

Frank Hess\*  
Paul E. D'Amours\*\*  
Nicole G. Krieger\*  
\* Admitted in WY  
\*\* Admitted in WY, ID & CO

**HESS D'AMOURS & KRIEGER, LLC**  
ATTORNEYS AT LAW  
30 East Simpson St.  
P.O. Box 449  
Jackson, Wyoming 83001

(307) 733-7881 Phone  
(307) 733-7882 Fax  
nicole@hcdlawyers.com  
Pat Michael  
Legal Assistant

May 30, 2014

Ms. Elizabeth Lyons  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

RE: Violation of Air Quality Regulations by R.S.T. Excavation/R.S.T. Sand and Gravel

Dear Ms. Lyons:

As you are aware, the Meadows at Melody Ranch Homeowner's Association ("the Melody Ranch HOA") filed a complaint letter with the Wyoming Department of Environmental Quality's Air Quality Division ("DEQ Air Quality Division") on May 2, 2014 related to the Roger Seherr-Thoss gravel operation in Teton County. The letter requested immediate enforcement of the Air Quality Rules and Regulations that require gravel crushing equipment to maintain and abide by valid air quality permits.

You recently advised that while the Department has received my correspondence, it is unwilling to provide any timeframe within which the complaint will be reviewed and investigated. However, pursuant to Wyo. Stat. § 35-11-701, the Department is required to take prompt action on the complaint. Specifically, this statute states:

Complaint; investigations; conference; cease and desist order; hearing; referee.

(a) If the director or the administrators have cause to believe that any persons are violating any provision of this act or any rule, regulation, standard, permit, license, or variance issued pursuant hereto, or in case any written complaint is filed with the department alleging a violation, the director, through the appropriate administrator, shall cause a prompt investigation to be made.

The Melody Ranch HOA is deeply concerned that despite numerous complaints to the DEQ Air Quality Division over the years, the particulates being released from the crusher and processing equipment at the Seherr-Thoss gravel operation on a regular basis remain entirely unregulated by the very state agency charged with ensuring air quality and safety for the citizens

of Wyoming. We would respectfully request that the Department immediately advise as to the date we can expect this prompt investigation to take place. Please do not hesitate to contact me if you have any questions or if you require additional information.

Regards,



Nicole G. Krieger  
Attorney for the Meadows at Melody Ranch Homeowners  
Association

cc: Steve Dietrich, Melody Ranch HOA Board of Directors, Mr. Jeff Wendt, Mr. Jeremiah Williamson, Esq. Mr. Keith Gingery, Ms. Erin Weisman, Teton County Board of County Commissioners (c/o Sandy Birdyshaw), Mr. Tyler Sinclair, Ms. Jennifer Anderson, Mr. Steve Ashworth