


Director of the Department of Environmental Quality referred this matter directly to the Council on January 30, 2017, for the Council's review and determination at a contested case matter. However, the Council may not exercise any authority over the Brook Mine permit application on a referral from the Director. Under Wyoming Statutes § 35-11-406(k) and (p) and the Department of Environmental Quality's rules of practice and procedure, the Council may only exercise jurisdiction over the Brook Mine permit application after an interested person has filed a petition for a contested case with the Council – something not done as part of this docket. The Council, in this docket, is without authority to accept jurisdiction over the Brook Mine permit application through the referral from the Director.

IT IS HEREBY ORDERED that this docket, in its entirety, is dismissed.

ENTERED this 22nd day of February, 2017.



Tim Flitner, Hearing Officer
Environmental Quality Council 