

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAR 27 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
ELECTRO WIN)
MINING PERMIT 600s)

Docket No. 08-4503

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ORDER OF BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council (EQC) on a motion from the Wyoming Department of Environmental Quality (DEQ) for forfeiture of a bond against Electro Win. The EQC, having reviewed the motion and having been otherwise fully informed, MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Electro Win posted a \$500.00 reclamation performance bond, in the form of a Certificate of Deposit, No. 2711, issued by Moffat County State Bank (now Bank of the West) in Craig Colorado, allowing Electro Win to conduct a small mining operation located in Section 24, T12N, R94W, Carbon and Sweetwater Counties, Wyoming.
2. The DEQ issued Notice of Violation No. 4272-08 to Electro Win on May 14, 2008 because Electro Win had failed to commence reclamation of the area disturbed during its mining operation.
3. The EQC approved the DEQ's request to initiate bond forfeiture proceedings against Electro Win on September 30, 2008.

4. On December 10, 2008, the Office of the Attorney General mailed Notice of Bond Forfeiture to Electro Win by certified mail. The notice stated that the EQC would enter an order forfeiting Electro Win's bond unless Electro Win demanded a hearing before the Council within thirty days. Electro Win received the notice on or about December 15, 2008. Electro Win did not request a hearing within thirty days of its receipt of the Notice of Bond Forfeiture.

5. The record in this matter establishes that the DEQ has satisfied all requirements for bond forfeiture pursuant to WYO. STAT. ANN. § 35-11-421 (West 2007) for Certificate of Deposit, No. 2711, in the amount of \$500.00.

The Environmental Quality Council, being otherwise fully advised on the premises, HEREBY ORDERS:

1. The aforementioned reclamation performance bond forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the Department for the reclamation of all lands affected by Electro Win's mining operation under permit number 600s.

2. Any proceeds remaining after reclamation shall be subject to any claim by the people of the State of Wyoming.

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3. Any funds remaining after reclamation and payment of other claims shall be returned to Electro Win, if it can be found.

DATED this 25 day of March, 2009.

WYOMING ENVIRONMENTAL QUALITY
COUNCIL


Chairman

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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 27th day of March, 2009, I served a copy of the foregoing **ORDER OF BOND FORFEITURE** by electronic mail to the following:

John Corra
Director, DEQ
jcorra@wvo.gov

John Burbridge
Asst. Attorney General
jburl@state.wy.us

Candis Johnson
Office of Attorney General
Cjohns1@state.wy.us

Don McKenzie
Land Quality Administrator
dmcken@wyo.gov

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also by depositing the same in the United States mail and addressed to:

Moffat County Safety Center
Mr. Terry Hankins
Electro Win
800 West 1st, Ste. 200
Craig, CO 81625


Kim Waring, Executive Assistant
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