

BY FAX (307) 777 - 6134

To: Jim Ruby, Executive Secretary EQC Fax (307) 777 - 6134
To: Roger Croell, Croell Redi-Mix Fax (307) 283 -1450
To: Judy Hamm for distribution Fax (941) 697 - 0798
via e-mail to other objectors

From Judith Bush tel / fax (613) 392 - 2313
2313 County Rd 64 please phone before faxing
Carrying Place ON Canada K0K 1L0

date: December 14, 2009

Re: **Response to Amended Notice and Order of EQC**
Objection to the Mine Permit of Croell Redi-Mix, Inc. TFN 5 6/072
Docket No. 09-4806 -

No pages 6

Please note that this information is not complete at this time, and I reserve the right to add other relevant matters regarding subjects to be raised at hearing, witnesses to be called, and documentation to be presented. at a later date.

The Wyoming Secretary of State web site is either down or blocked in Canada. I have not yet been able to obtain a copy of the LQD Rules and Regulation regarding Noncoal Permitting, which is a document with relevance to the upcoming hearing. Please note that I have also been refused basic information from the DEQ AQD file regarding operations at Rogers Pit.

I work from an ancient computer at home. I cannot e-mail my documents directly to anyone. I am faxing this letter to Judy Hamm for dissemination to other persons who have objected to the Croell Redi-Mix application. It should get to other people who have objected to this application faster and more efficiently than if I sent it through the post office by registered mail, which might protect me, but which would accomplish nothing as far as lining things up to get the hearing on track

I received a copy of the Amended Notice and Order sent US post registered post by the EQC on December 9, 2009 from the DEQ - not from the EQC. The fact that the EQC mailed me notice by US mail tells me that no one had any concern that I receive anything approaching timely notice of requests being made to get the hearing organized in advance of the hearing taking place. The fact that the EQC would mail notice that it had to know perfectly well would not arrive in Canada in time for me to comply even in part with any of the pre-hearing demands contained in the orders implies a complete disregard for the fact that this hearing is mandated as a part of a public process and as such it is the responsibility of the EQC in this situation to facilitate and mentor participation, at least to the extent that the the process is as transparent as possible.

I should not have had to go to the trouble of searching through the Environmental

Quality Act to determine that the EQC had not complied with its legal obligation to publicize the upcoming public hearing in a local publication once weekly during the two weeks leading up to the hearing.

It looks from the notice that Judy Hamm's Amended Notice was also sent out by registered US mail to Florida, presumably in the same expectation that she would not get it in time. Even people in and around Sundance, if they go into town to retrieve their mail from their post office boxes when the post office is closed, will not receive their letters in a timely fashion. I understand that not all people having mail delivered receive it on a daily basis.

To the extent that the pre-hearing demands are an attempt to facilitate public participation, and not to discourage and otherwise disenfranchise members of the public from participating in a public process when matters being considered are affecting their lives, I am all for it, and I have no problem working as efficiently as possible to move matters along. I am, however, asking that you stop hurling draconian threats of immediate disenfranchisement from the public process at the public whom you serve.

Please note that I faxed Mr. Croell at Croell Redi-Mix on December 9, 2009, requesting that he consent to postponing this hearing until after Christmas. I did not receive the courtesy of a reply.

Witnesses

**I will be calling our ranch manager, Dewey Turbiville, to present evidence on how the Rogers Pit has affected our ranch operation to day.
Mr. Turbiville's phone number is (307) 283-2835**

**I will be calling our ranch manager's wife, Margaret Turbiville, who will be discussing safety issues relating to the operation of the Rogers Pit.
Mrs. Turbiville's phone number is (307) 283-2835**

**I will be calling Bob Gerkin, our real estate agent, who will describe the impact that an expanded Rogers Pit will have on the value of our ranch. Mr. Gerkin will also present evidence regarding a previous attempt to negotiate with and resolve issues with Mr. Roger Croell relating to trucks from the Rogers Pit crossing our land without our consent to access the Rifle Pit Road.
Mr. Gerkin's telephone number is (605) 892-2113**

I reserve the right to call other witnesses and / or to submit relevant expert opinions.

Topics that I plan to raise at the hearing

Please note that my responses to public notice to both DEQ AQD and DEQ LQD notices regarding the Croell Redi-mix outline a number of concerns which I will raise, and I plan to submit them into evidence at the hearing.

inability or unwillingness of the DEQ to enforce compliance from Croell Redi-Mix

history of disregard for environmental matters by Croell Redi-Mix shown by a disregard for separating and protecting topsoil for future reclamation of the site - several citations

history of Croell Redi-Mix circumventing and manipulating DEQ permitting regulations including violation of LMO Permit for Rogers Pit (1396 ET) for carrying out timerick mining operations on a site double the permitted acreage.

violations of DEQ regulations involving Croell Redi-Mix relating to other crushing operations. Consistent disregard for preservation of topsoil, making future reclamation problematic

misrepresentation to the DEQ by Croell Redi-Mix of matters relating to access to the Rogers Pit, both in the past, and as recently as August of 2009.

Publication of Notice of this LQD application by Croell Red-Mix (presumably with the consent of the LQD) at a time when matters relating to safe access, access road permits, and access road approval which are required for this application to be complete were still lacking (publication of notice both in June of 2009 and again in October and November of 2009)

attempt by Croell Redi-Mix to gain consent to cross our land by asking that the owners of Bush Ranches sign a LQD form which, while not specifically stating that it was granting access to cross our land, would nevertheless have constituted permission for Croell Redi-Mix to do so, thereby avoiding the straight forward request that we sign a consent form explicitly granting Croell Redi-Mix permission to cross our land, which we would not have done.

impact of the operation of the Rogers Pit on our ranching operation to date, and impact that the expanded operation would have on our ranching operation

impact the the use of local well water to control dust on the expanded Rogers Pit will have on ranch wells and water.

Impact the the operation of the expanded Rogers Pit will have on the inherent natural beauty of our very secluded and scenic ranch

impact which the expanded Rogers Pit will have on the value of our ranch, including curtailment of multi-use environmentally friendly and sustainable uses which the approval of the Croell Redi-Mix application will either seriously curtail and / or rule out in the future

failure to provide public notice to be published a local publication (in the Sundance Times) as required by law once a week for each of the two weeks preceding the date of the hearing.

Because there is to be a public hearing regarding this matter, it is reasonable that a copy of the DEQ LQD file regarding this application by Croell Redi-Mix remain on display at the County Clerk's Office in Sundance until the hearing takes place.

recent refusal of the AQD of the DEQ to provide me with information pertaining to the yearly production of the various companies which have operated in the Rogers Pit since it became operational as a 10 acre LMO.

premature publication of notice by the Croell Redi-Mix (presumably with the consent of the LQD) (both in June and in October and November of 2009) when at neither time was the application complete regarding matters relating to access to the Rogers Pit, which, by so doing, started the clock ticking on the public process which resulted in a final deadline for holding the public hearing of December 25, 2009, Christmas Day.

Permit for Crusher (new source) to operate in Rogers Pit, issued by DEQ AQD, with capacity greatly exceeding Croell Redi-Mix's estimated yearly production of the ET 1396. No DEQ Land Quality report regarding this operation because LQD not informed of the operator by Croell Redi-Mix - citation by LQD of DEQ to Croell Redi-Mix regarding this omission.

EQC's decision to hold hearing in Gillette (Campbell County) ~ 60 miles west of Sundance, instead of holding the meeting regarding a local limerick crushing operation in the county where it was located. i (Crook County), thereby discouraging public attendance

hearing held four days before Christmas due to premature publication by Croell Redi-Mix (presumably with the consent of the of DEQ LQD notice regarding this application

application was not complete when Croell Redi-Mix first published notice of application twice in June of 2009. Notice regarding Application did not contain adequate information regarding the application. Application was not available for public inspection at the Crook County Clerk's Office at this time.

application was not complete when Croell Redi-Mix again published notice of its application four times (in October and November of 2009)

Public has not had opportunity to view permits and other documentation relating to consent for new road accessing site, because they were not included in the documents available for public view in at the Sundance Clerk's office during the time when the notice of the application was being published. This is an important safety issue relating to the operation of this crushing operation, and cannot be put on hold to solve later. Application should be complete in this respect when the hearing takes place.

EQC Amended Notice and Order was mailed registered mail to me in Canada on the

afternoon of November 9, 2009. It was mailed in the same fashion to Judy Hamm in Florida on the same date. Apparently the EQC is trying to fulfill its legal obligations while at the same time making sure that timely notice of the hearing, and of pre-hearing demands placed on objectors to the approval of this application is not received.

I was recently informed that a piece of correspondence referred to the the DEQ LQD file is missing from that file.

This list has been drawn up in haste. I reserve the right to raise other topics at the hearing not noted herein.

Documents / Exhibits

I have not been given adequate time by the EQC to prepare these documents. However, to date I have plan to submit documents which are either correspondence from Mr. Croell and / or staff of Croell Redi-Mix, documentation contained in various DEQ files relating to Croell Redi-Mix, Bruening Rock Products and Frost Rock Products, and my letters to LQD and AQD regarding their respective applications to expand the Rogers Pit and possibly other past correspondence to the DEQ, all as contained in DEQ files. I may be including other correspondence relating to the application and the operation of the Rogers Pit I will be providing a map of our ranch to illustrate the impact that a greatly expanded Rogers Pit will have on this beautiful property.

The EQC needs to set up a procedure whereby the public is made aware of pre-hearing demands related to the hearing in a more timely fashion. This is a grossly unfair and unreasonable situation. Croell Redi-Mix and the DEQ have had months to prepare for this.

This hearing is a part of the public process set up to permit public input into decisions made by departments of our government affecting our lives. It is unfortunate that an adversary hearing is the next legally mandated step after a letter raising objections is sent to the LQD. It would make more sense if a public meeting took place prior to a contested hearing. It would clarify matters and simplify the hearing.

It is difficult enough to prepare for a hearing by the hearing date. Demands for documentation prior to the hearing date should be made known to the public in a more timely fashion. The public should not require a lawyer to guide them through the process of the public hearing which I am sure none of us would have chosen as the next step after making our concerns (and our simple and still unanswered questions) known in a letter.

Demands of the EQC relating to pre-hearing requirements were not communicated in a timely manner. No attempt was made by the EQC to make sure that demands concerning pre-hearing requirements reached the parties before the deadline noted for these demands had elapsed.

Please note that I reserve the right to produce other relevant documentation to present at the hearing

Motions

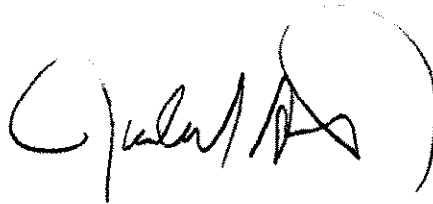
Postpone public hearing due to failure of EQC to publicize this public hearing as required by law. Environmental Quality Act 35-11-406-

Reschedule hearing to take place in the New Year, with public notice published in local publication (Sundance Times) once a week for two weeks immediately prior to the hearing, as required by law

Rescheduled hearing to take place in local venue where it belongs - Sundance Wyoming (Crook County)

Put a copy of the DEQ LQD application back in the County Clerk's Office in Sundance until the public hearing takes place.

Since copies of the DEQ LQD file are being copied by the DEQ in preparation for this hearing, make copies of this file available to interested parties at cost.

A handwritten signature in black ink, appearing to read "Judith A. Bush", enclosed within a large, hand-drawn circular scribble.