

FILED

DEC 07 2011

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P.O. Box 1550
Afton, WY 83110
Telephone (307) 885-1000
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Jim Ruby, Executive Secretary
Environmental Quality Council

Attorney for GEGR, LLC

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

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

**GEGR, LLC'S PRE-HEARING DISCLOSURES:
WITNESS LIST AND EXHIBIT LIST**

COMES NOW, GEGR, LLC by and through its attorney, John D. Bowers of Bowers Law Firm, PC, and pursuant to the Scheduling Order issued by the Environmental Quality Council, hereby submits their Pre-Hearing Disclosures: Witness List and Exhibit List.

WITNESSES

1. Clyde Rainey
Sunrise Engineering
47 E. 4th Avenue
Afton, WY 83110
(307) 885-8500

Mr. Rainey's testimony will address the permit application and the facility design.

2. Clarence Reinhart
PO Box 3258
Alpine, WY 83128
(307) 654-7587

Mr. Reinhart's testimony will address the history of the facility and its operation

as it pertains to the small mining permit application.

3. Gay Edwards
PO Box 3258
Alpine, WY 83128
(307) 654-7587

Ms. Edwards's testimony will address the history of the facility and its operation as it pertains to the small mining permit application.

4. Diana Merritt
PO Box 3258
Alpine, WY 83128
(307) 654-7587

Ms. Merritt's testimony will address the history of the facility and its operation as it pertains to the small mining permit application.

5. Other witnesses listed by other parties
6. Other persons necessary for rebuttal or impeachment.

PROPOSED EXHIBITS

1. Photograph of the mining area (Exhibit # GECCR1).
2. Photograph of the mining area (Exhibit # GECCR2).
3. Photograph of the mining area (Exhibit # GECCR3).
4. Small mine permit application (this exhibit has been provided by the DEQ and as such, an additional separately marked exhibit will not be provided by the mine applicant).
5. Application completeness letter dated August 29, 2011 (Exhibit # GECCR4).
6. Application completeness letter dated October 6, 2011 (Exhibit # GECCR5).
7. Any and all other exhibits introduced by any other party in this matter.
8. GECCR, LLC respectfully reserves a right to amend and supplement this exhibit list.

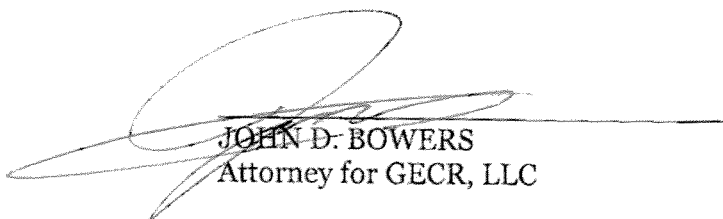
SUMMATION OF FACTS AND LEGAL ISSUES

GECCR, LLC applied for a small mine permit for property referred to as the Rocky Top Rock Mine located near Etna, in the County of Lincoln, State of Wyoming. The Rocky Top facility is subject to a conditional use permit which has been issued by the Lincoln County Commissioners for the County of Lincoln, State of Wyoming. The

application was determined to be complete by the Department of Environmental Quality, Division of Land Quality. The application was deemed to be complete and compliant with the law by the Department of Environmental Quality. Notice of the proposal to approve the permit request was put out for public notice per statutory requirement. Only one objection was received during the notice period and this objection is the subject of this hearing. The objection was raised by Mr. and Mrs. Matz, who reside in the Etna area. The mine applicant does not understand the specific objections that Mr. and Mrs. Matz have made. At the scheduling conference, the mine applicant requested that a more definite statement of the objections be given by Mr. and Mrs. Matz, which they were directed to do by the Council. However, the only additional information the mine applicant has received is an e-mail stating that the objectors are objecting to some subsections to Wyoming Statute §35-11-406, but did not provide specific or factual reasons for the objections.

As stated herein, the applicant is somewhat confused about what the objections are in this matter, however, would understand that the legal issue in this case is whether the Department of Environmental Quality complied with the requirements of Wyoming Statute §35-11-406 in determining if the permit should be granted. At this point, the applicant understands the objection to be that the DEQ did not follow the requirements of Wyoming Statute §35-11-406. The applicant requests that the objections be specifically made by the objectors at the pre-hearing conference in a form that allows all of the parties to understand the objections and to prepare their presentation to address those matters at the hearing.

RESPECTFULLY SUBMITTED this 27th day of December, 2011.


JOHN D. BOWERS
Attorney for GEGR, LLC

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of December, 2011 at Afton, Wyoming, I served a copy of the foregoing GECR, LLC's Designation of Expert Witness by serving a true and correct copy thereof by electronic mail to the following:

Joe Corra
Director, DEQ
john.corra@wyo.gov

Nancy Nuttbrock, Administrator
DEQ land Quality Division
nancy.nuttbrock@wyo.gov

Asst. Attorney General
Luke Esch
luke.esch@wyo.gov

Don McKenzie, LQD
Administrator
dmcken@wyo.gov

Kim Waring, Executive Assistant
Environmental Quality Council
kwaring@wyo.gov

Andrew and Joanne Matz
jamatz@hotmail.com

And by depositing copies of the same in the Federal Express delivery system, postage prepaid, duly enveloped and addressed to:

Kim Waring, Executive Assistant
Environmental Quality Council
122 West 25th, Rm. 1714
Herschler Building
Cheyenne, WY 82002


JOHN D. BOWERS



EXHIBIT
GECR 1



tabbies®
EXHIBIT
C-2



EXHIBIT
GEOR 3



Department of Environmental Quality

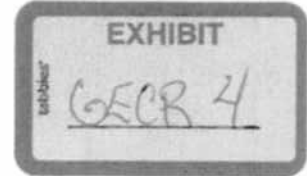
To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matt Mead, Governor

John Corra, Director

Certified Mail # 7007 1490 0002 1550 4230



August 29, 2011

GECR, LLC
Attn: Ms. Ganelle Edwards
P.O. Box 3258
Alpine, WY 83128

RE: GECR, LLC Application for Small Mining Permit, Rocky Top Rock Pit, TFN 5 4/191
Completeness Review – Complete - First Public Notice is Authorized

Dear Gay,

The Wyoming Department of Environmental Quality – Land Quality Division (WDEQ/LQD) is in receipt of the Application for a Small Mining Permit for the Rocky Top Rock pit near Etna, Wyoming. The application was received in the Lander District II office on December 27, 2010 and then again, on February 22, 2011, with revisions on April 11, 2011, April 21, 2011, and August 24, 2011. We have reviewed the application, deemed it complete, and authorize the applicant to proceed to First Public Notice.

There will be minimal technical comments that need to be addressed before authorization to proceed to Second Public Notice.

Please contact us at (307) 332-3047 with any questions you may have.

Sincerely,

Tanya R. King, P/E.
Natural Resources Analyst
WDEQ/LQD District 2, Lander Office

enclosures: Sample Format First Public Notice

xc: Cheyenne DEQ/LQD
Mark Moxley – Lander DEQ/LQD
Sunrise Engineering – Clyde Rainey, PO Box 609, Afton, WY 83110
chron file – Tanya

Lander Field Office • 510 Meadowview Drive • Lander, WY 82520 • <http://deq.state.wy.us>

ABANDONED MINES
(307) 332-5085
FAX 332-7726

AIR QUALITY
(307) 332-6755
FAX 332-7726

LAND QUALITY
(307) 332-3047
FAX 332-7726

SOLID & HAZARDOUS WASTE
(307) 332-6924
FAX 332-7726

WATER QUALITY
(307) 332-3144
FAX 332-7726



First Publication

NEWSPAPER PUBLICATION AND NOTIFICATION FOR PROPOSED MINING PERMIT OR MINING PERMIT AMENDMENT

W.S. §35-11-406(g) - First Publication

Upon notification by the Land Quality Division the applicant shall commence the following:

1. Publish a notice in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks (see sample format below).
2. On completion of publication submit a sworn affidavit from the newspaper and a copy of the notice to the Land Quality Division.

PUBLICATION SAMPLE FORMAT FOR MINING PERMITS

Public Notice

The (Company Name) of (Main Company Location) has filed a mining permit (amendment)(renewal)(expansion) application with the Land Quality Division of the Wyoming Department of Environmental Quality for the mining of (mineral) in (county name) County, Wyoming. (The area is) approximately (locate the area relative to the closest town, roadway and other prominent landmarks.) The application may be viewed at the Cheyenne or (District Office) Office of the Land Quality Division. The application will be readvertised for public comment prior to approval by the Department of Environmental Quality.

Any interested parties are encouraged to review the application and contact the appropriate Land Quality Division District Supervisor with questions about the application. Upon request by an interested party, the Land Quality Division may schedule a public meeting to discuss the application.



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

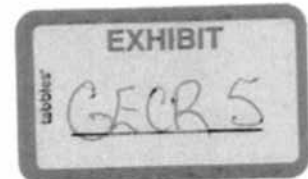


Matt Mead, Governor

John Corra, Director

October 6, 2011

GECR, LLC
Attn: Ms. Ganelle Edwards
P.O. Box 3258
Alpine, WY 83128



RE: GECR, LLC Application for Small Mining Permit, Rocky Top Rock Pit, TFN 5 4/191
Technical Review - Technically Adequate - Second Public Notice is Authorized

Dear Gay,

The Wyoming Department of Environmental Quality - Land Quality Division (WDEQ/LQD) is in receipt of the Application for a Small Mining Permit for the Rocky Top Rock pit near Etna, Wyoming. The application was received in the Lander District II office on December 27, 2010 and then again, on February 22, 2011, with revisions on April 11, 2011, April 21, 2011, August 24, 2011, and September 14, 2011. The review revealed that the application is technically adequate and that second public notice is authorized.

Enclosed are the instructions and fill in the blank Format No. 4 for Newspaper Publication and Notification for Proposed Small Mining Permit or Small Mining Permit Amendment. Please send, via mail or e-mail, the completed document for approval prior to advertising.

Please note that the following original affidavits are required to be submitted to this office:

1. An affidavit of notice/mailling specifying the date of the start of the 2nd public notice, that all surface owners of record were notified, and the date that a copy of the mining map was sent to the Wyoming Oil & Gas Commission;
2. An affidavit of publication from the newspaper once the publication process has been completed and,
3. An affidavit of filing from the County Clerk once filing of a permit application document has been accomplished. You may retrieve the application from the County Clerk's office after the 30 day comment period has ended.

Should you have any questions concerning this letter please contact me in Lander at (307) 332-3047.

Sincerely,

Tanya King, P.E.
Natural Resource Analyst
Wyoming DEQ/Land Quality Division

Attachment: Newspaper Publication and Notification for Proposed Small Mining Permit or Small Mining Permit Amendment

cc: Cheyenne WDEQ/LQD w/o attachment
Mark Moxley - Lander WDEQ/LQD w/o attachment
Clyde Rainey - Sunrise Engineering (e-mail only)
chron

Lander Field Office • 510 Meadowview Drive • Lander, WY 82520 • <http://deq.state.wy.us>

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