

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

FILED

AUG 01 2007

**IN THE MATTER OF THE OBJECTION
TO THE SMALL MINE PERMIT OF
2M CONSTRUCTION, TFN 46/333**

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Terri A. Lorenzon, Director
Environmental Quality Council
Docket No. 07-4802

NOTICE OF PRE-HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a pre-hearing conference call on August 13, 2007 at 2:00 P.M. The parties shall inform the EQC office of a telephone number where they can be reached for the pre-hearing on or before Friday, August 10, 2007 at 12:00 Noon. Failure to appear at the pre-hearing conference may result in dismissal from this case.

2. The purpose of the pre-hearing 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. 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 regarding the land quality permit and this specific mine, to all parties to this case (2M Construction, Tom Loften and Cheryl Pontume and Louise M. Stockhouse, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 9:00 A.M. on Thursday, August 9, 2007.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the pre-hearing conference call on August 13, 2007 at 2:00 P.M.

Failure to appear at the pre-hearing will result in dismissal from the case.

2. All parties shall deliver the pre-hearing documents in accordance with the schedule set forth in this Notice of Pre-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.

3. Documents may be served or delivered by fax transmission or via e-mail if prior arrangements for the transmission are made with the recipients. The e-mailed document should be in either Word or 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. All motions shall be filed by 9:00 A.M., Thursday, August 9, 2007 and parties shall be prepared to argue pending motion(s) at the pre-hearing; and

5. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the EQC no later than 9:00 A.M. on August 9, 2007 and the Hearing Examiner finds that good cause has been shown.

DATED this 15th day of August, 2007.



Sara Flitner, Hearing Examiner
Environmental Quality Council
122 W. 25th, Room 1714
Herschler Building
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134

CERTIFICATE OF SERVICE

I, **Kim McGee**, certify that at Cheyenne, Wyoming, on the 1st day of August, 2007, I served a copy of the foregoing **NOTICE OF PRE-HEARING AND ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to;

Michael Cunningham
2M Construction, Inc.
P.O. Box 1298
Riverton, WY 82501

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

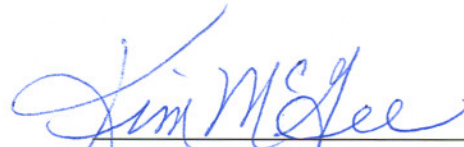
Tom Loften & Cheryl Pontume
1340 Riverview
Riverton, WY 82501

also to the following persons via interoffice mail:

John Burbridge
Sr. Assistant Attorney General
123 State Capitol
Cheyenne, WY 82002

Rick Chancellor, Administrator
LQD, DEQ
122 W. 25th, 3-E
Herschler Bldg.
Cheyenne, WY 82002

John Corra
Director, DEQ
122 W. 25th, 4-W
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