

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

JUL 26 1993

IN THE MATTER OF THE BOND FORFEITURE )  
PROCEEDINGS AGAINST THE BOND OF )  
MULLER CONSTRUCTION FOR LIMITED MINING )  
EXEMPTION No. 786ET )

Docket No. \_\_\_\_\_

Terri A. Lorenzon, Attorney  
Environmental Quality Council

**DEPARTMENT'S MOTION TO SCHEDULE HEARING**

The Department of Environmental Quality, Land Quality Division, by and through the office of the attorney general, moves for an order scheduling a hearing, and as grounds for this motion states:

1. On January 11, 1993, the Attorney General's Office sent a notice of bond forfeiture to Muller Construction, pursuant to the Council's approval, dated December 17, 1992.
2. On January 29, 1993, Muller Construction requested a hearing.
3. The parties moved the Council to stay the hearing, because Muller represented it would reclaim the mine. In Muller's January 29th letter, it committed to reclaim.
4. The DEQ has inspected the mine since January, including the latest inspection on July 19, 1993. Muller has performed no reclamation work this year. Based on Muller's failure to make a good faith effort to at least commence reclamation, the DEQ is obligated to go forward with its bond forfeiture action.

THEREFORE, the DEQ requests the Council schedule a hearing, pursuant to W.S. 35-11-421(c), preferably during the week of September 13th through the 17th.

DATED July 22, 1993.




Thomas A. Roan  
Assistant Attorney General  
123 Capitol Building  
Cheyenne, WY 82002

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 22<sup>nd</sup> day of July, 1993, the foregoing DEPARTMENT'S MOTION TO SCHEDULE HEARING was served by placing a true and correct copy in the United States mail, postage prepaid, addressed to the following:

H. Steven Brown  
Brown, Raymond & Rissler, P.C.  
246 South Center St., Suite 101  
Casper, Wyoming 82601



Thomas A. Roan  
Assistant Attorney General