

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 25

Permit MD-9645

DEQ Bates Nos. 000167 - 000170



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

March 17, 2010

Ms. Julie Ewing
Health & Safety Director
Croell Redi-Mix, Inc.
PO Box 1352
Sundance, WY 82729

Permit No. MD-9645

Dear Ms. Ewing:

The Division of Air Quality of the Wyoming Department of Environmental Quality has completed final review of Croell Redi-Mix, Incorporated's application to modify the Rogers Rock Pit, which will include limestone crushing, screening, blasting, exposed acreage, stockpiling, haul activity, a hot mix asphalt plant, a concrete batch plant and expanding the size to 600 acres, located in the NW1/4NE1/4 of Section 25, T52N, R62W, approximately five (5) miles northeast of Sundance, in Crook County, Wyoming.

Following this agency's proposed approval of the request as published October 1, 2009 and in accordance with Chapter 6, Section 2(m) of the Wyoming Air Quality Standards and Regulations, the public was afforded a thirty (30) day period in which to submit comments concerning the proposed modification, and an opportunity for a public hearing. Public comments were received during the comment period and public hearing held December 14, 2009 and have been considered in the final permit. Therefore, on the basis of the information provided to us, approval to modify the Rogers Rock Pit as described in the application is hereby granted pursuant to Chapter 6, Section 2 of the regulations with the following conditions:

1. That authorized representatives of the Division of Air Quality be given permission to enter and inspect any property, premise or place on or at which an air pollution source is located or is being constructed or installed for the purpose of investigating actual or potential sources of air pollution and for determining compliance or non-compliance with any rules, standards, permits or orders.
2. That all substantive commitments and descriptions set forth in the application for this permit, unless superseded by a specific condition of this permit, are incorporated herein by this reference and are enforceable as conditions of this permit.
3. That all notifications, reports and correspondences associated with this permit shall be submitted to the Stationary Source Compliance Program Manager, Air Quality Division, 122 West 25th Street, Cheyenne, WY 82002 and a copy shall be submitted to the District Engineer, Air Quality Division, 1866 S. Sheridan Avenue, Sheridan, WY 82801.
4. The owner or operator shall furnish the Administrator written notification of: (i) the anticipated date of initial startup not more than sixty (60) days or less than thirty (30) days prior to such date, and; (ii) the actual date of initial start-up within fifteen (15) days after such date in accordance with Chapter 6, Section 2(i) of the WAQSR.

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
--	---	---	---	--	--	---



AQD Croell DN 10-2803
000167


5. The date of commencement of construction shall be reported to the Administrator within thirty (30) days of such date. The permit shall become invalid if construction or modification is not commenced within twenty-four (24) months of the date of permit issuance or if construction is discontinued for a period of twenty-four (24) months or more in accordance with Chapter 6, Section 2(h) of the WAQSR. The Administrator may extend such time period(s) upon a satisfactory showing that an extension is justified.
6. Any crushing/screening equipment, hot mix asphalt plant and concrete batch plant shall have separate valid air quality permit(s) prior to locating/operating at this site.
7. That all work areas, disturbed areas and stockpiles shall be treated with water and/or chemical dust suppressants on a schedule sufficient to control fugitive dust. At a minimum, two (2) applications of chemical dust suppressant shall be applied annually to all work areas in accordance with the manufacturer's recommendations. The chemical dust suppressant shall be maintained continuously to the extent that it remains a viable control measure, which may require additional applications. All work areas shall receive an initial treatment of chemical dust suppressant prior to any activities at the beginning of each construction season.
8. Croell Redi-Mix, Inc. shall stabilize the exposed areas against wind erosion at the quarry. Newly disturbed areas shall be treated within sixty (60) days of completion of stripping unless otherwise approved by the Division. Reclamation areas shall be stabilized against wind erosion within sixty (60) days of reaching the approved post mining topography, unless otherwise approved by the Division. Stabilization practices may consist of ripping or chiseling to create a roughened surface, seeding with a temporary vegetative cover or other practices which effectively stabilize against wind erosion. Localized areas identified for equipment storage/staging, work areas and required buffers for haul roads and reclamation are not required to be stabilized.
9. All unpaved haul roads shall be treated with water and/or chemical dust suppressants on a schedule sufficient to control fugitive dust from vehicular traffic and wind erosion. At a minimum, two (2) applications of chemical dust suppressant shall be applied annually in accordance with the manufacturer's recommendations. The chemical dust suppressant shall be maintained continuously to the extent that it remains a viable control measure, which may require additional applications. All unpaved portions of haul roads shall receive an initial treatment of chemical dust suppressant prior to any hauling activities at the beginning of each construction season.
10. Croell Redi-Mix, Inc. shall maintain a log book listing the dates, amount of dust suppressant applied, areas treated, water usage and operating hours of the water truck. The log shall be maintained on site for a period of at least five (5) years and shall be made available to the Division upon request.
11. The amount of limestone crushed or hauled from the quarry shall not exceed 500,000 tpy. Records shall be kept for a period of five (5) years to demonstrate compliance with this condition and shall be made available to the Division upon request.
12. This permit shall supersede Air Quality Permit CT-4526 for the Rogers Rock Pit.

Croell Redi-Mix, Inc.
Air Quality Permit MD-9645
Page 3

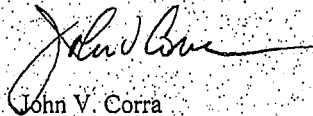
It must be noted that this approval does not relieve you of your obligation to comply with all applicable county, state, and federal standards, regulations or ordinances. Special attention must be given to Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations, which details the requirements for compliance with conditions 4 and 5. Any appeal of this permit as a final action of the Department must be made to the Environmental Quality Council within sixty (60) days of permit issuance per Section 16, Chapter I, General Rules of Practice and Procedure, Department of Environmental Quality.

If we may be of further assistance to you, please feel free to contact this office.

Sincerely,



Chad Schlichtemeier
Acting Administrator
Air Quality Division



John V. Corra
Director
Dept. of Environmental Quality

cc: Tanner Shatto

Table 1: Estimated Emissions, TPY					
Source	NO _x	CO	SO ₂	TSP	PM ₁₀
Crushing	--	--	--	0.7	0.3
Screening	--	--	--	3.1	1.1
Blasting	0.8	3.0	0.1	18.9	--
Exposed Acreage	--	--	--	1.0	0.3
Truck Loading & Stockpiling	--	--	--	16.6	7.8
Total Emissions	0.8	3.0	0.1	40.3	9.5

¹ Emissions estimated to nearest 0.1

Table 2: Haul Road Emissions, TPY		
Source	TSP	PM ₁₀
Haul Road	103.8	29.4

¹ Emissions estimated to nearest 0.1