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FILED

OCT 20 2010

**Jim Ruby, Executive Secretary
Environmental Quality Council**

Attorney for the State of Wyoming,
Department of Environmental Quality

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

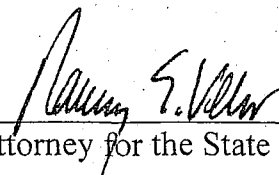
In the Matter of the Appeal)
And Petition for Hearing of:)
Croell Redi-Mix, DEQ AQD Permit) Docket No. 10-2803
Application No. AP-9645)
And DEQ AQD Permit No. MD-9645)
Dated March 17, 2010)

DEQ'S RESPONSE TO JUDITH BUSH DISCOVERY REQUESTS

The Wyoming Department of Environmental Quality, Air Quality Division (DEQ/AQD), for its Responses to Judith Bush's Discovery Requests, states as follows:

GENERAL OBJECTION

The DEQ objects to the Requests to the extent a response is requested that is not required by the applicable provisions in the Wyoming Administrative Procedure Act, the Wyoming Rules of Civil Procedure, and the Rules and Regulations of the Wyoming Environmental Quality Council which govern the requirements for responding to discovery requests.



Attorney for the State of Wyoming, DEQ

Responses

INTERROGATORY NO. 1: Is there some reason why AQD identifies an ~ 40 acre piece of land as the location of operations, regardless of whether the minesite designated by LQD is larger, smaller or equal in size to 40 acres? If so, what is the purpose of this and how is the location of the designated 40 acres employed by AQD and/or by Croell Redi-Mix?

Answer: The application submitted to modify the Rogers Rock Pit lists the legal description on form AQD-MN1 as the NW1/4NE1/4 of Section 25, Township 52 North, Range 62 West, which represents forty (40) acres. There is also an asterisk by the legal description stating, "See attachment for further legal description." The full legal description provided in the application is as follows:

A tract of land located in the SE1/4NW/4, that portion of SW/4NW/4 located east of Interstate 90 Right-Of-Way, SW1/4 and SW/4SE/4 of Section 25; that portion of SE/4NE/4 located east of Interstate 90 R-O-W, that portion of SE/4 located east of Interstate 90 R-O-W, and that portion of SE/4SW/4 located east of Interstate 90 R-O-W of Section 26; E/2NE/4, NW/4NE/4, that portion of the N/2NW/4 located east of Interstate 90 R-O-W and the NE/4SE/4 of Section 35, T52N R62W of the Sixth Principal Meridian, Crook County, Wyoming.

The full legal description represents 600.07 acres, which was the basis of the AQD's analysis.

In general, the legal description provided on form AQD-MN1 does not identify the exact acreage of the quarry. As shown above, the legal description of the Rogers Rock Pit is complex. Given the space on the form, most applicants provide the complete legal description on the site map or as an attachment as was done by Croell Redi-Mix, Inc.

DEQ/AQD quarry permits include a general location consisting of a legal description and an approximate distance to the nearest town. The DEQ/AQD typically uses the legal description provided by the application from form AQD-MN1 to identify the general location. For permit MD-9645, the DEQ/AQD used the legal description from form AQD-MN1, which listed Rogers Rock Pit as being located in the NW1/4NE1/4 of Section 25, T52N, R62W, approximately five (5) miles northeast of Sundance, in Crook County, Wyoming. The DEQ/AQD acknowledges that the legal description in other quarry permits may encompass the entire acreage analyzed and may vary depending on the size of the quarry.

INTERROGATORY NO. 2: Does the AQD ask or require that an applicant (in this case Croell Redi-Mix, Inc.) provide them with the legal description of a 40 acre parcel relating to its minesite? If so, why? Is the selection of this location at the discretion of the Applicant? How is it used by the AQD and/or by the Applicant?

Answer: See response to Interrogatory No. 1. The legal description cited in permit MD-9645 is the same description listed in CT-4526. CT-4526 was issued to Croell Redi-Mix, Inc. on February 13, 2007, to construct a limestone mine, known as the Rogers Rock Pit, with an annual production rate of 100,000 tons located in the NW1/4NE1/4 of Section 25, T52N, R62W, approximately five (5) miles northeast of Sundance, in Crook County, Wyoming. Permit CT-4526 authorized a ten (10) acre mine as describe in the application. The ten (10) acre pit is within the forty (40) acre parcel described by the legal description.

VERIFICATION

I, Steven A. Dietrich, verify that I have read and reviewed the above responses to interrogatories and state that they are true and correct to the best of my knowledge.

Steven A. Dietrich

Steven A. Dietrich, Administrator
DEQ/AQD

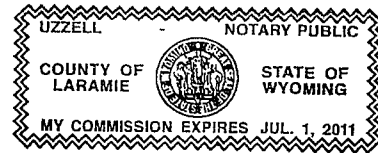
Subscribed and sworn before me this 18th day of October, 2010.

SEAL:

[Signature]

Notary Public

My Commission expires: July 1, 2011.



DATED this 20th day of October, 2010.

Nancy E. Vehr

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Attorney for the State of Wyoming, DEQ

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October, 2010, a true and correct copy of the foregoing *DEQ's Response to Judith Bush Discovery Request* was served by placing the same in the United States mail, postage pre-paid, addressed to:

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

Kim D. Cannon
Mark Stewart
Davis & Cannon, LLP
40 South Main Street
P.O. Box 728
Sheridan, WY 82801-0728

and via FAX to:

Judith Bush at 307-283-2835

Kim Cannon and Mark Stewart at 307-672-8955



Wyoming Attorney General's Office