

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

FILED

¹⁵ *rw*
JUL 14 2006

Terri A. Lorenzon, Director
Environmental Quality Council

Dan Ratigan M.D., a physician licensed in the state of Wyoming and a citizen of Fremont County hereby submits the following Pre-Hearing Disclosures.

SUMMATION OF FACTS

The small mine permit application TFN 4 4/267 filed by Western Wyoming Construction Company (Western) to expand its mining operation not to exceed 40 acres should be denied for the following reasons.

1. Western Wyoming Construction Company, Inc. previously known as Circle Paving, previously known as Brasol and Sims Construction Company, has established a pattern of violations of the land quality standards of the State of Wyoming both in gravel pit operations and asphalt plant operations.
2. Given the fact that Western has included in their application the operation of an asphalt plant at the source and the fact that the asphalt plant can not operate without raw materials, this small mine permit, if approved, will allow operation of the asphalt plant at the proposed site for the duration of the mining operation.
3. The Cedarapids Model TMM8828 asphalt plant operated by Western under permit number RE-25 has a history of failed stack emissions tests and has not had a stack emissions test since 1975.
4. Pursuant to 35-11-406 Application for permit (m) (vii) The proposed operation constitutes a public nuisance or endangers the public health and safety.

LEGAL ISSUES

Whether the Environmental Quality Council determines that the pattern of violations is significant enough pursuant to 35-11-406 (o), to disapprove Western's application.

Whether the Environmental Quality Council determines that the future operation

of the asphalt plant will be a direct result of the permit approval and therefore must be considered as part of this hearing.

The regulation, permitting process and emission monitoring of mobile asphalt plants in the State of Wyoming is deficient and negligent in protecting the health, safety and welfare of the citizens of the State of Wyoming and should be addressed by the council.

WITNESSES

WILL CALL:

Dr. Dan Ratigan
Licensed Physician State of Wyoming
548 North Fork Road
Lander, Wyoming 82520
307-332-6442

Dr. Ratigan will testify regarding his knowledge of the patterns of violations by Western, the health hazards of asphalt plant emissions and the need for improved oversight of mobile asphalt plants.

EXHIBITS

Copies of notices of violations from DEQ office Lander, Wyoming
Medical studies documenting the carcinogenic and other health effects of asphalt plant emissions.

Documentation of the legal and public venues utilized to protect the health and safety of the residents nearby the proposed mining operation.

DATED this 12th day of July, 2006



Road
82520

Dan Ratigan, M.D.
548 North Fork
Lander, Wyoming
307-332-6442