

Dec 30, 2009**Jim Ruby, Executive Secretary
Environmental Quality Council****Final Comments****Matter of the Objection to the mine permit of Croell Redi-Mix, Inc., TFN 5 6/072****Submitted by Judith Hamm**

Closing comments are based on claims indentified at the pre-hearing on 12-17-09.

Claim I: A part of the proposed operation, reclamation plan is contrary to the law or the policy of this state or the United States.

I am unable to comment on this because there was not enough time given. This topic which was indentified on 12-17-09 and the hearing was on 12-21-09. December 21, 2009 is also the date that this person received the Pre-Hearing Conference Order in which the claims were specifically indentified.

Claim II: The Proposed operation constitutes a public nuisance or endangers the public health and safety.

In my testimony I identified particulate matter as a public health issue with scientific research as supporting evidence and photographs of the Croell particulate matter . Just as I was coming to the end of my statement that identified the hazardous health issues, I was interrupted by a person stating, we all know how dangerous particulate matter is (I cannot say who because I attended through the telephone and could not see this person and he did not identify himself, nor will the transcript be ready until next week). He asked what did this have to do with Land Quality. Again I am saying under Wyoming Environmental Quality Act 35-11-406 (m) (vii)The proposed operation endangers public health. Mr. Ruby told the objectors several times during the pre-hearing conference that arguments had to be pertinent to this law. The Environmental Quality Counsel should also know that the DEQ does not monitor air quality in Sundance. The Environmental Quality Counsel over sees the DEQ, the Land Quality and the Air Quality are part of the DEQ. Therefore by approving this permit the EQC jeopardizes the public health.

Also I would like to note at this time the DEQ, and through its undersigned counsel, submitted a waiver of a court reporter for the pre-hearing on 12/14/09. My notification of this came to me on 12-21-09.

Claim III: The application is incomplete

*This is difficult to determine. I am not sure if the application is incomplete, or accurate. The information entered on the application by the applicant is in different tenses throughout. He enters past information, this was noticeable on the air quality permit, in the land quality he supplies past, present and future information. Also it is amazing the when the DEQ approves a mining permit that they do not require a survey of the property be permitted to assure that it is on the applicants land. When the public is allowed to review this information, they expect the information to be accurate and truthful. The public was easily able to see these inaccuracies and misrepresentations in the application for the proposed operation .
Environmental Quality Act 35-11-901 K: Any person who knowingly makes any false statement,*

representation or certification in any application, record, report, plan or other document filed or required to be maintained under this act or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this act, shall upon conviction, be fined not more than (\$10,000.00) per day for each violation or imprisoned for more than 1 year, or both.

Claim IV: The proposed mining operation will cause pollution of any waters in violation of the laws of this state or federal government.

Again, I did not have enough time to research this claim within the time allowed by this hearing process. The lack of blasting regulations for this category of mining operations will put the nearby private wells at risk. I know from personal experience the investigation of damage to private wells from blasting favor the quarry operator.

Claim V: The applicant has not had any other permit or license issued hereunder revoked, or any other bond posted to comply with the act forfeited.

When attending the pre-hearing conference I do not recall this statement by those opposed to this permit. The application has multiple business sites. Violations have occurred at Roger's Pit. It would appear that there were recent violations that were settled 12-15-08, less than a year ago, that were identified where the DEQ could imposed (\$10,000.00) a day where they only imposed 7000.00. Also, can a mining licensed be revoked after it has been issued?