

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**FILED**

**JUN 28 2010**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

**Docket No. 09-4806**

**IN THE MATTER OF THE OBJECTION     )  
TO THE MINE PERMIT OF                 )  
Croell Redi-Mix, Inc., TFN 5 6/072     )**

**ORDER**

On the 1st day of April, 2010, Judith Bush, an Objector in the above entitled matter, filed a document entitled Petition for Rehearing. On the 28<sup>th</sup> day of April, 2010 the Department of Environmental Quality filed its Objection to Petition for Rehearing and on May 6, 2010 the Permittee filed an Objection to the Petition for Rehearing. On May 12, 2010 Ms. Bush filed a Response to Permittee's Objection to the Petition for Rehearing. On April 9, 2010 the Council issued an Order setting a hearing on Ms. Bush's Petition for May 14, 2010 at the Wyoming State Library, 2800 Central Ave., Cheyenne WY. Appearing at the hearing were, Judith Bush and Mr. and Mrs. Turgeon Objectors; John Burbridge on behalf of the Department of Environmental Quality; Kim Cannon on behalf of the Permittee. The Motion for rehearing was denied by the Council.

On the 28<sup>th</sup> day of May, 2010, Judith Bush, an Objector in the above entitled matter, filed a document entitled Petition for Reconsideration of Council's Decision to Deny Rehearing. That motion was denied by the Council with a statement by the Council to Ms. Bush indicating the Council's belief the relief Ms. Bush may be entitled to, if any, would at this point lie in the District Court.


On June 11, 2010, Judith Bush, an Objector in the above entitled matter filed a document entitled Motion for Correction of Error contained in the March 12, 2010 Order of Findings of

Fact and Conclusions of Law of the Council and a Motion to Reopen Evidence. This is the third filing by the Objector requesting the same or substantially the same relief, rehearing of the above entitled matter. The Objector was provided a full and fair hearing on her first motion. The order denying the second motion clearly outlined for Ms. Bush the fact that any relief available to her was through an appeal to the District Court. She has now filed a third motion.

On June 14, 2010 Ms. Bush filed a Petition for Judicial Review in the above entitled matter in the District Court of Crook County, Wyoming. Upon the filing of an appeal to the District Court the Council's jurisdiction over the matter is terminated as a matter of law.

WHEREFORE, the Council hereby denies Ms. Bush's Motion for Correction of Error and Motion to Reopen Evidence since the Council does not have jurisdiction over the above entitled matter.

**DATED** this 25 day of June, 2010.

  
David Searle, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 28<sup>th</sup> day of June, 2010, I served a copy of the foregoing **ORDER** by electronic mail to the following:

John Burbridge  
Sr. Asst. Attorney General  
[jburl@state.wy.us](mailto:jburl@state.wy.us)

John Corra  
Director, DEQ  
[jcorra@wyo.gov](mailto:jcorra@wyo.gov)

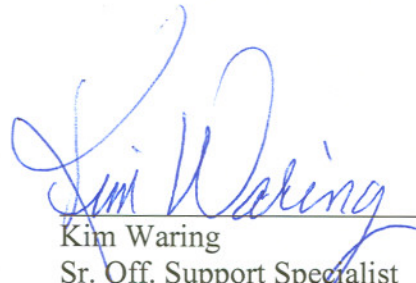
Don McKenzie  
Land Quality Administrator  
[dmcken@wyo.gov](mailto:dmcken@wyo.gov)

Kim D. Cannon  
[cannon@davisandcannon.com](mailto:cannon@davisandcannon.com)

also by depositing the same in the United States mail addressed to:

Mr. Roger Croell  
Croell Redi-Mix, Inc.  
P.O. Box 1352  
Sundance, WY 82729

Judith Bush  
P.O. Box 861  
Sundance, WY 82729

  
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Kim Waring  
Sr. Off. Support Specialist  
Environmental Quality Council