

WESTERN WYOMING CONSTRUCTION CO.

1290 N. 2ND STREET
P.O. Box 490
LANDER, WYOMING 82520
Phone (307) 332-5773 Fax (307) 332-7735

FILED

July 18, 2006

JUL 18 2006

Sara Flitner
Kim McGee
Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Rm 1714
Cheyenne, Wy. 82003

Terri A. Lorenzon, Director
Environmental Quality Council

Western Wyoming Construction Co. respectfully supplements it's July 14 witness list to include:

Greg Meeker, Air Quality, Lander, Wy.
Contact Phone: 307-335-6932

Testimony: No violations of Air Quality regulations at numerous inspections at Ellis Pit or at the Riverton Haun pit. Western Wyoming Const.'s asphalt plant is no worse than any others in the State.

Joe Kennah, nearest homeowner to Ellis Pit
Contact Phones: 307-332-2956 or 307-330-8584


Testimony: Not enough noise, dust or odor to complain about. They keep the windows open all summer long.

Exhibits:

- a) 2 maps of site showing relationship to neighbors and other mining operations.
- b) WWCC March 21, 2006 statement on small mine permit application.
- c) Fremont Co. Zoning, January 23, 2006 letter
- d) WWCC itemized responses to Ratigan allegations.
- e) Colorado Department of Health Emission permit approved on asphalt plant now operated by WWCC occasionally at Ellis pit.

We respectfully request that the Environmental Counsel and Hearing Officer visit the site for familiarity prior to the hearing.

Sincerely,


Stuart Sims, President

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Terri A. Lorenzon, Director
Environmental Quality Council

Sara Flitner, Hearing Examiner
Environmental Quality Council
122 West 25th Street
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002

July 14th 2006

Dear Sara,

This letter is to inform you that for the prehearing conference to be conducted July 18th at 8:00 AM, Western Wyoming Construction Co. will be available at (307) 332-5773. Stuart Sims will be in the office and conference the call with D. Scott Sims who will be in Worland at a job site via cell phone with good reception. Our list of witnesses for the hearing is as follows;

D. Scott Sims, Project Superintendent/ Authorized D.F.Q. Agent 6762 Hwy. 28 Lander WY. 82520, Phone # (307) 332-4117 home, (307) 330-7697 cell.

Stuart B. Sims, President 545 Market St, Lander WY. 82520, Phone # (307) 349-2562 cell, (307) 332 5773 office

Richard (Dick) Ellis, Landowner 2628 Sinks Canyon Rd. Lander WY. 82520, Phone # (307) 332-3054

If required, our Attorney is Rick L. Sollars, P.C. 277 Lincoln St. Lander WY. 82520 Phone # (307) 332 4331

The substance of D. Scott Sims' testimony will be to address concerns and answer questions presented, and provide review of the application process, as well as our companies history.

Stuart B. Sims testimony will be to address concerns and answer questions as they are presented and will state that we follow all applicable laws and regulations concerning our business.

Dick Ellis will also be available to address concerns and answer questions as they arise he may also address private property rights.

Our Exhibits will be the Application for a small mining permit, reference letters, certificates of good standing.

We will make further determination at the prehearing conference if necessary based on the content of said conference.

Yours Truly,

Stuart B. Sims
President

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Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE OBJECTION
TO THE SMALL MINE PERMIT OF
WESTERN WYOMING CONSTRUCTION
COMPANY

WESTERN WYOMING CONSTRUCTION
COMPANY RESPONDS WITH THE
FOLLOWING:

- 1) WWCC was incorporated on February 19, 2004 and has not been known by any other names, does not have any owners, stockholders or directors in common with Circle Paving or Brasel and Sims Const.

WWCC has had no violations of any kind with the State of Wyoming DEQ in regards to any of its operations.

WWCC complies with all regulations, laws and standard procedures in its operations.

- 2) At this small mine site, WWCC may have crushing and hauling equipment as well as the asphalt plant from time to time as needed to complete its contracts. All equipment will be in compliance with all applicable regulations.
- 3) The asphalt plant operated by WWCC has had all of the factory updates which include wet washer/air scrubber pollution control equipment improvements. This plant is a current production model which meets all applicable environmental standards. This plant has had stack emissions tests in conjunction with its more recent Emissions Permit approval from the Colorado Department of Health.
- 4) WWCC's operation is no more of a public nuisance than the other 3 gravel pits within a three mile radius in this historical gravel mining area. WWCC's operation is "seasonal and occasional" based upon its local contracts. WWCC has a pattern of co-operation best management practices. WWCC has installed quieter pumping equipment, banned jake brakes with it's trucks, limited working hours, parks it's equipment and trailers as far as possible from roads and homes and is using topsoil stockpiles as visibility and sound barriers, all with respect for adjacent landowners. WWCC has never had a violation or any traffic or personnel accident of any kind at the Ellis Pit.

WWCC questions the credentials and certification of Dr. Ratigan to diagnose respiratory and or

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JUL 18 2006

Terri A. Lorenzon, Director
Environmental Quality Council

March 21, 2006

Ellis Land & Livestock, the surface & mineral owner since 1917, is committed to harvest its gravel deposits, as is its right, on its North Fork property. Ellis has contracted with Western Wyoming Const. Co. to mine gravel and reclaim in an orderly manner, market materials for the construction and development industry.

Western Wyoming Construction Co. has applied for a small mining permit with the State of Wyoming DEQ to continue its seasonal and occasional crushing and processing operations to supply specification aggregates and asphalt for the local and government market. This does not necessarily mean more equipment, more truck traffic or longer hours. It does mean additional reclamation bonding and DEQ oversight and following an approved mining plan. Our mining plan provides for orderly progression of mining and reclamation in increments and an overall return to as good a use or better than before the disturbance.

The Milford area on the North Fork of the Popo Agie has historical gravel pits, some excavations for gravel adjacent to this site dating back to the 1950's. There are 3 other major gravel pits within 3 miles of Ellis Pit. There are always people who say "not in my back yard" and attempt to control what their neighbor does with their own property.

Attached is our letter from the Fremont County Zoning & Planning with regards to our small mining permit. We have the green light to proceed and our application is in the Air Quality DEQ comment period. The proper forum and due process is through the DEQ now.

Western Wyoming Construction Co. is an equal opportunity employer of 50 plus local citizens and taxpayers. Western Wyoming Construction Co. and their employees trade with the local businesses and banks. Western Wyoming Construction Co. complies with all laws and regulations in its operations. There have been no accidents at the Ellis Pit. There have been no Land Quality or Air Quality violations. There have been no traffic accidents involving Western Wyoming Construction Co. vehicles or their employees in the North Fork area. Western Wyoming Const. Co. is committed to best management practices and least impact to neighborhoods where we work. We have demonstrated a willingness to work with the neighbors to mitigate noise and odors beyond what is required and will continue to make modifications to accommodate legitimate concerns. Western Wyoming Construction Co. will provide a written notice & request for comments to all landowners in the 1/2 mile affected area surrounding the small mining operation as part of the due process.

FREMONT COUNTY PLANNING COMMISSION

ROOM 360 COURTHOUSE
450 N 2nd ST
PHONE 307-332-1077 857-3697
LANDER, WYOMING 82520

fremontcoplanning@hotmail.com

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JUL 18 2006

Terri A. Lorenzon, Director
Environmental Quality Council

January 23, 2006

Western Wyoming Construction
1290 N. 2nd St.
Lander, Wyoming 82520

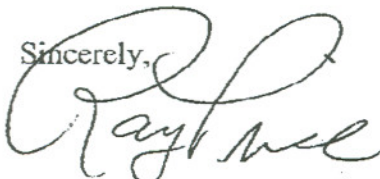
Re: Fremont County Zoning

Dear Julic:

This letter is to confirm that Fremont County, Wyoming does not have a zoning resolution in effect in the unincorporated areas of the county. Specifically, Fremont County has no zoning in effect in the S1/2 SE1/4, Section 28, Township 34 North, Range 100 West 6th P.M., Fremont County, Wyoming.

If you have any questions, please contact me.

Sincerely,



Raymond E. Price
Director of Planning

Western Wyoming Const. Co
April 2006
Small Mine Permit # _____

FILED

JUL 18 2006

Terri A. Lorenzon, Director
Air Pollution Control Council

COLORADO DEPARTMENT OF HEALTH

Air Pollution Control Division

Telephone: (303) 331-8511



EMISSION PERMIT

PERMIT NO. 88MF194PINITIAL APPROVAL

DATE ISSUED: May 1, 1989

FINAL APPROVAL

ISSUED TO: SIMS CORPORATION

THE SOURCE TO WHICH THIS PERMIT APPLIES IS DESCRIBED AND LOCATED AS FOLLOWS:

Hot mix asphalt facility to be located at various sites within the state of Colorado and initially located at State Highway 13 about 20 miles north of Craig, Moffat County, Colorado.

THE SPECIFIC EQUIPMENT OR ACTIVITY SUBJECT TO THIS PERMIT INCLUDES THE FOLLOWING:

One Cedarapids 8828 drum mix type hot mix asphalt facility to produce up to 175,000 tons hot mix asphalt/year at a maximum rate of 300 tons/hour and burning up to 350 gallons propane per hour. (Serial No. 33586)

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR QUALITY CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE OF THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

1. This source is subject to New Source Performance Standards requirements of Regulation No. 6, Section VII as follows:
 - a. Visible emissions shall not exceed 20% opacity.
 - b. Emissions of particulate matter shall not exceed 0.04 grains per dry standard cubic foot.
2. The permit number shall be clearly marked on the subject equipment for ease of identification.

-continued-

SIMS CORPORATION
Emission Permit NO.: 88MF194P
Final Approval
Page 2

3. This source shall be limited to a maximum production rate as listed below and all other activities, operational rates and numbers of equipment as stated in the application. Annual records of the actual production rate shall be maintained by the applicant and made available to the Division for inspection upon request.

Production of hot mix asphalt shall not exceed 300 tons/hour or 175,000 tons/year.

4. This source shall be limited to a maximum consumption rate as listed below and all other activities, operational rates and numbers of equipment as stated in the application. Annual records of the actual consumption rate shall be maintained by the applicant and made available to the Division for inspection upon request.

Consumption of Propane shall not exceed 350 gallons/hour or 175,000 gallons/year.

5. Each time this equipment is moved to a new location within the State of Colorado, the applicant shall file a Revised Air Pollution Emission Notice at least ten (10) days prior to relocation.

6. At all times, including periods of startup, shutdown, and malfunction, the operation shall, to the extent practicable, maintain and operate the source including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

7. Any sources of fugitive particulate emissions such as vehicle haul roads, aggregate piles, etc., which are intrinsic to the operation of this plant and which are not covered by another Air Emission Permit shall be controlled as necessary by the Sims Corporation through the use of water sprays.

By: Cathy Rhodes
Review Engineer
Cathy Rhodes

By: James S. Geier
James S. Geier, P.E., Chief
New Source Review Section
Stationary Sources Program
Air Pollution Control Division

industrial medicine from the State of Wyoming Board of Medicine to make any statements in the specialty area of Health Hazards due to Asphalt Emissions. It appears that Dr. Ratigan is only licensed for emergency room medicine.


D. Scott Sims