

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

<b>IN THE MATTER OF THE OBJECTION</b>	)	
<b>TO THE MOUNTAIN CEMENT</b>	)	<b>DOCKET NO. 07-4804</b>
<b>COMPANY'S MINE PERMIT NO. 298C</b>	)	
<b>TFN 4 2/220</b>	)	

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**PRE-HEARING DISCLOSURES**

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The Department of Environmental Quality, Land Quality Division (Division), through the Office of the Attorney General, and pursuant to the Environmental Quality Council's (Council) Notice of Hearing and Order dated October 12, 2007, hereby submits its Pre-Hearing Disclosures.

**SUMMATION OF THE FACTS**

Mountain Cement Company (MCC) filed an application to amend its permit, 298c, with the Division. MCC is requesting the amendment to expand its mining operation to a new area outside of its existing permit boundary. The amendment application requests a new mining boundary to comply with Wyoming law. After public notification of MCC's application for permit amendment, Brian Waitkus timely filed an objection alleging numerous deficiencies in MCC's application including inadequate groundwater studies and protection, inadequate climatology studies and monitoring, and public nuisance and safety issues related to blasting. The Division has determined that MCC's application is complete and in full compliance with Wyoming Law. The Division is ready to issue the amended mining permit.

**LEGAL ISSUES**

Whether MCC's permit amendment application is compliant with Wyoming law.

**WITNESSES**

**WILL CALL:**

Mr. William Hogg  
Herschler Building, 3<sup>rd</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82520  
307-777-7756

Mr. Hogg is expected to testify regarding his knowledge of MCC's mining permit revision application, its compliance with Wyoming Law and the Division's decision to allow revision of the permit.

Steve Ingle  
Herschler Building, 3<sup>rd</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82520  
307-777-7756

Mr. Ingle is expected to testify regarding his knowledge of MCC's permit amendment application as it pertains to the hydrology of the area within the permit boundaries.

**MAY CALL:**

Lowell Spackman  
Herschler Building, 3<sup>rd</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82520  
307-777-7756

Mr Spackman is expected to testify regarding his knowledge regarding MCC's permit amendment application.

Richard Chancellor  
Herschler Building, 3<sup>rd</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82520  
307-777-7756

Mr. Chancellor is expected to testify regarding his knowledge regarding MCC's permit amendment application.

Pam Rothwell  
Herschler Building, 3<sup>rd</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82520  
307-777-7756

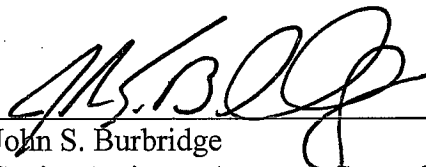
Ms. Rothwell is expected to testify regarding her knowledge regarding MCC's permit amendment application.

The Division may call any witness listed by the objector and MCC in the above captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

**EXHIBITS**

Exhibit A: Mountain Cement's permit revision application.

DATED this 18<sup>th</sup> day of October, 2007.



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John S. Burbridge  
Senior Assistant Attorney General  
Wyoming Attorney General's Office  
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307-777-7823

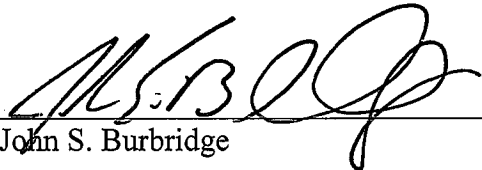
**CERTIFICATE OF SERVICE**

I, John S. Burbridge, certify that the foregoing Pre-Hearing Disclosures was served by U.S.

Mail, postage prepaid, and by e-mail to the following people on the 18<sup>th</sup> day of October, 2007:

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John S. Burbridge