

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

FILED

OCT 05 2006

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF THE OBJECTION)
TO THE SEQUENCE CHANGE OF MINE)
PERMIT OF MOUNTAIN CEMENT) Docket No. 06-4804
COMPANY, TFN 4 4/296, PERMIT NO. 298C)**

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on October 17, 2006 at the Albany County Public Library, 310 S. 8th, Laramie, Wyoming, commencing at 9:00 A.M. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. John Morris, 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 there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. Mountain Cement Company applied for a revision of their small mining permit from the Department of Environmental Quality (DEQ).
4. Mountain Cement Company and the DEQ contend the permit application is complete and should be granted.
5. The Protestants objected to Mountain Cement Company's small mining permit revision. 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). This schedule was adjusted at the request of all the parties.

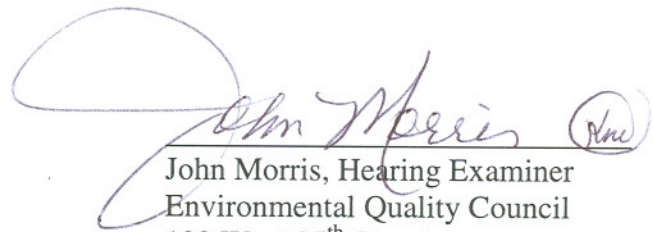
ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the pre-hearing conference call on October 6, 2006 at 10:00 A.M. Failure to appear at the pre-hearing may result in dismissal from the case.

2. All parties shall appear on October 17, 2006 at 9:00 A.M. to present evidence. Failure to appear at the hearing will result in dismissal from the case.
3. 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.
4. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the EQC and the Hearing Examiner finds that good cause has been shown.

DATED this 5th day of October, 2006.

A handwritten signature in blue ink, appearing to read "John Morris", with a circled "HMC" to the right. The signature is written over a horizontal line.

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

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 4th day of October, 2006, I served a copy of the foregoing **NOTICE OF HEARING AND ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Brian R. Waitkus
80 Eagle Nest Lane
Laramie, WY 82070

Monty Buchanan
Mountain Cement Co.
5 Sand Creek Rd.
Laramie, WY 82070

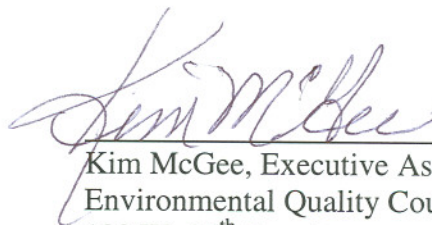
Philip A. Nicholas
Mitchell H. Edwards
Anthony, Nicholas, Tangeman & Yates, LLC
170 No. 5th
P.O. Box 928
Laramie, WY 82070

and the following persons via interoffice mail:

John Burbridge
Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002

Richard Chancellor
Administrator
Land Quality Division
122 West 25th Street
Herschler Building
Cheyenne, WY 82002

John Corra
DEQ Administrator
122 West 25th Street
Herschler Building, 4th Fl.
Cheyenne, WY 82002



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