

R. Shaffer

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY COUNCIL
FOR THE STATE OF WYOMING

FILED

MAY 20 1987

Terri A. Lorenzen, Adm. Aide
Environmental Quality Council

IN RE:)
)
APPLICATION FOR MINING PERMIT)
BY MOUNTAIN CEMENT COMPANY)
PENDING BEFORE THE DIVISION)
OF LAND QUALITY, DEPARTMENT)
OF ENVIRONMENTAL QUALITY.)

TFN 2-5/42



FINDINGS AND ORDER

1. Pursuant to notice, David B. Park, member of the Wyoming Environmental Quality Council, acting as Hearing Examiner, commenced a hearing at 10:00 A.M., May 19, 1987, in Laramie, Albany County, Wyoming.

2. The hearing began as a contested case hearing because objections to the permit were received by the State from certain individuals.

3. It was determined at the prehearing conference that it was probable that all objections would be withdrawn or that those objectors whose objections were not withdrawn would not be present at the hearing.

4. At the prehearing conference the applicant and several persons who had objected to the granting of the permit presented stipulations to the Council and to the Division of Land Quality which they agreed should be attached as conditions to the permit, and the objectors stated that if the conditions were attached, then the objectors would withdraw their objections.

5. After the hearing was called to order, opportunity was afforded for parties to begin presentations.

6. Sam C. Riccillo appeared on behalf of a large group of objectors.

7. This group of objectors signified their withdrawal of their objections in writing.

8. The names of all persons who had objected to the permit, who had not withdrawn their objections in writing, were read aloud at the meeting. All persons present whose names were read expressed their wish to withdraw their objections.

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Temporary Filing No.

9. None of the other persons whose names were read was present.

10. The Hearing Examiner dismissed and does hereby dismiss the objections and petitions of all those who did not withdraw their objections and who did not appear at the hearing.

11. The Hearing Examiner thereupon determined and hereby finds that there are no objections to the granting of the permit, and no hearing is requested, provided that the stipulations which were agreed upon among the potential contestants, and between them and the applicant, are attached as conditions to the permit.

There being no objections to the permit with conditions the Hearing Examiner finds and orders that the permit may be granted by the Administrator as provided by W.S. § 35-11-406.

The Hearing Examiner thereupon adjourned the hearing and hereby refers this matter to the Administrator of the Division of Land Quality for appropriate action.

Dated at Laramie, Albany County, Wyoming, this May 19, 1987.

Environmental Quality Council

By David B. Park
David B. Park
Member and Hearing Examiner

Approved as to form:

Sam C. Riccillo
Sam C. Riccillo

Philip Nicholas
Philip Nicholas



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