

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

FILED

JAN 17 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

**IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF)
GECR, LLC. TFN 5 4/191)** **Docket No. 11-4804**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THE ABOVE ENTITLED MATTER came on for final hearing on December 12, 2011 in Rock Springs Wyoming. The Petitioners, Mr. Andrew Matz and Mrs Joanne Matz appeared pro se. The Department of Environmental Quality (DEQ) was represented by Luke Esch, Assistant Attorney General. The permit applicant, GECR, LLC, was represented by John Bowers. Present for the Council was Tom Coverdale and Dennis Boal. Present by video conference from the Council was Dr. Fred Ogden, Chairman Tim Flitner and Rich Fairservis.

Testifying on behalf of the Petitioners was Andrew Matz and Joanne Matz. Testifying on behalf of the DEQ was Tanya King. Testifying on behalf of GECR, LLC. was Clyde Rainey and Ganelle Gay Edwards.

The Petitioners offered and the Council received Matz Exhibits 1,2,3 and 4. The DEQ offered and the Council received DEQ Exhibit 1. GECR , LLC offered and the Council received GECR Exhibits 1, 2 and 3.

FINDINGS OF FACT

1. GECR LLC applied for a Small Mining Permit for the Rocky Top Rock Pit near Etna, Wyoming on December 27, 2010 and then again on February 22, 2011, with revisions on April 11, April 21, August 24 and September 14, 2011.

2. The DEQ reviewed the application, determined it to be complete and suitable for publication.

12. The Petitioner's bear the burden of proof to show that one of the statutory grounds enumerated in W.S. 35-11-406(k) exist to deny the issuance of GEGR's permit TFN 5 4/191.

13. The burden of proof is preponderance of the evidence.

14. The Petitioner's have failed to meet that burden.

15. GEGR LLC's permit application is complete. The permit complies with all statutory and regulatory requirements.

ORDER

WHEREFORE, it is HEREBY ORDERED that the small mine permit identified in TFN 5 4/191 be issued by the DEQ to GEGR, LLC.

DATED this 12 day of January, 2012.



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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 17th day of January, 2012, I served a copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** by electronic mail to the following:

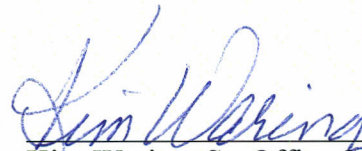
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