

By Fax**FILED**

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November 5, 2010

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to: Environmental Quality Council
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RE Croell Redi-Mix DEQ AQD AP-9645
Croell Redi-Mix DEQ AQD MD-9645
EQC Docket No. 10-2803; andRE District Court Civil Case # 8016
Appeal to Sixth District Court, Crook County
of EQC Decision regarding EQC Docket
No. 09-4806

I have been advised by my attorney, Richard Homing, that my chances of prevailing in the above noted matters within in the context of administrative hearings are not good, or at least are, in his opinion, not worth pursuing. As such, procedural irregularities notwithstanding, I would like to be in a position to end what appears to

be a futile endeavor. However, there are outstanding matters which need to be resolved before I can do so.

MD-9645 designates a minesite of the 600.07 acres (designated by LQD in the Croell Redi-Mix Application to LQD (LQD File # 5/6/072) plus and additional ~40 acres of land which are a part of Bush Ranches - for a total minesite of ~ 640 acres.

Page 3 - 4 of the the Croell Redi-Mix objection to my appeal for a public hearing regarding AP-9645 / MD-9645 dated June 14, 2010, states,

"Respondent Croell further requests that the EQC take such action as appropriate to correct the permit so that all references to the NW 1/4NE1/4 of Section 25 are changed to be the NW1/4NW1/4 of Section 35. ¹ Respondent Croell further prays that the Environmental Quality Council enter such further additional equitable relief as the Environmental Quality Council deems proper."

On August 19, 2010 Croell Redi-Mix proposed changing all references to the NWNE of Section 25 T 52N R 62W to the NESW of Section 25, T52N R62W (copy attached).

Neither of these documents specifically request that the NWNE of Section 25 be removed from the Croell Redi-Mix minesite Permit MD-9645. If the NWNE of Section 25 T 52N R 62W has been removed from the minesite designated in AQD Permit MD-9645, I have never been so informed.

I would like to withdraw both my petition for a hearing before the EQC in the matter of DEQ AQD AP-9645, as well as my appeal to the District Court of the decision of the EQC regarding its decision regarding the DEQ LQD application of Croell Redi-Mix to expand its mining operations at the Rogers Pit (EQC Docket No 09-4806). However, unless this matter has already been rectified - and I have not been so notified - this remains an outstanding issue which must be settled.

My attorney, Richard Horning, contacted both the DEQ and Croell Redi-Mix, Inc. (through its attorney, Kim Cannon), requesting that a settlement agreement be negotiated. My understanding is that, while the DEQ was open to this, Mr. Canon, on behalf of Croell Redi-Mix, rejected the suggestion out of hand.

Given that the incorrect legal description and the inclusion of the NWNE of

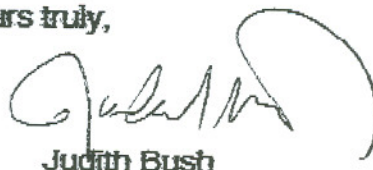
¹ This was an unusual choice to make, since this ~ 40 acre parcel was located at the southwest corner of the minesite, in an area never slated to be mined. Additionally, the vast majority of this 40 acre parcel was located outside of the designated minesite and on the opposite side of I-90.

Section 25 T 52N R 62W within the minesite designated in MD 9645 (as well being noted as the location of mining in a number of previous AQD permits issued to Croell Redi-Mix for its operations at its Rogers Rock Pit location in the past) is due to errors of on the part of both Croell Redi-Mix and the DEQ AQD, that the inclusion of the NWNE of Section 25 is an error acknowledged by all parties, and that the error must be resolved, I believe that the response of Croell Redi-Mix in this matter is unreasonable and is standing in the way of an expedited settlement.

I am further concerned that the incorrect designation and /or inclusion of the NWNE of Section 25, T 52N R 62W as the location of mining activities in all Croell Redi-Mix AQD permits issued to date ², as well as the Bruening Rock, Inc. AQD permit, could at some point expedite inclusion of this land in a future expansion of the Croell Redi-Mix limestone mining and crushing operations at its Rogers Pit / Quarry and / or Rogers Rock Pit / Quarry, avoiding the public process which, this error notwithstanding, should be a part of any such approval process.

I am open to suggestions in how to proceed in this matter, and would appreciate a prompt response.

Yours truly,



Judith Bush

attached * copy of letter dated August 19, 2010 asking to change legal description of Croell Redi-Mix in AQD MD-9695 from NWNE Section 25 to NESW Section 25

² CT-4526, CT-4527, MD-8685, MD 9645 and CT-7113

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August 19, 2010

Steve Dietrich
Air Quality Administrator
Dept. of Environmental Quality
Herschler Building
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Cheyenne, WY 82002

RE: Correction to Legal Description in AOD Permit No. MD-9645

Dear Mr. Dietrich:

On behalf of Croell Redi-Mix, Inc., it has come to our attention that a typographical error was made with respect to the legal description in the above-referenced permit. The reference to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 in Crook County, Wyoming should be deleted. That land belongs to Judith Bush. Instead, reference to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 52 North, Range 62 West, should be inserted.

It is my understanding that this correction in the land description can be done administratively. Please do so.

Thank you.

Yours very truly,

DAVIS & CANNON, LLP



Kim D. Cannon

KDC:rg

cc: Judith Bush ✓
Croell Redi-Mix, Inc.