

FILED

SEP 14 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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

**IN THE MATTER OF THE OBJECTIONS TO)
THE PERMIT APPLICATION OF McMURRY) DOCKET NO. 06-4803
READY MIX COMPANY, TFN 4 3/210)**

DISMISSAL ORDER

This matter came to hearing before the Environmental Quality Council (EQC) on August 11, 2006, in Laramie, Wyoming. EQC members Rick Moore, John Morris, Mark Gordon, and Wendy Hutchinson were present, with Mark Gordon serving as the hearing examiner. The Department of Environmental Quality, Land Quality Division (“DEQ/LQD”) was present and represented by Sr. Asst. Attorney General Nancy E. Vehr. McMurry Ready Mix Company (“McMurry”) was present and represented by attorney Harriet Hageman. Protestants Vickie Cooper, Sonja Sparks, and Gilberta Funk (hereinafter collectively referred to as “Protestants”) were present and represented themselves and their husbands. Not present nor represented at the hearing were Linda Gale, Kim Gale, Josh Smith, Juanita M. Austin, Gloria Young, Judy Richardson, Dale Atkinson, Thomas Richardson, Wojslaw and Joanna Marciniak, Jerry Gale, Eric and Amanda Engstrom, Ralph Cooper, George Harris, Michelle Bohn, Robert Weber, Gary and Carol Davis, T. Gale, Jr., Robert and Madeline Linn, Kevin W. Jones, Malcolm Watson.

At the start of the hearing the DEQ/AQD, McMurry, and Protestants (hereinafter collectively referred to as the “Parties”) informed the EQC that the Parties had stipulated to five conditions to be added to permit application TFN 4 3/210. Protestants agreed that the mine permit should be issued to McMurry after the stipulated conditions were added. The EQC, having heard the Parties’ stipulated permit conditions, hereby ORDERS that:

A. In addition to any DEQ/LQD standard permit conditions, the DEQ shall incorporate the following conditions into McMurry’s Mining Permit Application TFN 4 3/210:

1. Public Meeting.

i. McMurry shall hold a public meeting in Rawlins after each annual report is accepted (found to be in order) by the DEQ/LQD to discuss the prior year’s and the following year’s activities, monitoring results, and any issues raised by the public. McMurry shall individually notify in writing at their last known addresses those persons who submitted objections to the permit application (see list attached hereto as Attachment A) and place a notice in the Rawlins’ local paper once a week for two weeks prior to the meeting stating the meeting date, time and location.

ii. Meeting attendees may by unanimous consent agree not to hold future meetings.

iii. In the event meetings have been discontinued, any person listed on Attachment A may require the annual meeting be reinstated.

2. Lighting. To the extent practicable, McMurry shall direct lighting away from residences.

3. New Road Access. Within thirty days of permit approval by DEQ, McMurry shall submit a request for revision or amendment to the permit, as applicable, to include the new access road into the permit.

4. Recordkeeping. McMurry shall maintain a copy of the approved permit on site for public review.

5. Dust. Dust control is addressed in DEQ/AQD permit CT-4284.

B. Protestants have withdrawn their objections to McMurry's Mining Permit Application TFN 4 3/210.

C. This matter is hereby dismissed.

DATED this 11 day of September, 2006.


Mark Gordon, Hearing Examiner
Environmental Quality Council
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