

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

FILED

OCT 12 2007

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF THE OBJECTION)
TO THE MOUNTAIN CEMENT)
COMPANY'S MINE PERMIT NO. 298C)
TFN 4 2/220)**

Docket No. 07-4804

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on October 29, 2007, commencing at 9:30 A.M. A notification will be sent at a later date with the location information for the hearing. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Richard Moore, a member of the Council will serve as presiding officer.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1803, W.S. 2004, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. Mountain Cement Company applied for a revision of their mining permit from the Department of Environmental Quality (DEQ).
4. Mountain Cement Company and the DEQ contend the permit application is complete and should be granted.
5. The Protestant objected to Mountain Cement Company's 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 October 23, 2007 at 11:00 A.M at the Albany County Library, 310 South 8th Street, The Carroll Room, Laramie, Wyoming. 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 (Mountain Cement Co., the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by October 18, 2007 by 4:00 P.M.

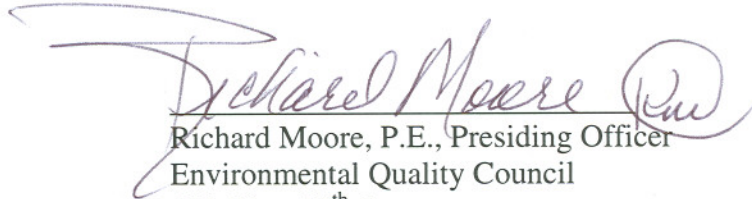
ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the pre-hearing conference on October 23, 2007 at 11:00 A.M. at the Albany County Library, 310 South 8th Street, The Carroll Room, Laramie, Wyoming. Failure to appear at the pre-hearing may result in dismissal from the case.
2. All parties shall file and deliver pre-hearing conference memoranda and final witness and exhibit lists on October 18, 2007 by 4:00 P.M.
3. All parties shall appear on October 29, 2007 at 9:30 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. October 18, 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 October 18, 2007 and the Presiding Officer finds that good cause has been shown.

DATED this 12th day of October, 2006.



Richard Moore, P.E., Presiding Officer

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

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 12th day of October, 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;

Brian Waitkus
80 Eagle Nest Lane
Laramie, WY 82070

Steve Cooley
Mountain Cement Co.
5 Sand Creek Rd.
Laramie, WY 82070

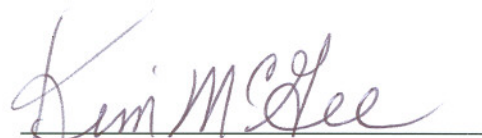
Mitchell H. Edwards
Anthony, Nicholas & Tangeman, LLC
170 North Fifth Street
Laramie, WY 82070-0928

also to the following persons via interoffice mail:

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

Richard Chancellor, Administrator
LDEQ
122 W. 25th, 3Floor
Herschler Bldg.
Cheyenne, WY 82002

John Corra
Director, DEQ
122 W. 25th, 4-W
Herschler Bldg.
Cheyenne, WY 82002



Kim McGee, Executive Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
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