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

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

ORDER GRANTING SMALL MINE PERMIT TFN 5 4/191

THIS MATTER having come before the Environmental Quality Council (EQC) for hearing on December 12, 2011, in Rock Springs, Wyoming. Tom Coverdale, EQC Council Member, conducted the hearing with Council Member Dennis Boal in attendance. Chairman Tim Flitner, Council Member Dr. Fred Ogden and Council Member Rich Fairservis attending by electronic means. GECR, LLC, (GECR) was represented by John D. Bowers. The State of Wyoming, Department of Environmental Quality, Land Quality Division (DEQ) was represented by Mr. John Knepper, Assistant Attorney General. The Petitioners, Mr. Andrew Matz and Mrs. Joanne Matz representing themselves.

FINDINGS OF FACT

1. GERC, 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, 2011, April 21, 2011, August 24, 2011 and September 14, 2011.
2. The DEQ reviewed the application and found it complete and suitable for publication.
3. Mr. Andrew Matz and Mrs. Joanne Matz filed timely objection to the issuance of the permit, objection to the application on the following grounds:
 - a. That the application is not complete pursuant to W.S. § 35-11-406.
 - b. That operation of the mine expansion, if approved, would affect the local wildlife.
 - c. That the operation of the mine expansion, if approved, would affect the water table and/or aquifer.

- d. That the mine expansion, if approved, would constitute a public nuisance, specifically, but not limited to:
 - i. The hours of the operation in the community would violate the objector's right to enjoy their land due to the volume of noise pollution;
 - ii. The mine would affect the value of the properties in the community;
 - iii. The location of the mine in proximity to a public school is hazardous due to the traffic and overlapping hours of operation;
 - iv. The noise level will damage the quality of recreational activity along the Salt River, which is an economic value to the community;

CONCLUSIONS OF LAW

- 1. The EQC has jurisdiction over the parties and the subject matter of this proceeding pursuant to W.S. §§ 35-11-112(a)(iv) and 406(k).
- 2. All notice requirements have been met.
- 3. GEGR's permit application meets statutory and regulatory requirements.
- 4. None of the grounds enumerated in W.S. 35-11-406(m) exist to deny the issuance of GEGR's small mine permit TFN 5 4/191.
- 5. GEGR has met its burden of demonstrating that its small mining permit should be issued.

ORDER

IT IS HEREBY ORDERED that eth small mine permit identified as TFN 5 4/191 be issued by the DEQ to GEGR, LLC.

DATED this _____ day of _____, 20_____.

TOM COVERDALE, Hearing Examiner
Environmental Quality Council
122 W. 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002
Telephone: (307)777-7170
Facsimile: (307) 777-6134