

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

FILED

MAY 03 2007

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) Docket No. 07-4802
2M CONSTRUCTION, TFN 4 6/333)

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on May 23, 2007 at the City Council Chambers, 816 N. Federal Boulevard, Riverton, 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. 2006, as amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.
3. 2M Construction applied for a small mining permit from the Department of Environmental Quality (DEQ).
4. 2M Construction and the DEQ contend the permit application is complete and should be granted.
5. The Protestants objected to 2M Construction'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 at a later date. Due to unforeseen difficulties finding adequate facilities, the date, time and location of the prehearing conference will be announced in a separate mailing and posted on the Council's website www.DEQ.state.wy.us/EQC on or before Tuesday, May 8, 2007. 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 (2M Construction, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 4:00 P.M. on May 11, 2007.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the prehearing conference when it is scheduled. Failure to appear at the prehearing will result in dismissal from the case.
2. All parties shall appear on May 23, 2007 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. May 11, 2007, 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 May 11, 2007, and the Hearing Examiner finds that good cause has been shown.

DATED this 3rd day of May, 2007.


Mark Gifford, Hearing Examiner
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 3rd day of May, 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:

Mr. Farrell Brough
1680 Riverview Road
Riverton, WY 82501

Doug & Sheri Stanbury
610 Pinnacle
Riverton, WY 82501

Carol Benedict
1026 Basin Avenue
Riverton, WY 82501

Teresa LaGois
121 Davis Lane
Riverton, WY 82501

Wayne D. & Carol H. Pilling
1024 Mesa Court
Riverton, WY 82501

Steve & Annette Raines
801 Butte Drive
Riverton, WY 82501

Sandra Lawrence
1025 Basin Avenue
Riverton, WY 82501

Gerald & Anna Talbott
1021 Basin Avenue
Riverton, WY 82501

Jayne Sare
1020 Basin Avenue
Riverton, WY 82501

Rodney & Sally Stover
1010 Basin Avenue
Riverton, WY 82501

Kelly Mills
617 Spire Drive
Riverton, WY 82501

Robert and Shannon Stover
1006 Basin Avenue
Riverton, WY 82501

Keith & Kim Williams
808 Butte Drive
Riverton, WY 82501

Rebecca A. Curl
1028 Plateau Court
Riverton, WY 82501

Robert & Velva McIntyre
1021 Piedmont
Riverton, WY 82501

Robert & Jennifer Hunley
1020 Piedmont
Riverton, WY 82501

MariaSmith-Moore
1017 Piedmont Court
Riverton, WY 82501

Richard & Sandra Taylor
802 Tundra Dr.
Riverton, WY 82501

John Pieczykowski
805 Tundra Dr.
Riverton, WY 82501

Billie Mowry & Mable Weber
909 Tundra Drive
Riverton, WY 82501

Earl S. Stoll, Jr.
915 Cliff Avenue
Riverton, WY 82501

Maralyn Jackson
618 Peak Drive
Riverton, WY 82501

Laurie Urbigkit
611 Spire
Riverton, WY 82501

Casey Nipper
609 Spire
Riverton, WY 82501

Dell Duryea
608 Spire
Riverton, WY 82501

Jerry & Lynette Truempfer
1008 Cliff Avenue
Riverton, WY 82501

Roger & Patricia Di Benedict
801 Tundra Drive
Riverton, WY 82501

Larry, Nicole & Judy Holliday
1025 Mesa Court
Riverton, WY 82501

David & Sherry Wilson
604 Spire Drive
Riverton, WY 82501

Ray & Beverly Appelhance
1017 W. Monroe
Riverton, WY 82501

Alan Hall
836 W. Fremont
Riverton, WY 82501

Brenda Dick
1002 W. Monroe Avenue
Riverton, WY 82501

Ken & Andrea McLean
320 W. Monroe
Riverton, WY 82501

Eleanor Urbigkit
617 Peak Drive
Riverton, WY 82501

Cassandra Duran
308 Spire Drive, #14
Riverton, WY 82501

Vern Adams
701 Peak Drive
Riverton, WY 82501

Gerrie Miller
613 Peak Drive
Riverton, WY 82501

Jim & Cara Jean Humphries
1221 Riverview
Riverton, WY 82501

Tom Loften & Cheryl Pontume
1340 Riverview
Riverton, WY 82501

Laurie Mays
1410 Riverview
Riverton, WY 82501

Jim Pigg
1355 Riverview
Riverton, WY 82501

Cheryl Pigg
1210 Riverview
Riverton, WY 82501

Steve & Cathy Wadsworth
1540 Riverview
Riverton, WY 82501

Austin, Vickie & John Kornder
2150 Riverview
Riverton, WY 82501

Marlene Keralis
2210 Riverview
Riverton, WY 82501

Don-O-Lynn Weed
302 Spire Drive, Apt. 4
Riverton, WY 82501

Victoria Straight
304 Spire Drive, #6
Riverton, WY 82501

Ron Vosika
2005 Gannett
Riverton, WY 82501

Cheri McNere
312 Spire Drive, #21
Riverton, WY 82501

Jessica Rhodes
312 Spire Drive, #22
Riverton, WY 82501

Carmen R. Balinas
312 Spire Drive, #23
Riverton, WY 82501

Joyce Stoltz
1515 Gannett
Riverton, WY 82501

Vernon F. Tilley
1518 Gannett
Riverton, WY 82501

Vern H. & Donna M. Hill
715 Butte Drive
Riverton, WY 82501

Linda Vosika
2005 Gannett
Riverton, WY 82501

Greg Simon
1566 Gannett
Riverton, WY 82501

Linda Simon
1566 Gannett
Riverton, WY 82501

Louise M. Stockhouse
777 North 2nd West
Riverton, WY 82501

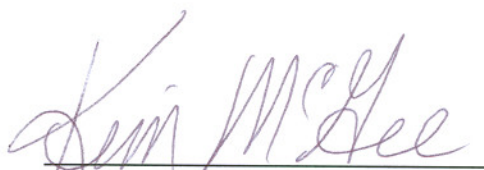
Dr. Kent Stockton
1620 Riverview Road
Riverton, WY 82501

also to the following persons via interoffice mail:

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

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

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



Kim McGee, Executive Assistant
Environmental Quality Council
122 W. 25th Street,
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6134