

WOODROW & DR. CHRISTINE BARSTAD M.D.
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March 28, 2002

Ms Wendy Hutchinson Chairman
Herschler Bld., Rm. 1714, One West
122 W. 25th Street
Cheyenne, Wyoming 82002

FILED

MAR 28 2002

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Ms Hutchinson

The APPLICANT: Woodrow and Christine Barstad
Property Owners, Bonded Operator, and Permit Holders of
DEQ Land Quality Permit (ET 1100) issued 11 February 1999 and Air Quality Permit (CT 1491)
issued March 9, 1999.

HEARING REQUEST: Woodrow and Christine Barstad come forth in objection to and request
affirmative relief concerning relevant issues pertaining to DEQ Rules and Regulations.

- 1) DEQ Permit Application Documentation:
 - (i) compliance with the terms set forth and represented in the Official DEQ Permit Application documents. The original DEQ permits (ET 1100) " Authorization granted in this permit to produce sand and gravel from this pit shall remain valid for two (2) years from the issuance date of this permit" "the crushing activities will be limited to winter operations during the months of October through May".
• see attache documents
- 2) Air Quality Permitting:
 - (i) Granting Operator status to Contractor without Land Owner/ Operator consent. Procedural requirement should apply to this process.
 - (ii) permitting the reissuing of a limited permit without land owner/operator consent.
 - (ii) the reissuing of a limited permit to a contractor with a standing Air Quality NOV. In addition this contractor and has also exceeded the 10 acre ET by 4.5 acres, without DEQ authority or permitting on said property.
 - (iii) the reissuing of a limited permit with additional expanded authority (processing additional material) that goes beyond the parameter of the original restricted Air Quality permit obtained by the land owner/operator and agreed upon by the contractor.
- 3) Disputes between Land Owner/ Operator and Contractor:
 - (i) in legal disputed issues between Land Owner/ Operator, and the contractor the DEQ

should adhere to all substantive commitments and descriptions set forth in the DEQ application. DEQ documentation should prevail and other documentation post presented to the DEQ should be directed to the appropriate legal process in the courts.

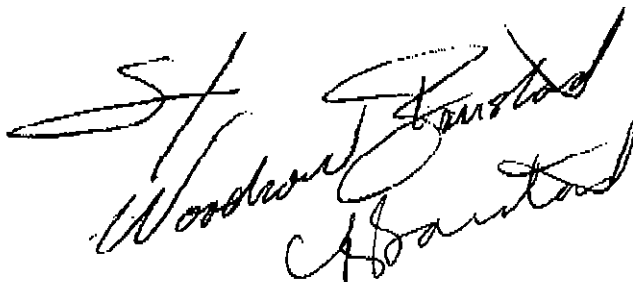
ATTACHED DOCUMENT LIST:

- 1) **Air Quality Permit Application (11/6/98):**
 - this application was filled out by Dave Nyenhuis (Cundy). Notice that my name Barstad is spelled Barstow on signature page.
- 2) **Air Quality Permit Application Cover Letter (11/6/98):**
 - this letter was authored by Dave Nyenhuis, notice no signiture by me.
 - Dave Nyenhuis represented two years of mining
 - Dave Nyenhuis attempted to represent Reeves as Operator
- 3) **Air Quality Permit Application, Analysis, AP-K59 (12/7/98):**
 - reviewed and agreed upon by Woodrow Barstad and Dave Nyenhuis.
- 4) **Air Quality Permit CT 1491 (3/9/99):** on file with County Clerk
 - clearly defines permit time frames as represented by Woodrow Barstad and Dave Nyenhuis and agreed upon with the public, the neighbors, and the DEQ.
- 5) **Land Quality Permit Application (10/29/98):**
 - this application was filled out by Dave Nyenhuis (Cundy).
 - Dave Nyenhuis represented two years of mining Jan 99-2001 initialed and dated 11/20/98. This 2 years is consistent with our agreement/ representations to the neighbors, the public, and to the DEQ.
 - Dave Nyenhuis represented 10 acres as agreed upon
- 6) **Land Quality Permit Application Cover Letter (11/18/98):**
 - this letter was authored by Dave Nyenhuis, I signed it in his office upon request.
- 7) **Land Quality Permit Application Neighbor Agreement letter (9/3/98):**
 - this letter was authored by Dave Nyenhuis. I brought the letters around to each neighbor for their signature.
 - Dave Nyenhuis represented two years of mining, 1999, 2000
- 8) **Land Quality Permit Application Bond Letter**
 - Dave Nyenhuis instructed my banker Deane Bjerke to place as operator, this error was noticed by the DEQ and a new Bond letter was issued with the Barstads as the operator.

note: other documents will follow

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Terri A. Lorenzon, Director
Environmental

Woodrow Barstad
C Barstad