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Terri A. Lorenzon, Director
Environmental Quality Council

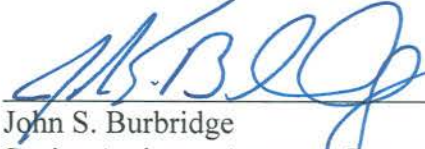
**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT AMENDMENT) DOCKET NO. 06-4804
OF MOUNTAIN CEMENT COMPANY,)
PERMIT NUMBER 298C, TFN 4 4/296)**

**DEQ'S CONSENT TO DISMISSAL AND INCORPORATION OF THE TERMS AND
CONDITIONS OF THE STIPULATED RESOLUTION TO OBJECTIONS IN
MOUNTAIN CEMENT'S REVISED PERMIT 298C, TFN 4 4/296.**

The Department of Environmental Quality, Land Quality Division (Division), through the Office of the Attorney General, hereby consents to the dismissal of the above captioned matter pursuant to Mountain Cement's and Brain Waitkus' stipulated resolution to objections dated October 19, 2006. The Division has no objection to incorporating the terms and conditions, as written in the October 19, 2006 stipulated resolution to objections, as conditions to the revised permit number 298C, TFN 4 4/296.

DATED this 9th day of November, 2006.



John S. Burbridge
Senior Assistant Attorney General
Wyoming Attorney General's Office
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Cheyenne, Wyoming 82001
307-777-7823

CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that the foregoing DEQ's Consent to Dismissal and Incorporation of the Terms and Conditions of the Stipulated Resolution to Objections in Mountain Cement's Revised Permit 298C, TFN 4 4/296 was served by U.S.

Mail, postage prepaid, and by e-mail to the following people on the 9th day of November, 2006:

Mr. Brian R. Waitkus
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John S. Burbridge