

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**FILED**

DEC 12 2008

Jim Ruby, Executive Secretary  
Environmental Quality Council

In the Matter of Permit No. CT-7066,            )  
Touchstone Materials, LLC, and                )  
Tom Berry and Susie Berry,                    )  
Protestants.                                        )

Docket 08-2801

**ORDER SETTING MOTION HEARING**

**THIS MATTER** has come before the Wyoming Environmental Quality Council upon the Department of Environmental Quality/Air Quality Division's (DEQ) Motion to Dismiss filed on September 8, 2008 and the Protestants' Response to the Motion to Dismiss filed on September 18, 2008.

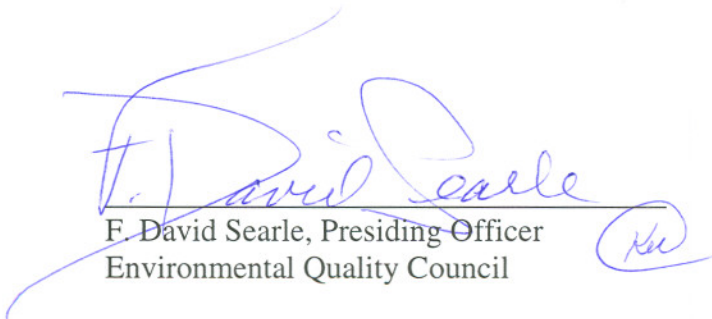
In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the DEQ shall pay the cost of the transcript and court reporter.

The Presiding Officer having reviewed the record and being fully advised in the premises,

**IT IS HEREBY ORDERED**

1. The hearing on DEQ's Motion to Dismiss will be held on February 10, 2009 at 3:00 p.m. The hearing will be held at the Campbell County Library, 2101 S 4J Road, Pioneer Rooms 1 and 2, Gillette, Wyoming. All Parties shall have ten minutes each to present legal argument.
2. If the Parties have not filed a waiver on or before January 30, 2009 a court reporter will transcribe the hearing.
3. The DEQ shall assume the cost of the transcript and court reporter.

**DATED** this 12<sup>th</sup> day of December, 2008.

  
F. David Searle, Presiding Officer  
Environmental Quality Council

**CERTIFICATE OF SERVICE**

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 12<sup>TH</sup> day of December, 2008, I served a copy of the foregoing **ORDER SETTING MOTION HEARING** by electronic mail to:

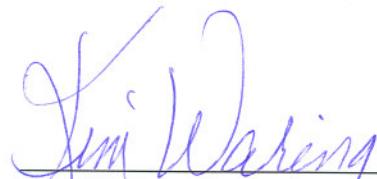
Greg L. Goddard  
Attorney for the Protestant  
[GWV@wyoming.com](mailto:GWV@wyoming.com)

Dave Finley  
WDEQ Coordinator  
[dfinle@wyo.gov](mailto:dfinle@wyo.gov)

John Corra  
Director, DEQ  
[jcorra@wyo.gov](mailto:jcorra@wyo.gov)

by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Mary Ann Porter  
Manager  
Touchstone Materials, LLC  
P.O. Box 735  
Meridian, ID 83680-0735



Kim Waring, Executive Assistant  
Environmental Quality Council  
122 W. 25<sup>th</sup>, Rm. 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134