

Exhibit 3

**EQC Docket 10-2803
Judith Bush**

Correspondence from J. Bush to AQD & AQD mailing list

- * **April 19, 2010 letter to Adm AQD David Finley stating had not received copy of decision and questioning status as objecting party** **page 1**

- * **Jan 3, 2010 letter to AQD asking is decision made requests both mailed and faxed copy of decision when made** **page 2**
(received neither)

- * **Copy of AQD mailing list, containing my name and address as well as request for faxed copy of decision (objectors only on this list)** **page 3**

- * **alternate AQD mailing list - with objectors as well as other interested parties** **page 4**

Re: failure of EQC to provide legal notification of its decision to J. Bush (decision was sent via e-mail with no prior notification and was not received prior to April 19 letter included in this exhibit)

Exhibit 3

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Re: failure of EQC to provide legal notification of its decision to J. Bush (decision was sent via e-mail with no prior notification and was not received prior to April 19 letter included in this exhibit)

By Fax 307-777-5616

To David Finley, Director WDEQ Air Quality Division

From Judith Bush, Managing Parter, Bush Ranches
2313 County Rd 64
Carrying Place, Ontario,
Canada KOK 1L0

tel / fax 613-392-2313

please phone before faxing

e-mail judith.bush@yahoo.ca

Re **AP-9645** (Croell Redi-Mix)

✓ cc Chad Schlichtemeier

by fax 307-777-5616

enc. copy of my letter to AQD dated January 3, 2010

Date April 19, 2010

encl my letter to you dated January 3, 2010
copy of my November 2, 2009 objection letter

pages 8 including attachments

Dear Mr. Finley,

I have been expecting to receive a copy of the AQD decision and the Croell Redi-Mix permit from the AQD, and had assumed that the mail was simply taking its time getting here. However, it now looks as if I was not sent a copy.

I sent an objection letter in timely manner to AQD regarding the application noted above. I am attaching a copy of that letter, as well as a copy of my letter to you dated January 3, 2010.

Mr. Dewey Turbiville, our ranch manager represented Bush Ranches at the the December 14, 2010 public hearing. I spoke with Mr. Schlichtemeier on February 25, 2010, and he was kind enough to e-mail me a copy of the transcript of the December 14, 2009 public hearing. At the hearing, Mr. Turbiville clearly identified himself as the Manager of Bush Ranches.

Because I was not sent a copy of the AQD decision in this matter, would you please confirm in writing that my party status in this matter has not been thrown into question by virtue of Bush Ranches having been represented by our ranch manager, Mr. Dewey Turbiville, at the December 14, 2009 public hearing.

In addition, would you please mail me a copy of the AQD decision and the Croell Redi-Mix AQD permit. Because time is moving on, would you also please e-mail me a copy of these documents . (e-mail address noted above). Would your office phone to let me know when the documents are e-mailed, because I need to make a trip to the library to print out a copy.

Thank you for your attention to this matter.

Yours truly,


Judith Bush

Managing Partner, Bush Ranches.

Page 1

By Fax 307-777-5616

To David Finley, Director AQD Wyoming DEQ
WDEQ Air Quality Division, Cheyenne, Wyoming

From Judith Bush tel / fax 613-392-2313
2313 County Rd 64 please phone before faxing
Carrying Place, ON, Canada KOK 1L0

Re Air Quality Division Application (AP-9645)
Croell Redi-Mix Application to Air Quality Division DEQ
public hearing which took place on December 14, 2009
(notice published in the Sundance Times Nov 26, 2009).

Date January 3, 2010

No pages 1

Dear Mr. Finley,

On December 14th, 2009, the Air Quality Division held a public hearing at the Sundance Library in Crook County, regarding the Croell Redi-Mix application to the Air Quality Division noted above.

Our ranch manager and his wife (Dewey and Margaret (Peggy) Turbiville) testified both on their own behalf as well as on behalf of Bush Ranches.

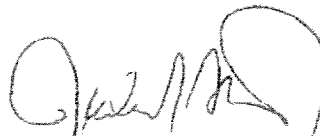
Neither Mr. and Mrs. Turbiville nor I have been informed of a decision from Air Quality Division in this matter to date. It was stated at that hearing that parties would be informed of the Air Quality Division decision, so I am assuming that this decision has not yet been made.

Since there are time limitations relating to the appeal of this decision, would you please provide both me and Mr. and Mrs Turbiville with a copy of the AQD decision regarding this matter as soon as it has been made.

If possible, in addition to mailing out a copy of the AQD in the manner specified by statute, I would appreciate being faxed a copy of the AQD decision at the phone number noted above, since it often takes several weeks for mail from the US to reach me. Please note that it is necessary to phone prior to faxing.

Thank you for your attention to this matter.

Yours truly,



Judith Bush
Managing Partner, Bush Ranches

Croell Redi-Mix – AP-9645

Ms. Judith Hamm
308 Moskee Road
Sundance, WY 82729

Mr. and Mrs. McGee
114 Jx Bar Lane
Sundance, WY 82729

Mr. and Mrs. Wheeler
360 Moskee Road
Sundance, WY 82729

Mr. Douglas M. Watson
670 Moskee Road
Sundance, WY 82729

Mr. Levi Delp
5254 Fuller Road
Sundance, W Y 82729

Mr. and Mrs. Turgeon
725 Rifle Pit Road
Beulah, WY 82712

Ms. Judith Bush
2313 County Road 64
Carrying Place, Ontario
Canada K0K 1L0

*Also wants copy faxed to 613-392-2313 (call before sending)

Mr. and Mrs. Johnson
300 Moskee Road
Sundance, WY 82729

ID	FirstName	LastName	Company/Organiz	Address	City	State
1	Judith	Hamm		308 Moskee Rd	Sundance	WY
2	Mr. and Mrs.	McGee		114 Jx Bar Ln	Sundance	WY
3	Mr. and Mrs.	Wheeler		360 Moskee Rd	Sundance	WY
4	Douglas	Watson		670 Moskee Rd	Sundance	WY
5	Levi	Delp		5254 Fuller Rd	Sundance	WY
6	Mr. and Mrs.	Turgeon		725 Rifle Pit Rd	Beulah	WY
7	Judith	Bush	***FAX***Bush R	2313 County Rd 64	Carrying Plac	ON
8	Mr. and Mrs.	Johnson		300 Moskee Rd	Sundance	WY
9	Brian	Marchant	Croell Redi-Mix	PO Box 1352	Sundance	WY
10	Julie	Ewing	Croell Redi-Mix	PO Box 1352	Sundance	WY
11	Roger	Croell	Croell Redi-Mix	PO Box 1352	Sundance	WY
12	Dennis	McGirr		PO Box 149	Beulah	WY
13	Mark	Rogaczewski	DEQ LQD	1866 S Sheridan Ave	Sheridan	WY
14	Dewey	Turbiville	Bush Ranches	PO Box 861	Sundance	WY
15	Peggy	Turbiville		PO Box 861	Sundance	WY
16	Karen	Turgeon		PO Box 314	Beulah	WY
17	Leo	Turgeon		PO Box 314	Beulah	WY
18	Tanner	Shatto	DEQ AQD	1866 S Sheridan Ave	Sheridan	WY
19	Terri	McGee		PO Box 1430	Sundance	WY
20	Miles	Bennett	DEQ LQD	1866 S Sheridan Ave	Sheridan	WY
21	Phyllis	Watson		171 Moskee Rd	Sundance	WY
22	Tim	Lyons	Crook County Grc	PO Box 848	Sundance	WY
23	Jay Dee	Hacklin	Quality Agg & Cor	PO Box 637	Moorcroft	WY

Exhibit 4

**EQC Docket 10-2803
Judith Bush**

- * **Copy of Title Search of NWNE Section 25 T 52N R 62W**
- * **Copy of 2009 Notice of Assessment Re NWNE Section 25 T52N R 62W**

Re NWNE Section 25 T 52N R 62W is part of the Bush Ranch

OWNERSHIP SEARCH
No. 791909

State of Wyoming)
)§ FIRST AMERICAN TITLE INSURANCE COMPANY,
County of Crook) does hereby certify that careful examination has been made
of the records in the Office of the County Clerk and Ex-Officio
Register of Deeds in and for said County to the effective date of the 18th day of May, 2010 at
5:00 P.M.

LAND

Township 52 North, Range 62 West, 6th P.M., Crook County, Wyoming
Section 25: NW¼NE¼

Township 51 North, Range 62 West, 6th P.M., Crook County, Wyoming
Section 1: Lot 4, S½N½, NW¼SW¼

SURFACE OWNER

27.7778% Interest in Judith A. Bush

Acquired title by Warranty Deed recorded January 5, 1984 in Book 213 of Photos at page 450; Warranty Deed recorded December 11, 1984 in Book 227 of Photos at page 358; Warranty Deed recorded January 25, 1985 in Book 229 of Photos at page 346; Warranty Deed recorded January 16, 1984 in Book 244 of Photos at page 492 and recorded March 7, 1986 in Book 246 of Photos at page 583; and Trustee's Deed recorded May 10, 1996 in Book 343 of Photos at page 71.

27.7778% Interest in Todd H. Bush

Acquired title by Warranty Deed recorded December 11, 1984 in Book 227 of Photos at page 357; Warranty Deed recorded January 5, 1984 in Book 213 of Photos at page 449; Warranty Deed recorded January 25, 1985 in Book 229 of Photos at page 345; Warranty Deed recorded January 16, 1986 in Book 244 of Photos at page 493; and Trustee's Deed recorded May 10, 1996 in Book 343 of Photos at page 66.

31.4444 % Interest in Patricia J. Fuendeling, as Trustee of the Trust C of the Fuendeling Family Trust under Trust Agreement dated April 17, 1980

Acquired title by Trustee's Deed recorded April 24, 2003 in Book 405 of Photos at page 498

13 % Interest in Patricia J. Fuendeling, as Trustee of the Trust B of the Fuendeling Family Trust under Trust Agreement dated April 17, 1980

Acquired title by Trustee's Deed recorded July 18, 2003 in Book 408 of Photos at page 362

APPARENT MINERAL OWNER

All Interest in United States of America

Acquired title by reservation as contained in Patent recorded on in Book 1 of Additional Homestead Patents at page 38, wherein it states the following, to-wit:

"Excepting and reserving, however, to the United States all the coal and other minerals in the lands so patented".

2009 NOTICE OF ASSESSMENT

CROOK COUNTY ASSESSOR
 ARDITH D "DEE" GRIFFIS
 P.O. BOX 58
 SUNDANCE, WY 82729
 Phone: (307) 283-2054 Fax: (307) 283-1400
 Office Hours: 8am - 5pm

In case of a dispute over values of your property, your first obligation is to discuss the problem with the assessor's office. If not resolved, any person wishing to contest the assessment of their property shall file no later than thirty (30) days after the date of postmark of the assessment notice, a statement with the County Assessor. The statement shall specify the reasons why the assessment is incorrect. Please contact the assessor's office for more information on the appeal process.

NAME OF PROPERTY OWNER AS OF JANUARY 1ST, 2009

BUSH TODD H & JUDITH A ETAL
 2313 COUNTY ROAD 64
 RR 2 CARRYING PLACE
 ONTARIO CANADA K0K-1L0,

This is NOT a Bill.
 The Tax Bill will be sent to you by the County Treasurer.

Date Mailed	Date of Assessment	Parcel ID Number	Account Number	Local ID Number
4/20/2009	01/01/2009	52622440001500	R0004745	00000000

PROPERTY ADDRESS	TAX DISTRICT	TOTAL LAND SIZE
1046 RIFLE PIT RD	0100	435. AC

LEGAL DESCRIPTION OF PROPERTY BEING ASSESSED

T 52N R 62W SEC 24 S SE; SEC 25 NE NENW N SE SESE (LESS 5 AC. TO HWY) TOTAL ACRES: 435.00

PREVIOUS YEAR PROPERTY BREAKDOWN

Fair Value	x	Level of Assessment	=	Assessed Valuation	x	Last Year's Mill Levy	=	Last Year's Tax
6,960		9.5%		661		61.5		41

CURRENT YEAR'S ASSESSMENT

DESCRIPTION	FAIR VALUE	x	LEVEL OF ASSESSMENT	=	ASSESSED VALUATION
Agricultural Range Land	7,830		9.5		744
Total Valuation Used to Calculate Tax:	7,830				744.00
Estimated Tax Using Previous Year's Levy	\$46		This is NOT a Bill! It is for your information only		
Veteran's Exemption Pursuant to W.S. 39-13-105 (if applicable)					

Exhibit 5

**EQC Docket 10-2803
Judith Bush**

- * **Copy of J. Bush's November 2, 2009 objection letter to AQD re AP 9645**

By Fax (307) 777 - 5616
no pages 6

Judith Bush
Managing Partner, Bush Ranches
2313 County Road 64
Carrying Place, Ontario
Canada K0K 1L0

November 2, 2009

tel / fax 613-292-2313
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 Redl-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 airborne 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 Rifeplit 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 omission of any such air pollutant not previously emitted.

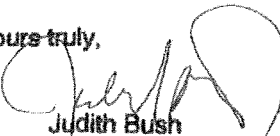
I can think of no reason for including such a large acreage in the "modified" permit. I understand that the Air Quality Division of the DEQ has just completed holding meetings to upgrade their air quality standards in order to bring them in line with federal regulations, which are more stringent. I do 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". The signature is stylized and somewhat cursive, with a large loop at the end.

Judith Bush

Exhibit 6

EQC Docket 10-2803
Judith Bush

- * Copy of J. Bush's Dec 5, 2009 objection letter to DEQ LQD re Croell Redi-Mix application to LQD regarding the expansion of the Croell Redi-Mix mining operation at its Rogers Pit location pages 1-8
- * Copy of letter to Governor Freudenthal dated (Saturday) Dec 5, 2009 page 9
- * Copy of cover letter to DEQ LQD dated (Sunday) December 6, 2009, when I found that DEQ faxes were receiving on Sunday December 6, 2009
- * Copy of J. Bush's correction letter re Dec 5, 2009 objection letter to DEQ LQD page 11
- * AQD bases its emissions calculations on information provided by applicant
Questionable AQD practice of not assessing reasonableness of estimates supplied by applicants, and plugging figures into formulae to predict suspended particulates
- * necessity of integrating AQD and LQD issues at the public input level to assess true impact of a mining operation on the public

Note

I faxed my objection letter to Governor Freudenthal on December 5, 2009 because no fax machines at the DEQ (LQD, AQD, or Mr. Corra's office) were receiving 5:00 pm, December 5, 2009.

Saturday, December 5, 2009, 5:00 pm was the deadline provided in the public notice for members of the public to file objection letters with the DEQ LQD.

The Fax machine at the EQC was also not receiving shortly before 5:00 pm on December 5, 2009.

BY FAX (307) 777 - 5864

To: Don McKenzie Director, WDEQ LQD Fax (307) 777 - 5864

From: Judith Bush tel / fax 613-392-2313
2313 County Rd 64 please phone before faxing
Carrying Place ON Canada K0K 1L0

date: December 5, 2009

cc: John Corra Director, WDEQ Fax (307) 777 - 7682
Jim Ruby Director, EQC Fax (307) 777 - 6134
David Finley Director, WDEQ AQD Fax (307) 777 - 5616
(WDEQ Air Quality Division AP - 9645)

Re: Croell Redi-Mix Application to WDEQ LQD
to expand the Roger's Pit from a 10 acre limestone
mining and crushing LMO (1396 ET) to a Regular
Mining Permit encompassing 600 + acres

and

Scheduling of two WDEQ Public Meetings regarding the
expansion of the Rogers Pit by (by both LQD & AQD)

Dear Mr. McKenzie,

This letter is in response to the public notice regarding the application by Croell Redi-Mix to expand the Rogers Pit which was published in the Sundance times on October 15, October 22, October 29, and November 5 of this year.

I am the Managing Partner of Bush Ranches, and one of the owners of lands lying immediately adjacent to and downwind from the land to be included in the 600 + acre Regular Mining Permit.

Our deeded property would share a boundary of approximately 1 1/4 miles with the expanded Rogers Pit. In addition, our ranch leases a 640 acre school section from the state, which would border the mining / crushing operation for an addition 1 1/2 miles. The impact upon our ranch and its potential for multiple environmentally

friendly and compatible uses in the future will be severely impacted.

It is more than probable that in the future an application will be sought by Croell Redi-Mix to include this school section within its Mining permit as well. If this were to occur, the Pit would be operating a stones throw from the ridge above the Red Canyon, which is the heart of our beautiful ranch.

Past Problems regarding 10 acre LMO 1396

LMO 1396 has caused the usual problems for our ranch operation. Our grasslands downwind from the pit are coated with dust, our nearby hay field is coated with dust. Our cattle graze these lands in the summer, and winter on them as well.

The Rifle Pit Road is in poor repair. I am sure you could not read the DEQ AQD standards for opacity while standing near the Rifle Pit Road when the trucks from the Rogers Pit are on the move.

I was astonished to learn from the LQD a few days ago that the DEQ LQD has no regulation which requires an applicant to provide public notice regarding an application for an LMO and no requirement for an applicant for an LMO to inform nearby landowners and /or home owners directly.

There is no doubt that LMO's can destroy quality of life for those living nearby. They also have the capacity to impact the livelihood of those living nearby, and the value of the property of those living nearby. I am assuming that, were a neighbor to be informed of an application for an LMO in his backyard, he or she would be entitled to request and obtain any information regarding the application which the LQD might have. Regulations regarding notification need tightening up. They certainly failed us.

None of the owners of Bush Ranches received direct notification from Croell Redi-Mix and / or the DEQ (either LQD or AQD applications) when Croell Redi-Mix got its foot in the door with a 10 acre LMO to mine and crush limestone.

Although the machinations by which this was accomplished still requires clarification, it appears that Croell Redi-Mix operated outside of the regulations of the DEQ and far in excess of the production estimates stated on its applications to the DEQ in order to obtain the permits required to set up the Rogers Pit in the first place.

Furthermore, because we did not see the initial application in a timely fashion, we were not aware until later that the access and egress from the Rogers Pit crossed our property to access the Rifle Pit Road.

After we learned of this, we considered informing Croell Redi-Mix that trucks from the Rogers Pit could no longer cross our land, which would have effectively shut down the pit. I personally consulted a number of attorneys, all of whom advised me that such an action would definitely result in a lawsuit, and that they did not have the time (or probably the inclination) to take the matter on. Had we gone ahead with this plan, we

would have had a lawsuit to deal with and no lawyer.

We were concerned with the dangers posed by loaded gravel trucks turning onto the Rifle Pit Road. (Line of sight was obscured due to a curve in the Rifle Pit Road at that point.)

Mr. Croell informed us in December of 2008 that his road was encompassed by our land and that he would like to purchase the land in question. We did not wish to sell our land. We were, however, concerned from the standpoint of danger to people's lives posed by the trucks turning onto the Rifle Pit Road. In addition, because the trucks were turning off of our property onto the Rifle Pit Road, there was a question of liability which became clear to us when we discussed the possibility of leasing the access to Croell Redi-Mix with attorneys and were advised that profiting in any way from the Rogers Pit could increase the possibility of our being liable for accidents involving trucks from the Rogers Pit.

THIS

In March of last year (before this new application came to light) our agent offered Mr. Croell an extremely reasonable proposal which Mr. Croell refused - swapping the twenty acres of our land which would have given legal access from Rogers Pit to the Rifle Pit Road for forty acres of Mr. Croell's land which would have to some extent buffered our ranch from the effects of what we then thought was a 10 acre operation¹. Mr. Croell said that he did not want to give up any land, that he wanted more land, and that he would build his own road.

It is unclear what information was provided to the DEQ LQD and/or other branches of government (Crook County, Wyoming State Highway Department) which led them to believe that Croell Redi-Mix had legal access from the Rogers Pit to the Rifle Pit Road. We had never given consent for trucks from the Rogers Pit to cross our ground. Any survey showing the access road would have made it clear that the access road crossed our land before reaching the Rifle Pit Road.

We have recently had a title search done on our main ranch, and First American Title found no recorded ROW on deed benefiting either lands designated under LMO 1396 ET or lands included in the 600 +acres of land which Croell Redi-Mix is presently seeking to include in a Regular Mining permit.)

The 10 acre LMO (1396 ET) for which Croell Redi-Mix originally applied for in November of 2006 in order to establish the limestone mining and crushing operation known as Rogers Pit has caused the our ranch operation headaches in the past. Dust lies thick on the grass and hay ground (presumably flying through the air to get there). This is land where our cattle graze in summer and winter over as well. (Our ranch manager on one occasion lodged a complaint with the Air Quality Division. Air

¹ Although we were unaware of this at the time, Croell Redi-Mix had violated its DEQ LMO 1396 ET permit by operating on ~ double the acreage permitted (with the Rogers Pit producing as as yet unknown quantity of crushed limerock in the process.)

Quality has told me that there is no record of any citations regarding the operation of the Rogers Pit.)

The Rifle Pit Road is in generally poor repair due to the limerock laden trucks. Truck traffic to and from the Rogers Pit has been far in excess of anything which can easily be explained by the operation of a 10 acre LMO with an estimated yearly production of 100,000 tons.

There have been a variety of legal or quasi-legal machinations involving multiple LMO's operating side by side in the Rogers Pit, permits for the installation of crushers which in the process switch and / or add operators and have apparently fundamentally altered the criteria of the original permit without ever stating so in language a layman can begin to grasp upon first reading.

Loaded trucks coming out of the Rogers Pit and turning onto the Rifle Pit Road pose a hazard for traffic along the Rifle Pit Road. Our ranch manager's wife nearly wound up under one of the loaded gravel trucks. The sight line is not clear due to a curve in the road.

The new road which is having the finishing touches put on it as we speak, poses an even greater danger to cars traveling along the Rifle Pit Road. Loaded trucks are coming down a sizable hill where they meet the Rifle Pit Road. A curve in the Rifle Pit Road further obscures visibility. There is no clear line of sight, either for the trucks or for the normal traffic along the Rifle Pit Road. The Rifle Pit Road enters a tunnel going underneath I-90 shortly after the turn onto the Rifle Pit Road. Once on the north side of I-90, the trucks must turn either left or right onto Wyoming State Highway 14. I understand that they cannot make turn right without entering a lane of oncoming traffic.

The August 2009 application to the DEQ LQD stated that a new access road was complete and operational, which it most certainly was not at that time. That application falsely states:

" The current mine entrance access road to the pit area is limited in length and has been relocated from the original access road that was previously used by the landowner for ranch access to the area. "

In fact, access across our land was the exclusive path of entrance and egress from the Rogers Pit at that time.'

It is unclear if the DEQ should have begun evaluating this application prior to legal access to the crushing site being in place, or if it should presently be considering proceeding in the approval process at this time.

In general, the response that I have received from staff of both the Land Quality and the Air Quality Divisions of the DEQ is that they do not have time to verify the information which is provided to them by the applicants for mining permits, and that

they generally take this information at face value.

In the case of the Rogers Pit, various information strikes me as dubious, including;

- * information regarding legal access to the crushing site, which I have already described
- * depth of the limerock deposits, which I strongly suspect increase dramatically as the land rises up before it drops off into Red Canyon (which is lined with limestone - hence the name).
- * The applicant has estimated the depth of deposit of limerock for the entire 600+ acres is based solely upon preliminary drilling done on the original 10 acre LMO site..
- * Croell Redi-Mix estimated the total deposit over 600 + acres of ~ 10,000,000 tons. However, In Croell Redi-Mix's original application, it estimated a total deposit of 2,000,000 tons on a 10 acre site.
- * Croell Redi-Mix is estimating a yearly production rate of 500,000 tons / year for the 600 + acre mine. Its August 2009 application to the LQD states that in both 2008 and 2009 the Rogers Pit produced 500,000 tons. (That's 500,000 tons for each of those years)

What boggles my mind is that this is the basis on which the AQD has calculated not only the amount of air borne particles, including various toxic substances, which the operation will generate, but this same estimate, provided by the applicant, is also used to determine the type of mining permit which this operation should fall under.

The applicant's estimates, which past history should at the very least call into question, are accepted at face value, and these figures are plugged into the formulas to create the Air Quality Divisions Assessment. I suspect that this is very much a case of GARBAGE IN GARBAGE OUT.

In addition, no attention seems to have been given to how much water from an on-site well may be necessary to keep the dust down, and what impact this may have on nearby wells on our property. Water is the limiting factor for growth in Wyoming. It should not be ignored and/or squandered.

Please note that there was nothing in the notice which was placed in the Sundance Times on June 4 and 11, 2009 to indicate the extent of expansion being sought by Croell Redi-Mix. (This notice, published in the Sundance Times, was prepared by a person representing Croell Redi-Mix in this matter and was evidently ok'd by the DEQ prior to publication.) I telephoned the DEQ around this time and was told that the Croell Redi-Mix application had not been finalized, and that there would be adequate

time to respond to the application once it was in its final form.

Our Ranch is a 7000+ acre property, containing abundant wildlife. Please note that our lands adjacent to lands with Croell Redi-Mix are applying to have designated as under a Regular Mining Permit are a wildlife sanctuary par excellence. I have been to the ranch in the spring and the fall, when the deer on that part of our ranch are so thick you couldn't begin to count them. Elk and antelope are common. Our timber is mature - some of it original growth over 200 years old. This is the Wyoming that the state's tourism branch likes to brag about. It is a truly beautiful property.

The 600 acres which Croell Redi-Mix wishes to include within its Regular Mining Permit are, I am sure, also home to abundant deer and antelope.

Croell Redi-Mix's application to enlarge Rogers Pit by a factor of 60 (from 10 acres to 600 + acres) will greatly curtail the multi-use potential of our ranch, which the owners have taken care to preserve over generations. We have consistently chosen to forego forgoing quick profits from timber, over hunting and limerock crushing operations in order to preserve the natural scenic beauty, mature trees and abundant wildlife our ranch affords. The value, both in terms of pristine beauty and in terms of financial worth will be eroded by this project going ahead. There are not many, if any, ranches of this size and unspoiled beauty left in Crook County.

I understand that the DEQ LQD has tentatively set up a date for a meeting / hearing regarding this application to take place on December 21, 2009 in Gillette, Wyoming.

It seems to me that both meetings are being set up in ways which will tend to discourage rather than encourage attendance.

Land Quality Division Meeting / hearing tentatively scheduled for Monday, December 21, 2009 in Gillette (time not yet determined).

I am asking the DEQ to schedule this meeting / hearing in the New Year, when the holidays are over. Also, unless there is some reason of which I am unaware, the meeting should take place in Sundance. Scheduling the meeting days before Christmas and in Gillette poses unnecessary difficulties for Crook County people wishing to attend.

Air Quality Division Meeting scheduled for 5:30 pm on Monday, Dec 14 at Public Library in Sundance

While I am happy that a public meeting has been scheduled, I wonder why it has been scheduled for suppertime on a week night. It would be more reasonable to allow time for people who work regular hours to return home, feed their kids, have some supper themselves, and then attend the meeting.

In general, I think that the public would be better served and better informed in meetings attended by representatives from all involved departments of the DEQ, as well as by representatives from any other involved government agencies (of whatever

level of government). This way all matters relating to a project would be open to discussion and could be considered in an integrated manner.

It also makes no sense to me that matters pertaining to the Rogers Pit (or any other project) falling under the jurisdiction of one Division of the WDEQ (in this case Air Quality) be approved and off the table prior to the public having input into matters relating to the same project which fall under the jurisdiction of another division of the WDEQ (in this case Land Quality). I can understand how it might seem logical to the DEQ to proceed with meetings in this way. However, from the public perspective isolating and considering interrelated matters at separate meetings looks a lot like a shell game.

Preparation for these meetings, whether in person, or by representation and written submission takes time. With regard to the hearing regarding the LQD Application, we may require legal representation. We should not be asked to accomplish this in a rush as the holiday season approaches.

Moreover, this is not an isolated example of a crushing operation overpowering more benign and sustained land uses and adversely impacting the lives, economic and otherwise, of people living in Crook County. (Our hay grounds on another part of Bush Ranches are routinely coated with dust from another crushing operation.)

People who have objected to living with the disturbance to their lives caused by the crushing operations in Crook County, and who have objected to this project going forward in its present form, and before DEQ regulations are put in place to adequately control the scope and effects of this and other crushing operations, should not be required to further inconvenience themselves by traveling to Gillette days before Christmas to make themselves heard.

It is my understanding that the Air Quality Division of the DEQ, after holding its public meeting regarding the application which Croell Red-Mix has submitted to AQD regarding air quality matters relating to the expansion of the Rogers Pit, is in a position to approve its application from Croell Redi-Mix prior to the public process relating to the application made by Croell Redi-Mix to the Land Quality Division of the DEQ being completed. (The Air Quality Division of the DEQ has scheduled its meeting for December 14, 2009, at 5:30 pm.)

I understand that the decision made by the Department of Land Quality regarding its application from Croell Redi-Mix regarding on the expansion of the Rogers Pit (a separate application from the one submitted to the Air Quality Division) will determine whether this project will go ahead. However, I also understand that the Land Quality decision will not be based upon matters relating to dust and air quality, which fall under the jurisdiction of the Air Quality Division of the DEQ, which will already have been decided by the and off the table by the time the Land Quality hearing is held.

I sincerely hope that I am confused regarding procedure of the DEQ as described

above, since these procedures compartmentalize and isolate matters which come together to form a package deal in any given permit application.

I also understand that the Air Quality Division has the discretion, but not the duty, to place limits upon operations when estimates made by an applicant when applying for any type of a mining permit are exceeded. Croell Redi-Mix has consistently violated the terms of its LMO, the DEQ AQD has apparently raised no objection, and the overall response of the DEQ, when Croell Redi-Mix apparently accepted contracts which it had to know it could not fulfill under the terms of its Limited Mining Operation permit # 1396, was to facilitate by questionable means the continued operation of the Rogers Pit on over twice its permitted area by granting a second LMO to another crushing operator to operate side by side with Croell Redi-Mix in the Rogers Pit. The DEQ instructed that artificial barriers be set up to separate the two operations until they reached the scales, and even this separation of the two mining operations was not being carried out when the site was inspected in June of 2009.

If I am understanding correctly that the Air Quality Division meeting scheduled for December 14, 2009 can result in approval of the Air Quality Application prior the Land Quality hearing taking place, then I strongly object to this procedure.

If by approval of the Air Quality Division Permit, matters relating to Air Quality are off the table at the time of the Public hearing regarding the LQD permit, the project cannot, in my opinion, be discussed in a meaningful manner at the very hearing which will determine whether this greatly expanded Roger's Pit will be permitted go ahead.

Yours truly,

Judith Bush
Managing Partner, Bush Ranches

BY FAX (307) 632-3909

To: Governor of Wyoming, Dave Freudenthal

From Judith Bush tel / fax 613-392-2313
2313 County Rd 64 please phone before faxing
Carrying Place ON Canada K0K 1L0

date: December 5, 2009

Re: Croell Redi-Mix Application to WDEQ LQD
to expand the Roger's Pit from a 10 acre limestone
mining and crushing LMO (1396 ET) to a Regular
Mining Permit encompassing 600 + acres

and

Scheduling of two WDEQ Public Meetings regarding the
expansion of the Rogers Pit by (by both LQD & AQD)

Dear Governor Freudenthal,

I have just faxed you a copy of my response to the WDEQ LQD regarding
the expansion of the Rogers Pit.

I have done so at this time because the official deadline for responding
to the WDEQ Land Quality Division Notice was officially 5 pm today
(Saturday, December 5, 2009).

I understand that the deadline has been extended until December 7,
2009 at 5 pm, however, I wanted to make sure that I had a response in
prior to the deadline stated in the official notice which was published in
the Sundance Times. All of the fax machines at the DEQ have
apparently been turned off, as has the fax at the Environmental Quality
Council, so I thought I would try your fax, and was happy to find that it
was working.

I am sure that you already know that your name means joyful valley. It is
a beautiful name.

Yours truly,


Judith Bush

Managing Partner, Bush Ranches

BY FAX (307) 777 - 5864

To: Don McKenzie Director, WDEQ LQD Fax (307) 777 - 5864
From Judith Bush tel / fax 613-392-2313
2313 County Rd 64 please phone before faxing
Carrying Place ON Canada K0K 1L0
date: December 6, 2009
cc John Corra Director, WDEQ Fax (307) 777 - 7682
Jim Ruby Director, EQC Fax (307) 777 - 6134
David Finley Director, WDEQ AQD Fax (307) 777 - 5616
(WDEQ Air Quality Division AP - 9645)

**Re: Croell Redi-Mix Application to WDEQ LQD
to expand the Roger's Pit from a 10 acre limestone
mining and crushing LMO (1396 ET) to a Regular
Mining Permit encompassing 600 + acres
and
Scheduling of two WDEQ Public Meetings regarding the
expansion of the Rogers Pit by (by both LQD & AQD)**

Dear Mr. McKenzie,

The deadline noted in notices published in the Sundance Times relating to the above matter was given as the end of the business day on December 5, 2009 (yesterday, which was a Saturday). Although my understanding was that the deadline had been extended until 5:00 pm. Monday, December 7, 2009, I decided that I would nevertheless fax my reply to you by the deadline noted in the Sundance Times notices.

When I tried to fax my reply to you yesterday shortly before 5:00 pm (as well as copies to Mr. Corra, Mr. Ruby and Mr. Finley, as noted above) I could not get through on any of the fax numbers noted above. All numbers kept ringing until the ring changed to a dial tone. I assumed that the fax machines had been turned off until Monday morning, and decided to wait and fax my response to you on Monday. However, when I tried your fax number a few moments ago, I found that it was working. I am attaching my response to the above matter to this cover letter.

When I discovered yesterday that I could not get through to any of the above fax numbers, I faxed a copy of my response to Governor Freudenthal, whose fax was working. I then followed up with a short note explaining to the governor my reason for sending the response to him instead of directly to you (copy attached).

Yours truly,


Judith Bush

BY FAX (307) 777 - 5864

To: Don McKenzie Director, WDEQ LQD Fax (307) 777 - 5864

From: Judith Bush tel / fax 613-392-2313
2313 County Rd 64 *please phone before faxing*
Carrying Place ON Canada K0K 1L0

date: December 7, 2009

cc: John Corra Director, WDEQ Fax (307) 777 - 7682
✓ **Jim Ruby** Director, EQC Fax (307) 777 - 6134
David Finley Director, WDEQ AQD Fax (307) 777 - 5616
(WDEQ Air Quality Division AP - 9645)

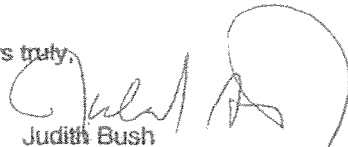
Re: Croell Redi-Mix Application to WDEQ LQD
to expand the Roger's Pit from a 10 acre limestone
mining and crushing LMO (1396 ET) to a Regular
Mining Permit encompassing 600 + acres

Dear Mr. McKenzie,

I would like to correct an error I have found in my letter to you dated December 5, 2009.

Our agent met with Mr. Croell to discuss the possibility a land swap to solve the problem of trucks and other traffic from the Rogers Pit crossing our land without our permission to access the Rifle Pit Roads in March of this year (2009), not March of last year (2008).

Yours truly,



Judith Bush
Managing Partner of Bush Ranches

Transcript of December 14, 2009 Public Hearing pages 1 - 15

Notice of December 14, 2009 Public Hearing mailed to J. Bush by certified mail page 16

**Copy of Public Notice for Dec 14, 2009
AQD Public Hearing re Croell Redi-Mix AP 09-9645** page 17-10

- * **Mr. Croell states that there are no plans to put a hot mix asphalt plant on site Mr. Croell states that there are no plans to put a batch concrete plant on site. Nevertheless, both uses are included in the application.** page 8
- * **6) The proposed facility will have provisions for measuring the the emissions of significant air contaminants as determined by the Administrator of the Air Quality Division. page 4**
- * **Public Notice of Public Hearing** page 17 - 19
 - * **Legal description designated 40 acres misleading - this is a 600.07 acre minesite public not informed of scope of operation**
 - * **incorrect legal description**
 - * **NWNE Section 25 not a part of LQD designated 600.07 minesite**
 - * **minesite is not located 5 miles east of Sundance**
 - * **no opportunity for members of the public to ask questions of DEQ AQD or LQD staff during the public hearing.**
- * **Notice of the December 14, 2009 public hearing was mailed to me by certified mail. (No notice of AQD March 17, 2010 decision of AQD was mailed to me, either by certified or by regular mail)**
- * **Bush Ranches was represented by proxy (our ranch manager, Dewey Turbiville) at the December 14, 2009 public hearing.** page 12 - 13
- * **The hearing was held under the rules of Chapter III of the Rules of Practice and Procedure. page 1**

I was entitled to notice in accordance with the Rules of Civil Procedure. Section 14 (a) Rules of Practice and Procedure.

CROELL REDI-MIX PUBLIC HEARING

DECEMBER 14, 2009

SUNDANCE, WYOMING

Let the record show that this hearing is being convened at 5:32 pm, December 14, 2009, at the Crook County Library, 414 Main Street, Sundance, Wyoming.

My name is Chad Schlichtemeier. I am the New Source Review Program Manager. John Corra, Director of the Department of Environmental Quality and David Finley, Administrator of the Air Quality Division are unable to be present this evening. However, these proceedings are being recorded and they will review the record since they must approve the final decision on the permit in question. Also present to hear comments are Nick Meeker, to my right here, Air Quality Engineer, and Tanner Shatto, on the end there, District Air Quality Engineer responsible for this area of the state.

This procedure will be conducted as an administrative hearing as provided under Chapter III of DEQ's Rules of Practice and Procedure. This means that this is not a contested case. People offering testimony this evening will not be placed under oath, and will not be subject to cross-examination or to questions from the audience.

To be most helpful to us this evening, your comments should be directed toward considerations which are within the legal jurisdiction of the Department of Environmental Quality. We will not engage in open discussion or rebuttal of issues raised by any participant. The presiding officer and this panel may request additional information or ask questions of any participant.

We are here to receive comments on our advertised proposed decision to grant a permit to Croell Redi-Mix to modify the Rogers Rock Pit, which will include limestone crushing, screening, blasting, exposed acreage, stockpiling, hauling activity, a hot mix asphalt plant and a concrete batch plant, which is located in the NW1/4NE1/4 of Section 25, T52N, R62W, approximately five (5) miles northeast of Sundance, in Crook County, Wyoming.

The hearing notice was published on November 26, 2009 in the Sundance Times paper. The scope of this hearing will be limited to information concerning emissions of air pollutants from the proposed facility into the atmosphere, proposed control technology, and impact of such pollutants on ambient air quality. After all comments have been received, the Department of Environmental Quality will make its decision regarding whether or not the applicable air quality standards and regulations will be met as a result of construction and operation of the facility and whether or not the permit is to be issued or denied as proposed.

I appreciate the interest expressed in the air quality permit system and want to assure you that your statements will be carefully reviewed before final permit decision is rendered.

The record on this matter will close at the end of this evening's public hearing is concluded. Comments received by the Division prior to and during this hearing will be considered in the final decision. This hearing is being recorded by the Air Quality Division. A transcript will be placed in the Division's file in the Cheyenne office in the)

Herschler Building at 122 West 25th Street. Anyone wishing to obtain a copy of this record should make arrangements with the Division in Cheyenne.

Before we get started this evening, I want to outline the basic requirements for the issuance of an air quality permit.

Chapter 6, section 2(a) of the Wyoming Air Quality Standards and Regulations requires that any person who plans to construct any new facility or modify an existing facility which may cause the issuance of, or an increase in the issuance of, any air contaminants into the air of this state must obtain a construction permit from the Department of Environmental Quality before any actual work is begun on the facility.

Chapter 6, Section 2(C) of these regulations further states that no approval to construct shall be granted unless the applicant shows, to the satisfaction of the administrator of the Division of Air Quality that:

1. The proposed facility will comply with all rules and regulations of the Wyoming Department of Environmental Quality Air Quality Division, and with the intent of the Wyoming Environmental Quality Act.
2. The proposed facility will not prevent the attainment or maintenance of any ambient air quality standard.
3. The proposed facility will not cause significant deterioration of existing ambient air quality in the region as defined by any Wyoming standard or regulation that might address significant deterioration.

4. The proposed facility will be located in accordance with proper land use planning as determined by the appropriate state or local agency charged with such responsibility.

5. The proposed facility will utilize best available control technology with consideration to the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the facility.

6. The proposed facility will have provisions for measuring the emissions of significant air contaminants as determined by the Administrator of the Air Quality Division.

7. The proposed facility will achieve the performance specified in the application for a permit to construct or modify.

Pursuant to the above cited regulations, Croell Redi-Mix has applied for a permit to modify the Rogers Rock Pit, as described earlier.

The Division of Air Quality conducted an analysis of the application and on October 1, 2008, (sic) published in the Sundance Times a public notice of the Division's proposed intent to approve the permit application. We also placed a copy of the application and the Division's analysis in the office of the Crook County clerk in accordance with regulations.

As I mentioned earlier, this is not a question and answer hearing. Cross-examination of speakers will not be allowed. We are here to gather information from the public which bears on the question of whether this proposed facility permit application)

demonstrates compliance with our standards. If it does, we are obligated under the Environmental Quality Act to grant the permit. Following our evaluation of all comments, we will respond with a written decision. We will mail our written decision to everyone who comments, who provides a legible address to us.

Attendees were requested to sign up as they entered this evening, and to indicate if they wish desired to present a statement.

I will ask first if Croell Redi-Mix wishes to provide any statement which they deem appropriate, then I will use the attendance sheets and call upon other attendees in the order in which they signed up.

Please state your name and address when you start your presentation. Please come forward to the chair here to give your statement in order that the panel can hear you and that we can capture your comments for the record.

Does Croell Redi-Mix wish to make a statement?

Roger Croell

I am Roger Croell from Croell Ready-Mix. I'm the one that started this pit. I have been working on it for several years trying to get this permit intact, and I think we have jumped through all the hoops that we were required to do. Are there some questions about some things? I'll start out on the driveway. The driveway that we were using at first goes through the Bush Ranch, which I never knew about. We had no idea that that was Bush property. So we were using that road, that driveway that goes into this field that I own, goes through about fifty (50) to one hundred (100) feet of Bush property. The

DOT put the driveway in. There was no gate to get into the Bush Ranch from this gate. It was strictly more or less a driveway for my pasture. So I wanted to get exactly where, know exactly where the lines were on my property, so I had Ralph Goodson come out and survey it and he come up and told me; "Roger you're driving across a small portion of the Bush Ranch." So I said "Oh hell". So what I have done is I have talked to the Bush people and they wanted to trade me some property for the access through that, through their property, which I didn't think was fair. So I decided to put a new driveway in, which we have done. We went through all the permitting, we're in the process of finishing up the driveway they were putting in a calvert, which is up to DOT specs, everything is done according to DOT standards. And from our driveway there's been some complaints about the dust on Rifle Pit Road. From our driveway to the blacktop its 586 feet, that we are driving on Rifle Pit Road. We have maintained the road. There sure there are sometimes when it gets a little bumpy but we have a road grater around here all the time and when it gets rough we expect to maintain it, being as how the county doesn't do it all the time. It's actually the county's responsibility but we have the road grater there so we do it ourselves. We have also had some complaints about dust, and I will admit we had some dust problems at the beginning. But we dug a well up by the scale house, and it was for twofold purpose really. It was to water my livestock in that field and to water the road coming in and out of the pit. Now last year we treated the road from the pit three (3) times, we shot the road with chemical three (3) times all the way out to the black top at a cost of \$5000 for it and I had several people call up a)

few times and complain about the dust and there were several times when they, all they have to do is make a call and we will shut it down. We will shut it down or correct it. And they have done that and we have corrected it we feel. You people also have to remember though that Rifle Pit Road is a gravel road and there is a lot of dust that comes off that road too. I drove down it one day when someone was complaining to me about it and there was as much dust coming off the road as there was off the pit. There have been some complaints about the dust on the hay fields. The nearest hay field is on to this property are my own. And I have made hay on them, my cows seem to eat it. The nearest hay field other than my own is over a half a mile away. I got the map here to show you if you want to look at it. There are, anytime you crush a rock you're going to have a certain amount of dust, I understand that, and we have taken precautions to have a water truck up there at all times. At the end of the, the last person that was crushing in there it was not Croell Ready-Mix it was Frost out of Lovell. They sprayed water on their crusher and on their conveyors to hold the dust down. We are trying to work with people. We received a letter from one of the Bush Ranch owners stating that they think we are going to move into the state property which is directly south of my land. I am not going to do that because I don't have the mining rights to it, someone else in this community has them and I don't think you want to go there because I have nothing to do with it. That has nothing to do with me. There has been a controversy about the amount of water that we would take out of the well that we may dry up the wells. That's not gonna happen, we don't use that much water and if we run short of

water we will go down to my big reservoir down at the house and suck it out of that, that's running over now for the last two (2) years so there is plenty of water there if we want to fill our truck up our water truck up with that. I don't. There's been some complaints about the deer and the elk that are always on this property. Tell you I haven't seen too many of them there only when people chase them. I have never seen elk on this piece of property right here. I have seen tracks but I have never seen them, they come in at night, if they come in. I don't have, oh, asphalt and concrete plants. There are no plans to put an asphalt plant in there. No plans to put a concrete plant in there. When we applied for this permit that was one of the options that they give you so we just included it in there. Why would we, for gods sakes, why would we put a concrete plant in there when we have one five (5) miles away? And an asphalt plan--there is absolutely no, no expectation of ever putting an asphalt plant in there. I can't imagine in what circumstances we would ever do that, but it's just something we applied for. The only other possible way that you would ever do it would be if there was a large asphalt project coming up and someone wanted to set the asphalt plant in our pit. So we just wanted to get it permitted in the event that there would be something come through. I know of nothing at all in the next years that's gonna require a pit. And I'm very sure that if somebody wanted to set an asphalt plant in there, Pete Lien right down the road would be very interested in putting in theirs too. And I think you people would rather have it up in my pit than down at Pete Liens. The six hundred (600) acres that we are talking about, again it's just the size of the field that we did, we just applied for the six

hundred (600) acres there's no way that we will ever ever take the full six hundred (600) acres. No way. We will probably take ten (10) acres a year or whatever, I don't know. Depends on the amount of business we have. Basically it's a rock quarry for our own use, and we do sell some byproducts out that we make but it's basically for our own use. There have been some questions about how many tons of material we will take out and the two hundred (200) to five hundred (500) thousand tons was mentioned. Well it's not five hundred thousand (500,000) tons. The first year we were out there it was like twelve thousand (12,000) ton I believe. The second year it was like eighty-six thousand (86,000) tons and then the next year it was a little over a hundred and forty. Basically, its rock for our own use. I don't know of anything else that I want to cover except that I do have, we do have some large maps of the area we show where everyone lives and you folks can see that the prevailing winds generally in this area are southwest, I think. And most of the wind will drag any dust if it is there up towards the interstate. Very, very unlikely that any of you will be affected by any of the dust. If there is any dust which we are going to work on very strongly. So I have no other statement that I guess I want to bring about, but if there is any questions feel free to ask me later. I will be glad to answer them I will spend as much time as you want explaining our position to you.

Chad Schlichtemeier

I got a couple questions now for you Mr. Croell.

Roger Croell

OK.

Chad Schlichtemeier

Just so I am clear on the new road, that's going to be, there is 586 here to Rifle Pit Road?

Roger Croell

No, my new driveway comes out right here. This is the old driveway. It was going through actually this line should be up there we were going through about 100 feet. That's where the survey markers were. Now this new road, new driveway comes in right here on Rifle Pit Road and from there over here to this here to the asphalt its 586 feet.

Chad Schlichtemeier

So when you're hauling out you basically...

Roger Croell

We go out, that's the only way in and out right through that driveway. There has also been some question about trucks not stopping at the stop sign, at our stop sign. I don't know. I have never seen one of them not do it but I'm sure there are some of them may go through the stop sign. I can't control every trucker. We have talked to them. We said look you stop at the stop at the stop sign we don't want any accidents. But the truth of the matter is, when you're up here you can see anything coming down Rifle Pit Road. So there shouldn't be any accidents there.

Chad Schlichtemeier

So when you did your three (3) applications what area was treated?

Roger Croell

Everything was treated from the asphalt to the north, straight up, clear into the pit.

Chad Schlichtemier

What is the name of the asphalt road up here?

Roger Creoll

That's old Highway 14.

Chad Schlichtemier

And what is the size of your mine that you have applied for in your Land Quality permit?

Roger Creoll

I believe it was six hundred (600) acres, that's the size of this field that were in.

Chad Schlichtemier

So you applied for the whole field with your Land Quality permit?

Roger Creoll

Yes we did.

Chad Schlichtemier

OK, thank you.

Roger Creoll

That's it. OK.

Chad Schlichtemier

Thank you Mr. Croell. Bush Ranches, is there a spokesman? Did you want to make a statement or...?

Dewey Turbibile

I'm Duey Turbibile, manager of Bush Ranches. We neighbor right across the fence from the gravel pit. There is, last year I drove across my grass fields or grass land with four-wheeler and pick up, and the dust just billered right up borrowed behind my four-wheeler and pick up. We run cattle in there during the winter time, lot a times in the spring, sometimes during the summer time. They eat the grass and if the grass, dust is bad as it was last summer I'm afraid they're going to be getting grass tetany from them. Also we got hay hills, like Roger said, a half a mile from the pit and if I have tractors sitting up there on the grass fields or the hay fields just over night or a day you can just wipe the dust off the tractors when the wind is blowing the right way. We also have a well probably about a half mile away across the Rifle Pit Road from it. And the ice on the tank in the winter time will be brown from the dust that coming off the crusher, and gravel pit. Or off the road it's both of them. And there's far as the road is sometimes it is so dusty down there you can't see if someone's coming after a gravel truck has went out or came in. And there's been a lot of close accidents of the gravel trucks hauling gravel out of that road cause they were not stopping. They almost hit cars, they ran cars off the road. I have seen pickups come out of there--they came out right in front of me and that was out of the old road I don't know how the new road will be. But there is a blind spot on the new road too coming up. I guess that's all I have to say.

Chad Schlichtemier

Ok Thank you. I just want to make sure I got your name here its Dewey Turbibille.

Dewey Turbibille

And its D E W E Y.

Chad Schlichtemier

Leal? I'm sorry.

Les Turgeon

Les Turgeon. I live off Rifle Pit Road. Out of the correspondence that they had from the environmentalists is really confusing. Sometimes it almost makes it think like anybody object to what's going on and they have already approved the permit that we're the bad guys. But on that, I guess one of the biggest questions I had and I guess Roger can answer by withdrawing into that is a concrete plant and the blacktop plant. Because the minute we do this as close as they are to Sundance creek we got a pollution problem possibly for water. There's that whole area is full of caverns when you drill in it. If you look on the west side of the interstate right there the water flows out through Rogers place on the other side it goes underground where all this pollution goes under ground is anybody's guess. Is it going to affect the Bush Ranch well? My well, my spring? In ten (10) years down the road if they put all this stuff in they gonna affect sand creek down there which is one of the prime fishery areas in the state of Wyoming. Where does all this water go under there? I think there are a lot of questions that need

to be answered before they put plants and everything, so if Roger is saying this isn't part of it, then I would recommend doing the maybe withdraws so we don't have to worry about it. The traffic problem is a problem there, even with the new road. And I understand that Roger can't control all of that, but we have had problems when big trucks turn there, they are on the wrong side of the road. I turn in the driveway the other day with a trailer, one of them was in the middle of the car gate and I couldn't get off the road, he couldn't get on the road and there was traffic coming. We had a big bottle up. And I don't know for sure how we solved that, but I understand Roger can't solve all that but some of there needs to be communication there. Or somebody is gonna get hurt. I would also recommend to Roger while he's rebuilding this road, that I don't know if it's county or state project that works on that but we need to get some drainage there. Because when all that water runs down that first quarter mile of road is a mess. As your rebuilding it, so we got a drainage problem there that needs to be addressed. Those are just a few things. You know as this air we talked with air we got people in the area that's on oxygen full time and health problems, and we need to take a look at this. Because it just a health problem you know these are the things that should be answered before this permit is is issued. One of the things, one of the letters I received indicated that I was against Rogers application, and that is false. I am not against his application, I am against the Quality of Air not doing their job after his I don't think their job is to have him fill out an application and you approve it. I think it needs to be looked into at that point and so I am not disappointed in what Roger and his application. I am just disappointed

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in the Wyoming Quality, Environmental Quality not looking at the rest of people's concerns, so before they approve it and they have already recommend approval, so.

Chad Schlichtemeier

Ok, thank you.

That's all I have indicated today wish to make a statement, has anybody had a change in mind? I guess that nobody raising their hand I am going to close this hearing at 6:00. After we have gone through all the comments we will be issuing a written decision on this permit. We will provide a response to our comments and decision to everybody who provided comments and a legible address to us. Thank you for attending.



Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

November 17, 2009

Ms. Judith Bush
2313 County Road 64
Carrying Place, Ontario
Canada K0K 1L0

CERTIFIED – RETURN RECEIPT REQUESTED
Notice of Public Hearing
Permit Application, AP-9645

Dear Ms. Bush:

The Division of Air Quality has scheduled a public hearing regarding the proposed decision to issue an Air Quality Permit to Croell Redi-Mix to modify the Rogers Rock Pit, which will include limestone crushing, screening, blasting, exposed acreage, stockpiling, haul activity, a hot mix asphalt plant and a concrete batch plant, located in the NW1/4NE1/4 of Section 25, T52N, R62W, approximately five (5) miles northeast of Sundance, in Crook County, Wyoming.

A public hearing has been scheduled for 5:30 pm, Monday, December 14, 2009 at the Crook County Library, located at 414 Main Street, Sundance, Wyoming. A copy of the Notice of Public Hearing is enclosed.

If you have any questions, please feel free to contact this office.

Sincerely,

Chad Schlichtemeier
NSR Program Manager
Air Quality Division

cc: Tanner Shatto
Croell Redi-Mix

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Croell Redi-Mix
PO Box 1352
Sundance, WY 82729

The Sundance Times

STATE OF WYOMING

**Department of Environmental
Quality/Division of Air Quality**

NOTICE OF PUBLIC HEARING

Chapter 6, Section 2(m) of the Wyoming Air Quality Standards and Regulations provides that prior to final determination on an application to modify an existing source, opportunity be given for public comment and/or public hearing on the information submitted by the owner or operator and on the analysis underlying the proposed approval or disapproval.

Notice is hereby given that the State of Wyoming, Department of Environmental Quality, Division of Air Quality, proposes to approve a request by the following applicant to modify an existing source in Crook County, Wyoming.

The applicant has requested permission to modify the Rogers Rock Pit, which will include limestone crushing, screening, blasting, exposed acreage, stockpiling, haul activity, a hot mix asphalt plant and a concrete batch plant, located in the NW1/4NE1/4 of Section 25, T52N, R62W, approximately five (5) miles northeast of Sundance, in Crook County, Wyoming. The applicant estimates an annual production rate of 500,000 tons. A copy of the permit application and the agency's analysis is available for public inspection at the Crook County Clerk's Office, Sundance, Wyoming. In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

Pursuant to the provisions of the Wyoming Environmental Quality Act and the Wyoming Air Quality Standards and Regulations, a public hearing relative to the requested issuance of an air quality permit for the proposed modification will be held by the Administrator of the Air Quality Division, Department of Environmental Quality at 5:30 pm, Monday, December 14, 2009, at the Crook County Library, located at 414 Main Street, Sundance, Wyoming.

The hearing will be conducted pursuant to the provisions of Chapter III of the Rules of Practice and Procedure adopted by the Environmental Quality Council, and therefore, will not be conducted as a contested case. The purpose of the hearing is to gather information concerning the emissions of air pollutants into the atmosphere and the impact of such pollutants on the ambient air quality. The scope of the hearing will be limited to such issues in order for the Department of Environmental Quality to determine whether or not the applicable Air Quality Standards and Regulations will be violated as a result of the modification and/or operation of the facility.

All persons desiring to be heard on this matter are hereby notified to appear at the designated time and place. Oral statements will be accepted at the time of the hearing, but for accuracy of the

record, written statements are encouraged and will be accepted at the time of the hearing or prior thereto.

Comments may be directed to David A. Finley, Administrator, Division of Air Quality, Department of Environmental Quality, 122 W. 25th St., Cheyenne, Wyoming 82002. Please reference AP-9645 in your comment. All comments received during the public hearing or received in the Cheyenne Office by 5:00 p.m., December 14, 2009, will be considered in the final determination on this application.

Publish: November 26, 2009



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SUNDANCE TIMES
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STATE OF WYOMING

Department of Environmental Quality/Division of Air Quality

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