



TFN 5 4/110



Mountain Cement Co.

September 5, 2012

Lowell Spackman
Wyoming Dept. of Environmental Quality
Land Quality Division
122 W. 25th Street
Cheyenne, Wyo. 82002

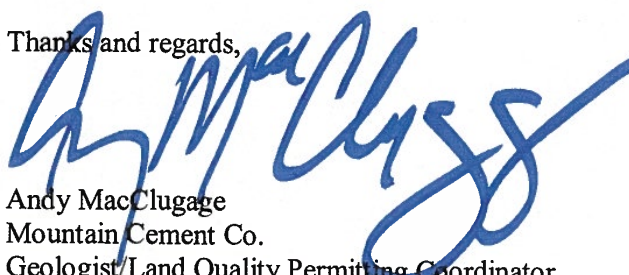
RE: Statuses of Waitkus Stipulations and Conditions Still Attached to 298C

Lowell,

Enclosed with this letter please find copies of both the Stipulated Resolutions to Objections signed October 2006 and the Conditions That Remain Attached to the Etchepare Permit. Along with those copies are printouts of the statuses of the stipulated resolutions and conditions. I think this will satisfy your comments from the June 21st meeting with MCC and Aqua Terra. On the Statuses of Outstanding Conditions print out I mean the A8 mine plan text when I cite "brought forward in mine plan text."

Please call or email me with further instructions or commentary on how you'd like these statuses incorporated into the A8 Amendment Application.

Thanks and regards,


Andy MacClugage
Mountain Cement Co.
Geologist/Land Quality Permitting Coordinator

YKJ SF
LQD

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9-7-12

KP

Copy to
298C
Stipulated
Resolution Tab
done
re
9/26/12

5 Sand Creek Rd. Laramie, WY0 82070 (307) 745-2687 307) 742-4534 FAX

♠SAFETY FIRST♠

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Stipulated Resolutions to Objections, October 2006.

Statuses

II. ADDITIONAL STIPULATED CONDITIONS/MODIFICATIONS TO PERMIT.

1. Acknowledged.
2. MCC acknowledges and agrees to the stipulation.
3. MCC agrees; the area S-2 has not been included as an area to be disturbed in the mine plan.
4. MCC acknowledges; area C has already been mined.
5. i.) MCC acknowledges; area C has already been mined.
ii.) Seeding is planned for Fall 2012
6. MCC acknowledges; mining is complete in Area C.
7. MCC acknowledges; mining is complete in Area C.
8. MCC acknowledges, mining is complete in Area C and Pit #5 has been marked for disturbance.
9. All crushing operations took place outside of Area C.
10. An overburden berm was constructed during operations; screening operations did not take place in Area C at all.
11. Understood.

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BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
STATE OF WYOMING

IN THE MATTER OF THE MINE PERMIT AMENDMENT)
APPLICATION OF MOUNTAIN CEMENT COMPANY,)
TO PERMIT NO. 298C- A5; TFN 4 4/296.)

STIPULATED RESOLUTION TO OBJECTIONS

I. RECITALS.

A. Mountain Cement Company (MCC) filed an application with the Department of Environmental Quality, Land Quality Division (LQD) to revise its mining permit 298C-A5 which was first approved January 5, 1998, by the LQD. The purpose of this application is to allow mining to take place in more than one mine sequence area at the same time and to immediately open a quarry in Mine Sequence Area 5.

B. MCC's application was protested by Brian R. Waitkus in a letter dated September 6, 2006.

C. An informal meeting was held by the LQD on September 21, 2006, at LQD's offices in Cheyenne, Wyoming, to attempt resolution of the protest filed by Mr. Waitkus. The meeting was attended by the Administrator and Staff of LQD, representatives of MCC, and Mr. Waitkus. Those negotiations were there after continued, resulting in this Stipulated Resolution.

D. MCC and Mr. Waitkus have agreed to the following additional conditions to the approval of MCC's permit application TFN 4 4/296 which revises MCC's existing Permit 298C-A5.

E. This Stipulated Resolution resolves the objections raised by Mr. Waitkus to the issuance of TFN 4 4/296.

F. This Stipulated Resolution to Objections supersedes and replaces the *Stipulated Resolution to Objections dated January 11, 2004, in TFN 4 3/119*, entered into between Brian R. Waitkus and Mountain Cement Company and approved by the DEQ, resulting in the dismissal of Docket No. 03-4805 before the Environmental Quality Council on January 11, 2004.

II. ADDITIONAL STIPULATED CONDITIONS/MODIFICATIONS TO PERMIT.

Mountain Cement Company agrees that the following additional conditions be made a part of TFN 4 4/296 which amends MCC's Permit No. 298C-A5:

1. The *Stipulated Resolution to Objections dated January 11, 2004, in TFN 4 3/119*,

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entered into between Brian R. Waitkus and Mountain Cement Company and any conditions adopted by the DEQ implementing that agreement, are hereby rescinded and replaced in total by this agreement and the conditions to be adopted herein.

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2. MCC agrees that it has completed mining limestone in Area A identified on the attached Exhibit A.
3. MCC agrees that it will not mine limestone within the area identified as "Area S-2" on the attached Exhibit A. The foregoing restriction does not prohibit MCC from placing, storing or stockpiling topsoil or overburden within Area S-2.

Area S-2 encompasses an area 200 feet in width along the length of the northern most boundary line of NE1/4NE1/4 of Section 36, T15N, R73W, Albany County, Wyoming.

4. Upon issuance of a permit to mine Area C as identified on Exhibit A, MCC agrees to commence mining limestone from Area C as soon as practicable.
5. Following initial disturbance within Area C as identified on Exhibit A, which is agreed to be the commencement of removing topsoil and overburden, MCC agrees as follows:
 - i. To complete all mining of limestone within Area C as soon as practicable. It is understood that MCC will have to mine from other areas within the Etchepare Quarry to blend with limestone extracted from Area C; and
 - ii. To re-seed Area C north of the southern most drainage within 12 months of completion of mining the limestone north of the southernmost drainage.
6. Upon issuance of TFN 4 4/296, MCC may proceed to mine in areas 7B, 6A and 6B at the same time. This will allow a greater selection of limestone for blending with Area C limestone, to promote faster consumption of the Area C limestone.
7. MCC will restrict its mining within the Etchepare Quarry to Areas 7B, 6A and 6B so long as MCC is mining within Area C.
8. Once MCC completes mining within Area C, it may mine from Etchepare 5 as allowed by TFN 4 4/296.
9. MCC agrees that all crushing operations will be conducted outside of Area C as identified on Exhibit A.
10. In the event that MCC conducts screening operations within Area C, it shall construct a 10 foot high topsoil/overburden berm on the north end of its quarry operation and shall position its screening operations south of the berm.
11. It is understood that MCC's Application to Modify its Permit is granted subject to these additional conditions.

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MCC agrees that the above conditions will be made a part of its Permit Application TFN 4 4/296.


III. FINAL RESOLUTION OF DISPUTES AND WITHDRAWAL OF OBJECTIONS.

Based upon the foregoing stipulations, Mr. Waitkus does hereby withdraw his objections to the proposed issuance of **Land Quality Permit No. TFN 4 4/296** to MCC.

Mr. Waitkus waives any right to an additional hearing on the permit application before the Environmental Quality Council, and agrees that the Land Quality Division may issue a permit to MCC for its application TFN 4 4/296 with the additional conditions stipulated herein in Part II.

This Stipulated Resolution to Objections may be signed in counterparts by the undersigned. It will become effective when all of the undersigned have signed a copy of this Stipulation.

Mountain Cement Company, a Nevada Corporation



Philip A. Nicholas
Anthony, Nicholas & Tangeman, LLC
170 No. 5th
PO Box 928
Laramie, WY 82070
(307) 742-7140
Attorneys for Applicant Mountain Cement Company
Date: 10-16-06



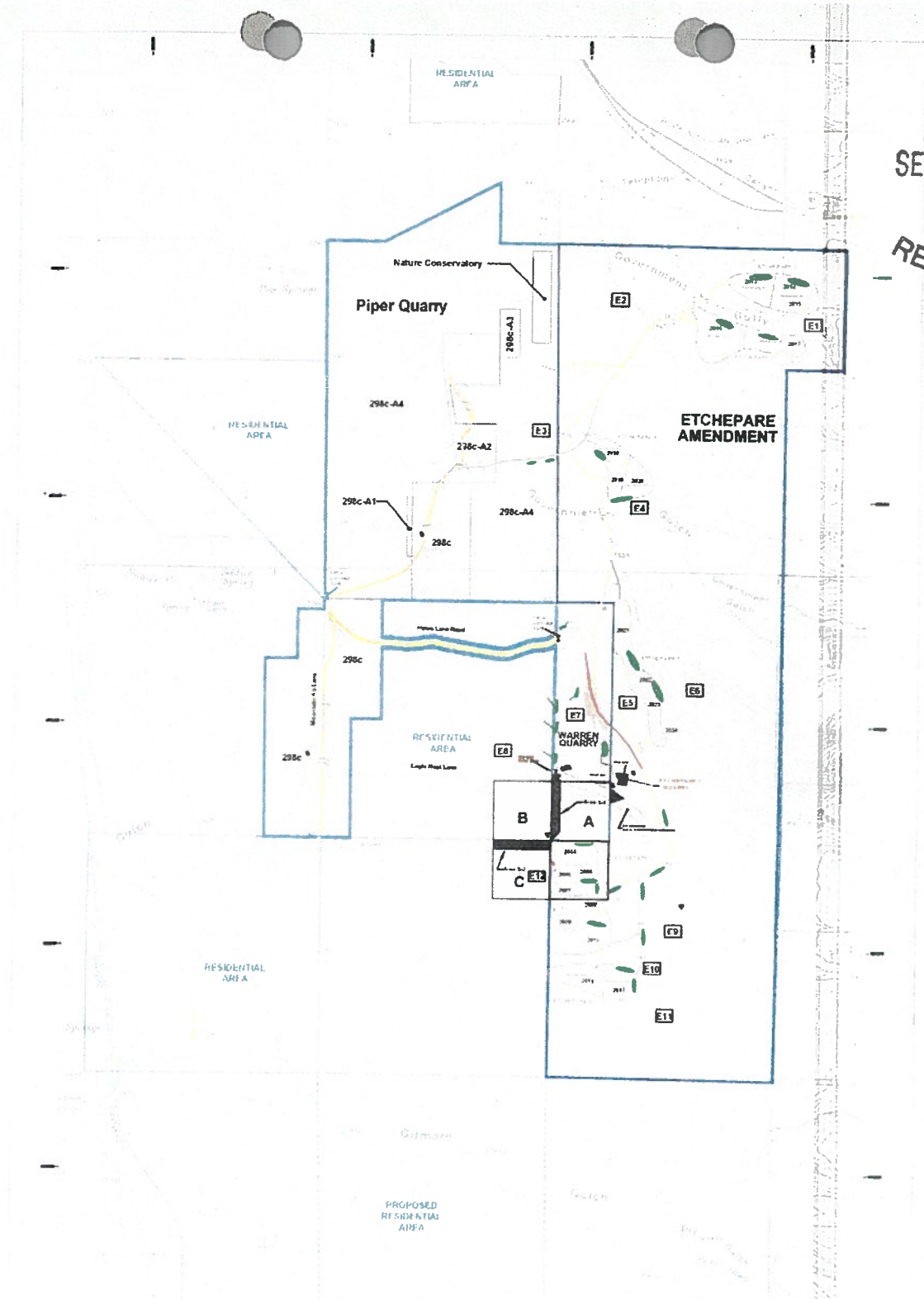
Brian R. Waitkus
80 Eagle Nest Lane
Laramie, Wyoming 82070
307-745-8723.

Date: 10-16-06

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LEGEND	
[Symbol]	PROPOSED RESIDENTIAL AREA
[Symbol]	PROPOSED HIGHWAY
[Symbol]	PROPOSED RAILROAD
[Symbol]	PROPOSED CANAL
[Symbol]	PROPOSED DRAINAGE
[Symbol]	PROPOSED FENCE
[Symbol]	PROPOSED POWER LINE
[Symbol]	PROPOSED WATER MAIN
[Symbol]	PROPOSED SEWER
[Symbol]	PROPOSED GAS
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[Symbol]	PROPOSED TELEPHONE
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[Symbol]	PROPOSED PYRAMID

SCALE 1" = 1000'
 CONTOUR INTERVAL 20'

PROJECT: []
 DRAWING: []
 DATE: []
 SHEET: []
 TOTAL SHEETS: []
 DESIGNER: []
 CHECKED: []
 APPROVED: []
 TITLE: []

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Status of Outstanding Conditions Still Attached to the Etchepare Permit.

May 9, 2008, Form 11 Revision

1. Summary of Waitkus stipulations attached herewith.

May 6, 2003, Form 11 Revision

3. Brought forward in mine plan text
4. Status unclear.

January 5, 1998, Form 1 Revision

1. Previously unidentified cultural resource condition brought forward in mine plan text.
5. Groundwater encounters during mining condition brought forward in mine plan text.

June 16, 1987, Form 1 Revision

8. Condition isn't necessary, the permit boundary will not be NW of the diagonal line as shown on the 298C-A4 Amendment Maps.
10. Night time operations and shining stationary lights condition has been covered in the new mine plan text.
11. Stockpile height restriction condition has been covered in the new mine plan text.
13. Air quality division requirements for watering and crusher discussed in the new mine plan text.

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Attachment No. 2
List of Outstanding Conditions that are Still Applicable
And Remain Attached to Permit 298C
Mountain Cement Company (MCC)

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May 9, 2008, Form 11 Revision

- 1) As a result of an objection by Mr. Waitkus dated September 6, 2006 to the A5 Amendment, a "Stipulated Resolution to Objections" was agreed upon and signed by Mr. Waitkus and Mountain Cement on October 16, 2006. This resolution was modified in association with the approval of TFN 4 4/296, Revision No. 6, Change No. 26. The Stipulated Resolution to Resolve Objections to TFN 4 4/296 is attached to this Form 11. This Stipulated Resolution included several conditions and modifications to the permit that Mountain Cement had agreed to when the resolution was signed. This resolution is attached to the Form 11 to ensure proper tracking of the conditions and modifications to the permit as outlined in the resolution. Agreement Nos. 2, 5(ii), 9 and 10 of the attached Stipulated Resolution have not been addressed in any permit revision. The remaining agreements have been included in the permit as outlined on the attached resolution.

May 6, 2003, Form 11 Revision

- 3) Mountain Cement Company will submit and the WDEQ-LQD will approve a revision package for the Etchepare pit haul road design and locations, excluding the Warren Quarry access/haul road to Etchepare Pit #1, prior to the construction of any Etchepare pit access or haul roads.
- 4) Mountain Cement Company will submit and the WDEQ-LQD will approve a revision package for the protection of any plant species listed on the Wyoming Plant Species of Special Concern, prior to the disturbance of any lands in Section 31, T15N, R72W.

January 5, 1998, Form 1 Revision

- 1) If, during the course of mining operations, previously unidentified, cultural resources are discovered, the applicant shall ensure that the site(s) is not disturbed and shall notify the regulatory authority. The operator shall ensure that the resource(s) is properly evaluated in terms of National Register Eligibility Criteria. Should a resource be found eligible for listing, in consultation with the regulatory authority and the State Historical and Preservation Office, the operator shall confer with and obtain the approval of these agencies concerning development and implementation of mitigation measures.
- 5) If Mountain Cement Company (MCC) encounters ground water during mining of any pit within the Etchepare Amendment Area, operations in that pit must cease. Within 48 hours, MCC will contact the LQD to provide a reasonable schedule to develop a plan to mitigate the impacts to ground water and modify the mining and reclamation plans, as necessary.

June 16, 1987, Form 1 Revision

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- 8) The permit shall not include the land northwest of the diagonal line as drawn ^{Exhibit B} annexed hereto. RECEIVED
- 10) Mountain Cement Company will minimize its night time operations. When night time mining must occur, Mountain Cement Company will avoid shining stationary lights plants on residential homes to the north and to the west. It will use its best effort to avoid shining the lights of mobile equipment on residential homes.
- 11) All new stockpile will be restricted to a maximum of 35 feet.
- 13) Requirements of the Division of Air Quality, Department of Environmental Quality concerning watering and crusher will continue to be adhered to.