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Jim Ruby, Executive Secretary
Environmental Quality Council

Waring, Kim

From: Larry Ligocki
Sent: Tuesday, November 03, 2009 10:56 AM
To: Waring, Kim
Subject: Limited Mining Operation TFN 5 4/123 Denial Appeal
Attachments: Initial Denial Letter 9.17.09.pdf; Response 1 to Denied Permit 9.24.09.doc; Response 2 to Denied Permit 10.9.09.doc

Ms. Warin,

I visited with Mr. Joe Girardin yesterday about an appeal Mullinax Concrete Service Company would like to make regarding a Wyoming Department of Environmental Quality Land Quality Division denial of a limited mining operation (LMO) application (TFN 5 4/123) in Johnson County. He asked me to send the electronic copies of the information associated with the application denial. Attached are the documents.

By reviewing the information in chronological order it will be easier to follow the chain of dialog between Mullinax Concrete Service Co. and DEQ. The material attached in chronological order is:

- 1) Initial Denial Letter 9.17.09 (LQD's 1st letter denying our proposed LMO.)
- 2) Response 1 to Denied Permit 9.24.09 (Mullinax's 1st letter appealing the decision.)
- 3) E-mail from Cheyenne DEQ officials to Mark Rogaczewski dated 10/8/09. Mark forwarded this to Larry upon request.
- 4) Response 2 to Denied Permit 10.9.09. (Mullinax's 2nd letter appealing the decision)
- 5) E-mail from Cheyenne DEQ (Mark Rogaczewski to Mullinax - forwarding Burbridge's response) dated 10.22.09.
- 6) E-mail discussion between Larry Ligocki @ Mullinax and Mark Rogaczewski dated 10.26.09. Larry asking for written response.
- 7) Larry was informed during a phone conversation with Mark Rogaczewski that Burbridge would not respond in writing and an appeal is necessary. Larry was told to contact the Environmental Quality Council on 10/30/09.
- 8) E-mail from Mark Rogaczewski providing the contact information for the Environmental Quality Council dated 10.30.09.

I have thoroughly articulated Mullinax Concrete's interpretation of the rules associated with this application denial in the two letters written on September 24th and October 9th. I have requested a written response indicating why my interpretation is wrong and have not received such a response. Obviously, I do not agree that the cited rules and regulations cited as grounds for denial apply to this specific LMO application. Thus, I would like the issue reviewed by the Environmental Quality Council.

I will be happy to visit with you on the telephone and answer any questions you may have.

Thank you,

Larry Ligocki
Mullinax Concrete Service Company Inc.

P.S. Because I can't seem to get the e-mail folder attached to this specific e-mail I am going to forward each e-mail correspondence between DEQ and Mullinax to you individually. I'm sorry for the inconvenience and unorganized nature of the process. (There should be four additional (4) e-mails forwarded.)