

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

Jim Ruby, Executive Secretary
Environmental Quality Council

**IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) DOCKET NO. 10-4804
GECR, LLC., TFN 5 4/191)
)**

PRE-HEARING STATEMENT

The Department of Environmental Quality, Land Quality Division (“Division”), through the Office of the Attorney General, hereby submits its Pre-Hearing Statement.

SUMMATION OF THE FACTS

GECR, LLC, (“GECR”) filed its small mine application, TFN 5 4/191 with the Division. After notification that GECR’s application was complete, Andrew and Joanne Matz timely filed objections to the permit with the Division. Mr. and Mrs. Matz object to the proposed permit for the following reasons: failure to comply with the laws and policies of the State of Wyoming and the United States; the operation would harm areas designated by the Environmental Quality Council as rare and uncommon; the operation will cause pollution of waters; and the operation will constitute a public nuisance or endanger public health and safety. The Division has determined that the application is complete and in full compliance with Wyoming Law. The Division is ready to issue the permit.

LEGAL ISSUES

Is GECR’s permit application complete and should the Division issue GECR a permit to mine pursuant to WYO. STAT. ANN. § 35-11-406(m)?

WITNESSES

WILL CALL:

Tanya King
Department of Environmental Quality
Land Quality Division
Lander Field Office
510 Meadowview Drive
Lander, Wyoming 82520
307-332-3047

Ms. King is in charge of the review of GEGR's permit application, TFN 5 4/191. She is expected to testify regarding all matters contained within the permit application. In addition, Ms. King will testify regarding general permit application requirements and whether GEGR's permit application is in compliance with all requirements of Wyoming law.

MAY CALL:

Mark Moxley
Department of Environmental Quality
Land Quality Division
Lander Field Office
510 Meadowview Drive
Lander, Wyoming 82520
307-332-3047

Mr. Moxley may testify regarding general permit application requirements and whether GEGR's permit application is in compliance with all requirements of Wyoming law.

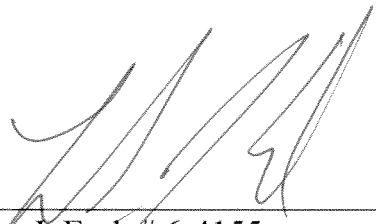
The Division may also call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

EXHIBITS

DEQ Exhibit 1: GEGR's Permit Application.

The Division also reserves the right to use exhibits identified by other parties as well as exhibits for rebuttal and impeachment purposes.

DATED this 7th day of December, 2011.



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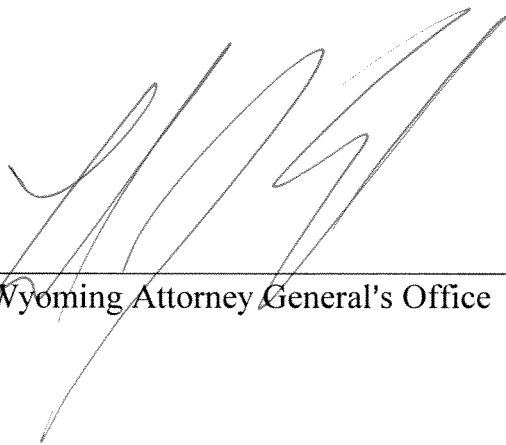
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of DEQ's Proposed Exhibit 1 was sent to the parties on December 5, 2011 and a copy of the Pre-Hearing Statement was served by electronic mail and United States mail, postage prepaid, this 7th day of December 2011, addressed to the following:

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