

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FILED

JAN 27 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

In the Matter of Permit No. CT-7066, )  
Touchstone Materials, LLC, and )  
Tom Berry and Susie Berry, )  
Protestants. )

Docket 08-2801

**Motion to Intervene**

Touchstone Materials, LLC moves to intervene as a party in the above-entitled matter. Touchstone Materials, LLC is the holder of the permit in question and, as such, is a necessary and indispensable party to this proceeding. The response order in this matter only required the Department of Environmental Quality to file a response to the petition; therefore, the status of Touchstone Materials, LLC as a party is not clear in the record, and an order should be entered establishing that Touchstone Materials, LLC is a party in this proceeding and entitled to participate in the proceeding.

Dated this 26 day of January, 2009.

Yonkee & Toner, LLP

by: Tom C Toner

Tom C. Toner, Bar No. 5-1319  
319 W. Dow Street  
P. O. Box 6288  
Sheridan, WY 82801-1688  
Telephone No. (307) 674-7451  
Facsimile No. (307) 672-6250