

BY FAX (307) 777 - 6134

To: Jim Ruby Exec Sec, EQC Fax (307) 777-6134

From: Judith Bush tel / fax 613-392-2313
 2313 County Rd 64 please phone before faxing
 Carrying Place ON
 Canada K0K 1L0

date: December 18, 2009

cc: Dave Freudenthal Governor of Wyoming Fax (307) 632 - 7434
 John Burbridge Sr. Asst. Attorney General Fax (307) 777 - 3542
 Roger Croell Croell Redi-Mix Fax (307) 283- 1450
 Don McKenzie Director, DEQ LQD Fax (307) 777 - 5864

Re: Croell Redi-Mix Application to WDEQ LQD to expand the Roger's Pit from a 10 acre limestone mining and crushing LMO (1396 ET) to a Regular Mining Permit encompassing 600 + acres

In the Matter of the Objection To the Mine Permit of Croell Redi-Mix, Inc.
 TFN 5 6/072 Docket No. 09-4806

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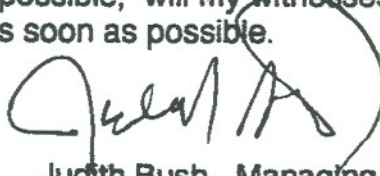
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 DEC 18 2009
 Jim Ruby, Executive Secretary
 Environmental Quality Council

Dear Mr. Ruby,

The process of preparing for this hearing on such short notice is unfortunately affecting my health. If I am unable to travel to Gillette, what options are open to me? Is it possible to participate in the hearing by phone? I believe that you offered this option to Judy Hamm (who is presently in Florida) at the Pre-hearing telephone conference which took place on Wednesday.

If participation by telephone is possible, will my witnesses be able to give testimony? Could you please advise me as soon as possible.

Yours truly,



Judith Bush, Managing Partner, Bush Ranches

I am dismayed by this Land Quality Division process which has included no attempt to acquaint the public in a user-friendly manner with the details of this application other than to put this lengthy application on display prior an adversarial hearing taking place. I am equally dismayed the inflexibility of the EQC has shown in this matter.

As branches of government, which exists to serve the public, I believe more could and should have been done to facilitate this public process. The EQC has claimed that they have no discretion in the timing of this hearing. My reading of the discretionary powers of EQC is that the EQC did have discretionary power to change the time of the hearing and that it did in fact exercise its discretionary power by choosing not to fulfill its obligation to a make sure that a accessible and reasonable hearing took place.

It was my understanding that there was no possibility of any alternative to an adversarial hearing as the immediate response of the LQD to any objections regarding their applications made by the public in response to public notice. (The public notice regarding the Croell Redi-Mix application stated that the next step in the public process, should it continue past the letter writing stage would be an adversarial hearing.

However the General Rules of Practice and Procedure, in Sec 13 (Exclusion), states:

Section 13 (a) Nothing in these rules * shall be construed as prohibiting the Environmental Quality Council and the Administrators of the Divisions of Land, Air, or Water Quality or their designee from holding informational proceedings, hearings, or conferences for the purpose of aiding the Council or the Administrator in ascertaining and determining facts necessary for the performance of their respective duties. Any person believing himself aggrieved by a determination made by the Administrator or his designee following an informational proceeding, hearing, or conference and who is otherwise entitled thereto, may upon filing a petition or complaint with the Council, obtain a full hearing or review upon the merits, which matter shall be heard and tried de novo.

* *which essentially describes the process of the adversarial public hearing process presently scheduled)*

Would it have been possible for the Land Quality Division to have scheduled a less formal public meeting prior to the scheduling of an adversarial hearing, and, if so, why was this possibility not considered?

Are there any formats for informal public meetings relating to specific applications, which Land Quality and / or other divisions of the DEQ can schedule which permit questions from the public to be raised as issues come up during the course of such meetings?

I understand from the pre-hearing telephone conference that the first part of the hearing will include a lengthy presentation from Mr. Roger Croell. It would have benefited us considerably if this information had been available to us before rather than during the hearing.

Please note that I have still not received either of the two ECQ notices sent to me by registered mail.

If I am unable to attend this hearing either in person or by telephone, I am asking that all matters with legal reference which I have raised and will raise be considered by the Land Quality Department in their decision regarding this matter.