

Dec 31, 2009

To the Environmental Quality Council from Les Turgeon concerning the meeting in Gillette, WY on Dec. 16, 2009. This is my closing statement.
Docket # 09.4806.

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

Wyoming, Department of Environmental Quality

A unit of Wyoming government controlling the circumstance or conditions that totally surround one- the complex of culture conditions affecting the nature of an individual or community, to a superiority of a kind. This superiority needs to be of the highest standard, when issuing a mining permit of any size that might have a negative affect on the people, life, health, and property.

If the environment is the total of one's surrounding, how can the DEQ separate it into Air, Water, and Land and not consider the whole when issuing this permit? Records show a lack of communication in these areas, especially Air Quality, each passing the buck to the other.

The DEQ contends that the application is complete and should be issued. I contend that with the completion of the application is where the DEQ work should begin, checking to see that everything is complete and accurate.

There were many things that Mr. Mooney said Mr. Croell would do to be in compliance and they just took his word for it but those things just did not get done. It was the responsibility of Mr. Croell but there was no follow up to protect the environment.

Mr. Mooney was involved in filing of Violation Docket 4387-08 Exhibit #14, page 3, and so should know that Croell's Redi Mix, Inc. does not follow legal requirements let alone do what they say they will do.

The DEQ seems to take all the information on applications on face value and say they do not have time to check for the truth. With this attitude, it is no wonder there are so many violations occurring, many of which are never written up.

How can these operators start mining before DEQ approval?

Having received the Exhibit Documents at the beginning of EQC meeting in Gillette Dec. 21, 2009, with no time to study these documents until after the meeting, I find many reasons for not granting this permit. A few of these reasons follow:

1. Information on original LMO applications Exhibit 3, 4, and 7 have many misleading statements and false information, plus the total material on the 10 acre site is 2 million tons with a max of 100,000 tons per year on the LMO makes a 10 year project. But on Exhibit 7 Croell shows the project starting March 2007 and lasting until March 2020 which is a 13 year project. Exhibit 9 is Annual Report from 6/29/07 through 6/29/08 showing quantity of mineral removed at 86,000 tons. Exhibit 10 is Annual Report from

6/29/08 to 6/29/09 showing quantity of mineral removed at 110,896 tons. Both Exhibit 9 and 10 show expected life of this operation is 50 years. Adding Frost Rock LMO to this operation makes more than adequate volume for growth for a lengthy period of time. These are Croell's figures. There is no good reason for granting a 600 acre mining permit that will have a negative affect on our environment including air, water, other people's land, Interstate 90, and the new tourist center being built at Exit 199.

2. Bruening Rock Products Inc. was permitted for equipment that was going to produce 1,050,000 tons per year on Croell's 100,000 tons per year LMO which is 10 times over this permit.
3. Where is DEQ on not stopping over 10 times more airborne particles and toxic substances generated by this type of operation and can this volume be done on a LMO? On Exhibit #6, page 2, DEQ states that based on their experience they are confident that all air quality standards will be met. How can one go over a permit production by 10 times and not affect air quality? If DEQ can not control this violation, what does the state even need them for?
4. Croell testified that prevailing winds were out of the southwest. Exhibit 1 map of this area shows only Highway 14 but Interstate 90 runs parallel on the east side. The SW wind will blow dirt, dust, and toxic substances across the Bush ranch, Sundance Creek, and a nearby residence. Also this pollution by changing wind direction will affect other land, water, and value of property. By issuing this permit the DEQ and EQC are costing the Bush ranch at least a half a million dollars to a million dollars in value as the adjoining property. Close by residences will feel this loss of value plus increasing their chance of health problems from all the pollution in the air.
5. Croell testified on being 7 acres over the LMO limit and paying a \$7,000 fine but Exhibit #14, page 3, show a 10 ½ acre violation and line 8 states he is liable to a penalty of ten thousand dollars for each day of violation. I also call your attention to line 4 and line 7 and again to line 8. In order to cover this violation Frost Rock Products took out a one year LMO, Jan. 2009 to Jan. 2010 at the same pit location. Croell testified that Frost's LMO included his 7 acres violation. Its also interesting to note that Frost LMO approved on 02/17/2009 has the same permit #1396ET as Croell's LMO permit #1396ET. Is this legal? I call your attention to Exhibit #14, line 4. Croell has been working on this new permit for one and a half years.
6. Other areas of concern include Doug Emme testifying that the blasting could affect wells and water up to 10 miles away. That takes in a lot of wells, springs, and the headwaters of Sand Creek. Bryan Marchant testified to blasting every 2 weeks, involving 40,000 tons of rock, for 6 months. This amounts to 480,000 tons on a 100,000 ton LMO. That is scary!

There are still more issues that could be brought out in these documents that would support denial of this permit.

1. Croell wants this large expansion to excuse all the fines that should have been assessed, Exhibit 14, page 3, and the violations of the LMO regulations that did occur to be overlooked.
2. The DEQ wants to grant this permit to cover their own failure in regulating and controlling their own legal requirements on LMO permits.

The above reasons are more than adequate to deny this permit for protection of the environment for all of the residents of this area. I request the denial of this permit.

Les Turgeon
12/30/2009