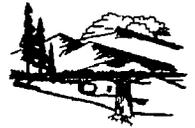




Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

July 11, 2008

Mr. Randy Stevens
Quality Landscape and Nursery
P.O. Box 1074
Saratoga, WY 82331

RE: Settlement Agreement and Notice of Compliance for Notice of Violation, Docket No. 4271-08, TFN 5 2/25

Dear Mr. Stevens:

Enclosed you will find a copy of the signed settlement agreement. This letter also acknowledges receipt of the cash settlement payment of \$1,000 (receipt #0417 enclosed). Thank you for your cooperation and prompt response in this matter.

This letter also serves as the Land Quality Division (LQD) Notice of Compliance for NOV Docket # 4271-08, as all compliance issues related to this NOV have been satisfied.

If you should have any questions, please feel free to contact Lowell Spackman or Bill Hogg of the Land Quality Division District 1 office at 307-777-7756.

Sincerely,

Becky Brosius
Administrative Assistant
Land Quality Division

Enclosure

xc: District 1
Sharon Jenkins
John Burbridge

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7368
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION**

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Land Quality Division (WDEQ/LQD) and Mr. Randy Stevens, Quality Landscape and Nursery, Inc. a company authorized to do business in Wyoming, enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in **Notice of Violation (NOV) Docket Number 4271-08, dated May 14, 2008**. The Notice of Violation (NOV) alleges that prior to receiving authorization to mine on the site located in Carbon County, Section 1, Township 17 North, Range 84 West, the operator, Mr. Randy Stevens, disturbed land for the purpose of mining. This is a violation of the Wyoming Environmental Quality Act (Act) and applicable Wyoming Department of Environmental Quality/Land Quality Rules and Regulations (WDEQ/LQD R&R). Representatives of the WDEQ/LQD and State Lands and Investments met with Mr. Stevens on June 9, 2008 to discuss these violations.

W.S. §35-11-901(a)(ii) authorizes the WDEQ to negotiate a stipulated settlement, including possible payment of a penalty, in lieu of litigation. To that end, Mr. Randy Stevens, Quality Landscape and Nursery, Inc. and the WDEQ/LQD hereby stipulate and agree as follows:

1. The WDEQ, 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 is the agency with the responsibility for administering the Wyoming Environmental Quality Act including all provisions of the WDEQ/LQD R&R.
2. Mr. Randy Stevens began operation of a sand and gravel operation located in Carbon County, Wyoming, located in Section 1, Township 17 North, Range 84 West. Mr. Steven began operations by removing the vegetative cover and soil from the site before authorization by the WDEQ/LQD.
3. Mr. Stevens has made separate agreements with the State Lands and Investment for both the adjacent authorized area for 47ET and the unpermitted site. These agreements are not included with this Settlement Agreement. State Lands and Investment is a separate agency responsible for the leasing of the surface and mineral for the State of Wyoming.
4. Conducting mining operations in the State of Wyoming without authorization from the WDEQ/LQD is a violation of W. S. §35-11-401(a). The Limited Mining Operation, Form 10, must be approved by the WDEQ/LQD before any mining can occur. Mr. Stevens has subsequently submitted a complete Form 10 and bond. Mr. Stevens has two approved Limited Mining Operations (47ET and 1421ET) that required additional reclamation. These operations are adjacent or within six miles of the unpermitted site. Upon completion and documentation of the items listed in No. 5 below for reclamation of the adjacent operations, the application will be adequate for approval. However, authorization by the WDEQ/Water Quality Division (WQD) and Air Quality Division (AQD) is required before mining can commence.
5. The DEQ/LQD Rules and Regulations, Chapter 10, Section 8 for Limited Mining Operations do not allow adjacent operations of the same type of material. Mr. Stevens' two adjacent authorizations within six miles of this unpermitted site required vegetation or stabilization as outlined below before the reclamation bonds could be released and the ETs terminated. Mr. Stevens has agreed to the following:
 - a.) 47ET has been regraded and seeded. However, the seed mix used was not a salt tolerant seed mix that may be necessary for these alkali soils. Mr. Stevens will reseed the area with a salt tolerant seed mix to attempt further re-vegetation and stabilization. The WDEQ/LQD will hold the reclamation bond for a minimum of two years for adequate vegetation cover to establish or until State Lands and Investment is satisfied with the reclamation. This ET is considered inactive and sufficiently reclaimed to allow an adjacent operation to be approved. However, State Lands and Investment has required Mr. Stevens to reseed any areas with insufficient vegetative growth by July 1, 2008.
 - b.) 1421ET is within the Saratoga town limits. The town does not allow mining within the town limits. Therefore, Mr. Stevens has agreed not to mine the site where soil or dirt will not be sold. In order to terminate this authorization, Mr. Stevens has agreed to hydromulch the side slopes above the irrigation ditch by 6/13/08. Upon LQD documentation of the hydromulching, the authorization can be terminated and the bond release. (The WDEQ/LQD documented that the area had been hydromulched on June 20, 2008.)

The WDEQ/LQD has agreed that if these Limited Mining Operations were reclaimed as outlined above, the new, unpermitted site can be approved as the Form 10 and bond are acceptable.

6. Mr. Randy Stevens agrees to pay a total settlement of one thousand dollars (\$1,000.00) as a stipulated settlement to resolve this matter in lieu of litigation under W.S. §35-11-901(a)(ii). Mr. Stevens shall pay \$1,000 directly to the WDEQ/LQD. Payment is due and payable within fifteen (15) days of full execution of this Settlement Agreement. Payment to WDEQ shall be by check made payable to the Wyoming Department of Environmental Quality/Land Quality Division and shall be sent to: Donald R. McKenzie, Administrator, Wyoming Department of Environmental Quality, Land Quality Division, Herschler Building, 3 Floor-West, 122 West 25th Street, Cheyenne, Wyoming 82002.
7. This signed Settlement Agreement and payment by Mr. Stevens as specified above shall constitute full satisfaction for and resolution of all claims by the WDEQ/LQD against Mr. Randy Stevens, Quality Landscape and Nursery, Inc. based on the violations alleged in Notice of Violation Docket No. 4271-08. Contingent upon Mr. Stevens' compliance with the terms of this Settlement Agreement, the WDEQ/LQD will refrain from taking further enforcement action against Quality Landscape and Nursery, Inc. for these particular violations cited in this Settlement Agreement. By this Settlement Agreement, the parties intend to resolve with prejudice all allegations that were asserted in NOV Docket No. 4271-08.
8. Mr. Randy Stevens, Quality Landscape and Nursery, Inc. waives any statute of limitations which may apply to an enforcement action by the WDEQ/LQD involving the specific matters described in Notice of Violation Docket No. 4271-08 in the event that Mr. Stevens, Quality Landscape and Nursery, Inc. fails to fulfill its obligations under this Settlement Agreement.
9. Nothing in this agreement precludes WDEQ/LQD from taking additional enforcement action, including the issuance of a Notice of Violation, Order and/or pursuing additional penalties, should Mr. Randy Stevens, Quality Landscape and Nursery, Inc. violate the Wyoming Environmental Quality Act or applicable rules and regulations in the future.
10. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
11. Notwithstanding any other language in this Settlement Agreement, the State of Wyoming and WDEQ do not waive sovereign immunity by entering into this Settlement Agreement with Mr. Randy Stevens, Quality Landscape and Nursery, Inc. and specifically retain all immunity and all defenses available as sovereigns under state and federal law.
12. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
13. This Settlement Agreement is binding upon Mr. Randy Stevens, Quality Landscape and Nursery, Inc., its successors and assigns, and upon the WDEQ.
14. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR MR. RANDY STEVENS, QUALITY LANDSCAPE AND NERSERY, Inc.:

Signed: Randy Stevens

Date: July 7-08

Print: Randy Stevens

Title: Pres.

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

John V. Corra

John V. Corra, Director
WDEQ

Date: 7/11/08

Donald R. McKenzie

Donald R. McKenzie, Administrator
WDEQ/Land Quality Division

Date: 6/30/08

JVC/DRK/LKS

cc: Lowell Spackman, WDEQ/LQD, District I
Docket Number 4271-08