

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

IN RE BROOK MINE APPLICATION

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DOCKET 16-1601

ORDER FOR HEARING

On May 19, 2016 the Director of the Department of Environmental Quality (DEQ), Todd Parfitt, sent a letter to the Council regarding the above entitled matter. 35-11-109(a)(x) states “In addition to any other powers and duties imposed by law, the director of the department shall: (x) Serve as an advisor to the council, without vote, on all matters other than the consideration of rules proposed by the department or contested case proceedings in which the department is a party;” The hearing officer believes the process by which such advice is requested, delivered and the ability of the parties to respond to such advice may substantially impact the due process rights of the parties. Therefore, the hearing officer believes that a hearing on the process by which any advice will be asked for, how and when such advice shall be received by the Council and the methods and timeline by which the parties can respond to such advice is necessary.

The hearing officer, on his own motion, orders a hearing on this matter.


The parties should be prepared to discuss the procedural issues raised by DEQ’s intent to “advise” the council and any other issues that may be raised by the parties, the hearing officer or the Department of Environmental Quality including does DEQ have any evidence that would assist in the determination to be made by the Council under the statute?.

NOTICE is hereby given that a hearing on the letter received by the department shall be held on 7th day of June, 2016 at 1:30 p.m. in the conference room of the State Board of Equalization, 122 W. 25th St., Herschler Building, Room 1714, Cheyenne WY 82002. If the

parties are unable to meet at the date specified above it may become necessary to revise the hearing dates agreed upon in the in Order of Scheduling issued April 20, 2016.

IT IS FURTHER ORDERED that Mr. Todd Parfitt, Director of the DEQ shall appear and be present in person at this hearing.

So Ordered this 21st day of May, 2016.



Aaron Clark, Hearing Examiner
Environmental Quality Council *rc*