

Submit two (2) copies. **Do Not Alter This Form.**

Do not make corrections to this form after printing. Forms bearing strikeouts, ink changes, etc will not be accepted.

**STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
APPLICATION FOR PERMIT TO MINE
OR AMENDMENT TO A PERMIT TO MINE
OR COAL PERMIT RENEWAL**

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JUN 25 2007
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1. (a) Name, telephone number, fax number, and mailing address of applicant:
Name: Mountain Cement Company Telephone: (307)745-4879 Fax: (307)742-4534
5 Sand Creek Road ; Laramie , WY 82070

(b) If the applicant is a partnership, association, corporation or limited liability company the names and addresses of all managers, partners and executives directly responsible for operations in this State:

Name: Stuart Tomlinson Address: 5 Sand Creek Road ; Laramie , WY 82070
Title: President Phone No. (307)745-4879 x165

Name: Thomas Del Vecchio Address: 5 Sand Creek Road ; Laramie , WY 82070
Title: Plant Manager Phone No. (307)745-4879 x130

Name: _____ Address: _____; _____, WY _____
Title: _____ Phone No. _____

Name: _____ Address: _____; _____, WY _____
Title: _____ Phone No. _____

2. Name, address, and telephone number of the agent or person to whom any notice under the provisions of Wyoming Environmental Quality Act or Rules and Regulations adopted thereunder may be sent:

Name: Bob Kersey Telephone: (307)745-4879 Fax: (307)742-4534
5 Sand Creek Road Laramie , WY 82070

3. Attach the following information as part of the specific appendices:

(a) APPENDIX "A"
Names and addresses of surface and mineral owners of record within the proposed permit (amendment) area.

(b) APPENDIX "B"
(i) Names and last known addresses of the owners of record of the surface rights of the lands immediately adjacent to the proposed permit (amendment) area.
(ii) Names and last known addresses of any other persons within one-half (1/2) mile having a valid legal estate of record.
(iii) **For surface coal mining operations**, the names and last known addresses of coal ownership immediately adjacent to the proposed permit (amendment) area.

NOTE: Appendices "A" and "B" shall each be accompanied by maps showing the ownership locations required by the respective appendices. Mapping of (b)(ii) is not required.

(c) APPENDIX "C"
(i) All lands to be included in the proposed permit (amendment) area shall be tabulated by legal subdivision, section, township, range, county, and municipal corporation, if any, and the number of acres for each subdivision listed.
Lands which are to be part of the proposed permit (amendment) area, for which no right to mine is claimed
(ii) shall be identified in item (c)(i) above as such and tabulated separately listing the number of acres for each legal subdivision.
(iii) Lands which are located within other permit areas shall be identified and a copy of the land use agreement with the other permittee shall be attached as part of this application.
(iv) An original United State Geological Survey topographic map, clearly outlining and identifying the lands to be within the proposed permit areas, shall be provided. Photo copies or other similar copies are not acceptable unless prior approval is obtained from the Land Quality Division.

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Initial JK
Date 6/21/07

Permit No. 298c-A7
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(d) APPENDIX "D"

A description of the land which shall include: historic and present land use; vegetative cover; annual rainfall; general directions and average velocities of the winds; indigenous wildlife; present surface water and the immediate drainage areas; valid water rights; nature and depth of the overburden, subsoil, topsoil; including a soils map; mineral seams, or other deposits; subsurface water(s) known to exist above the deepest projected depth of the mining operation.

(e) APPENDIX "E"

A map or maps with the boundary of the proposed permit (amendment) are clearly outlined and identified showing:

- (i) The lands to be affected by the mining;
- (ii) The drainage area within and surrounding the proposed permit (amendment) area;
- (iii) The location and names, where known, of all roads, railroads, public or private rights-of-way and easements, utility lines, lakes, streams, creeks, springs, and other surface water courses, oil wells, gas wells, and water wells;
- (iv) An outline of the probable limits of all areas previously disturbed or to be disturbed by underground or subsurface mining, whether active or inactive, on or immediately adjacent to the proposed permit (amendment) area;
- (v) The names, last known addresses and boundary lines of the present surface landowners and occupants on the adjacent land to be affected;
- (vi) The location, ownership, and uses of all buildings on, or on lands adjacent to, the land to be affected;
- (vii) Information presented as part of APPENDIX "D" when necessary for clarification.

- 4. Mineral(s) to be mined: Limestone
Mining method to be used: Strip Mining/Blasting
- 5. Estimated dates of commencement and termination of the proposed operation:
Start: June 2007 Terminate: June 2014
- 6. The total number of acres in the proposed permit (amendment) area and an estimate of the total number of acres to be affected by the operation:

Permit Acres		Approved Acreage to Affect		Surface Ownership	
Original Permit	<u>337</u>	Original Permit	<u>132.2</u>	No. of Federal Acres	<u>0.0</u>
Approved Amendments	<u>3036.3</u>	Approved Amendments	<u>514.88</u>	No. of State Acres	<u>160.0</u>
This Application	<u>40</u>	This Application	<u>33.90</u>	No. of Private Acres	<u>3253.31</u>
Total Acres	<u>3413.31</u>	Total Acres	<u>680.98</u>	Total Acres	<u>3413.31</u>

- 7. The name, if any, by which the permit (amendment) lands or any part thereof are known: Section 36 Area C Limestone Quarry (NE 1/4 NE 1/4)
- 8. The nearest town or city: Laramie
- 9. A filing fee of \$100.00 (\$200.00 for amendments) plus \$10.00 for each acre in the request permit (amendment) area. For any single permit (amendment) the maximum fee shall not exceed \$2,000.00.
- 10. Plan or plans of the applicant, including maps for the proposed mining operation and the reclamation of all affected lands as required by W.S. §35-11-406(b) and Chapter 2, Sec. 2 of the Land Quality Rules and Regulations.
- 11. Each application **for coal mining operations** shall also contain:
 - (a) Additional information as required in Chapter 2, Section 2 of the Land Quality Division Coal Rules and Regulations;
 - (b) A certification that the applicant has a public liability insurance policy in force for the proposed mining and reclamation, as required by W.S. §35-11-406(a)(xiii) and Land Quality Division Coal Rules and Regulations Chapter 12, Section 2.;
 - (c) A listing of all notices of violations required by W.S. §35-11-406(a)(xiv).
- 12. The following obligations are incumbent upon the applicant upon approval of this application:
 - (a) The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit, to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

Initial JK
Date 6/21/07

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- (b) The operator shall allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.
- (c) The following shall also apply for coal mining operations:
 - (i) The operator shall conduct his operation in a manner which prevents violation of any other applicable State or Federal law.
 - (ii) The operator shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with his approved mining and reclamation plan and other terms and conditions of any permit or license, including monitoring to define the nature of the noncompliance and warning of any potentially dangerous condition.
 - (iii) The operator shall conduct all operations in accordance with his approved mining and reclamation plan and with any special conditions of the permit or license attached thereto.
 - (iv) All reclamation fees shall be paid as required by Title IV, P.L. 95-87, for coal produced under the permit for sale, transfer or use.

FINAL SWORN STATEMENT

State of WY)
)ss
 County of Albany)

I Stuart Tomlinson being duly sworn on my oath that I am the applicant (President or Vice President if the applicant is a corporation) for the foregoing permit (amendment); that I have read the said application and fully know the contents thereof; that all statements contained in the permit (amendment) application are true and correct to my best knowledge and belief; by execution of this statement I certify that Mountain Cement Company, applicant or entities controlled by or under common control with the applicant has the right and power by the legal estate owned to mine from the land for which this permit (amendment) is desired; that applicant or entities controlled by or under common control with the applicant has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes; and if a **surface coal mining application**, that applicant or entities controlled by or under common control with the applicant has paid the reclamation fees for this and all coal mining operations under the jurisdiction of P.L. 95-87 as required by Title IV of that law; and that applicant or entities controlled by or under common control with the applicant has not had any Federal or State coal mining permits suspended or revoked in the five years preceding the date of this application.

Dated this 21 day of June, 2007

Signature

Stuart Tomlinson

Name (Printed or typed)

Stuart Tomlinson

Title

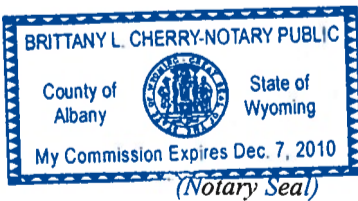
President

(Corporate Seal) 1987



The foregoing instrument was acknowledged before me by Stuart Tomlinson this 21st day of June, 2007.

Witness my hand and official seal.



(Notary Public or Secretary if a Corporation)

(Name printed or typed)

My Commission Expires:

12/7/2010

THE STATE OF WYOMING

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit/coal renewal/amendment grants only the right to affect the land described in Appendix "C" of the application.

Acceptance of the approved permit/coal renewal/amendment obligates the operator to abide by the standard conditions specified in Item No. 12. of this application form. Any condition and/or special condition attached to approval of this permit/coal renewal/amendment shall supersede and/or replace any conflicts with the original permit, amendments, coal renewals or any other revision.

Additional special conditions and limitations are as follows:

Mountain Cement Company must submit a revision package with the permit changes that were proposed in "Mountain Cement Company's Response" to Mr. Waitkus' objections. This revision must be submitted with index sheets to the LQD with 20 days of receiving the approval letter. *Approved * See etr. dated 5/9/08 J. Spackman chg no. 30*

Approved: *Cowley Billings*
Administrator
Land Quality Division
Department of Environmental Quality

Approved: *John J. Bone*
Director
Department of Environmental Quality

Effective Date: *December 20, 2007*

Initial *SB*
Date *6/21/07*