

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

**FILED**

JUN 26 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE OBJECTION )  
TO THE SMALL MINE PERMIT OF )     Docket No. 07-4803  
ARROWHEAD CONCRETE, INC. )  
TFN 4 2/343 )

**NOTICE OF HEARING AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Environmental Quality Council (the Council) will conduct a hearing on July 12, 2007 at the Sweetwater County Courthouse, 80 West Flaming Gorge Way, Green River, Wyoming, commencing at 1:30 P.M. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Dennis Boal, 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. Arrowhead Concrete, Inc., applied for a small mining permit from the Department of Environmental Quality (DEQ).
4. Arrowhead Concrete, Inc. and the DEQ contend the permit application is complete and should be granted.
5. The Protestants objected to Arrowhead Concrete'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 on Tuesday, July 3, 2007 at 11:00 A.M. by conference call. 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 (Arrowhead Concrete, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 12:00 Noon on Monday, July 2, 2007.

### **ORDER**

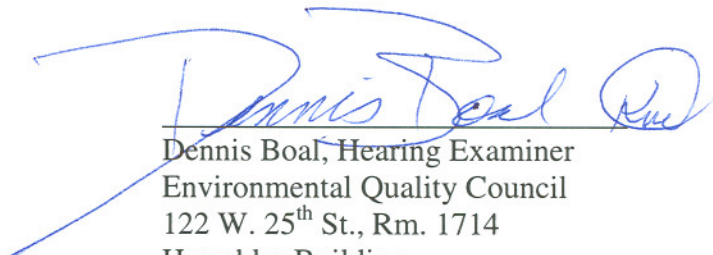
#### **IT IS HEREBY ORDERED THAT:**

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 July 12, 2007 at 1:30 P.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. All parties shall provide the office of the Council with contact information to participate on the pre-hearing conference call by 12:00 Noon, Monday, July 2, 2007.
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 12:00 Noon on Monday, July 2, 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 12:00 Noon on Monday, July 2, 2007, and the Hearing Examiner finds that good cause has been shown.

DATED this 27<sup>th</sup> day of June, 2007.

  
Dennis Boal, Hearing Examiner  
Environmental Quality Council  
122 W. 25<sup>th</sup> St., Rm. 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 26<sup>th</sup> day of June, 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:

Barry & Glenda Toone  
9 Gaensslen Ranch  
Green River, WY 82935

Cora & Bill Croy  
4 Gaensslen Drive  
Green River, WY 82935

John & Virginia Fuller  
16 Gaensslen Drive  
Green River, WY 82935

Andy & Gale Pleasant  
72 Firehole Basin Drive  
Green River, WY 82935

John & Linda Seiller  
12 Gaensslen Ranch  
Green River, WY 82935

Doug & Shelly Vanderpool  
1 Gaensslen Drive  
Green River, WY 82935

Dave & Saundra Pagniano  
8 Gaensslen Drive  
Green River, WY 82935

Mark Pleasant  
86 Firehole Basin Drive  
Green River, WY 82935

Ann & Dick Hodges  
Blue Rim Road, 4 miles north  
Green River, WY 82935

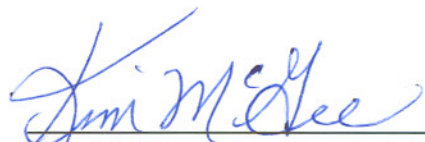
Jerry Cover  
Arrowhead Concrete, Inc.  
P.O. Box 238  
Green River, WY 82935

also to 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 25<sup>th</sup> Street  
Herschler Building  
Cheyenne, WY 82002

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



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