



THE STATE OF WYOMING  
ENVIRONMENTAL QUALITY COUNCIL

June 2, 2009

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Executive Assistant

Joe Girardin,  
Paralegal

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eqc](http://deq.state.wy.us/eqc)

David & Ruth Nellis  
93 East Parkway  
Victor, NY 14564

**CERTIFIED MAIL #7002 0460 0002 9828 0974**

**RETURN RECEIPT REQUESTED**

RE: Mullinax Concrete Service Company, TFN 5 3/026

Dear Mr. and Mrs. Nellis;

The Department of Environmental Quality (DEQ) has forwarded your objection to the application of Mullinax Concrete Service Company, Docket No. 09-4803, for a mining permit to the Environmental Quality Council (the Council). As provided for in the Environmental Quality Act, the Council will set a time and place for a hearing on your objection. This hearing will be conducted pursuant to the provisions of the Environmental Quality Act, the Administrative Procedures Act, and the DEQ Rules of Practice and Procedure. The hearing will be conducted as a contested case, and all witnesses will be sworn, direct and cross examination will be the means of eliciting testimony, and all documents must be introduced as exhibits. You are not required to have an attorney represent you in this proceeding, although you may choose to have an attorney present your case. The DEQ will be represented by a member of the Attorney General's staff, John Burbridge, and Mullinax Concrete Service Company may have counsel present.

The law requires the council to hold a hearing on your objection within 20 days of the last day for filing objections, and this hearing must be held by June 18, 2009. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the EQC and the Hearing Examiner finds that good cause has been shown.

A record of the hearing will be made by a court reporter and the decision on the permit application is appealable to a district court. Should you determine that you do

not want a hearing on your objection, please notify me in writing of your decision.

If a hearing regarding your objection is not held, your comment will remain a matter of record in the DEQ files, and the director of DEQ will consider the comment when he makes a decision on issuance of the Mullinax Concrete Service Company's permit.

Please do not hesitate to call if you have questions concerning Council procedures.

Sincerely,

**ENVIRONMENTAL QUALITY COUNCIL**



Jim Ruby  
Executive Secretary

JR/kw

cc: John Burbridge - AG  
Don McKenzie - DEQ/LQD  
Mullinax Concrete Service Company