



# Department of Environmental Quality

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



Mark Gordon, Governor

Todd Parfitt, Director

Mr. Randy Stevens  
Quality Landscape & Nursery  
P.O. Box 1074  
Saratoga, WY 82331

**RE: 2019 Annual Inspection Report, Randy Stevens, Quality Landscape & Nursery, Inc., Limited Mining Operation (LMO) 1496ET**

Dear Mr. Stevens:

The Wyoming Department of Environmental Quality, Land Quality Division (LQD) conducted an annual inspection of the LMO on June 13, 2019. LQD noted off site impacts and material damage as a result of mining during this inspection. The details are noted in the compliance section of the enclosed inspection report.

If there are any incorrect or misleading statements within this report, or if you have any comments, please respond in writing in order for your comment to become part of the written record in the permit file.

If you have any questions or require further information, please contact me at 307-77-5922 or [brian.goodnough@wy.gov](mailto:brian.goodnough@wy.gov).

Sincerely,

Brian Goodnough  
Surface Water Hydrologist  
LQD District 1

Date: 08/13/19

Enclosure: 2019 Annual Inspection Report

cc: Robin Jones, Cheyenne DEQ-LQD  
Tammi Pusheck, DEQ-LQD Records Manager  
Heather Kroupa, State Mine Inspector

**LIMITED MINE OPERATION (LMO)  
INSPECTION REPORT**



Wyoming Department of Environmental Quality, Land Quality Division  
200 W. 17th Street, Cheyenne, WY 82002  
(307) 777-7057 FAX: (307) 777-5864

<b>LMO Number:</b>	ET1496	<b>Operator:</b>	QUALITY LANDSCAPE & NURSERY INC
<b>Inspection Date:</b>	6/13/2019	<b>Inspector(s):</b>	Brian Goodnough
<b>Report Date:</b>	8/13/2019	<b>Participant(s):</b>	None
<b>Last Inspection:</b>	7/26/2018	<b>Current Bond:</b>	\$1,000
<b>Inspection Reason(s):</b>	Annual	<b>Field Conditions:</b>	Sunny 74°F @ 11:30 am

<b>Status:</b>	Active	<b>Approved Acreage:</b>	1
<b>County:</b>	Carbon	<b>Mineral:</b>	Dirt
<b>Total Disturbed Acres:</b>	1.03		

**Opening Comments**

Authorization of the Limited Mining Operation (LMO) was issued to Quality Landscape & Nursery, Inc. (QLN) on July 22, 2010. The LMO is located in Lots 1 thru 10 Block 11 (NE1/4NE1/4 of Section 14 T17N R84W) within the town of Saratoga, Wyoming.

Land Quality Division (LQD) has received QLN's annual reports over the last five (5) years and the mined materials reported have been minimal. The 2018 Annual Report indicates the property is used for mixing imported materials. This activity is not considered mining under W.S. § 35-11-401(e)(vi) or Noncoal Rules and Regulations, Chapter 10 Limited Mining Operations for Fifteen Acres of Affected Lands. LQD has determined that there is no more minable areas within Lots 1 thru 10, Block 11 and QLN must proceed with reclamation of LMO 1496ET. In addition, mining has occurred outside of this legal description. Mining outside the legal description has resulted in material damage to the steel retaining wall and has resulted in removal of material from the adjacent property. If QLN disputes mining outside the LMO boundary, QLN must provide a survey to illustrate mining has not occurred outside the legal description. Therefore, QLN must proceed with reclamation of the site, reduce the highwall, and stabilize the steel retaining wall. If QLN does not proceed with reclamation, LQD will proceed with enforcement actions against QLN for mining outside the LMO legal description that has resulted in material damage to the adjacent property.

In review of the 208 Annual Report, QLN has no material stockpile for stabilizing the slope or reclamation of the LMO. Based on this fact, LQD re-evaluated the reclamation performance bond and has determined it is inadequate to address the current status of the site. Therefore, the reclamation liability will be set at \$65,000.00 to address the current site conditions. A Director's Bond Letter will follow this inspection report.

**Compliance Assessment**

Inspection Topic	In Compliance
Compliance	No
<p><b>June 13, 2019 Field Inspection:</b> LQD conducted the annual inspection and GPS surveyed the mining disturbance at 1.03 acres. The survey markers on the south side of the property were clearly marked as Lots 1 through 10 Block 11 as described on the legal description listed on Form 10. Mining activities have occurred beyond the survey markers and up to the steel retaining wall into the alley owned by the City of Saratoga, Wyoming (<b>Photos #1 through #5</b>). This was evident due to the survey markers were either mined out or material stockpiles were placed over the markers. LQD overlaid the GPS survey data onto an areal map to illustrate mining outside the LMO legal description (<b>Attachment 1</b>). If QLN disputes mining outside the LMO legal description, QLN must provide a survey to illustrate mining has not occurred outside the LMO legal description. Reclamation and stabilizing the metal retaining wall must begin or LQD will proceed with enforcement actions against QLN for mining outside the LMO legal description.</p>	
<ul style="list-style-type: none"> <li>● Erosion Control</li> </ul>	Yes
<p>No erosion issues were noted during the inspection. QLN constructed a small sump on the west side of the LMO. The sump is functioning appropriately to manage surface run off within the LMO (<b>Photo #6</b>).</p>	
<ul style="list-style-type: none"> <li>● Fuel Storage</li> </ul>	Yes
<p>There is no fuel stored on site.</p>	
<ul style="list-style-type: none"> <li>● Impoundments</li> </ul>	Yes
<p>Impoundments are not associated with this LMO.</p>	
<ul style="list-style-type: none"> <li>● Off-site/Permit Disturbance</li> </ul>	No
<p>Mining has occurred outside the legal description and has resulted in material damage to the steel retaining wall and removed material from the adjacent property (<b>Photos 7 &amp; 8</b>).</p>	
<ul style="list-style-type: none"> <li>● Other</li> </ul>	No
<p>QLN has installed a fence and constructed a small berm at the foot of the steel retention wall. This was poorly constructed to deter entry to this area. QLN posted a danger sign above the steel retaining wall. LQD will follow up with State of Wyoming, Department of Workforce Service on safety and stability of the steel retaining wall.</p>	
<ul style="list-style-type: none"> <li>● Permit Signs</li> </ul>	Yes
<p>The LMO identification sign was in place at the entrance of the mine and posted the required information.</p>	
<ul style="list-style-type: none"> <li>● Roads and Culverts</li> </ul>	Yes
<p>No roads or culverts were constructed at this LMO.</p>	
<ul style="list-style-type: none"> <li>● Solid Waste Disposal</li> </ul>	Yes
<p>There was no solid waste stored at this LMO.</p>	
<ul style="list-style-type: none"> <li>● Topsoil Salvage</li> </ul>	Yes
<p>There was no topsoil stored at this LMO.</p>	

**Actions Required**

Inspection Topic	Inspection Date	Proposed Resolution Date
<b>Weed Control</b>	<b>7/26/2018</b>	<b>5/15/2019</b>
<p>Control Canada thistle during the 2019 growing season. <b>Initiate noxious weed control and provide photo documentation to the LQD before May 15, 2019.</b></p>		

**Inspection Summary Comments**

LQD noted that mining has occurred outside the legal description. This mining has resulted in material damage to the steel retaining wall and materials have been removed from the adjacent property. If QLN disputes mining outside the LMO boundary, QLN must provide a survey to illustrate mining has not occurred outside the LMO boundary. Therefore, QLN must proceed with reclamation of the site, reduce the highwall, and stabilize the steel retaining wall. If QLN does not proceed with reclamation, LQD will proceed with enforcement actions against QLN for mining outside the LMO legal description that has resulted in material damage to the adjacent property.

**Inspection Recipient and Attachment Information**

Recipient	Email	Address/Notes
Operator	No	QUALITY LANDSCAPE & NURSERY INC Randy Stevens
State Mine Inspector	Yes	State Mine Inspector Heather Kroupa

**Attachment Types:**  Photo Addendum  Map(s)  Table(s)  Other

**Attachment Notes**

This inspection report will be sent via email only. Hard copy can be sent upon request. Please contact LQD to request hard copy.

Type	FileName	Size (MB)	# Pages
Cover Letter	2019-06-13-1496ET-IR-CL-081319.pdf	0.38	1
Photos	2019-07-05-1496ET-IR-Photos.pdf	1.10	2
Attachment	LMO1496ET-Map-2019.pdf	0.84	1

2019 ANNUAL INSPECTION REPORT  
QUALITY LANDSCAPE & NURSEY, INC.  
LIMITED MINING OPERATION 1496ET

PHOTO ADDENDUM



**Photo #1:** General overview of mining towards steel retaining wall looking east. Mining has occurred outside the LMO legal description.



**Photo #2:** General overview of survey markers place on the southern LMO boundary. Material stockpiles are being placed on top the survey markers and outside the LMO legal description.



**Photo #3:** General overview of southern LMO boundary looking west. Survey stakes marking Lots 1 thru 11. Mining has occurred outside the LMO legal description.



**Photo #4:** General overview of the top of the steel retaining wall and LMO boundary. Mining has occurred outside the LMO legal description.



**Photo #5:** General overview of the top of the steel retaining wall and LMO legal description. Mining has occurred outside the LMO legal description.



**Photo #6:** General overview of sump. The small sump is functioning appropriately.



**Photo #7:** General overview of steel retaining wall looking east. Mining has resulted in material damage to the steel retaining wall. The middle of the wall is slowly moving out towards the north.



**Photo #8:** General overview of steel retaining wall. Water is piping behind the retaining wall causing material damage.

# Attachment 1

