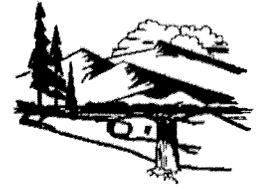




Department of Environmental Quality



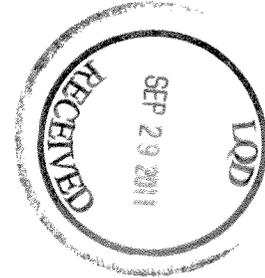
To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Matt Mead, Governor

John Corra, Director

September 28, 2011

Mr. Aaron Koch
Koch Construction
P. O. Box 288
Daniel, WY 83115



4764-10

**RE: Notice of Violation and Order, Docket No. 4767-11; Termination
Koch Construction, Inc. Small Mine Permit 761s**

Dear Mr. Koch:

On June 2, 2011, accompanied by John Erickson of WDEQ/LQD, I conducted an inspection of WDEQ/LQD Small Mine Permit 761s, to ascertain if all actions required under the Notice of Violation and Order, Docket 4767-11 had been completed. Since that date, the haul road was included in the permit via an Incidental Boundary Revision (Change #2) and an engineered drainage design has been performed and approved as part of the permit via a Non-Significant Revision (Change #3). BLM has submitted copies of their contract. These items satisfy items 1.b), 1.c), and 1.d.) of the Order.

At the time of the inspection, the west highwall had been reduced to a slope less than vertical. MSHA had visited the site and determined the slope configuration was acceptable. The south highwall had been reduced to final grade. The bonding had been increased to \$50,000, sufficient to include the haulroad and drainage design and allowing credit for grading of the south wall. These items satisfy items 1.a.) and 2.c.) of the Order.

No materials observed were considered "pushed over" the north slope. Any materials that were not considered native on the north slope appeared to have been part of the original road embankment construction. This satisfies item 2.b.) of the Order.

The topsoil berm along the haulroad was growing vegetation. It was determined that the topsoil would be left as a safety berm for the south slope of the road and would be used in the reclamation along the road as the project is completed; satisfying item 2.a.) of the Order.

In closing, I am terminating the Notice of Violation and Order associated with Docket 4764-10 as the obligations of the Order have been reasonably satisfied. If you have any questions, please do not hesitate to contact me (307) 332-3047.

Respectfully,

Tanya King
Natural Resources Analyst
WDEQ/LQD District 2
Lander Field Office

Cc Mark Moxley
Becky Brosius, DEQ/LQD Cheyenne
Luke Esch, AG Office
Tanya, Chron