

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

FILED

SEP 29 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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

Docket No. 06-4804

ORDER

IT IS HEREBY ORDERED THAT:

1. A pre-hearing conference call in this matter will be conducted on October 6, 2006 at 10:00 a.m. via telephone conference call. All parties shall call the Environmental Quality Council office by 4:00 p.m. October 4, 2006 with the contact phone number they will be available at for the pre-hearing conference call. Failure to appear at the pre-hearing conference will result in dismissal from this case.

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.
2. 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 (Mountain Cement Company, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 12:00 P.M. on October 4, 2006.
 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; and

4. All motions shall be filed by 12:00 P.M. October 4, 2006, and parties shall be prepared to argue pending motion(s) at the pre-hearing.
5. The Parties shall appear and present evidence at the contested case hearing when it is set by the Council. Failure to appear at the hearing will result in dismissal from the case.

DATED this 29th day of September, 2006.

 
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 29th day of September, 2006, I served a copy of the foregoing 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

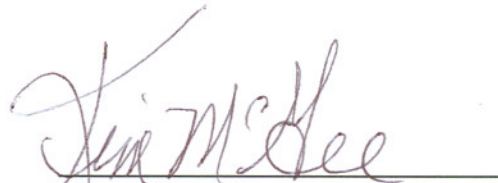
Philip A. Nicholas
Mitchell H. Edwards
Anthony, Nicholas, Tangeman & Yates, LLC
170 No. 5th
P.O. Box 928
Laramie, WY 82070

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
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Cheyenne, WY 82002

John Corra
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