

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

**FILED**  
AUG 28 2009  
Jim Ruby, Executive Secretary  
Environmental Quality Council

**IN THE MATTER OF THE OBJECTION )  
TO THE SMALL MINE PERMIT OF )  
2 M CONSTRUCTION, INC., )  
TFN 5 6/053 )**

**Docket No. 09-4804**

**ORDER**

On August 19, 2009 the Environmental Quality Council (the Council) issued a Notice of Hearing and Order (Order). The Order directed the parties to file, by August 25, 2009, with the Council and the parties a prehearing memorandum and a phone number at which they could be reached for prehearing held on August 27, 2009. The Order also stated, "Failure to appear at the prehearing will result in dismissal from the case."

The Petitioners, Lloyd C. and Nancy S. Eckstein, filed their objections to 2 M Construction, Inc.'s small mining permit on June 30, 2009. The Petitioners failed to file their prehearing memorandum, a phone number that they could be reached and they failed to appear at the prehearing conference.

The Presiding Officer, having reviewed the record and being otherwise fully advised on the premises, hereby

**ORDERS** the Petitioners, Lloyd C. and Nancy S. Eckstein, be dismissed from the case and the case is closed. The Department of Environmental Quality, Land Quality Division shall issue the above captioned small mine permit.

**DATED** this 28<sup>th</sup> day of August, 2009.

  
Catherine Guschewsky, Presiding Officer  
Environmental Quality Council 

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 28<sup>th</sup> day of August, 2009, I served a copy of the foregoing **ORDER** by electronic mail to the following:

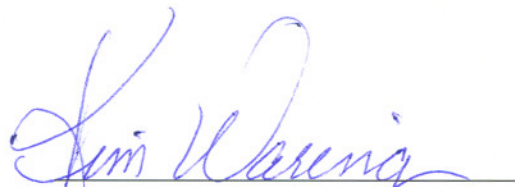
John Burbridge  
Asst. Attorney General  
[Jburbl@state.wy.us](mailto:Jburbl@state.wy.us)

Don McKenzie, LQD  
Administrator  
[dmcken@wyo.gov](mailto:dmcken@wyo.gov)

and by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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

Michael Cunningham  
2M Construction, Inc.  
P.O. Box 1298  
Riverton, WY 82501



Kim Waring, Executive Assistant  
Environmental Quality Council  
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