

FILED

Mar 01, 2010

Les Turgeon
P.O. Box 314
Beulah, WY
February 26, 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

Environmental Quality Council
State of Wyoming

In the matter of the objection)
To the Mining Permit of)
Croell Redi-Mix, Inc. TFN 5 6/0727)

Docket # 09-4806

Presiding Officer David Searle:

I have received the EQC proposed findings of facts, conclusions of law and order on Docket #09-4806 filed February 11, 2010.

I received the amended copy 8 days later, filed February 19, 2010. Letter filed Feb.24, 2010 stated that the reply date did not change.

After reading, studying, and spending hours writing comments on the EQC so-called "Facts", I reread #36 in Conclusion of Law, making me wonder why I was wasting my time, the EQC has jurisdiction to hold a contested case where lies seem to be the norm. They would not allow the objectors to present their case by refusing them the right to speak to of the violations concerning the Croell's LMO. Both EQC member Flitner and Sr. Asst. Attorney General would object and stated we were not there to talk about Croell's LMO. This was not right if the EQC was wanting facts and letting the objectors prove their case.

Croell's own testimony showed he made false statements on applications as far back as 2006. It seems as if the EQC, being judge/jury, did not want the truth to be known. Is this just one more example of dishonesty in our government? To the best of my knowledge evidence shows that the EQC and the LQD are not doing a trustworthy and honorable job for the people of Wyoming. Was it not the job of the EQC while holding this contested hearing to be neutral and open to the truth, the whole truth, and nothing but the truth, while gathering all the best information available for helping the council in making their decision?

Findings of Facts(?)

(paragraph numbers refer to the EQC document mentioned above)

1. Croell filed an initial application for surface mining permit with the LQD of the DEQ on September 29, 2009.

Reply: This is not only incorrect but seems like a deliberate lie. Testimony, dockets, and publications prove this is not the date.

4. The deadline for filing objections to Croell's application was December 7, 2009.

Reply: Letter I received filed Dec. 8, 2009 showed the date to be Dec. 5, 2009. The Affidavit of Publication from the Sundance Times showed the last date for filing was Dec. 5, 2009 and was published for 4 consecutive weeks.

9.

Reply: Legal Notice of Hearing placed in the Sundance Times, December 17, 2009, just 4 days before the Dec. 21, 2009 hearing in Gillette, and the notice placed in the Casper Tribune on Dec. 19 and 20, 2009, 2 days before the hearing, does not meet the EQC's legal requirement.

10. The Objectors asserted that the Croell's proposed mining permit would create dust that could pose a potential health risk to humans and livestock.

Reply: Dust pneumonia is a concern but since it is not the EQC's problem and their family's health is not at risk, they do not care.

11. The Objectors asserted that the truck traffic from the Croell's proposed mining operation would create excessive dust and hazardous driving conditions on Rifle Pit Road.

Reply: Pictures on record and more available show the dust problem. Dust from these trucks create a driving problem and rocks from these uncovered trailers are a hazard for broken windshields. I have one!

12. Croell is not currently in violation of the act and evidence presented by the Objectors did not show a history of violations by Croell that would allow denial of a mining permit under the application being considered in this process.

Reply: Written documents on file with the LQD show that Roger's Pit is and was under violation but the LQD has failed to issue them a NOV. If the Objectors are to prove a history of violations they must be allowed to cover Croell's LMO. This was denied by Croell's defense team, the EQC.

30. Croell's proposed mining operation will not constitute a public nuisance or endanger the public health and safety.

Reply: Croell's goal is to produce 500,000 tons per year, at 40 tons per truck load, that is 12,500 large trucks a year, 250 trucks a week or at least 50 trucks a day on this short piece of Rifle Pit Road at the junction of Highway 14. (Please note that 50 trucks in and 50 trucks out, makes a total of 100 trucks a day at this dangerous blind corner entrance and exit!) How can any member of the EQC say that this is not a public nuisance and safety hazard? Would you all OK 100 trucks a day in your own neighborhood?

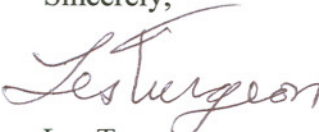
My Conclusion

There needs to be rehearing for a number of reasons:

1. The EQC's publication of the notice to the public of the hearing was illegal. I have requested the Attorney General for a legal ruling.
2. The EQC and Attorney Burbridge refused the Objectors the right to introduce the history of Croell's LMO, saying it was not why we were having the hearing. But, Mr. Burbridge stated in his cross examination of Julie Ewing and I quote, "For clarification" and then he went on to point out that in the agreement with Croell "are here today to bring Croell's Redi-Mix in compliance with LQD". If Croell's NOV on his LMO permit was the reason for the meeting then the Objectors should not have been refused the right to cover all illegal activities and present our case.
3. All the amendments and dishonorable actions by the EQC fail to protect the environment, the health and safety of the people in Wyoming. It makes me wonder why.
4. I don't believe that any of the council members or Mr. Mooney, geologist for the EQC, have read and studied the geology report included in Croell's application. The report issues many warnings of the need for proper management of the soils for reclamation which Croell has violated. He has received a number of warnings and NOVs. The report also names the western portion of the permit area as being a part of the Spearfish Formation and that no study had been done on this area. There are large USGS studies on the Spearfish Formation showing that damage can and has occurred in trying to develop or use the Spearfish Formation let alone mining it. **No land that is a part of the Spearfish Formation should be included in any part of Croell's mining permit.**

In closing, more studies on the Spearfish Formation need to be conducted before any part of the land containing Spearfish Formation is included in this mining permit. The members of the EQC and the LQD need to take the time to investigate and collect all of the information available. I find many of these findings of facts are misleading and/or lies. I hereby request a rehearing to present additional geology reports on the Spearfish Formation and the right to use Croell's LMO docket and history to show why this mining permit should not be issued in its present form.

Sincerely,



Les Turgeon