

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION  
STATE OF WYOMING

**FILED**

NOV 16 2006

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE MINE PERMIT AMENDMENT )  
APPLICATION OF MOUNTAIN CEMENT COMPANY, )  
TO PERMIT NO. 298C- A5; TFN 4 4/296. )

**ORDER OF DISMISSAL**

**THIS MATTER** having come before the Environmental Quality Council upon the Applicant's *Motion to Dismiss* and the Environmental Quality Council being generally advised in the premises;

**IT IS HEREBY ORDERED:** That the appeal filed by the Objector in the above-entitled matter should be and is hereby dismissed.

**DATED:** *Nov. 13*, 2006.

**BY THE HEARING OFFICER:**

  
\_\_\_\_\_  
John N. Morris  
Environmental Quality Council  
122 W. 25<sup>th</sup> Street  
Herschler Building, Rm. 1714  
Cheyenne, WY 82002

cc:

Brian R. Waitkus  
1105 E. Canby  
Laramie, Wyoming

Philip A. Nicholas  
Anthony, Nicholas & Tangeman, LLC  
P.O. Box 928  
Laramie, WY 82073

John S. Burbridge, Esq.  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

**CERTIFICATE OF SERVICE**

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 16<sup>th</sup> day of November, 2006, I served a copy of the foregoing **ORDER OF DISMISSAL** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Brian R. Waitkus  
80 Eagle Nest Lane  
Laramie, WY 82070

Monty Buchanan  
Mountain Cement Co.  
5 Sand Creek Rd.  
Laramie, WY 82070

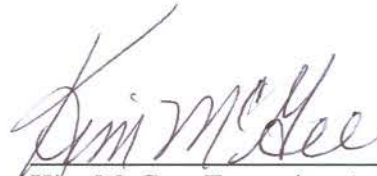
Philip A. Nicholas  
Mitchell H. Edwards  
Anthony, Nicholas, Tangeman & Yates, LLC  
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and the following persons via interoffice mail:

John Burbridge  
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123 Capitol Building  
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Cheyenne, WY 82002

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