

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**AUG 25 2009**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

IN THE MATTER OF THE OBJECTION )  
TO THE SMALL MINE PERMIT OF ) DOCKET NO. 09-4804  
2 M CONSTRUCTION INC. )  
TFN 5 6/053 )

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**PRE-HEARING DISCLOSURES**

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2 M Construction Inc., pursuant to the Environmental Quality Council's Notice of Hearing and Order, hereby submits its Pre-Hearing Disclosures.

**SUMMATION OF THE FACTS**

2 M Construction Inc. filed its mine application with the Division, mine permit application number TFN 5 6/053. After proper notification that 2 M's application was complete, interested parties timely filed objections to the permit with the Division. The objections generally identify nuisance issues such as dust, noise, and truck traffic. The Division has determined that the application is complete, in full compliance with Wyoming Law and is ready to issue the permit.

**LEGAL ISSUE**

Is 2 M's permit application complete and should the DEQ issue 2 M a permit to mine pursuant to WYO. STAT. ANN. s 35-11-406?

**WITNESSES**

WILL CALL:

Michael W. Cunningham, President and Owner, 2 M Construction Inc.  
Michael S. Thornley, Vice-President and Owner, 2 M Construction Inc.  
PO Box 1298  
Riverton, WY 82501  
(307) 856-7013

Mr. Cunningham and Mr. Thornley are the Owners of 2 M Construction Inc. They are in charge of all operations at the proposed mine site detailed in the permit application. They are expected to testify regarding all matters contained within the permit including nuisance concerns, hours and season of operation, traffic patterns, access to the site and the effect on surrounding properties.

MAY CALL:

Raymond A. Good  
35 Bryant Road  
Riverton, WY 82501  
(307)856-8267


Mr. Good is the landowner for the permit area. He may testify to matters of the property including access, pre-mining and post mining use.

Dan Arima  
Meldan Environmental Services  
755 Raintree Drive  
Riverton, WY 82501

Mr. Arima completed the mine permit application. He may testify to matters pertaining to any portion of the permit application.

2 M Construction Inc. may call any witness listed by the objectors in the above-captioned matter. In addition, 2 M Construction Inc. may call any witness needed for rebuttal testimony.

DATED this 24<sup>th</sup> day of August 2009.

  
Michael W. Cunningham, President  
2 M Construction Inc.  
PO Box 1298  
Riverton, WY 82501  
307-856-7013

## CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true and correct copy of the Pre-Hearing Disclosures was served by hand delivering to the following on the 24th day of August, 2009:

Lloyd C. & Nancy S. Eckstein  
20 Gardens North Drive  
Riverton, WY 82501

and by depositing copies of the same in the United States mail to the following:

Don McKenzie, LQD Administrator  
Herschler Bldg  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

Environmental Quality Council  
122 West 25<sup>th</sup> Street, Rm. 1714  
Cheyenne, WY 82002



Michael W. Cunningham, President  
2 M Construction Inc.  
PO Box 1298  
Riverton, WY 82501  
307-856-7013