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September 25, 2014

Mr. Steven A. Dietrich
Administrator
Division of Air Quality
Department of Environmental Quality
122 W. 25th St.
Cheyenne, WY 82002

RE: Public Comment for AP-16592, RST Sand and Gravel

Dear Mr. Dietrich:

I write on behalf of the Meadows at Melody Ranch Homeowner's Association (the "Association"), a subdivision of approximately 350 homes located directly adjacent to the RST Sand and Gravel operation. Thank you again for traveling to Jackson to take public comment on the RST Sand and Gravel permit applications. We appreciate your time and thoughtful consideration of these applications.

At the hearing, I set forth in detail five additional or modified mitigation/enforcement measures that we respectfully request you add to the conditions of approval already proposed in DEQ's Permit Application Analysis dated August 1, 2014. As stated at the hearing, none of these additions or modifications creates a burden on DEQ or the operator. To the contrary, they are practical and straightforward methods by which the operator can continue to crush and screen gravel at the requested levels, while simultaneously ensuring that adjacent neighbors and others in the community are not exposed to emission levels and/or fugitive particulate matter beyond that which has been analyzed and approved. I have attached a summary of these recommendations to this letter as Exhibit A for your convenience.

As stated at the public hearing, the Association hired Rick Sprott to assist us in analyzing the more technical portions of the RST Sand and Gravel Application and DEQ's Permit Application Analysis. Mr. Sprott served for seven years as the Director of the Utah Department of Environmental Quality's Division of Air Quality, and thereafter was Executive Director for the Utah Department of Environmental Quality from 2007 to 2008. Mr. Sprott's resume is attached hereto as Exhibit B.

In the course of his review, Mr. Sprott identified several recommended corrections/changes, all of which we respectfully request that you include in any final permit approvals. These recommendations include the following:

- a. In the RST Application under "Type of Material Mined" it lists that 100,000 tons of material are available for mining, but then limits production to 52,000 tons/year and states a maximum annual production rate of 52,000 tons per year. This would suggest that the quarry only has two years of material available if operating at maximum production, which is likely not the case. We request that this discrepancy be addressed to show the total amount of tons available on site.
- b. In the RST Application under "Type of Material Mined" the maximum possible annual production should be acknowledged because the Potential to Emit pollutants (PTE) must be based on the maximum operating rate. In the case of the RST mine, this is 180 tons/hr x 960 hr/year, which is 172,800. While we understand that production will be limited to 52,000 tons annually, we believe it is still important to show and acknowledge the actual PTE.
- c. In the RST Application under Mine/Quarry name, the size of the mine/quarry is listed at 10 acres. However, under the "Disturbed/Open Acreage" section, the application states that only 5 acres will be subject to wind erosion. There is no explanation for this discrepancy, nor any explanation of why all ten acres will not be subject to wind erosion. We respectfully request that calculations for wind erosion be made over the whole ten acres, especially in light of the fact that RST is in the process of trying to obtain a small mine permit.
- d. On the crushing and screening operations permit application form, four conveyor and drop points are listed, but no controls are identified. We ask that these be identified.
- e. On the crushing and screening operations permit application, no maximum capacity is listed for the crusher.
- f. Applicant did not include emissions on the emissions summary form. In DEQ's analysis (Table 4 – crushing/screening estimated emissions (TPY)) emissions from conveyors and drop points are not identified and calculated. We respectfully request that this be addressed.
- g. Under DEQ's analysis of "Best Available Control Technology," the PTE should be based on the max hourly production for the total allowed operating hours. We believe it is important that the real TPY of total suspended particulate be contained in the analysis so that the public is aware of the real PTE.

Thank you for your consideration of this additional comment. We respectfully request that you include all recommendations in Attachment A, as well as in this letter in your final analysis.

Sincerely,



Nicole G. Krieger
Attorney for Meadows at Melody Ranch

cc: Meadows at Melody Ranch Homeowner's Association, Keith M. Gingery

EXHIBIT A

Recommended Additional/Modified Conditions of Approval

1. Limit hours of operation from 8:30 to 4:30 M-F. These hours are consistent with the RST Sand and Gravel Application which states that the maximum hours of operation will be 8 hours a day/5 days a week. This restriction on hours is a reasonable way to limit impacts of the increased activity. We also request that there be strict enforcement of hours and that there be no activity whatsoever on weekends.
2. Condition 8 for RST Sand and Gravel Pit: This condition requires that the amount of material crushed or hauled from the pit not exceed 52,000 tons per year. The DEQ's analysis of emissions depends on this number not being exceeded and the TSP and PM10 levels likewise depend on the mine limiting production to 52,000 tons of gravel per year.

Our request is that for the first two years of operation, monthly tonnage reporting be required, and that annual reporting be required thereafter. If there is no reporting until year end, there is no way to address over-production in a meaningful manner and the neighbors' may be exposed to airborne pollutants beyond what has been analyzed and allowed via the permit without anyone realizing this until after the fact.

This modification places no burden on DEQ, and very little burden on the applicant – who must already be tracking these numbers in order to remain within limits. It is thus a reasonable and practical method to determine compliance. In addition, this requirement would go a long way in reassuring and rebuilding trust with neighbors which is a result that helps all parties in the long run.

3. Condition 10 for RST Sand and Gravel Pit and Condition 8 and 9 for the stationary crushing/screening equipment: These requirements, in essence, require regular watering of both the equipment and the haul road. We understand that these conditions are in place to control dust emissions so they do not exceed opacity limits and that watering to control fugitive dust can reduce emissions by 50%.

We would respectfully request that in addition to this condition, you require that all conveyors be equipped with a spray head at the top to reduce dust, require that the spray be used regularly, and limit the drop distances for the conveyors to not more than four feet. In addition, we request that records of watering be maintained by the operator such that if there is increased emissions or dust it can be determined whether adequate watering measures were, in fact, occurring.

We believe that the spray head requirement and the limiting on drop distances are effective methods to reduce emissions without imposing any unnecessary hardship on the gravel operator a win-win for everyone.

To ensure that opacity limits are not exceeded, and given that DEQ is so far away and that it is not reasonable for untrained neighbors to conduct technical measurements, we respectfully request that the company be required to maintain an employee trained and certified in EPA Method 9 to know when an opacity limit has been exceeded, and to then take immediate corrective action.

4. Condition 9 under Proposed Permit Conditions: This condition states that RST Sand and Gravel must stabilize the exposed areas against wind erosion and provides a series of standards for accomplishing this. We request a report from RST Sand and Gravel regarding which areas should be stabilized now and a report as stabilization occurs.
5. Conditions 6 under Proposed Permit Conditions for RST Sand and Gravel Pit (p. 5) and Conditions 7 and 8 under Conditions for the Stationary Crushing/Screening Equipment (p. 7): These conditions should be changed from referring to crushing/screening to crushing/screening/conveyor.

RICHARD W. SPROTT

September 2014

Professional Experience

Bear Claw Environmental Consulting LLC, Angel Fire, NM

08/2009 to Present

Principal and Owner

Sole member of limited liability company that assists governments and progressive corporations develop energy and climate policy, strategies and practices. Interprets current and proposed environmental statutes and regulations to plan for efficient compliance. Provides expert testimony on air quality, climate and energy policy and regulations. Clients include electric utilities, universities, oil and gas companies, energy consultants, and environmental advocacy groups.

Air and Waste Management Association, Pittsburgh, PA

01/2009 to 12/2010

President and Immediate Past President

Volunteer leader of world's largest international environmental professional association with over 6,000 members globally. Oversees Executive Director with staff of 26 who implement professional development programs, publish two monthly journals, provide member services, and manage \$4.1 million annual budget and \$1.2 million investment account. Leads Board of Directors in strategic planning, defining fiscal policies, and ensuring compliance with Sarbanes-Oxley requirements. Member, Executive Committee and Compensation Committee; Chair, Nominating Committee, Co-Chair, Energy and Climate Task Force.

Utah Department of Environmental Quality, Salt Lake City, UT

6/2007 to 12/2008

Executive Director

Responsible for over 400 employees that implement State and Federal environmental programs for air, land, and water. Managed annual budget of \$45,000,000. Major policy involvement in energy, climate change, air quality, mercury, radioactive waste, resource recovery, agriculture, watershed protection, and environmental partnerships. Member of the Governor's cabinet. Provided state legislature information about environmental matters to assist in policy development and budget matters. Provided recommendations to Utah Congressional delegation. Responsible for extensive public information program. Coordinated with other agency heads. Consulted local health departments and elected officials to address environmental health matters at the local level. Participated in regional and national bodies to preserve environmental quality of the State of Utah. Active participant in the Western Climate Initiative and The Climate Registry. Appointed to Governor Huntsman's Blue Ribbon Advisory Council on Climate Change. Governor's designee on Western Regional Air Partnership Board. Chaired Air Quality Planning Task Force for funding future air quality planning program for Utah. Served as member of the Utah Air Quality Board, Water Quality Board, Drinking Water Board, Solid and Hazardous Control Board, and Radiation Control Board.

Utah Division of Air Quality, Salt Lake City, UT

12/00 to 6/2007

Director

Directed over 100 employees that implement the Utah Air Conservation Act and U.S. Clean Air Act. Oversaw annual budget of over \$10,000,000. Major policy activities included energy, multi-pollutant strategies, agriculture, climate change, regional haze, air toxics, and environmental partnerships. Principal regulatory activities included monitoring air quality, issuing permits, conducting compliance inspections, performing air quality modeling, developing air quality plans to meet national air quality standards, and writing rules necessary to implement statutes. Pioneered innovations with Utah agriculture to monitor air emissions cooperatively using Utah State University rather than through Federal enforcement action. Obtained significant grant from Hewlett Foundation to fund first ever Climate Policy development in Utah. Initiated first program in US to expand



renewable energy markets by inviting violators to purchase green power as a supplemental environmental projects. Sought expanded air toxic emissions surveillance, especially in poor neighborhoods, through the use of state-of-the-art equipment in a mobile laboratory. Organized the Western Oil and Gas Partnership of States, EPA Regional Offices and major oil and gas companies to assess impacts of new exploration and how to comply with air quality requirements while maintaining production. Significantly expanded information available to the public on web and pushed critical pollution and health data to "front" page. Served as Co-Chair of the Initiative Oversight Committee and Joint Fire Emissions Forum of the Western Regional Air Partnership to reduce regional haze in the west. Frequently gave presentations to local, regional and national groups on energy and climate policy, transportation planning, visibility, western pollution transport, environmental data management, environmental regulatory reform, and oil and gas environmental impacts. Served as Executive Secretary of the Utah Air Quality Board to exercise the Board's authority to issue permits and enforce the rules.

Utah Division of Air Quality, Salt Lake City, UT
8/1998 to 12/2000

Planning Branch Manager

Supervised and directed the activities of the Branch, including development of state implementation plans (SIPs), rulemaking, air toxics, emission inventories, modeling, and mobile source management. Developed SIPs consistent with State policy containing strategies that ensure attainment and maintenance of the air quality standards. Oversaw major PM₁₀ modeling innovation for complex terrain and chemistry for the Wasatch Front in Utah.

Utah Division of Air Quality, Salt Lake City, UT
1/1998 to 8/1998

Permitting Branch Manager

Supervised and directed the activities of the New Source Review Section and the Operating Permit Section. Maintained active and regular communication with the appropriate EPA staff. Interfaced with other branches on permitting products, resource requirements, and problem solving between sections. Directed planning and budget for Permitting Branch. Responded to the Division Director, media and other customers on permitting issues.

Utah Division of Air Quality, Salt Lake City, UT
5/1994 to 1/1998

Environmental Scientist III

Wrote and reviewed Title V operating permits and New Source Review approval orders. Determined regulatory requirements based on technical data submitted in permit applications. Performed as Title IV Acid Rain Program Coordinator for the State of Utah. Authored original Title V Operating Permits for all coal-fired power plants in Utah except Intermountain Power Project plant. Served as Division Air Toxics Coordinator and reviewed new hazardous air pollutant (HAP) regulations, determined applicability to Utah industry, educated industry on HAP regulatory requirements, implemented HAP standards by writing procedures and rules for the DAQ staff and AQB.

Duke University School of the Environment and USEPA Health Effects Laboratory, Durham, NC
8/1992 to 5/1994

Graduate Assistant

Analyzed results of toxicological research performed throughout the world to identify trends and gaps for USEPA to target for future funding. Used Lotus spread sheets and SAS Institute software to develop two and three-dimensional graphic presentations for the Director, USEPA Health Effects Laboratory.

North Carolina Division of Environmental Management, Raleigh, NC
6/1993 to 8/1993

Student Intern

Performed analysis of toxic air emissions from the textile industry to determine if the industry was a serious health threat to the public. Results of study were presented to NCDEM management and published as a paper in 1995 EPA conference on emissions inventories: "The Emissions Inventory - Programs and Progress."

U.S. Air Force, Locations in the United States, Asia, and Europe
10/1971 to 8/1992

Command and Management Positions

Aircraft maintenance and munitions officer. Served in a variety of assignments responsible for leading maintenance squadrons of up to 700 personnel supporting F-16, A-10, and F-4 fighter aircraft, ensuring environmental compliance of industrial aircraft operations at Ogden Air Logistics Center, project manager for construction of world's largest computed tomography (CT scanning) system for strategic missile motors, project manager for acquisition and development of new tactical fighter weapons systems and other headquarters and staff positions.

Education:

MEM, (Masters of Environmental Management), Air and Water Resources, Duke University, Durham, NC, 1994.
Graduate Study, Analytical Chemistry, University of New Hampshire, Durham, NH, 1968-1971
BA, Chemistry, Grinnell College, Grinnell, IA, 1968

Professional Associations:

Air & Waste Management Association (A&WMA): Member since 1994; Association President for 2009, International Board member from 2003-2006 including Vice President and Finance Committee Chair in 2006. Great Basin Chapter (UT, MT & ID) Chairman 1998; Chapter Vice-Chairman 1997; Director of Programs, 1996; Chapter Board member 1996-present; addressed Rocky Mountain Section Conferences in 2000 and 2004; chaired 1999 A&WMA Compliance Assurance Monitoring Workshop.

Environmental Law Institute: Member, 2010-Present

Publications:

"Toxic Air Emissions from the North Carolina Textiles Industry," Proceedings of the Emission Inventory: Programs and Progress, 1995

"Challenges in Implementing Efficient Title IV and Title V Programs," Proceedings of Acid Rain and Electric Utilities II Conference, 1997

"Use of Collaborative Partnerships to Address Environmental Impacts of Agriculture," Workshop on Agricultural Air Quality: State of the Science Proceedings, 2006

Volunteer Work:

Chair, Village of Angel Fire Wildfire Protection Committee, 2014-Present

Board of Directors, National Veterans Health and Wellness Center, 2014-Present

Chair, Village of Angel Fire Sustainability Committee, 2009-2014

Volunteer, Viet Nam Veterans' Memorial State Park, 2009-Present

Energy and Climate Policy Advisor, New Mexico Chapter, Western Resource Advocates, 2009-Present

Awards:

NSF Traineeship, University of New Hampshire, 1968-1971

Atmospheric Sciences Academic Achievement Award, Central NC Chapter, American Meteorological Society, 1994

2010 Volunteer of the Year, Western Resource Advocates