



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

September 8, 2006

FILED

SEP 08 2006

**CERTIFIED MAIL #7004 2890 0004 5120 9506
RETURN RECEIPT REQUESTED**

**Terri A. Lorenzon, Director
Environmental Quality Council**

Mr. Brian R. Waitkus
80 Eagle Nest Lane
Laramie, WY 82070

RE: Mountain Cement Company, TFN 4 4/296, Permit #298C

Dear Mr. Waitkus:

We have received your letter regarding the proposed revision of a mining permit to Mountain Cement Company. As allowed by Wyoming Statute 35-11-406(k), a section of the Environmental Quality Act, we are considering your letter an objection to the issuance of a permit. The Environmental Quality Council will set the date, time and place for a hearing. Terri Lorenzon, the Council's Attorney, will notify you by mail once this has been done.

The hearing will be conducted as a contested case, pursuant to the provisions of the Environmental Quality Act, the Administrative Procedure Act, and Department of Environmental Quality Rules of Practice and Procedure. To obtain a copy of the Department of Environmental Quality Rules of Practice & Procedure, check off the appropriate area of page two and return it to our office at the above address.

Thank you for your interest in this matter.

Sincerely,

Richard A. Chancellor
Administrator
Land Quality Division

RC:bb

xc: **Terri Lorenzon**
John Burbridge
John Corra
Mountain Cement Company
Lowell Spackman, District 1

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deg.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7368
FAX 777-6937

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



Mr. Brian Waitkus
Mountain Cement Company, TFN 4 4/296
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Please send me a copy of:

_____The DEQ Rules of Practice and Procedure

Mr. Brian R. Waitkus
80 Eagle Nest Lane
Laramie, WY 82070

Signed _____

cc: LS ✓
BH ✓
JB ✓

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Mr. Rick Chancellor
Administrator of the Land Quality Division
Department of Environmental Quality
Herschler building
122 West 25th Street
Cheyenne, Wyoming 82002

6 September 2006

I am objecting to the proposal of Mountain Cement Co to revise their mining sequence of the 298c mining permit. The original mining sequence for the Echepare mine locations was to mine these locations in numerical order from 1 through 7. A change in the mining sequence was asked for in 2003 and granted in 2004. This sequence change allowed 7 A, C, B and 6 A , B, nearest to Summit Estates be mined prior to mining the remaining Echepare quarries. Mountain Cement Co stated that their sole purpose of altering the mining sequence (mine Echepare 7 A, C, B and 6 A before Echepare 2-5) was to mine the areas closest to Summit Estates first. This 2004 change in the mining sequence would more quickly remove problems associated with mining close to the housing subdivision. In a January 2004 meeting with Mountain Cement Co I was told this mining change would also likely mine Echepare 7 and 6 more quickly than the proposed mining time table. Granting a second mine sequence change would extend the time needed to mine Echepare quarries 7 and 6. As a result I am objecting to the proposed sequence change.



Brian R. Waitkus
80 Eagle Nest Lane
Laramie, Wyoming 82070



ANTHONY, NICHOLAS & TANGEMAN, LLC
ATTORNEYS AT LAW

PHILIP A. NICHOLAS*
JEFF ANTHONY, CPA**
JASON M. TANGEMAN***
STACY L. ROSTAD-KASPER***
MITCHELL H. EDWARDS

*ALSO ADMITTED IN COLORADO AND OREGON
**ALSO ADMITTED IN COLORADO AND NEBRASKA
***ALSO ADMITTED IN COLORADO

170 NO. FIFTH STREET
P.O. BOX 928
LARAMIE, WYOMING 82073-0928
WWW.WYOLEGAL.COM
TELEPHONE (307) 742-7140
FAX (307) 742-7160

44/296

TELECOPIER COVER PAGE

PLEASE DELIVER THE FOLLOWING TO:

NAME: Bill Hogg

FROM: ANTHONY, NICHOLAS, TANGEMAN & YATES, LLC
170 North Fifth Street
P.O. Box 928
Laramie, WY 82073-0928
(307) 742-7140
(307) 742-7160 (FAX)

DATE: 9/8/06

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44/296

THE STATE OF WYOMING, }
County of Albany } ss.

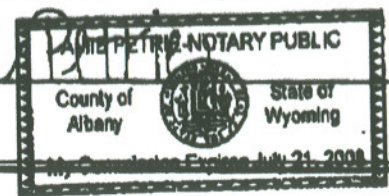
[Heavily obscured and illegible text, likely a newspaper notice or legal document.]

I, Kristy Pasconi, do solemnly swear that I am one of the publishers of The Laramie Daily Boomerang, a newspaper of general circulation published six times each week at Laramie, State of Wyoming; that the notice attached hereto, and which is a part of this affidavit and a part of the proof of publication, was published in said newspaper for 4 consecutive Tuesdays, the first publication having been made on the 1st day of August, 2006, and the last one on the 22nd day of August, 2006, that said notice was published in the regular and entire issue of every number of the paper, during the period and times of publication, and that the notice was published in the newspaper proper, and not in the supplement.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of August, A.D. 2006.

Kristy Pasconi
SUBSCRIBED and sworn to before this 22nd day of August, A.D. 2006.

Amie Petrie



Publication Fee \$ 268.00

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