

**FILED**

**JUN 29 2012**

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

**IN THE MATTER OF THE OBJECTION )  
TO THE PERMIT APPLICATION OF ) DOCKET NO. 12-4802  
CROELL REDI-MIX, INC., TFN 5 1/189 )  
)**

---

**PRE-HEARING STATEMENT**

---

The Department of Environmental Quality, Land Quality Division (“Division”), through the Office of the Attorney General, hereby submits its Pre-Hearing Statement.

**SUMMATION OF THE FACTS**

Croell Redi-Mix, Inc. (“Croell”) filed its small mine application, TFN 5 1/189 with the Division. After notification that Croell’s application was complete, several interested parties timely filed objections to the permit with the Division. The objectors argue that the proposed permit will constitute a public nuisance or endanger public health and safety. The Division has determined that the application is complete and complies with Wyo. Stat. Ann. § 35-11-406.

**LEGAL ISSUES**

Whether Croell’s permit application is complete and in compliance with Wyo. Stat. Ann. § 35-11-406?

## WITNESSES

### WILL CALL:

David Schellinger  
Department of Environmental Quality  
Land Quality Division  
Sheridan Field Office  
2100 West 5th  
Sheridan, WY 82801  
307-673-9337

Mr. Schellinger was in charge of the review of Croell's permit application, TFN 5 1/189. He is expected to testify regarding all matters contained within the permit application. In addition, he will testify regarding general permit application requirements and whether Croell's permit application is in compliance with all requirements of Wyo. Stat. Ann. § 35-11-406.

### MAY CALL:

Nancy Nuttbrock  
Department of Environmental Quality  
Land Quality Division, Administrator  
122 West 25th Street  
Herschler Building, 4th Floor-West  
Cheyenne, Wyoming 82002  
307-777-7046

Ms. Nuttbrock may testify regarding general permit application requirements and the factors considered by DEQ to assure permits comply with Wyo. Stat. Ann. § 35-11-406.

The Division may also call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

## EXHIBITS

DEQ Exhibit 1: Croell's Permit Application.

The Division also reserves the right to use exhibits identified by other parties as well as exhibits for rebuttal and impeachment purposes.

DATED this 29<sup>th</sup> day of June, 2012.



---

Luke J. Esch # 6-4155  
Assistant Attorney General  
123 State Capitol  
Cheyenne, Wyoming 82001  
307-777-6946  
Luke.esch@wyo.gov

Attorney for Wyoming Department  
Of Environmental Quality

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of DEQ's Proposed Exhibit 1 was sent to the parties on June 27, 2012 and a copy of the Pre-Hearing Statement was served by electronic mail and United States mail, postage prepaid, this 27<sup>th</sup> day of June 2012, addressed to the following:


Kim Waring  
Environmental Quality Council  
122 W 25<sup>th</sup>, Room 1714  
Herschler Building  
Cheyenne, WY 82002  
[kwaring@wyo.gov](mailto:kwaring@wyo.gov)

Mark Stewart  
Davis & Cannon  
P.O. Box 43  
Cheyenne, Wyoming 82003  
[mark@davisandcannonchey.com](mailto:mark@davisandcannonchey.com)

Jacob L. Brooks  
Lonabaugh & Riggs  
P.O. Drawer 5059  
Sheridan, WY 82801  
[jake@lonabaugh.com](mailto:jake@lonabaugh.com)

Jacob Gay  
327 Shell Creek Rd.  
Buffalo, WY 82834  
[jgay@gmecwy.com](mailto:jgay@gmecwy.com)

Fred Matthews  
791 Rock Creek Rd.  
Buffalo, WY 82834  
[9lazy9ranch@collinscom.net](mailto:9lazy9ranch@collinscom.net)



Wyoming Attorney General's Office