



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

JCC
SK
5/28/9

May 22, 2009

Mr. Calvin Michaels
P. O. Box 121
Burlington, WY 82411

LQD

MAY 26 09

RE: Notice of Violation, Docket No. 4487-09
Calvin Michaels WyDEQ/LQD Limited Mining Operation No. 1391ET

RECEIVED

Dear Mr. Michaels:

On May 21, 2009, I conducted an inspection of WyDEQ/LQD Limited Mining Operation (LMO) 1391ET to ascertain if you had completed all actions required under the Settlement Agreement for Docket No. 4487-09. Item 2 of the Settlement Agreement required that all topsoil be pulled back from the highwall crest and a buffer zone a minimum of eight feet in width. Inspection indicated that this task had been completed and that the buffer zone established was approximately 10 feet in width. Item 3 required that all topsoil from disturbed areas, except those currently covered by material stockpiles, be salvaged and stockpiled for reclamation. The attached Photo 1 illustrates that all topsoil from the disturbed area has been salvaged and added to the topsoil stockpile along the west edge of the disturbance. The topsoil stockpile was properly signed.

Item 4 required that material from the pit floor be used to establish an adequate regrade slope along the north wall of the pit. The attached Photo 2 shows that this has been accomplished. The final action item, Item 5, required that all equipment stored on native land be removed and parked on an area that was stripped of topsoil. This action item was addressed. During all of your future mining operations please continue to be cognizant of potential impacts to native areas.

In closing, with this letter, I am terminating the Notice of Violation associated with Docket 4487-09 as you have honored all obligations under the Settlement Agreement. If you have any questions, please do not hesitate to contact me.

Respectfully,

Brian R. Wood
District II Hydrologist

Cc Mark Moxley > Permit 672(s) NOV file
Becky Brosius, WyDEQ/LQD Cheyenne
Brian Wood, Chron File