

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

FILED

DEC 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF A NOTICE OF VIOLATION)
ISSUED TO LANDRICA DEVELOPMENT)
COMPANY, Kfx MINE, P.O. BOX 1777,)
GILLETTE, WY 82717-1777, PERMIT NO.)
486-T5, NOV. NO. 100516, DOCKET NO. 3928-06)**

Docket No. 06-4806

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on March 19, 2008, commencing at 9:00 A.M. in Room 1699, Herschler Building, 122 W. 25th St., Cheyenne, Wyoming. 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 presiding officer.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1904, W.S. 2006, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. A prehearing conference in this matter will be conducted on March 7, 2008 at 9:00 A.M. in Room B63, Herschler Bldg., 122 W. 25th St., Cheyenne, Wyoming. Failure to appear at the prehearing conference may result in dismissal from this case.
4. 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.

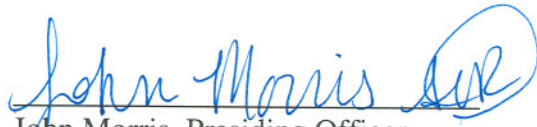
5. To facilitate the hearing process, all parties shall deliver a list of witnesses, their addresses, phone numbers, the substance of their proposed testimony, a list of exhibits, and a summation of the facts and legal issues, to all parties to this case (Mountain Cement Co., the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by February 29, 2008 by 4:00 P.M.
6. The Parties shall exchange and submit 3 copies to this office of all exhibits on or before the Prehearing Memorandum due date, February 29, 2008.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the prehearing conference on March 7, 2008 at 9:00 A.M. The parties shall be prepared to discuss and enter into stipulations regarding the foundation and admissibility of exhibits at the prehearing conference. Failure to appear at the prehearing may result in dismissal from the case.
2. All parties shall file and deliver prehearing conference memoranda and final witness and exhibits on February 29, 2008 by 4:00 P.M.
3. All parties shall appear on March 19, 2008 at 9:00 A.M. to present evidence. Failure to appear at the hearing will result in dismissal from 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 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. February 29, 2008, 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 February 29, 2008 and the Presiding Officer finds that good cause has been shown.

DATED this 14th day of December, 2007.


John Morris, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Alyx Reed, certify that at Cheyenne, Wyoming, on the 14th day of December, 2007 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:

Landrica Development Company
Kfx Mine
P.O. Box 1777
Gillette, WY 82717-1777

Steven F. Freudenthal
Freudenthal, Salzburg & Bonds, P.C.
123 East 17th Street
P.O. Box 387
Cheyenne, WY 82003

also to the following persons via interoffice mail:

John Burbridge
Office of Attorney General
123 State Capitol
Cheyenne, WY 82002

John Corra
Director
Department of Environmental Quality
122 W. 25th St., Herschler Bldg.
Cheyenne, WY 82002



Alyx Reed
Environmental Quality Council
122 W. 25th Street,
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
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