

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

DEC 15 2009

IN THE MATTER OF:)
Mullinax Concrete Services Co.)
Limited Mining Operation Application)
TFN 5 4/123)

Jim Ruby, Executive Secretary
Environmental Quality Council
DOCKET NO. 09-4602

HEARING ORDER

The Environmental Quality Council will hear the DEQ's Motion to Dismiss on January 14, 2010 at the Herschler Building, Room 1699, Cheyenne, Wyoming. The hearing will be heard in the order of the Council's January 14, 2010 meeting agenda. All Parties shall have ten minutes each to present legal argument.

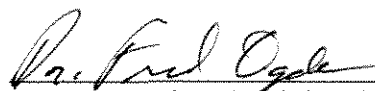
In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the DEQ should pay the costs of the transcript.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

1. The hearing on DEQ's Motion to Dismiss will be held on January 14, 2010. The hearing will be held at the Herschler Bldg., 122 W. 25th, Conference Rm. 1699, Cheyenne, Wyoming. The Parties shall have ten minutes each to present legal argument.
2. If the Parties have not filed a waiver on or before January 6, 2010 a court reporter will transcribe the hearing.
3. Each party shall assume one third the cost of the transcript and reporter.

DATED this 15 day of ^{December}~~October~~, 2009.



Dr. Fred Ogden, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

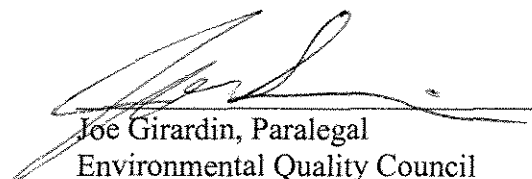
I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 15th day of December, 2009, I served a copy of the foregoing **HEARING ORDER** by electronic mail to the following:

John Corra
Director, DEQ
jcorra@wyo.gov
307-777-7937

John Burbridge
Asst. Attorney General
Jburbl@state.wy.us
307-777-6946

Larry Ligocki
Mullinax Concrete Service Co.
307-674-4466
lligocki@fiberpipe.net

Anthony Wendtland
Tony@Wendtlandlaw.com
307-673-4696



Joe Girardin, Paralegal
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134