

FILED

Brian R. Waitkus
80 Eagles Nest Lane
Laramie WY, 82070

OCT 04 2006

October 4, 2006

Terri A. Lorenzon, Director
Environmental Quality Council

**In the matter of the objection to the sequence change of mine permit of Mountain Cement Company, FTN
4 4/296, Permit No. 298C
[Docket No. 06-4804]**

Sent to:

Environmental Quality Council, Fax Number 307.777.6134
Department of Environmental Quality, Fax Number 307.777.5864
Mountain Cement Company, Fax number 307.745.0160

Witness and exhibit list for the Environmental Quality Council hearing for the week of October 16, 2006

Witness List

Monty Buchanan, 307.399.1771, Mountain Cement Company, 5 Sand Creek Road, Laramie WY: Results of the meeting between MCC, Waitkus and DEQ concerning the mining sequence changes December 2003. Geologic and various mining questions on the Etchepare quarries.

Richard Chancellor, 307.777.7046 DEQ, Land Quality, DEQ, Herschler Building, 3rd Floor 122 West 25th Street, Cheyenne, WY 82002: Results of the meeting between MCC, Waitkus and DEQ concerning the mining sequence changes December 2003.

Bill Hogg, 307.777.7057, DEQ, Land Quality, DEQ, Herschler Building, 3rd Floor 122 West 25th Street, Cheyenne, WY 82002: Results of the meeting between MCC, Waitkus and DEQ concerning the mining sequence changes December 2003 and potential questions of mining of the Etchepare quarries.

Philip Nicholas, 307.745.7140, Attorney MCC, 170 North 5th P.O. Box 928 Laramie, WY 82073: Results of the meeting between MCC, Waitkus and DEQ concerning the mining sequence changes December 2003 to January 2004

Lowell Spackman, 307.777.7052, DEQ, Land Quality, DEQ, Herschler Building, 3rd Floor 122 West 25th Street, Cheyenne, WY 82002: Results of the meeting between MCC, Waitkus and DEQ concerning the mining sequence changes December 2003.

Stuart Tomlinson, 307.745.4879 x165, Mountain Cement Company, 5 Sand Creek Road, Laramie WY: Transportation cost of trucking limestone and various mining questions on the Etchepare quarries.

Tom Del Vecchio, 307.745.4879 x130, Mountain Cement Company, 5 Sand Creek Road, Laramie WY:
Limestone quality.

May call rebuttal witness testimony.

Exhibits

Agenda for the MCC and Summit Estates meeting concerning the revision of the Etchepare mining sequence dated October 24, 2003.

Air Photographs.

E-mail sent to Mr. Cora dated December 2, 2003 concerning the Etchepare mining sequence, from Brian Waitkus.

Letter from Allan Ver Ploeg concerning the geology of the mine areas.

Letter from Richard Chaucellor concerning the Etchepare mining and reclamation sequence and timing.

Mountain Cement Company Permit 298C and Amendment C Chronology, TFN 4 2/220.

Permit #298C Etchepare Limestone Quarries (supplied by DEQ).

Portions of the Geologic maps of Red Buttes (2007) and Laramie (1998) by Allan Ver Ploeg covering the Etchepare Quarry areas.

Summation of facts and legal issues

On January 2004 Mountain Cement was granted the right to change their mining sequence allowing the Mountain Cement company to mine Etchepare quarry areas 7 and 6 prior to mining quarries 2, 3, 4 and 5. One reason for the mine sequence change was to allow Mountain Cement to mine the Etchepare quarries nearest to the Summit Estates subdivision first to aid in reducing conflicts with the home owners in the subdivision.

In January 2004 Mountain Cement and Brian R. Waitkus also came to an agreement that Mountain Cement would mine a location named "Area C" in state section 36, T15N, R73W prior to mining quarry areas 7B, 6A, and 6B in their mining sequence.

The Legal issue: Should Mountain Cement be allowed to change the mining sequence for a second time so the company can mine Etchepare 5 prior to mining the remainder of Quarry areas 7B, 6A, 6 B, 2, 3, and 4, and also voiding the intent of the agreement with Brian R. Waitkus agreed to in January 2004.