

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

In re Fetterman Pit)
Phillips and Jordan, Inc.) Docket No. 20-4801
)

**JOINT MOTION TO DISMISS HEARING REQUEST
AND VACATE HEARING**

The Wyoming Department of Environmental Quality (Department), the Katherman-Robinson Trust, and Phillips and Jordan, Inc. jointly move the Council to dismiss the Katherman-Robinson Trust’s request for hearing and vacate the hearing scheduled on August 19, 2020, with the following stated in support:


1. The Katherman-Robinson Trust, through Maria Katherman and Willard Robinson, submitted written objections to Phillips and Jordan, Inc.’s application for a mine permit revision. In their objection letter, the Katherman-Robinson Trust requested a contested case hearing before the Council.

2. The Council scheduled a contested case hearing in this matter on August 19, 2020.


3. On July 24, 2020, the Katherman-Robinson Trust notified the Department that it wished to withdraw its objections to Phillips and Jordan, Inc.’s permit revision application, as well as its request for a hearing. A copy of the Katherman-Robinson Trust’s letter to the Department is attached as **Exhibit A**.

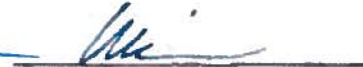
Wherefore, the parties jointly request that the Council dismiss the Katherman-Robinson Trust’s hearing request and vacate the hearing scheduled on August 19, 2020.


Dated this 28th day of July, 2020.


Matt VanWormer (Wyo. Bar No. 7-5804)
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Department of Environmental Quality*


Eric Hedrick
Phillips and Jordan, Inc.
10201 Parkside Drive, Suite 300
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Willard Robinson
Katherman-Robinson Trust
797 Inez Road
Douglas, WY 82633


Maria Katherman
Katherman-Robinson Trust
797 Inez Road
Douglas, WY 82633

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing upon the persons below via e-mail and by depositing the same in the United States mail, first-class postage prepaid, this 29~~th~~ day of July, 2020, addressed as follows:

Maria Katherman
Willard Robinson
Katherman-Robinson Trust
797 Inez Road
Douglas, Wyoming 82633
redjacket12@hotmail.com
wrobins@caspercollege.edu

Eric Hedrick
Phillips and Jordan, Inc.
10201 Parkside Drive, Suite 300
Knoxville, Tennessee 37922
ehedrick@pandj.com



Hunter Davila, Paralegal
Wyoming Attorney General's Office

July 24, 2020

Katherman-Robinson Trust
797 Inez Road
Douglas, WY 82633

Mr. Kyle Wendtland, Administrator
Land Quality Division
Wyoming Department of Environmental Quality
200 West 17th St., Suite 10
Cheyenne, WY 82002

Dear Mr. Wendtland:

We have this morning received and examined the maps of the proposed revision plan for the "Fetterman Pit" (PT0821), and had a conversation with LQD District 1 Supervisor Robin Jones about the proposal. We now recognize that the quarry expansion as proposed does not enlarge the original mining permit area and will not impinge as directly upon our lives as we had originally feared. *As long as the quarry is not expanding west of Section 16*, we are willing to withdraw our objection to the plan, and no longer require our requested hearing before the Environmental Quality Council.

Please consider this letter a formal withdrawal of our request for the EQC hearing, as the mining operation will not expand beyond Section 16.

We continue to have concerns about the safety of the gravel trucking on Inez road as well as dust, mud and road maintenance with the Phillips-Jordan operation, as outlined in our objection letter of April 7, 2020, but acknowledge that there have been notable improvements in the last month. We would welcome the suggestion by the Land Quality Division, in our conference call of June 23, 2020, that DEQ serve as an intermediary in airing our complaints to the company, in hopes that these problems might come to the attention of the mine operator.

Thank you for your attention to our concerns.

Sincerely,

Maria Katherman, Landowner

Will Robinson, Landowner

Exhibit A

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Docket No. 20-4801

**ORDER DISMISSING HEARING REQUEST AND
VACATING HEARING**

This matter having come before the Council on the parties' Joint Motion to Dismiss Hearing Request and Vacate Hearing, and the Council having reviewed the Motion, and being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that the Katherman-Robinson Trust's request for a hearing before the Council is dismissed.

IT IS FURTHER ORDERED that the hearing scheduled in this matter on August 19, 2020 is vacated.

DATED this ____ day of _____, 2020.

Shane True, Hearing Officer
Environmental Quality Council