



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

July 2, 2007

FILED

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Terri A. Lorenzon, Director
Environmental Quality Council

Tara Nelson
NPC Inc.
160 E. Flaming Gorge
Green River, WY 82935

RE: Arrowhead Concrete, Inc. Application for a Small Mine Permit, TFN 4 2/343

Dear Ms. Nelson:

Thank you for attending the informal meeting held the 25th of June. We hope the discussion concerning the different permitting processes for the Air Quality Division permit and the Land Quality Division mining permit proved to be helpful. This letter will address the meeting as it relates to the pending Land Quality Division mining permit.

Here is the list of concerns that were raised during the meeting:

- Dust on the road
- Noise of the trucks on the road (24 hours)
- Condition of the road
- Safety of road travel
- Road too narrow
- Hours of operation
- Blue Rim Road (County Road 7)

With the exception of the hours of operation, all of the above concerns are related to the county road. Activity on the county road is out side the jurisdiction of the Land Quality Division. The hours of operation are normally considered part of the mining permit application that addresses action taken by the operator to avoid constituting a public nuisance. We do not have regulations that set standards concerning which hours of operation may or may not constitute a public nuisance.

There was discussion as to the meaning of the language contained in the application concerning the hours of operation. The language contained in the permit application reads:

Arrowhead Concrete will normally operate equipment and/or haul material from sunrise to sunset Monday through Friday. If mining operations or hauling occurs outside these times, the operations will commence no earlier than 6 am, and will not extend beyond 8 pm.

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Notwithstanding the discussion at the meeting, it is clear that the language allows the applicant to mine and haul from the permit area from sunrise to sundown Monday through Friday. It also appears the language allows mining and hauling operations Saturday and Sunday from 6 am to 8 pm if conditions warrant. It also could include operations before sunrise and after sunset Monday through Friday if conditions warrant. What is not clear are the conditions which would require operations to occur outside the normal operating times of 6 am to 8 pm Monday through Friday.

Unless otherwise directed by the Environmental Quality Council as the result of these objections, I intend to use the authority granted in the Wyoming Environmental Quality Act to recommend the Director of the Wyoming Department of Environmental Quality place a condition on the permit. This condition would clarify the hours of operations and what circumstances would necessitate operating outside the normal operating hours.

Again, thank you for attending the meeting and if you have any questions please contact me.

Sincerely,


Richard A. Chancellor
Administrator
Land Quality Division

RAC/bb

xc: EQC
Arrowhead Concrete, Inc.
District II
John Burbridge