

Waring, Kim

From:
Sent: Tuesday, November 03, 2009 10:58 AM
To: Waring, Kim
Subject: Mullinax's LMO Appeal Email 10.8.09

FILED
NOV 03 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

From: Rogaczewski, Mark
Sent: Thursday, October 08, 2009 3:17 PM
To: larry@
Subject: Requested Note - SOP 1.6

Larry,

Copy of correspondence for your question is below:

From: McKenzie, Don
Sent: Thursday, October 08, 2009 9:35 AM
To: Rogaczewski, Mark
Subject: FW: Mullinax Concrete LMO near Regular Mine Permit

Mark, the rules seem to support proximity and LMO abuse addressed by the SOP. I'll stick with the SOP as a response to Mullinax.

-----Original Message-----

From: John Burbridge
Sent: Thursday, October 08, 2009 9:32 AM
To: McKenzie, Don
Subject: RE: Mullinax Concrete LMO near Regular Mine Permit

I think so as well.

>>> "McKenzie, Don" <dmcken@wyo.gov> 10/8/2009 9:30 AM >>>
Good point, helps support the SOP.

-----Original Message-----

From: John Burbridge
Sent: Thursday, October 08, 2009 9:22 AM
To: McKenzie, Don; Rogaczewski, Mark
Subject: RE: Mullinax Concrete LMO near Regular Mine Permit

Non-coal rule, Chapter 10, Section 8 does generally address proximity of operations.

Waring, Kim

From: larry
Sent: Tuesday, November 03, 2009 10:58 AM
To: Waring, Kim
Subject: Mullinax's LMO Appeal Email 10.22.09

FILED
NOV 03 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

From: Rogaczewski, Mark
Sent: Thursday, October 22, 2009 10:45 AM
To: larry
Cc: Schellinger, David; Barbula, Larry
Subject: Proposed LMO denial near Permit 765

Larry,

I received the following information from the LQD AG – John Burbridge concerning your letter dated October 9, 2009:

“I stand by our reliance on Chapter 10, Section 8(a)(ii). If Mullinax wants to contest our reliance on that rule, Mullinax is free to appeal the LQD decision to deny his application.”

Mark

Waring, Kim

From: larry
Sent: Tuesday, November 03, 2009 10:59 AM
To: Waring, Kim
Subject: Mullinax's LMO Appeal Email 10.26.09

FILED
NOV 03 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

From: Rogaczewski, Mark
Sent: Monday, October 26, 2009 6:14 AM
To: larry
Subject: RE: Proposed LMO denial near Permit 765

Larry,

I am heading to the Gillette area for coal inspections today. I will pass along your request that Mr. Burbridge put his explanation in writing.

Mark

From: larry
Sent: Friday, October 23, 2009 1:45 PM
To: Rogaczewski, Mark
Subject: RE: Proposed LMO denial near Permit 765

Thanks for the note Mark. If you have time I would like to come in on Monday and visit about how to appeal the decision. I understand Mr. Burbridge is standing by the decision, but without an explanation I can't understand why. He could save everyone a lot of time by simply articulating in writing why my interpretation is wrong. If I agree with his explanation as to how Chapter 10, Section 8(a)(ii) applies to a RMP-LMO combination I will concede that our proposed operation is invalid. If I do not agree with his explanation I can then appeal.

Just to reiterate my position, I strongly believe that the guideline for the limitation of operations applies to "...nearby operations of ten acres or less..." (the plural means more than one operation of ten acres or less). Again, Mullinax is only wanting one operation of ten acres or less within 20 miles. RMP-LMO combinations are okay as long as two LMO's are not within a 6 mile radius.

Larry Ligocki

From: Rogaczewski, Mark
Sent: Thursday, October 22, 2009 10:45 AM
To: larry
Cc: Schellinger, David; Barbour, Larry
Subject: Proposed LMO denial near Permit 765

Larry,

I received the following information from the LQD AG – John Burbridge concerning your letter dated October 9, 2009:

“I stand by our reliance on Chapter 10, Section 8(a)(ii). If Mullinax wants to contest our reliance on that rule, Mullinax is free to appeal the LQD decision to deny his application.”

Mark

Waring, Kim

From: larry
Sent: Tuesday, November 03, 2009 11:00 AM
To: Waring, Kim
Subject: Mullinax's LMO Appeal Email 10.30.09

FILED
NOV 03 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

From: Rogaczewski, Mark
Sent: Friday, October 30, 2009 3:20 PM
To: larry
Subject: Environmental Quality Council Phone No.

Larry,

The number to contact the Environmental Quality Council is:

307-777-7170

Mark