## BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

| IN THE MATTER OF OBJECTIONS      | ) |                    |
|----------------------------------|---|--------------------|
| TO THE MINING PERMIT APPLICATION | ) | DOCKET NO. 3067-98 |
| OF REEVES, INC., TFN 3 4/213     | ) |                    |

## ORDER

The Applicant, Reeves, Inc., (Reeves) and the Protestants; Paul and Suzanne Del Rossi, Jonathan and Melicent Herschler, Earl and Kathy Israel, Jack and Sophie Pelissier, Robert and Virginia Connor, Mel and Beverly Hinldebrand, Jerry and Susan Baker, Mike and Renee Conroy, and Edna Panetta, in the above entitled case having entered into settlement agreements, and the Department of Environmental Quality (DEQ) having stated its opposition to appending the agreements to the Applicant's mine permit, the Environmental Quality Council (EQC) has reviewed briefs submitted by the parties. The EQC acknowledges the stipulations and their affect over the Protestants and the mine.

## FINDINGS OF FACT:

- 1. In August of 1998 Reeves, Inc., the Applicant, applied for Small Mine Permit TFN 3 4/213.
- 2. The DEQ approved Permit #TFN 3 4/213 and Reeves published notice of the pending permit pursuant to Section 35-11-406, W.S. 1999.
- 3. The above named Protestants objected to the permit and a hearing before the Environmental Quality Council was scheduled.
- 4. The Council hearing was vacated to allow settlement negotiations and the Applicant and the Protestants entered into a settlement agreement and withdrew their objections.
- 5. DEQ did not participate in the settlement among the parties and it has opposed attaching the

provisions of the stipulation as conditions on Permit #TFN 3 4/213.

6. The Protestants have the right to seek a rehearing before the Council where they can present

evidence and argument on those issues they believe to within the Council's jurisdiction on

public nuisance.

CONCLUSIONS OF LAW

1. The Environmental Quality Council has jurisdiction over the subject matter of and the parties

to this proceeding.

2. The parties to this proceeding, with the exception of DEQ, have entered into a settlement

agreement that is enforceable between the signators to the agreement.

3. This agreement should not be attached to Permit #TFN 3 4/213 as conditions on that permit.

IT IS HERE BY ORDERED THAT:

The Director of the Department of Environmental Quality shall acknowledge the stipulation that has

resolved the objections to the permit and  $\,$  issue Permit TFN 3 4/213 to Reeves Inc.

DATED this 5<sup>th</sup> day of November, 1999.

Pat Hand, Hearing Examiner ENVIRONMENTAL QUALITY COUNCIL Herschler Building, Rm 1714 122 W. 25<sup>th</sup> Street Cheyenne, WY 82002

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