



Tyffanne Rowan <tyffanne.rowan@wyo.gov>

FW: URGENT - 20-day Hearing for Land Quality permit

1 message

Mark Quinn <Mark.Quinn@windrivermaterials.com>

Thu, Jan 2, 2014 at 3:47 PM

To: "eqc-all@wyo.gov" <eqc-all@wyo.gov>

Cc: Tanya King <tanya.king@wyo.gov>, "john.erickson@wyo.gov" <john.erickson@wyo.gov>, Clyde Rainey <crainey@sunrise-eng.com>, Joe Johnson <Joe.Johnson@kilgorecontracting.com>

To Whom it May Concern:

As a matter of process, please find the foregoing email, which was previously sent by Wind River Materials to Andrew Kuhlmann with the Wyoming Attorney General's office and others, pertinent to extension of a Contested-Case Hearing beyond the initial 20 day period allowable by law for the aforementioned project. If any additional information is required in this matter, please contact me at your convenience.

Best Regards,

Mark Quinn

Operations Manager – Wind River Materials

Office: (307) 877-3400

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JAN 02 2014

Jim Ruby, Executive Secretary
Environmental Quality Council

From: Mark Quinn**Sent:** Thursday, January 02, 2014 2:04 PM**To:** 'andrew kuhlmann'**Cc:** Tanya King; 'john.erickson@wyo.gov'; Clyde Rainey; Joe Johnson**Subject:** RE: URGENT - 20-day Hearing for Land Quality permit

Mr. Kuhlmann,

Following on your inquiry, I have spoken with Tanya King from the Wyoming DEQ-LQ division, as discussed. Ms. King indicates that the objecting party has persisted with their request for a Contested-Case Hearing. To that end, Ms. King indicates that there are two options to do so: (1) Conduct a hearing via conference call this afternoon with your office, the pertinent DEQ representatives, the objecting party, and representatives of the EQC, or (2) to consent to a continuance to be held on a date to be determined

at the nearest possible convenience of all involved. In the former scenario, Ms. King further indicates that convening a phone-conference hearing on such short notice will preclude any advance preparation on the part of the EQC and your office. Given that the concerns expressed by the objecting party have been previously and extensively addressed by way of the conditions we have committed to in our application, beyond even those required for complete regulatory compliance, we feel that it is in our best interest to provide the EQC and your representatives with the opportunity to thoroughly review the aforementioned mitigating measures prior to further review.

To that end, on behalf of the applicant (Wind River Materials), I do hereby give consent to delay the Contested-Case Hearing beyond the previously stipulated 20 period, from the end of the final public comment period, with January 2, 2013 as the final day of this 20 day period. It is our organization's goal to cooperate to the fullest extent of its abilities in this process, not only to minimize the impact of its activities on other involved parties, but also to ensure that its own interests are protected by the very laws and regulations that the organization complies with. I will follow up with Tanya King's office to establish a mutually agreeable hearing date for all involved parties. If you require anything additional of our organization in the interim, please contact me at your convenience.

Best Regards,

Mark Quinn

Operations Manager – Wind River Materials

Cc: Tanya King – WYDEQ
John Erickson – WYDEQ
Clyde Rainey – Sunrise Engineering
Joe Johnson – Wind River Materials/Kilgore Companies

From: andrew kuhlmann [mailto:andrew.kuhlmann@wyo.gov]
Sent: Tuesday, December 31, 2013 3:36 PM
To: Mark Quinn
Subject: URGENT - 20-day Hearing for Land Quality permit

Mark,

My name is Andrew Kuhlmann and I am with the Attorney General's Office, representing the Land Quality Division of the Department of Environmental Quality. My contact information is listed below.

I am contacting you regarding getting Wind River Materials' consent to a continuance of a contested case hearing for the pending small mining permit application submitted by Wind River Materials, LLC, Temporary Filing Number 5 6/317. I was given your email address because it is in the permit application's file.

Earlier in December, Ms. Jane Wardell filed a comment letter objecting to your permit application. After discussions with DEQ, it was our understanding that Ms. Wardell's letter was not requesting a contested case hearing. DEQ sent her a letter verifying this understanding, but this week Ms. Wardell responded to us that her original letter was in fact asking for a contested case hearing in front of the Environmental Quality Council.

Unfortunately, state statutes require a hearing within 20 days of the end of the comment period. That deadline would require a hearing to be held on January 2nd. Since it is not possible to organize a hearing in that short of a time frame, the Environmental Quality Council needs the parties (which include DEQ, Ms. Wardell, and Wind River Materials) to each send the Council an email or letter from someone able to speak on the parties' behalf consenting to a continuance of the hearing deadline past the 20-day statutory requirement.

This response to the Environmental Quality Council is required as soon as possible.

The person to email regarding the continuance is Jim Ruby, whose email address is jim.ruby@wyo.gov. Jim is the Executive Secretary for the Environmental Quality Council.

Please also feel free to contact me by email or phone with any questions. I'm also happy to speak with your legal counsel, if you have one.

Thanks,

Andrew J. Kuhlmann
Assistant Attorney General
Water & Natural Resources Division
123 Capitol Building
Cheyenne, WY 82002
[307-777-3537](tel:307-777-3537) - Phone
[307-777-3542](tel:307-777-3542) - Fax

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of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

1/2/14

State of Wyoming Mail - FW: URGENT - 20-day Hearing for Land Quality permit

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