

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

**FILED**

**JAN 19 2011**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

**IN THE MATTER OF THE OBJECTION        )  
TO THE SMALL MINE PERMIT OF            )  
CROELL REDI-MIX, INC., TFN 5 4/144     )**

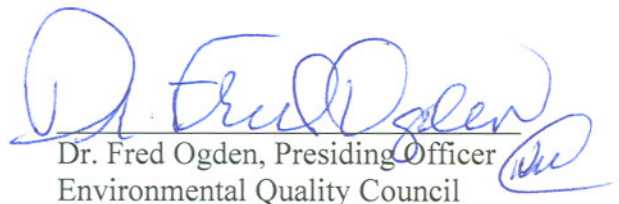
**Docket No. 10-4804**

**ORDER**

1. The Environmental Quality Council (the Council) will conduct a hearing on January 27, 2011 at Platte County Library, 904 9<sup>th</sup> Street, Wheatland WY commencing at 9:00 a.m. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Dr. Fred Ogden, a member of the Council will serve as Presiding Officer.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1904, W.S. 2008, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. Croell Redi-Mix, Inc., (Croell) applied for a small mining permit from the Department of Environmental Quality (DEQ).
4. Croell and the DEQ contend the permit application is complete and should be granted.
5. The Petitioners objected to Croell's small mining permit. The particular statutes and rules upon which the Protestant 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.
7. A prehearing conference in this matter was conducted on January 13, 2011 at 11:00 a.m. via telephone conference call.
8. The hearing is scheduled for one day. The hearing will convene at 9:00 a.m. and the council will then go for a tour of the mine.
9. The parties shall file all preliminary motions with the Council no later than 12:00 (noon) January 21, 2011. All responses to said motion should be filed by 12:00 (noon) on January 24, 2011.

10. Discovery requests must be mailed by January 19<sup>th</sup> by noon. Responses to discovery shall be mailed by January 24, 2011 noon.
11. The parties shall exchange witness, grounds for objection and exhibit lists by 12:00 (noon) January 20, 2011.
12. The Objectors shall identify their exhibits as follows:
  - i) Buckingham 1,2,3, etc.
  - ii) Barber 1,2,3, etc.
13. DEQ shall identify their Exhibits DEQ A,B,C, etc.
14. Croel Redi-Mix shall identify their Exhibits Croele A,B,C, etc.
15. All parties have consented to service of pleadings and discovery by email.
16. The order of presentation of evidence will be as follows: The Department will go first. The Objector, Barber will go second. The Objector Buckingham will go third. The Permittee, Croel Redi-Mix will go fourth. The Department will then have an opportunity to present any rebuttal evidence.
17. Opening and Closing statements will be given in the following order. Objector Barber, Objector Buckingham, the Permittee and last the Department of Environmental Quality.
18. All parties will be given five minutes for Opening statements and if time permits each party will be given 5 minutes for closing argument. If there is insufficient time for oral closing arguments, the parties shall be allowed to file written closing arguments.
19. All parties shall appear on January 27, 2011 at 9:00 a.m. to present evidence. Failure to appear at the hearing will result in dismissal from the case.
20. A court reporter will transcribe the hearing.
21. There shall not be any continuance of the final hearing unless all parties consent and the presiding officer finds good cause to exist for such continuance.

**DATED** this 19<sup>th</sup> day of January, 2011.

  
Dr. Fred Ogden, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 19<sup>th</sup> day of January, 2011, I served a copy of the foregoing **ORDER** by electronic mail to the following:

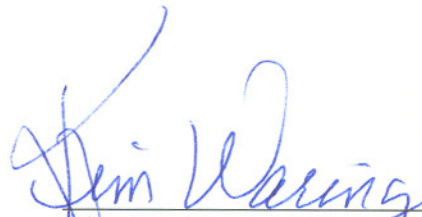
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