

THE STATE



OF WYOMING

MIKE SULLIVAN
GOVERNOR

Environmental Quality Council

BARRETT BUILDING, ROOM 407
2301 CENTRAL AVENUE
CHEYENNE, WYOMING 82002
TELEPHONE 307-777-7170

April 4, 1994

Donald J. Rissler
P. O. Box 1783
Riverton, WY 82501

Dear Mr. Rissler:

I have just received your letter stating that you will no longer participate in matters concerning Docket No.2373-92. The case before the Environmental Quality Council regarding your small mine permit application.

Although you wrote to the Department of Environmental Quality to withdraw your mine permit application, you seem to have an aversion to having the matter before the Council dismissed. You are apparently refusing to dismiss the case before the Council as you have not responded to my earlier correspondence requesting some action by you. Now you demand a transcript but then refuse to appear. You indicated that there is no need for a motion to dismiss because the mine permit application is withdrawn, and yet you subsequently informed this office (late last week) that your partner will handle the prehearing conference.

As the Department of Environmental Quality filed a Motion to Dismiss, you were contacted last week to schedule a short hearing via conference call. This call should be held before the scheduled date for the prehearing conference, April 11. Solely to accommodate your schedule, the conference call was scheduled after business hours at 7:30 p.m. on April 4, 1994. The call is going forward at 7:30 p.m. and you will be contacted as

arranged previously.

The Environmental Quality Council needs to have a clear indication of your intent regarding the case before the Council. As in any judicial proceeding, the Council will not dismiss a case without hearing from the parties as to the grounds for dismissal. Correspondence between the parties, which is only incidentally copied to the Council is not a substitute for a motion to dismiss.

Sincerely,

ENVIRONMENTAL QUALITY COUNCIL


TERRI A. LORENZON
Attorney

cc: Chris Hawks
Tom Roan