

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

**IN THE MATTER OF THE OBJECTIONS     )  
TO THE SMALL MINE PERMIT OF         )  
CROELL REDI-MIX, INC., TFN 5 1/189     )**

**Docket No. 12-4802**

**FILED  
JUN 18 2012**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

**NOTICE OF HEARING AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Environmental Quality Council (the Council) will conduct a hearing on Thursday July, 12, 2012 at the Herschler Building, Room 1699, 122 W 25<sup>th</sup> St., Cheyenne 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. F. David Searle, 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. Croell Redi-Mix Inc., (Croell) applied for a small mining permit from the Department of Environmental Quality (DEQ).
4. Croell and the DEQ contend the permit application is complete and should be granted.
5. The Protestants objected to Croell'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 Friday June 22, 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. June 21, 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 Friday June 22, 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. June 21, 2012. Failure to appear at the prehearing conference may result in dismissal from this case.
2. All parties shall appear on Thursday, July 12, 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 June 21, 2012 and the Presiding Officer finds that good cause has been shown.

**DATED** this 18<sup>th</sup> day of June, 2012.

  
F. David Searle, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 18th day of June, 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](mailto:john.corra@wyo.gov)

Kim Love  
[kimlove@sheridanmedia.com](mailto:kimlove@sheridanmedia.com)

Luke Esch  
Asst. Attorney General  
[luke.esch@wyo.gov](mailto:luke.esch@wyo.gov)

Jacob Gay  
[jgay@gmecwy.com](mailto:jgay@gmecwy.com)

Nancy Nuttbrock  
Solid & Hazardous Waste Division  
[Nancy.nuttbrockd@wyo.gov](mailto:Nancy.nuttbrockd@wyo.gov)

Fred Matthews  
[9lazy9ranch@collinscom.net](mailto:9lazy9ranch@collinscom.net)

Jake Brooks  
Attorney at Law  
[jake@lonabaugh.com](mailto:jake@lonabaugh.com)

also by depositing the same in the United States mail addressed to:

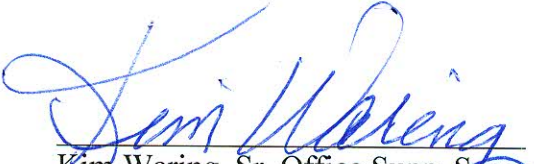
Steve Wuthier  
279 Shell Creek Road  
Buffalo, WY 82834

Larry Brannian & Family  
445 Lake Ridge Rd.  
Buffalo, WY 82834

Dan Gay  
48 Asher Lane  
Buffalo, WY 82834

Chuck & Jody Evitt  
988 Rock Creek Rd.  
Buffalo, WY 82834

Jerry Ruby  
31 Asher Lane  
Buffalo, WY 82834

  
Kim Waring, Sr. Office Supp. Spec.  
Environmental Quality Council