

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

FILED

JUL 06 2006

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF)
WESTERN WYOMING CONSTRUCTION)
COMPANY, TFN 4 4/267)**

Docket No. 06-4802

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on July 24th, 2006 at the Fremont County Public Library, 451 N. 2nd, Lander, Wyoming, commencing at 9:30 A.M. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Sara Flitner, a member of the council will serve as hearing examiner.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1803, W.S. 2004, as amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.
3. Western Wyoming Construction Company applied for a small mining permit from the Department of Environmental Quality (DEQ).
4. Western Wyoming Construction Company and the DEQ contend the permit application is complete and should be granted.
5. The Protestants objected to Western Wyoming Construction Company's small mining permit. The particular statutes and rules upon which the Protestants base their objections have not been specified at this time.
6. This matter was scheduled in accordance with the time limitations set forth in Wyo. Stat. § 35-11-406(k). The schedule can only be adjusted at the request and the filing of a joint stipulation and motion for continuance.

NOTICE IS FURTHER GIVEN THAT:

1. A prehearing conference in this matter will be conducted on July 18, 2006 at 8:00 a.m. via telephone conference call. The parties shall inform the EQC office of a telephone number where they can be reached for the prehearing on or before July 12, 2006. Failure to appear at the prehearing conference may result in dismissal from this case.

2. The purpose of the prehearing conference is:
 - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - c. Stipulation to uncontested facts;
 - d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - e. Pending motions.
3. To facilitate the hearing process, all parties shall deliver a list of witnesses, their addresses, phone numbers, the substance of their proposed testimony, a list of exhibits, and a summation of the facts and legal issues, to all parties to this case (Western Wyoming Construction Company, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 4:00 P.M. on July 12, 2006.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the prehearing conference call on July 18, 2006 at 8:00 A.M. Failure to appear at the prehearing will result in dismissal from the case.
2. All parties shall appear on July 24, 2006 at 9:30 A.M. to present evidence. Failure to appear at the hearing will result in dismissal from the case.
3. All parties shall deliver the prehearing document in accordance with the schedule set forth in this Notice of Hearing and Order. All other documents shall be filed with the Environmental Quality Council at the address below, and all documents shall be served to all other parties to the case.
4. Documents may be served or delivered by fax transmission or via-email if prior arrangements for the transmission are made with the recipients, the e-mailed document is in either Word for Windows or WordPerfect 6.0, and the original document is mailed to the Council prior to or at the same time as transmission by fax or e-mail. The fax number for the Environmental Quality Council is 307-777-6134 and the e-mail address is kmcgee@state.wy.us.

5. All motions shall be filed by 4:00 p.m. July 12, 2006, and parties shall be prepared to argue pending motion(s) at the prehearing; and
6. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the EQC no later than 4:00 p.m. on July 12, 2006 and the Hearing Examiner finds that good cause has been shown.

DATED this 12th day of July, 2006.



Sara Flitner, Hearing Examiner
Environmental Quality Council
122 West 25th Street
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6134