



THE STATE OF WYOMING

Attorney General

MIKE SULLIVAN
GOVERNOR

JOSEPH B. MEYER
ATTORNEY GENERAL

123 CAPITOL BUILDING
CHEYENNE, WYOMING 82002
FAX: 307-777-6869

ADMINISTRATION 307-777-7841
CIVIL DIVISION 777-7886, 777-7876, 777-6397
CONSUMER AFFAIRS 777-6743, 777-7874
CRIMINAL DIVISION 777-6743, 777-7874
NATURAL RESOURCES DIVISION 777-7824, 777-7825

LITIGATION DIVISION 777-6886, 777-5934, 777-5754
1ST WEST, HERSCHLER BUILDING
FAX: 307-777-6329

NORTH PLATTE LITIGATION 777-8946
4TH EAST, HERSCHLER BUILDING

MEMORANDUM

TO: Environmental Quality Council

FROM: Tom Roan *TAR*
Senior Assistant Attorney General

DATE: December 1, 1993

RE: Bond forfeiture action against Willow Mesa, Inc.,
Permit No. 553ET

FILED

DEC 02 1993

*Terri A. Laramore, Attorney
Environmental Quality Council*

After the operator objected to the bond forfeiture action, this matter was stayed by the Council on May 15, 1992. Since then, the DEQ has determined that a bond forfeiture action is not warranted, for reasons set forth in the accompanying motion to dismiss and proposed order. Please consider the motion and order at your earliest convenience.

If you have any questions, please do not hesitate to contact me. Thank you.

TAR:bg
Attachment

12159

PETER J. MULVANEY, ADMINISTRATOR - GENERAL

SYLVIA LEE HACKL, CRIMINAL ADMINISTRATOR
MARY B. GUTHRIE, NATURAL RESOURCES ADMINISTRATOR

MICHAELL. HUBBARD, CIVIL ADMINISTRATOR
JOHN W. RENNEISEN, LITIGATION ADMINISTRATOR

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
WILLOW MESA CONSTRUCTION,)
FOR PERMIT NO. 553ET)

FILED

JAN 31 1994

Terri A. Lorenson, Attorney
Environmental Quality Council

ORDER TO DISMISS

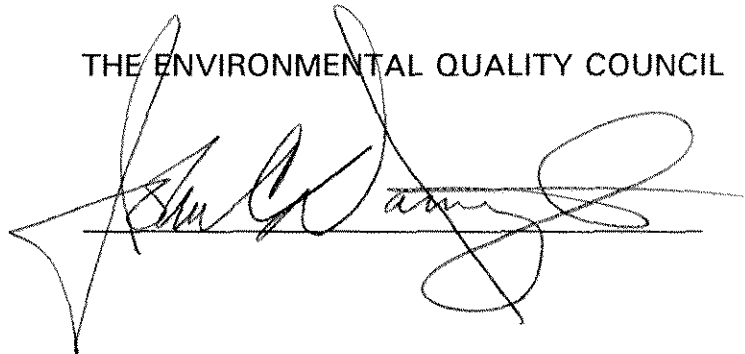
The Council has received a motion to dismiss from the Department of Environmental Quality, Land Quality Division. The Council, having found that the operator in this matter did not operate the mine in question, that another party has assumed responsibility for reclaiming the mine in question, that the DEQ does not need the bond proceeds in order to ensure that the mine is properly reclaimed, and that the DEQ has terminated the permit and is returning the bond to the operator, and having been otherwise fully informed,

ORDERS

that this matter be dismissed.

DATED this 28 day of January, 1994.

THE ENVIRONMENTAL QUALITY COUNCIL



CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 21st day of January, 1994, I served a copy of the foregoing ORDER by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:



F. L. Thomas, Jr.
P. O. Box 310
Kemmerer, WY 83101-0310

and also to the following persons via interoffice mail:

Dennis Hemmer, Director
Department of Environmental Quality
122 W. 25th Street, Herschler Building
Cheyenne, WY 82002

Roger Shaffer, Administrator
Land Quality Division
Department of Environmental Quality
122 W. 25th Street, Herschler Bldg.
Cheyenne, WY 82002

Thomas A. Roan
Senior Assistant Attorney General
Attorney General's Office
123 Capitol Building
Cheyenne, WY 82002


TERRI A. LORENZON, Attorney 
Environmental Quality Council
2301 Central Avenue, Rm. 407
Cheyenne, WY 82002
Tel: (307) 777-7170

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
WILLOW MESA CONSTRUCTION,)
FOR PERMIT NO. 553ET)

FILED

DEC 02 1993

Terri A. Lorenson, Attorney
Environmental Quality Council

MOTION TO DISMISS

The Department of Environmental Quality, Land Quality Division, by and through the Office of the Attorney General, hereby moves the Council to dismiss the above-referenced bond forfeiture action, and as grounds for this motion, offers the following:

1. Willow Mesa, Inc., the operator in this matter, objected to the DEQ's bond forfeiture action on the basis that it had not operated the mine identified in permit no. 553ET.
2. After investigating this allegation, the DEQ determined that another party had operated this mine.
3. A third party has assumed responsibility for reclaiming the mine.
4. Willow Mesa, Inc.'s bond is no longer necessary for reclaiming this mine.
5. The DEQ has terminated this permit and is returning the bond to the operator.

THEREFORE, the DEQ respectfully requests that the Council dismiss this bond forfeiture action.

DATED December 1, 1993.



Thomas A. Roan
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002
(307) 777-7841

CERTIFICATE OF SERVICE

I, Thomas A. Roan, do hereby certify that I transmitted a true and correct copy of the foregoing ***Motion to Dismiss*** by placing the same in the United States mail, postage prepaid, on December 1, 1993, addressed to the following:

F.L. Thomas, Jr.
P.O. Box 310
Kemmerer, WY 83101-0310


Thomas A. Roan
Senior Assistant Attorney General