

**FILED**

**SEP 08 1994**

*Terri A. Lorenzon, Attorney  
Environmental Quality Council*

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE BOND FORFEITURE )  
PROCEEDINGS AGAINST THE BOND OF ) DOCKET NO. 2398-92  
MULLER CONSTRUCTION FOR LIMITED MINING )  
EXEMPTION NO. 786ET )

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council will conduct a hearing at the City Hall Council Chambers Room, 201 East 5th, Gillette, Wyoming on Wednesday, October 19, 1994, commencing at 10:00 a.m. This hearing will be conducted as a contested case hearing under the provisions of the Wyoming Administrative Procedure Act. Mr. John C. Darrington will serve as the Hearing Examiner.
2. This hearing is held pursuant to §§ 35-11-101 through 35-11-1428 W.S. 1977 As Amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.
3. The Protestant, Muller Construction, requested a hearing on the proposed forfeiture of bond. The reclamation bond is in the form of certificate of deposit no. 2247 issued by the Sheridan National Bank in the amount of \$900.00.
4. The statutes and regulations which the Protestant intends to rely on to dispute the proposed forfeiture have not been specified at this time.
5. The Department of Environmental Quality, Land Quality Division requested the forfeiture of the bond no. 2247 to meet the pending reclamation obligations of Muller Construction, a company that has filed Chapter 7 bankruptcy before the bankruptcy court for the District of Wyoming.
6. The Department of Environmental Quality and Muller Construction entered into an agreement for a stay of these proceedings based on Muller's request for an opportunity to reclaim the property disturbed by its mining operation. The Department of Environmental Quality later requested a setting on the grounds that Muller had made no attempt to begin reclamation work.

NOTICE IS FURTHER GIVEN THAT:

1. A prehearing conference in this matter will be conducted on Monday, October 3, 1994 at 2:00 p.m. by video conference.
2. The purpose of the prehearing conference is:
  - A. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;

- B. Clarification of the legal issues, both substantive and procedural, of all the parties;
  - C. Stipulation of uncontested facts;
  - D. Examination and marking of proposed exhibits and entering into a stipulation as to the foundation and admissibility with respect to the exhibits; and
  - E. Estimation of the time required for the hearing and setting of an order of procedure.
3. To facilitate the prehearing process, all parties shall submit a list of witnesses, their addresses, phone numbers, the substance of their proposed testimony, a list of exhibits, and a summation of the facts and legal issues, on the Environmental Quality Council, and on all parties to the proceeding by the end of the business day on September 26, 1994.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. All parties shall appear on October 3, 1994 at 2:00 p.m. at either of the following video conferencing sites for the prehearing conference:
  - A. Cheyenne - Emerson Bldg., Rm 102, 2001 Capitol Avenue.
  - B. Casper - UW Outreach Bldg., 951 N. Poplar, Conference Rm. #1.
  - C. Gillette - 1001 Plaza (1001 South Douglas Highway), Suite 290.
2. All parties shall appear on October 19, 1994 at 10:00 a.m. at the above-stated location to present evidence;
3. All parties shall serve their prehearing documents in accordance with the stated schedule, and all documents shall be served on the Environmental Quality Council at the following address:

Environmental Quality Council  
2301 Central Avenue, Rm. 407  
Cheyenne, WY 82002
4. All parties shall prepare and file with the Environmental Quality Council proposed findings of fact and conclusions of law at a time to be specified at the conclusion of the hearing; and
5. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the Council no later than the end of the business day on October 3, 1994, and the Hearing Examiner finds that all parties have agreed to the continuance, and good cause has been shown.

DATED THIS 8<sup>th</sup> day of September, 1994.

  
JOHN C. DARRINGTON, Hearing Examiner 

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 8<sup>th</sup> day of September, 1994, I served a copy of the foregoing ORDER by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

H. Steven Brown (FAX#472-5415)  
Brown, Raymond & Rissler, P.C.  
246 South Center Street, Suite 101  
Casper, WY 82601

and also to the following persons via interoffice mail:

Dennis Hemmer, Director  
Department of Environmental Quality  
122 W. 25th Street, Herschler Bldg.  
Cheyenne, WY 82002

Richard Chancellor, Acting Administrator  
Land Quality Division  
Department of Environmental Quality  
122 W. 25th Street, Herschler Bldg.  
Cheyenne, WY 82002

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Assistant Attorney General  
Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

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