



# Department of Environmental Quality

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



John V. Freudenthal,

John Corra, Director

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**

JMP JUL 18 2006  
LAND QUALITY DIV.  
DIST. II

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

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



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 )

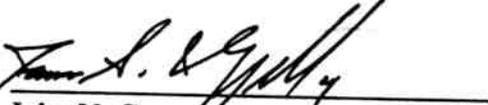
DOCKET NO. 3915-06

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 SW¼SW¼ 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.
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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