

FILED

AUG 30 2024

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

TYLER DODGE)
1256 SYBILLE CREEK ROAD)
WHEATLAND, WY 82201)
961ET)

DOCKET NUMBER 3500-03

SETTLEMENT AGREEMENT AND CONSENT ORDER

STIPULATED FINDINGS OF FACT

1. Tyler Dodge is the owner of a limited mining operation located west of Wheatland, Wyoming on the northeast side of the Jefferson Road and Sybille Creek Road intersection.
2. The Annual Inspection alleges that the operator/permittee has conducted no mining activity during the past Annual Report period. As required by the Department of Environmental Quality/Land Quality Division Non-coal Rules and Regulations, Chapter 10, Section 5. (a) "...within 30 days after the abandonment of the mining operation, the operator shall notify the Administrator of such fact and commence reclamation and restoration."
3. The Annual Inspection alleges that the operator/permittee has not protected the topsoil resource as defined by the Department of Environmental Quality/Land Quality Division Noncoal Rules and Regulations, Chapter 10, Section 4.(b).
4. The operator/permittee failed to file the required 2002-2003 Annual report within thirty (30) days of the anniversary of beginning date of mining. This is a violation of W.S. '35-11-401(k).
5. The operator/permittee allegedly disturbed 12.3 acres. This is 2.3 acres more disturbance than allowed under W.S. § 35-11-401(e)(vi).
6. The aforementioned allegations in paragraphs 3 and 5 have not been corrected or remedied, nor has the operator/licensee provided any information concerning those violation.
7. 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 there under is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may

EXHIBIT
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be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

CONCLUSIONS OF LAW

1. The DEQ, pursuant to W.S. § 35-11-104, is a department in the executive branch of the state government of Wyoming and is principally situated in Cheyenne, Wyoming. DEQ/LQD is the agency vested by statute W.S. § 35-11-110(a) with the responsibility for administering the environmental laws of the State of Wyoming and for administering all provisions of the Wyoming Land Quality Rules and Regulations.

2. Pursuant to W.S. 35-11-901(a), any person who violates any provision of the Environmental Quality Act, or any order, rule, standard, permit, license, or variance adopted thereunder, is subject to a penalty not to exceed ten thousand dollars (\$10,000) for each violation for each day during which the violation continues. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

3. W.S. § 35-11-901(a)(ii) authorizes stipulated settlement, including payment of a penalty, in lieu of litigation. To that end, Tyler Dodge and the DEQ/LQD hereby stipulate and agree as follows:

CONSENT ORDER

1. Tyler Dodge agrees and shall pay to the Department of Environmental Quality, Land Quality Division, the sum of one-thousand dollars (\$1,000.00) as administrative penalty on or before March 31, 2004.

2. Tyler Dodge agrees and shall timely file required annual reports with the Department of Environmental Quality, Land Quality Division for the duration of his mining operation and/or the life of his permit, which ever period is longer.

3. Tyler Dodge agrees and shall reclaim the disturbed area disturbed by his mining operation to ten acres (10) or less following the reclamation guidelines set forth by the LQD and its administrative rules and regulations.

4. Tyler Dodge agrees not to disturb any additional land, after reclaiming the disturbed area to ten (10) acres, for the duration of his mining operation and/or the life of his permit, which ever period is longer.

5. Tyler Dodge waives any statute of limitations which may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation No. 3500-03 in the event that Tyler Dodge fails to fulfill its obligations under this Settlement Agreement.

6. Nothing in this agreement precludes DEQ/LQD from taking additional enforcement action, including the issuance of a Notice of Violation, Order and/or pursuing additional penalties, should

Tyler Dodge violate the Wyoming Land Quality Act or applicable rules and regulations in the future.

7. This Settlement Agreement shall be admissible by either party without objection by the other party in any action between these parties.

8. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.

9. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

TYLER DODGE :

Signed: Tyler Dodge
Typed: _____

Date: Mar. 11 - 04

Title: _____

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

John V. Corra
John Corra, Director

Date: 3/27/04

Richard Chancellor
Richard Chancellor, Administrator
Land Quality Division

Date: 25 March 04