

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

FILED

APR 17 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE OBJECTIONS)
TO THE SMALL MINE PERMIT OF) **Docket No. 12-4801**
STRID MARBLE & GRANITE)
COMPANY, TFN 5 6/121)

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on Friday May, 11, 2012 at the Department of Environmental Quality (DEQ) Field Office, 2100 W. 5th, Sheridan, Wyoming. The hearing will commence at 9:00 a.m. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Rich Fairservis, 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. 2010, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. Strid Marble & Granite Company, (Strid) applied for a small mining permit from the Department of Environmental Quality.
4. Strid and the DEQ contend the permit application is complete and should be granted.
5. The Protestants objected to Strid's small mining permit. The particular statutes and rules upon which the Protestants 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.

NOTICE IS FURTHER GIVEN THAT:

1. A prehearing conference in this matter will be conducted on Tuesday April 24, 2012 at 3:00 p.m. via telephone conference call. The parties shall inform the EQC office of a direct telephone number and if possible an email address where they can be reached for the prehearing on or before 4:00 p.m. April 23, 2012. Failure to appear at the prehearing conference may result in dismissal from this case.
2. The purpose of the prehearing conference is:
 - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;

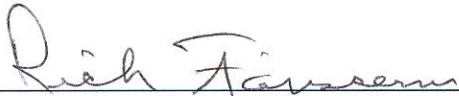
- b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - c. Stipulation to uncontested facts;
 - d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - e. Motions.
3. In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the DEQ should pay the costs of the transcript.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the prehearing conference call on Tuesday April 24, 2012 at 3:00 p.m. via telephone conference call. The parties shall inform the EQC office of a direct telephone number and if possible an email address where they can be reached for the prehearing on or before 4:00 p.m. April 23, 2012. Failure to appear at the prehearing conference may result in dismissal from this case.
2. All parties shall appear on Friday, May 11, 2012 to present evidence. Failure to appear at the hearing will result in dismissal from the case.
3. A court reporter will transcribe the hearing. The DEQ shall pay for the transcripts.
4. No continuances, concerning the prehearing conference, shall be granted unless a motion showing good cause for the continuance is filed with the EQC no later than 12:00 noon on April 23, 2012 and the Presiding Officer finds that good cause has been shown.

DATED this 17th day of April, 2012.


Rich Fairservis, Presiding Officer
Environmental Quality Council 72

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 17th day of April, 2012, I served a copy of the foregoing NOTICE OF HEARING AND ORDER by electronic mail to the following:

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

Steve Freudenthal
Attorney at Law
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Luke Esch
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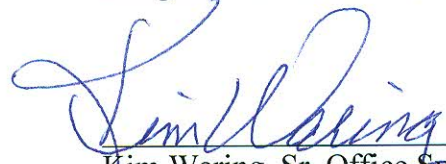
also by depositing the same in the United States mail addressed to:

George & Phyllis Falkenburg
854 Poison Lake Road
Douglas, WY 82633-9208

Garret Falkenburg
1092 Wagon Hound Rd.
Douglas, WY 82633-9203

Lyndon J. Fink
756 Wagon Hound Road
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Darren Fink
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Kim Waring, Sr. Office Supp. Spec.
Environmental Quality Council