



## WIGGAM LAW OFFICE, LLC

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November 9, 2018

**VIA Hand Delivery**

Kyle Wendtland, Administrator  
Department of Environmental Quality - Land Quality Division  
200 West 17th Street, Suite 10  
Cheyenne, WY 82002

**RE: Objection to 2017 Burnett Pit Permit Application**

Dear Mr. Wendtland:

Vicky M. Guilmot-Koch, owner of land located in Sections 9, 10, 15, and 16 Township 13 North, Ranch 65 West in Laramie County Wyoming, and James Koch (the "Interested Persons" or "the Kochs"), by and through their attorney, Wiggam Law Office, LLC, hereby object to approval of the 2017 Burnett Pit Permit Application TFN 6 2/292 in favor of Knife River as follows and for the reasons stated:

1. The application is neither accurate, nor complete in violation of W.S. § 35-11-406(n)(i) because it incorrectly denies the exposure to human or animal health and safety risks and/or the required plan for insuring all of those risks, including noise and dust that the Interested Persons are likely to suffer, are contained to prevent harm as required under W.S. § 35-11-406(b)(ix) is inadequate.
2. The application does not accurately or completely disclose the likelihood that the proposed mining operation will cause pollution to the groundwater from which the Kochs' domestic and stock wells draw water in violation of W.S. § 35-11-406(m)(v).
3. The proposed operation endangers the public health and safety in violation of W.S. § 35-11-406(m)(vii).
4. Because the Kochs live immediately downwind of the site, yet were not given adequate notice and opportunity to object to the previously-issued air quality permit application for this site.
5. The operation will likely cause irreparable harm to their agricultural operations if the permit is issued because of the inevitable escape of dust and toxins which will likely settle on and contaminate the Interested Persons' pastures and hay-fields.
6. The application is incomplete because it does not contain any discussion of mitigation measures to address the likely noise, vibrations, light pollution, or other potential sources of public or private nuisance caused by diesel engines, the proposed asphalt batch plant, the proposed concrete batch plant, or other industrial activities being conducted in the A2-Agricultural zone within the area of Laramie County subject to zoning regulations under the Laramie County Land Use Regulations.

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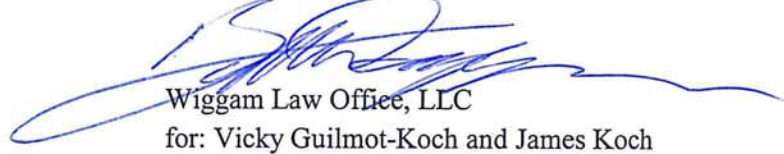
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7. The application is incomplete and inaccurate because it contains no discussion of silica dust or other known carcinogens and toxins commonly emitted from sand and gravel quarries, concrete batch plants, asphalt batch plants, and associated industrial uses which, in this case, will be located immediately upwind to the northwest of the Kochs' dwelling and agricultural operation.

Therefore, Vicky Guilmot-Koch and James Koch ask that the Administrator conduct further hearings and deny the application submitted by Knife River for the 2017 Burnett Pit because of the substantial harm it will cause to them, their livestock, and their use and enjoyment of their agricultural property and residence located adjacent to the Burnett Land and Livestock Ltd LLLP property and downwind of the proposed sand and gravel mine.

Respectfully Submitted,



Wiggam Law Office, LLC  
for: Vicky Guilmot-Koch and James Koch

cc: James & Vicky Koch (via email)  
Paul Kapp, Esq. (via email)  
Sundahl Powers Kapp & Martin

