

FILED

APR 29 1992

Terri A. Lorenson, Adm. Asst.
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER A MINING PERMIT)
APPLICATION OF RISSLER & MCMURRY) DOCKET NO. 2373-92
COMPANY, TFN 2 6/247)



NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council will conduct a hearing at the Holiday Inn, Willow Room, 300 W. "F" Street, Casper, Wyoming, on Monday, May 11, 1992, commencing at 9:00 a.m. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Peter C. Maxfield will serve as Hearing Examiner.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1428, Wyoming Statute 1977, As Amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.
3. The particular statutes and rules upon which the protestants rely to challenge the proposed small mining permit of Rissler & McMurry Company, TFN 2 6/247, have not been specified at this time.
4. Numerous protestants have filed objections to the issuance of a small mining permit of Rissler & McMurry Company, TFN 2 6/247, and have stated only general objections to the permit application. These objections state that the protestants do not want to see the Bessemer Mountain area disturbed by a limestone quarry operation. Copies of the letters of objection may be obtained from the office of the Environmental Quality Council.
5. The Department of Environmental Quality, Land Quality Division, has

found that the small mine permit application complies with the statutes and regulations and proposes to issue the permit.

6. The Applicant, Rissler & McMurry Company, also asserts that it has met the requirements set forth in the Wyoming Environmental Quality Act and the pertinent DEQ regulations.

NOTICE IS FURTHER GIVEN THAT:

1. A prehearing conference in this matter will be conducted on May 4, 1992 at the City Hall Council Chambers Room, 200 N. David, Casper, Wyoming, commencing at 10:00 a.m. Attendance at the prehearing conference and submittal of a prehearing memorandum is required of all parties. Parties not participating the prehearing conference and submitting a prehearing memorandum may be dismissed as a party to the case.

2. The purpose of the prehearing conference is:

- A. Identification of witnesses and the substance of their proposed testimony;
- B. Clarification of the legal issues, both substantive and procedural;
- C. Stipulation to uncontested facts;
- D. Examination and marking of proposed exhibits, and entering into stipulation with respect to foundation and admissibility; and
- E. The order or presentation at the hearing.

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, to the Environmental Quality Council, and to all parties to the proceeding at the time of the prehearing conference on May 4, 1992. A list of parties is set forth in the attached Certificate of Service.

O R D E R

IT IS HEREBY ORDERED THAT:

1. All parties shall appear on May 4, 1992 at the City Hall Council Chambers Room, 200 N. David, Casper, Wyoming, commencing at 10:00 a.m, for the prehearing conference;
2. All parties shall appear on May 11, 1992 at 9:00 a.m to present evidence;
3. All parties shall serve a prehearing document in accordance with the stated schedule, and all documents in this case shall be served on the Environmental Quality Council at 2301 Central Avenue, Room 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 close of the hearing; and
5. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the Environmental Quality Council no later than May 6, 1992, and said motion is accompanied by a stipulation to the continuance signed by all parties to the proceeding, and the Hearing Examiner finds that good cause has been shown.

DATED this 29th day of April, 1992.



PETER C. MAXFIELD, Hearing Examiner

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 29th day of April, 1992, 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:

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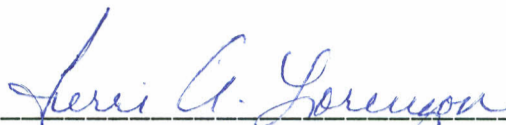
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