



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 17, 2009

Larry Ligocki
Mullinax Concrete Services Co.
P.O. Box 2044
Sheridan, WY 82801

5 4/123
FILED
NOV 03 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

RE: Limited Mining Operation (LMO) Application, Mullinax Concrete Services Co., 4/123

Dear Mr. Ligocki,

Mullinax Concrete Services Co. submitted the above referenced Application under your cover letter of September 15, 2009. The materials were received at the LQD District III Office on the same day. The DEQ/LQD must deny your application on the grounds that the proximity of the proposed LMO to an existing regular mine permit, Permit No. 765, operated by Mullinax Concrete Services Co. breaches a standing LQD Standard Operating Procedure (SOP).

Noncoal SOP No. 1.6 was approved by the LQD Administrator on January 30, 2006. The subject of the SOP is "Proximity of Limited Mining Operations, Small Mining Permits and Regular Mine Permits." Section III(2) of this SOP states that the same Permittee may hold any combination of LMO and Small Mine Permit (SMP) or a LMO and Regular Mine Permit (RMP) as long as the pit and affected land of each LMO are at least six miles apart, as a crow flies. However, if the permittee holds a SMP or RMP, the Administrator will not issue a new, separate LMO. The prospective LMO lands must be amended to the existing SMP or RMP. The Form 10 Operator has no bearing on this configuration.

Basically, an LMO may not exist within six miles of an existing Permit operated by the same Permittee. However, the proposed LMO location may be amended to Permit No. 765. However, the DEQ/LQD must deny this application.

If you have questions, please contact me in the LQD District III Office (307)673-9337.

Sincerely,

David Schellinger
Natural Resources Analyst

/DS

xc: Cheyenne LQD File

1866 SOUTH SHERIDAN AVENUE • SHERIDAN, WY 82801

AIR, LAND AND WATER DIVISIONS
(307) 673-9337 • FAX (307) 672-2213



AIR
9/18/09