____, 2006


John V. Corra, Director
Department of Environmental Quality


Richard A. Chancellor, Administrator
Land Quality Division

Please direct inquiries regarding this Notice of Violation to Mr. Mark Moxley at 307-332-3047.

xc: DEQ/LQD District II
LQD File: Countryside Construction, LMO No. 1015ET



7-14-06
J.A.



ANNUAL INSPECTION REPORT (REVISED)

The text of this Annual Inspection Report has been revised from an earlier copy prepared June 25, 2006. Also, a map derived from GPS measurements was omitted from the report. The earlier copy of the report should be discarded.

RE : Countryside Construction (Lewis Ranch Pit), LMO No. 1015ET
DATE OF TRIP : June 8, 2006
PARTICIPANTS : John Erickson, Lander DEQ/LQD
PREPARED BY : John Erickson, Assistant District Supervisor
OWNERSHIP : Private (Lewis Ranch)

J.S. 6/30/06

Introduction

The last Annual Report for LMO 1015ET was submitted December 19, 2003. A review of LQD records indicates that no activity has taken place in the pit since 1999. The operator, Mr. Brad McClaren, sold Countryside Construction, Inc. and moved to Nebraska in 2005.

On March 18, 2004, an Annual Inspection was conducted with the landowner, Mr. Roland Lewis. At that time, Mr. Lewis requested immediate reclamation of the pit. This request was conveyed to Countryside Construction in the Annual Inspection Report sent April 14, 2004.

Field Inspection

At this time, the pit remains inactive and unreclaimed. No equipment was observed on the premises. Topsoil stockpiled along the perimeter of the affected area should be adequate for reclamation of the shallow pit. The site was measured with GPS equipment (see attached map) and the affected area was determined to be 4.2 acres. The landowner has requested that the processed gravel stockpile near the pit entrance be left intact for his private use.

Summary

A Notice of Violation will be immediately issued for failure to reclaim and pit abandonment. If the pit is not reclaimed by the operator, the Land Quality Division will initiate bond forfeiture proceedings to fund contracted reclamation. Reclamation objectives for this site were fully described in the March 18, 2006 Annual Inspection Report.

Bond Evaluation

The operator has posted a \$2000 bond (C.D. No. 1771849 issued by Key Bank of Kemmerer).

xc: Mark Moxley - Lander DEQ/LQD
Cheyenne DEQ/LQD
Brad McClaren - 425 Pepper Creek Rd., Hay Springs, NE 69347
Roland Lewis - P.O. Box 49, Kemmerer, WY 83101

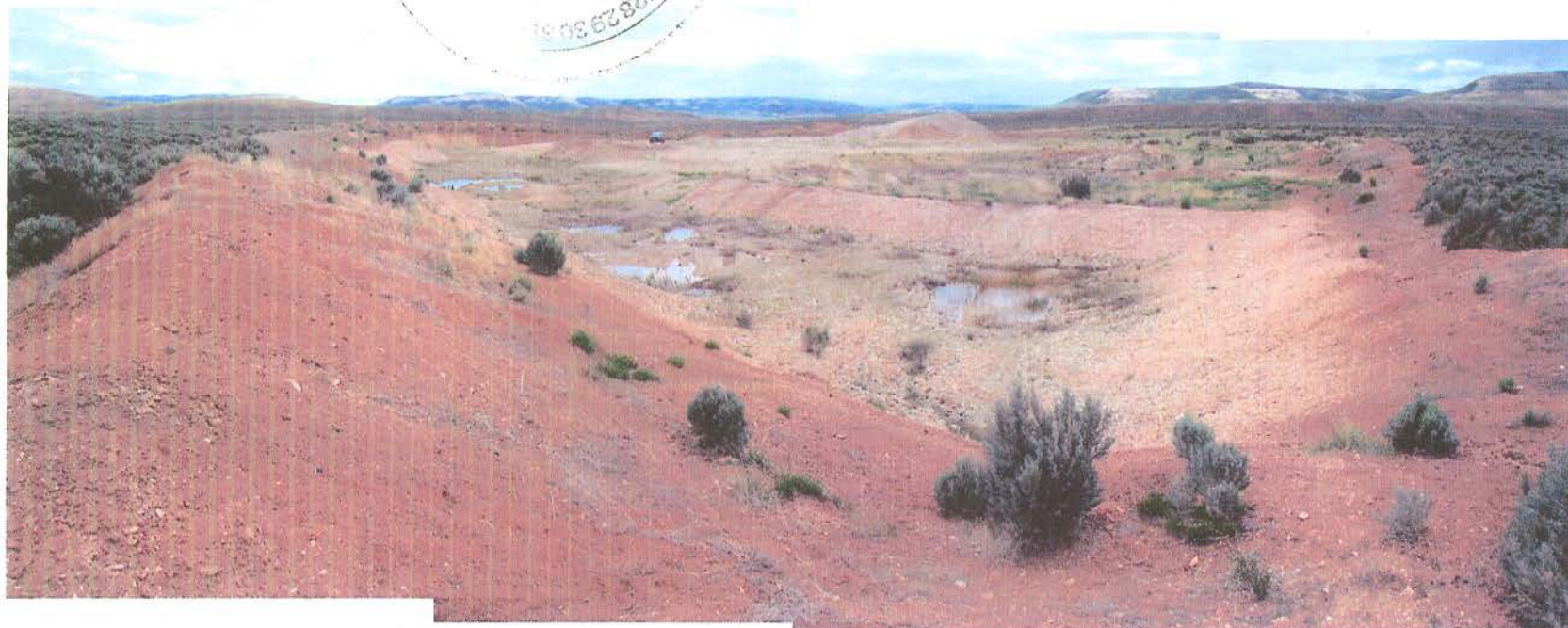
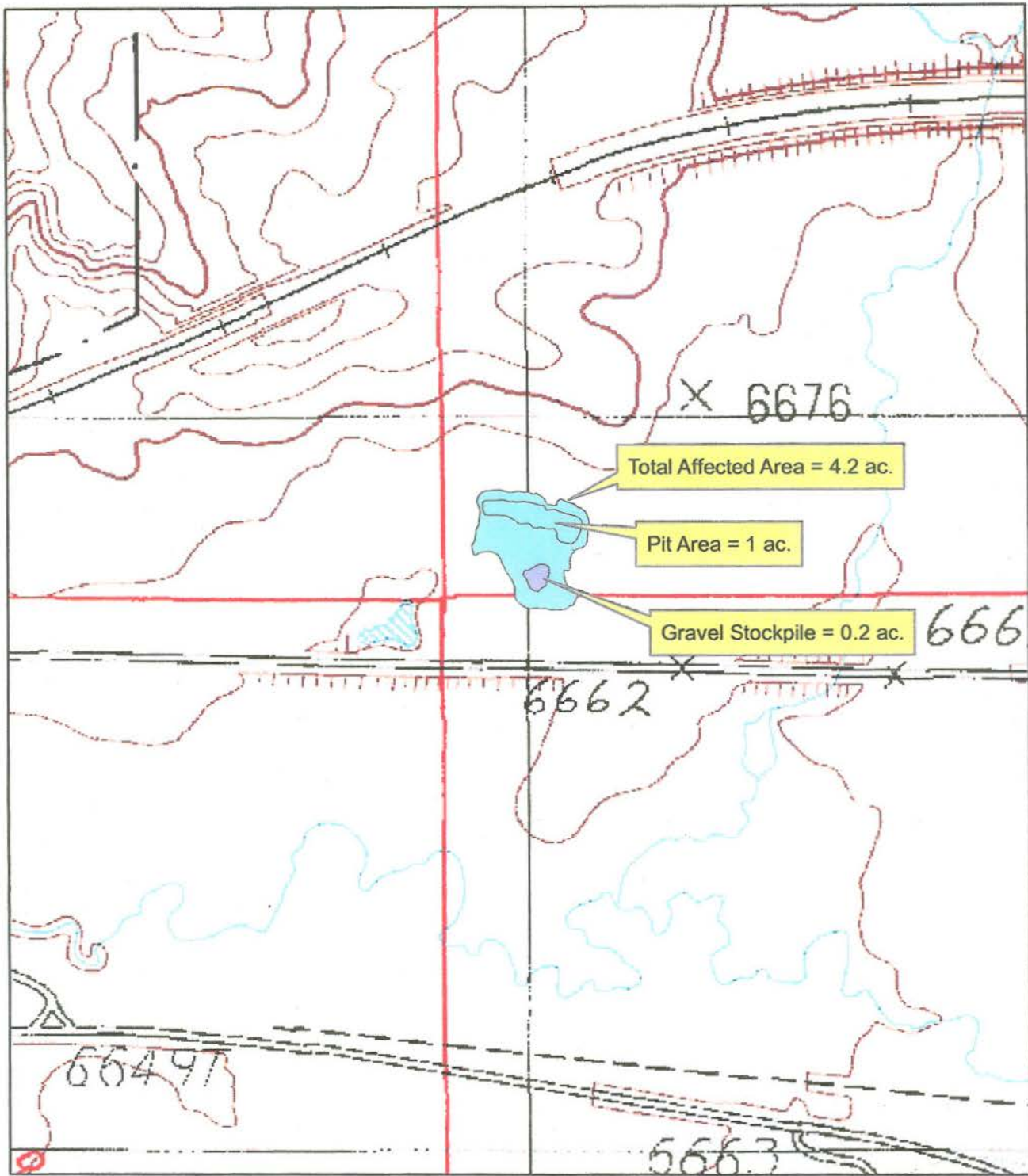


Figure 1 - Panorama E. to S. from the NW corner of the pit. Note gravel stockpile visible in the background.

GPS Measurement of Countryside Construction, Inc., LMO No. 1015ET, 6/8/06



0 0.125 0.25 0.5 Miles

Affected area = 4.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.4, T.21N., R.117W.,
Lincoln County, Wyoming. Fossil, Wyoming USGS Quadrangle

