

FILED

OCT 04 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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

**IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT AMENDMENT) DOCKET NO. 06-4804
OF MOUNTAIN CEMENT COMPANY,)
PERMIT NUMBER 298c, TFN 4 4/296)**

PRE-HEARING DISCLOSURES

The Department of Environmental Quality, Land Quality Division (Division), through the Office of the Attorney General, pursuant to the Environmental Quality Council's (Council) Notice of Hearing and Order, hereby submits its Pre-Hearing Disclosures.

SUMMATION OF THE FACTS

Mountain Cement Company (MCC) filed an application to revise its permit, 298c, with the Division. (Exhibit A). MCC is requesting the revision to change its mining sequence from the sequence in its current permit. After public notification of MCC's application for permit revision, Brian Waitkus timely filed an objection to the proposed sequence of mining at MCC's Echepare quarry. Mr. Waitkus is alleging that MCC is not adhering to a 2004 agreement that he and MCC executed to resolve his objection to MCC's 2004 permit revision application, TFN 4 3/119. The conditions of that agreement are part of MCC's current operating permit and are set forth in Form 11 (Exhibit B). Mr. Waitkus is contending that MCC is trying to mine certain areas of the Echepare quarry before mining out the areas closest to his home as agreed. The Division has determined that MCC's application is complete and in full compliance with Wyoming Law. The Division is ready to issue the revised permit.

LEGAL ISSUES

Whether MCC's current mining sequence should be revised.

WITNESSES

WILL CALL:

Mr. William Hogg
Herschler Building, 3rd Floor West
122 West 25th Street
Cheyenne, Wyoming 82520
307-777-7756

Mr. Hogg is expected to testify regarding his knowledge of MCC's mining permit revision application, its compliance with Wyoming Law and the Division's decision to allow revision of the permit.

MAY CALL:

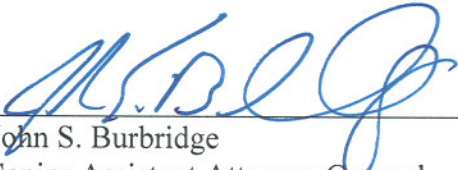
The Division may call any witness listed by the objectors in the above captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

EXHIBITS

Exhibit A: Mountain Cement's permit revision application.

Exhibit B: Mountain Cement existing permit 298c (Form 11).

DATED this 4th day of October, 2006.



John S. Burbridge
Senior Assistant Attorney General
Wyoming Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82001
307-777-7823

CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that the foregoing Pre-Hearing Disclosures was served by U.S.

Mail, postage prepaid, and by e-mail to the following people on the 4th day of October, 2006:

Mr. Brian R. Waitkus
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Objector

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John S. Burbridge