

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

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

Wagner & Watts)

Mrs. Wilma Wagner and Ms. Shelly C. McLain)

15700 Jamaica Dr, Brighton, CO 80602-7416)

Permit 591)

DOCKET NO. 4199-07

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §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. The 591s Permit was issued to Mr. Reuben Watts, Mr. David Ross and Mr. Herman Wagner on October 14, 1984. All of the original parties have passed away. LQD attempts to resolve the compliance issues with Mrs. Wagner and Mr. Wagner's daughter, Ms. Shelly C. McLain have failed. LQD attempted to resolve the compliance issues on July 13, 2007, September 13, 2007 and November 9, 2007 either through certified mail or telephone calls.
3. This Notice of Violations is being issued for failure to file Annual Report and for failure to complete the reclamation of the mining activities.
4. Wyoming Statute §35-11-411(a) requires that the operator file an Annual Report with the Administrator on or within 30 days prior to the anniversary date of each permit. The operator has not filed an Annual Report since October 21, 2004.
5. Wyoming Statute §35-11-415(b)(ix) requires the operator to reclaim the affected land as mining progresses. Annual Reports and Annual Inspections indicate that no mining and no reclamation has occurred within the past 18 years.
6. 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 hereunder 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.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 27th day of December, 2008 2007

John V. Corra
John V. Corra
Director

Department of Environmental Quality

Donald R. McKenzie
Donald R. McKenzie
Administrator

Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002.

CERTIFIED MAIL # 7005 1820 0005 1478 8651

RETURN RECEIPT REQUESTED

DOCKET NO.

Permit 591s

cc: Lowell Spackman, LQD