

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 MOTION FOR SUMMARY JUDGMENT

EXHIBIT 13

Public Comments

DEQ Bates Nos. 000047 - 000066

used
5/11-1-09

Faxmittal

To: David A. Finley, Administrator Division of Air Quality Fax # 307-777-5616

From: Levi Delp - 5254 Fuller Road Sundance WY.
307-283-3754

Date: October 30, 2009

Re: Comment on AP-9645

I don't think that a permit should be given because we have numerous quarries in the area already causing air pollution, noise pollution unsafe road conditions.

Also the state does not appear to be equipped to enforce the limited regulations.

I am also concerned about our water supply.

Levi Delp

rec'd
11-01-09
gt

Faxmittal

To: David A. Finley, Administrator Division of Air Quality Fax # 307-777-5616

From: Larry & Ruth Johnson
300 McKee road
Lundance wy

Date: October 30, 2009

Re: Comment on AP-9645

We are concerned about the dust
and the ~~explosives~~ used to mine gravel
that is carried in the air. How many damn
gravel pits do you need & why can't they
be put where they aren't placed in a place where
dust doesn't come over peoples houses.

Larry Johnson

Wed
11-1-09
GH

Faxmittal

To: David A. Finley, Administrator Division of Air Quality Fax # 307-777-5616

From: Les & Karen Turgeon
735 Rifle Pit Rd.
Beulah, WY 82712

Date: October 30, 2009

Re: Comment on AP-9645

As residents of Crook County, residing here for sixteen years we have become alarmed because we have seventeen quarries, that we know of, owned privately in our area. We are living within approximately three miles of this quarry with this application AP-9645 and have concerns about the total air quality in this county. How does the state regulate and measure the total air quality from this number of quarries? We are concerned that we do not have effective monitoring in this area. We really need some answers here. Our quality of life and that of our neighbors is of the utmost importance to us. Wouldn't unannounced checks on the quarries be appropriate and very helpful. Do we have highly trained, well qualified

Filed 11/2
7:25 AM JH

Faxmittal

To: David A. Finley, Administrator Division of Air Quality Fax # 307-777-5616

From: Scott and Julie Wheeler
3100 Moskee Road
Sundance WY 82729

Date: October 30, 2009

Re: Comment on AP-9645

Mr. Finley,

Is air quality being monitored in Crook County?
If so, what are the standards monitored to?
What airshed level does Crook County fall under?

With 17 pits currently under permit in Crook County & increasing this one (AP-9645) by 600 plus acres would seem to increase emissions overtime substantially - will this be considered in the permitting process?

Are these pits all taken into consideration and the incremental effects of each considered as part of the whole before a permit is approved?

NO_x contributes to greenhouse gases, to what level is this considered? Is this monitored in any way?

We are concerned with the quality of air we and our children are breathing. Thank you for the opportunity to comment. We look forward to your response.

Julie Wheeler + Scott Wheeler

checked
11-2-09
3:10 PM GH

Faxmittal

To: David A. Finley, Administrator Division of Air Quality Fax # 307-777-5616

From: Jack & Terri McGee
114 Jx Bar Lane
Sundance, WY 82729

Date: October 30, 2009

Re: Comment on AP-9645

We are writing to express our concerns regarding the expansion of the Croell Limestone Quarry.

As landowners in Crook County we have observed the haze from the quarries on many, many occasions. We do not want our skies polluted with dangerous emissions.

We are not opposed to the mining, but the rules + regulations are set up for a purpose. We feel they should be enforced + at this time we don't believe they are.

Jack & Terri McGee



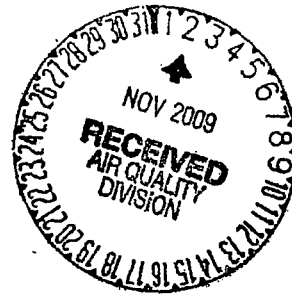
By Fax (307) 777 - 5616
no pages 6

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 airbourne 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 Riflepit 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 emission of any such air pollutant not previously emitted.

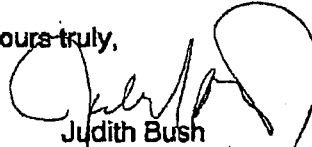
I can think of no reason for including such a large acreage in the "modified" permit. I understand that the Air Quality Division of the DEQ has just completed holding meetings to upgrade their air quality standards in order to bring them in line with federal regulations, which are more stringent. I do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



Judith Bush

To: Mr. Finley Administrator AQD

From: Judith Hamm 308 Moskee Road Sundance Wyoming

Re: Concerns with Permit Application AP-9645

Date: 10-30-09



Concerns about the operation:

The Regional Haze in this area has been increasing every year. I have consulted an "official weatherman" and they have confirmed from my pictures that were sent that it is dust from the surrounding quarries. When reviewing the Regional Haze Proposal the "Bad Days" of these class 1 areas are Sundance's "Good Days". This area has too many quarries and they are too close together. When speaking to Tanner Shatto, there appears to be no specific air standards that they have to follow that are measurable. Opacity Testing has never been executed in response to my complaints about the dust. After some of the complaints I have made, follow-up occurs and sometime they don't. Response from the state regarding complaints are slow and understandably because of limited man-power and distance from the source. I want you to know that in the summer months particularly Air Quality in Sundance is out of control. The following are my concerns and questions about this permit along with some discussions based on my understanding of regulations.

1. Did the applicant conduct a continuing Ambient Air Quality monitoring analysis for one year preceding this application to determine existing levels of all affected pollutants? If so, where would this information be found? If not why was this not required? If it was only required for the initial permit, where can obtain this information?

35-11-201. Discharge or emission of contaminants; restrictions.

No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council.

The Croell Pit has caused pollution in this area. Attached is a picture taken September 2008. Based on this type of operation, I feel that this operator needs to better address their plan on how they will control the dust.

35-11-203. Sources subject to operating permit.

- (i) Any stationary source, or any group of stationary sources located within a contiguous area and under control that:
 - A. Has the potential to emit 100 tons or more per year of any pollutant regulated under the clean air Act and is a major stationary source.
 - B. Has the potential to emit 10 tons per year of any singular air pollutant

While the Croell Pit is not a "major stationary source" it appears that they do have the potential to emit 100 tons per year. This is especially true when you add in the other large quarries within a five mile radius. They do project that they will emit they will emit 29.4 tons of PM10 that is a hazardous pollutant. This is more than twice the allowed standard for major air sources.

2. Why will this be allowed with only 50% control?

Their Best Available Control Technology (BACT) is limited in their explanation and only recites the requirements. (*They said they were going to use this in their first permit, which obviously they did not do a good job based on the enclosed photograph taken last summer.*) They do not elaborate on their operating procedures. They say they will use a wet suppression to control fugitive emissions from crushing/and screening. The crusher equipment listed for the land quality permit did not say if the crushers were equipped with operating water suppression equipment and what percentage of the time it would be used. Many technical questions are not answered.

3. In the winter months of operation when water freezes how are they going to use this type of suppression for dust control? Are they going to operate in the winter months? What are they going to do when the wind speed is more than 20 mph? How are they going to attempt to control the emissions from blasting?

They even state they will "utilize the BACT with consideration of the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the facility."

4. What is economic reasonableness? Is their profit margin more important than air pollution?

They say they will have provisions for measuring the emissions of significant air contaminants as determined by the Administrator of the Division of Air Quality.

5. What exactly is the requirement? Will there be someone trained in Opacity Testing? What hours will this person be on site? Since this done in daylight, how are they going to do this at night or when it is dark or cloudy? How often or how is this person going to perform this test? How is this person going to decide when to do this test? Is this a subjective test? Won't it be more appropriate for this quarry to have an air monitor? *If the quarry operates for 18 years it will only cost them \$1000.00 per year. This will eventually save money for the state, they won't have to send inspectors as frequently to location and will help with filling manpower while keeping the payroll in check. This also would be an objective test.*

Hours of Operation: Hours of operation are stated in the permit but not enforced or mandated by the DEQ. When responding to a public notice, the public has the right to know what to expect when a 600.07 acre quarry is permitted with 2 miles of another saying they are producing 400,000 tons which is within another quarry producing 200,000 tons. Residences have the right to know if this operator plans to operate through the night. Night operation affects our quality of life in that the noise disrupts our sleep. Hours of operation should be limited. I would suggest no work between 10pm and 5 am so we

can have at least 7 hours of quiet especially in the summer when our windows are open, another reason to control the dust.

Also in regards to this permitting process I would recommend that the Air Quality Control require at least three consecutive weeks of the public notice in the newspaper. Even though we knew this notice was going to be published, we did not realize there would be two (AQD and LQD) and at different times. Many missed the AQ notice including myself. When I went to the courthouse two weeks ago and asked for the Croell Permit they only gave me the Land Quality Permit today when I went back to check something, they gave two permits and were unable to explain to me what they were. I called Tanner Shatto and he explained the situation which I relayed to other interested parties.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judie Hagen". The signature is written in black ink and is followed by a horizontal line that extends to the right.



Wash of Dept. 22 ^{10/12} down ~~to~~ Spearhead

+ 4 x 10

Gravel Clean up Very dirty
preclude taken 9/12 ~~5/08~~ around noon

J. H. H. H.

Chad

Dear Mr. Finley,

November 17, 2009

The following is an emission summary for three out of the 17 listed quarries supplied to us last winter. The following data was taken from permitting information. The paperwork I received for the Hunter Quarry had no supporting data in the permitting information and did not list road haul activity but I understand is in the process of being re-permitted so I assume it will be available shortly.

Rogers Pit

| Source | Nox | CO | SO2 | TSP | PM10 |
|-------------------------------|-----|----|-----|-------|------|
| Crushing | 0 | 0 | 0 | 0.7 | 0.3 |
| Screening | 0 | 0 | 0 | 3.1 | 1.1 |
| Blasting | 0.8 | 3 | 0.1 | 18.9 | 0 |
| Exposed Acreage | 0 | 0 | 0 | 1 | 0.3 |
| Truck Loading and Stockpiling | 0 | 0 | 0 | 16.6 | 7.8 |
| | | | | | |
| Haul Road Emissions | | | | 103.8 | 29.4 |



McInerney

| Source | Nox | CO | SO2 | TSP | PM10 |
|---------------------|-----|-----|-----|------|------|
| Crushing | 0 | 0 | 0 | 0.2 | 0.1 |
| Screening | 0 | 0 | 0 | 0.9 | 0.3 |
| Blasting | 0.3 | 1.3 | 0.1 | 0.1 | 0 |
| Exposed Acreage | 0 | 0 | 0 | 3.4 | 1 |
| Stockpiling | 0 | 0 | 0 | 1.8 | 0.9 |
| | | | | | |
| Haul Road Emissions | | | | 44.9 | 12.9 |

Hunter (no supporting data)

| Source | Nox | CO | SO2 | TSP | PM10 |
|-----------------|-----|-----|-----|-----|------|
| Crushing | 0 | 0 | 0 | 0.5 | 0.2 |
| Screening | 0 | 0 | 0 | 2.5 | 0.9 |
| Blasting | 0.4 | 1.7 | 0.1 | 0.1 | 0 |
| Exposed Acreage | 0 | 0 | 0 | 3.4 | 1 |
| Stockpiling | 0 | 0 | 0 | 6 | 1.8 |

| | | | | | |
|----------------------------|-----|---|-----|-------|----|
| Total 50% of Emissions TPY | 1.5 | 6 | 0.2 | 207.9 | 58 |
|----------------------------|-----|---|-----|-------|----|

Thank you for requiring this information from permit requesting limestone quarries. Now that this information is available I have extreme concerns about the permitting process, regulations and monitoring of this industry in Wyoming.

The Blasting emissions were based on a total numbers of blasts. I had contacted LQ with concerns about my well and blasting I was also told by DEQ that there are no regulations presently regarding blasting. A question I would like answered is how can they arrive at these emissions when there are no requirements and how can they be enforced if there are no requirements?

In the permitting process it appears that operations are allowed before the public hearings are completed. For example: currently the Hunter Quarry is in the process of filing new permitting paperwork, as I understand they are operating not according to the permitted plan. Even though they are not followed what was permitted they continue to operate. In the Roger's Pit permit the Land Quality objections are due December 5, 2009 and according to the public notice the operations are slated to begin November 2009. Why is this allowed?

I am sure you have memorized the Regulations in Chapter 6. But I have some questions.

Section 1. Introduction to permitting requirements states.. "Section 2 covers general air quality permitting requirements for construction and modification as well as minor source permits to operate"

Section 2. (b) (i) "The applicant shall conduct such continuous Ambient Air Quality monitoring analyses as may be determined by the Administrator to be necessary in order to assure that adequate data are available for purposes of establishing existing concentration levels of all affected pollutants. As a guideline, such data should be gathered continuously over a period of one calendar year preceding the date of application. Upon petition of the applicant, the Administrator will review the proposed monitoring programs and advise the applicant if such is approvable or modifications are required."

Question: Why is this the only statement in the paragraph that does not apply to limestone quarries?

In Chapter 2 Ambient Standards there is a listing of standards for particulate matter 10 (PM10), particulate matter 25 (PM25), nitrogen oxides, carbon monoxide, plus others. These measurements are based on micrograms per cubic meter.

Question:

- 1) How can opacity testing which your department tells me is used to monitor emissions from this industry be related to micrograms per cubic meter?
- 2) How can the estimates of 50% of the emissions be related to micrograms per cubic meter?
- 3) If there are no regulations, as I was told by DEQ, for blasting in this industry how can these emission projections accurate?

Chapter 6, Section 3(i).

(xvii) "*Major source*" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) belonging to a single major industrial grouping and this is

described in paragraphs (A), (B), or (C) of this definition. For the purpose of defining "major source", a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(A) A major source under section 112 of the Act, which is defined

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as:

(I) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(II) For radionuclides, "major source" shall have the meaning specified by the EPA by rule.

(B) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the EPA). Emissions of air pollutants regulated solely due to section 112(r) of the Act shall not be considered in determining whether a source is a "major source" for purposes of Chapter 6, Section 3 applicability. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source unless the source belongs to one of the following categories of stationary sources:

(I) Stationary sources listed in Chapter 6, Section 4(a)(i)(a) of the WAQSR; or

(II) Any other stationary source category, which as of August 7, 1980 is being regulated under section 111 or 112 of the Act.

(C) A major stationary source as defined in part D of Title I of the Act (in reference to sources located in non-attainment areas).

(xviii) "**Operating permit**" means any permit or group of permits covering a source under this section that is issued, renewed, amended, or revised pursuant to this section.

(xix) "**Permit modification**" means a revision to an operating permit that meets the requirements of Chapter 6, Section 3(d)(vi).

(xx) "**Permit revision**" means any permit modification or administrative permit amendment.

6-15

(xxi) "**Potential to emit**" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation is enforceable by the EPA and the Division. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder.

When I read the above, (please forgive the space in the cut and paste) and in looking at the total emissions between the three quarries, could they not be considered a major source? Surely their emissions would put them in this category, certainly Rogers Pit.

I am looking forward to your reply within a 30 day time period, if you cannot respond to these issues within that time, please contact me before and give me a reasonable date when I can expect your response. My phone number is 518-369-3696, my e-mail is info@highplainsartranch.com. My mailing address will be: Judith Hamm 9298 Migue Circle Port Charlotte, Florida 33981.

Thank you,

