FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

DEC 14 2009

Jim Ruby, Executive Secretary Environmental Quality Council

IN THE MATTER OF THE OBJECTION)
TO THE MINE PERMIT OF) DOCKET NO. 09-4806
Croell Redi-Mix, Inc., TFN 5 6/072)

PRE-HEARING DISCLOSURES

The Department of Environmental Quality, Land Quality Division ("Division"), through the Office of the Attorney General, pursuant to the Environmental Quality Council's ("Council") Notice of Hearing and Order, hereby submits its Pre-Hearing Disclosures.

SUMMATION OF THE FACTS

Croell Redi-Mix, Inc. ("Croell") filed its small mine application with the Division, small mine permit application number TFN 5 6/072. After proper notification that Croell's application was complete, interested parties timely filed objections to the permit with the Division. The objectors allege that Croell's proposed mining operation will negatively impact their quality of life, and destroy nearby natural resources including water and air. The objectors also raise issues regarding blasting, storm water containment, dust control, road damage, water supply and decreased land values. The Division has determined that the application is complete and is in full compliance with Wyoming Law. The Division is ready to issue the permit.

LEGAL ISSUE

Is Croell's permit application complete and should the DEQ issue Croell a permit to mine pursuant to WYO. STAT. ANN. § 35-11-406 (West 2009)?

WITNESSES

WILL CALL:

Glenn Mooney
Mark Rogaczewski
Department of Environmental Quality
Sheridan Field Office
Land Quality Division
1866 South Sheridan Avenue
Sheridan, Wyoming 82801
307-673-9337

Mr. Mooney and Mr. Rogaczewski are in charge of the oversight and review of Croell's permit application, TFN 5 6/072. They are expected to testify regarding all matters contained within the permit application, including nuisance concerns. In addition, they will testify regarding general permit application requirements and whether Croell's permit application is in compliance with the requirements of Wyoming law.

MAY CALL:

Douglas Emme
Blasting Inspector
Department of Environmental Quality
Sheridan Field Office
Land Quality Division
1866 South Sheridan Avenue
Sheridan, Wyoming 82801
307-673-9337

Mr. Emme may be called to testify regarding any blasting issues raised by objectors at Croell's proposed mining operation under permit application TFN 5 6/072.

The Division may call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

EXHIBITS

State's Exhibit 1: Croell's permit application.

DATED this 14th day of December, 2009.

John S. Burbridge 5-2856

Senior Assistant Attorney General

123 Capitol Building

Cheyenne, Wyoming 82001

307-777-7823

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Pre-Hearing Disclosures was served by placing the same in the United States mail, postage prepaid, this 14th day of December 2009, to the following:

Mr. Roger Croell Croell Redi-Mix, Inc. P.O. Box 1352 Sundance, Wyoming 82729

Les and Karen Turgeon 725 Rifle Pit Road Beulah, WY 82712

Douglas & Phyllis Watson 670 Moskee Road Sundance, WY 82729

Lennie Skillingstad 555 Fuller Road Sundance, WY 82729

Ila Leger 555 Fuller Road Sundance, WY 82729 Jack & Terri McGee P.O. Box 1430 Sundance, WY 82729-1430

Scott & Julie Wheeler 360 Moskee Road Sundance, WY 82729

Gary & Barbara Johnson 300 Moskee Road Sundance, WY 82729

Jace Bo & Monica Waltman 439 Fuller Road Sundance, WY 82729

John Kokesh 327 Moskee Road Sun dance, WY 82729

Joseph Pawlik 350 Moskee Road Sundance, WY 82729

Mark Thompson 251 Moskee Rd. Sundance, WY 82729

Cindy Lambert 222 Canyon Road Sundance, WY 82729

Paul Tomer 107 JX-Lane Sundance, WY 82729

Levi Delp 525 Fuller Road Sundance, WY 82729

Richard & Judith Hamm 9298 Mique Circle Port Charlotte, FL 33981 Judith Bush 2313 County Rd. 64 Carrying Place, ON Canada KOK 1LO

Wyoming Attorney General's Office