

**By Fax (307) 777 - 5616**  
no pages 6

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please phone before faxing

to: David A. Finley  
Administrator, Division of Air Quality  
Wyoming Department of Environmental Quality  
122 W 25th St.  
Cheyenne, Wyoming  
USA 82002

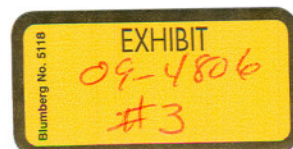
**Re: AP - 9645  
Croell Redi-Mix  
PO Box 1352  
Sundance, Wyoming 82729  
(known as Rogers Pit)**

Dear Mr. Finley,

I am one of the owners of Bush Ranches, whose lands are located immediately adjacent to and downwind from Rogers Pit. I am requesting that a public meeting be held regarding this project, at which our ranch manager will be present.

I am writing on behalf of all of the owners of Bush Ranches, which is a family owned operation. None of us received notice of this project, although in the past year Mr. Croell has mailed several letters to me at my current address. We were likewise not informed during the first DEQ approval process for this pit, which was a much more modest application involving 10 acres as opposed to 600+ acres.

The Rogers Pit limestone crushing operation, as it presently exists, blows dust over our hayland and grazing land. We winter our cattle on lands adjacent to Rogers Pit. Deer, antelope and elk frequent this grassland. Driving across the affected grasslands, the limestone dust which has settled on the land rises up in clouds. DEQ opacity standards notwithstanding, I have been told from a variety of people the dust is sometimes so thick you can cut it with a knife. What I am describing is coming from what was supposed to be a 10 acre gravel crushig operation. This application proposes to increase the area included in the permit to 600+ acres.



I do not understand why the DEQ Air Quality Division's permit is being considered and possibly finalized before the time for public comment on the Land Quality Division's permit has expired and before any public meeting on that aspect of the project will take place.

Various divisions of the DEQ bring their separate expertise to various aspects of any proposed mining operation. I have no problem with this. However, when it comes to presenting a particular proposed mining operation to the public, it makes no sense to me that it is presented in a piecemeal fashion, when, in fact all of these various aspects are interrelated and should be introduced to the public as a package.

The Notice for the Wyoming DEQ Land Quality Division has a deadline for the public to respond of December 5, 2009. That same notice states that the proposed operation is scheduled to begin in November of 2009, before the public has even had a chance to comment, and before any public meeting could be scheduled.

I am suggesting a public meeting at which all of the various divisions of the DEQ involved in the assessment and approval process are present to answer questions relating to their particular responsibilities and expertise, so that the scope of the project is clear and the interrelations of the various aspects are understandable.

My understanding is that the amount of land which is mined at any one time is determined by the Land Quality Division of the DEQ, and that the area being mined will be dependent largely upon the contracts which the crushing has been able to obtain and is obligated to fulfill. It is also my understanding that the DEQ considers the 500,000 tons per year that the applicant is estimating as the maximum amount of product that the operation will produce in any one year just that - and estimate as opposed to an upper limit

Nevertheless, the DEQ Air Quality Division is basing its assessment of emissions solely upon the estimate of 500,000 tons per year provided the applicant, Croell Redi-Mix. In short, the entire basis upon which Wyoming DEQ Air Quality is calculating its estimate of emissions released into the air by this operation is suspect. The conclusion that this application for a 600 + acre limestone mining operation does not constitute a major source or a major emitting facility is also questionable.

Croell Redi-Mix does not have a terrific record when it comes to staying within the conditions of mining permits which have been granted to the company by the DEQ. About a year ago, Croell Redi-Mix (apparently after Breuning Rock was issued a permit from DEQ Air Quality for a crusher with a capacity to crush 1,500,000 tons / year which was moved to Rogers Pit) Croell Redi-Mix was cited by the DEQ for operating in an area more than double the size of their permit. Several other citations relating to other lime rock operations have also been made against Croell Redi-Mix in the past three years.

The application form filled out by Croell Redi-Mix states that the operation will run five

days per week for ten hours per day and for 20 weeks per year. I am not certain that crushing has been limited to 20 week per year in the past. My ranch manager has told me that hauling operations continue pretty much year round. A person who reads this application and does know any better would reasonably assume that they would only have to endure the dust from the trucks on the road for twenty weeks out of the year, which is bad enough.

A part of the DEQ Air Quality Division's mandate is to inform the public, and this should mean apprising them of the day to day impact of such a mining operation, and not simply to numb the public with statistics, (which are, in this case, based on very shaky assumptions).

Air Quality is further estimating the scope of the emissions which will actually wind up in the air on the assumption that controlling the dust with water will result in half of what would otherwise wind up becoming airbourne remaining earthbound. This may or may not be case. It raises another question which remains unanswered.

Croell Redi-Mix's application states that initially they will truck in the water used to keep the dust down. However, the application also states that in the future an on site well may supply ground water for this purpose. How much water may be needed for this purpose is an unknown. No one at the various discrete divisions of the DEQ or the State Water Engineers are looking at how much water might be required, and whether the quantity of water has a potential to effect local wells.

I do not know of any estimate regarding how much water might be required to keep the dust down to 50% of what it would otherwise be. \* I have not seen where either the applicant or anyone at the DEQ has ventured an estimate on this. It is not being investigated because the applicant has stated that he will not be using ground water for this purpose (at least until after the application is approved).

\* The DEQ Air Quality total Estimated Emissions from both on site emission-generating activity plus the estimated Haul Road Emissions already takes into account a reduction of 50 % due to water applied.. On that basis, and adding together the total estimated emissions from the on site activities plus the dust kicked up by the trucks (estimated separately in the haul road emissions) , it looks to me that the amount of water required is at least enough water to water down 185.9 tons of dust and pollutants per year. I do not know the ratio of water to dust necessary to prevent the dust becoming airborne. For certain, this is not an inconsiderable amount of water - and this calculation is based on a DEQ Air Quality emissions estimate which is based on what may be a low estimate of yearly product - particularly if Croell Redi-Mix has a contract with the Wyoming Highway Department.

If the operation will still be using generators, the impact of the operation of these on air quality have not been factored into the total estimated emissions. It is unclear if the emissions of any of the large machinery has been factored into the Air Quality

emission estimates.

The DEQ Air Quality has estimated emissions due to exposed acreages on the basis of 5 acres per year. Unless the DEQ has an obscure technical definition of what constitutes exposed acreage, this strikes me as impossibly low.

In addition to its estimates of emissions based on 500,000 tons of aggregate / year (I do not see any DEQ Air Quality restriction which would effectively limit the applicant to 500,000 tons of product per year), DEQ Air Quality also has standards relating to opacity. In the case of a 600 acre lime rock mining operation, the same percentage of opacity over a much larger area still translates out as higher emissions.

I also wonder about using average wind velocity to calculate truck loading and stockpiling emissions. One good wind can do a lot of damage and more than make up for any number of average or less than average wind velocities.

If the applicant is serious about moving a hot-mix asphalt plant onto the site, pollution from this use has not also not been calculated into the total estimated emissions for this expanded operation. Emissions from from such plants are both toxic and odorous. They are not good for people to breathe. They are not good for cattle to breathe. They are not good for deer and antelope and elk to breathe. I understand that a hot mix asphalt plant would be separately permitted, and presumably it would be open to public comment at that time. Nevertheless, it appears that DEQ Air Quality, by supporting this application (which includes a hot mix asphalt plant) is giving this use its seal of approval without even attempting to factor in the toxic emissions which such a use would generate.

Once again, the Rogers Pit limestone crushing operation, as it presently exists, blows dust over our hayland and grazing land. We winter our cattle on lands adjacent to Rogers Pit. Deer, antelope and elk frequent these pastures. Driving across the affected grasslands, the limestone dust which has settled on the ground rises up in clouds, clear evidence that emissions from this operation are substantial. This pit is located on high open ground, and its impact is greater than a small pit tucked into a corner of a ranch.

To this point, I have tried to confine comments in this letter to matters relating directly to air quality. However, there are a few additional matters I would like to touch on.

Briefly,

- 1) Trucks from the Rogers Pit are crossing our land without our permission in order to access the Riflepit Road. This has been occurring since the initial permit was granted. We have recently had a title search carried out on our property, and there was no record found of a deeded ROW. Mr. Croell has

referenced his property, but has left a gap in a boundary fence between our properties and his trucks continue to access the Riflepit Road by driving across our land.

It is unclear on what basis Croell Redi-Mix was granted its first permit, since at no time did the company have legal access to the Riflepit Road.

There is a blind spot due to a curve in the road. There have been numerous close calls with loaded gravel trucks turning out from our property onto the Riflepit Road.

Last summer we offered Mr. Croell a reasonable land swap - the 20 acres he required to have legal access to his 10 acre gravel pit for 40 acres of nearby land which would have sheltered our ranch to some extent from his operation. Mr. Croell refused and told our agent that he would build his own road. (Given the expanded scope of the present application, this offer is now off the table.)

The road which Mr. Croell is presently constructing involves a steep descent which ends near where the Riflepit Road tunnels underneath I-90 to access Hwy 14. There is limited visibility, and a different curve resulting in a different blind spot. There will be run-off which may freeze. There will be no place to put the snow shoveled onto the Riflepit Road. Our ranch manager and our neighbors agree that it is an accident waiting to happen.

It is unclear if the new access to the Rogers Pit which is presently under construction has been permitted, and if so by whom. This application (including the Air Quality Permit) should not be proceeding without a valid access permit. I am not sure whether one exists.

- 2) In normal parlance, the term "modification" is a neutral one. However, when this term is used by the DEQ Air Quality Division, it is used as a legal term having essentially a detrimental connotation as follows:

**"modification"** shall mean any physical change in , or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which any state standards applies) emitted by such facility or which results in the emission of any such air pollutant not previously emitted.

I can think of no reason for including such a large acreage in the "modified" permit I understand that the Air Quality Division of the DEQ has just completed holding meetings to upgrade their air quality standards in order to bring them in line with federal regulations, which are more stringent. I do not know if by approving this permit at this time the Roger's Pit would be grandfathered and not have to comply with the more stringent Wyoming regulations when they come on line.

I do not understand why the DEQ is stating that this proposed operation is scheduled to begin in November of 2009, before the period for public input regarding this application has expired and before a public meeting following such public input can take place. I strongly object to this being permitted.

In addition, there are many ranchers in Crook County who have small (10 acre) gravel pits on their property, whose livelihood may be impacted by such a large operation, and who respect and abide by the guidelines of the permits issued to them by the DEQ. The income from these generally small and well-run pits help ranchers to stay in the business of ranching.

It would make more sense to issue a permit to Croell Redi-Mix for a much smaller area, and to include additional land within the permitted area only at the same time as mined and reclaimed acreage is removed from the permitted area. This would leave a more level playing field for more modest operations to acquire contracts. It could be permitted in such a way as to ensure that any new criteria governing cleaner mining operations would be applicable to lands newly included in the mining permit.

Yours truly,

A handwritten signature in black ink, appearing to read 'Judith Bush', written over a printed name.

Judith Bush