



# Department of Environmental Quality



*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*

Matthew H. Mead, Governor

Todd Parfitt, Director

September 8, 2014

Nicole Krieger, Esq.  
Hess D'Amours & Krieger, LLC  
30 East Simpson St.  
P.O. Box 449  
Jackson, WY 83001

CERTIFIED – RETURN RECEIPT REQUESTED

Re: Request to Postpone the Public Hearing on RST Excavation's Permit Application

Dear Ms. Krieger:

This letter is in response to your written request, dated September 5, 2014, asking for a thirty (30) day postponement of the September 22, 2014 public hearing related to RST Excavation's sand and gravel operation. You also requested that if the DEQ is unwilling to grant the requested hearing postponement, a shorter postponement be allowed, or, alternatively, that the time period for submitting written comment be extended beyond September 22, 2014.

Your request pertains to the Seherr-Thoss gravel operation (RST Excavation) located in the NE¼ of Section 19, T40N, R116W, the same operation which you commented on in prior letters dated, May 2, 2014 and May 30, 2014. In those letters, you alleged that RST Excavation was violating the Wyoming Air Quality Standards and Regulations and requested that the Wyoming Department of Environmental Quality (DEQ) take prompt action, pursuant to W.S. 35-11-701, to investigate your claims. A response dated August 8, 2014, was provided. In that response letter, the Division provided a timeframe for completion of the Division's review of the permit application and provided advanced notice of the anticipated publication date of the notice of public hearing. On August 20, 2014, the Division published in the *Jackson Hole News* its notice requesting public comment on the proposed decision to grant a permit to RST Excavation. The notice also informed the public that a public hearing is to be held on September 22, 2014, at the Ordway Auditorium, located in the Teton County Library, 125 Virginian Lane, Jackson, Wyoming.

After considering your request in light of prior correspondence, and considering that the Division has scheduled the public comment period and public hearing in accordance with Chapter 6, Section 2(m) of the Wyoming Air Quality Standards and Regulations, I am denying your request to postpone the public hearing and denying your request to extend the period in which to submit written comments. If you have any further questions or concerns, please contact this office.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Roger Seherr-Thoss  
Elizabeth Lyon  
Cole Anderson  
Fred DiLella  
Tony Hoyt

