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

**IN RE BROOK MINE APPLICATION )**  
**TFN 6 2-025 )**                   **DOCKET 17-4802**  
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**REQUEST TO THE ENVIRONMENTAL QUALITY COUNCIL**

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After reviewing the parties’ briefs, it is clear that there is great dispute on the applicability of Section 406(n). Since Section 406(n) is a significant part of the law, and whether it applies will greatly affect what findings of fact or conclusions of law must be made by the Council, the Powder River Basin Resource Council (“Resource Council”) asks the Council to resolve the issue before the parties are ordered to submit post-hearing briefs with written closing arguments and proposed findings of fact and conclusions of law.

Furthermore, the Resource Council believes that this decision must be made by the full Council, not just the Hearing Officer, and as such, a public deliberation of the decision should be made at a forthcoming open meeting of the Council. The Resource Council has requested oral argument on the applicability of Section 406(n) and other issues of dispute among the parties, and offers that this oral argument could be held at that same meeting.

While this may create some additional time for the decision-making process, it seems necessary given the significance of the dispute between the parties. Moreover, this is a dispute created by DEQ and the permit applicant, not the Resource Council.

Respectfully submitted this 30th day of June, 2017.

/s/ Shannon Anderson  
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## CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2017, I served a copy of the foregoing **REQUEST TO THE ENVIRONMENTAL QUALITY COUNCIL** on the following parties by electronic mail, and through the EQC's electronic filing system, which will send a notice of electronic filing to all counsel and parties of record.

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