

FILED

AUG 17 1993

Terri A. Lorenzon, Attorney
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

NOTICE OF HEARING AND ORDER

*28
Order*

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council will commence the hearing in this matter at 10:00 a.m. on Wednesday, August 25, 1993. The hearing will be held at the Oil and Gas Commission Hearing Room (Basko Building), 777 West 1st Street, Casper, Wyoming. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Mr. Kim D. Cannon, a member of the Council will serve as Hearing Examiner.
2. This hearing is held pursuant to Sections 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 purpose of this hearing is to up-date the prehearing information that has previously been submitted, to schedule the testimony that is to be given in the case, and to hear arguments on all pending motions.
4. The Environmental Quality Council will evaluate the proposed permit pursuant to Section 35-11-406(M), and the Land Quality Rules and Regulations that pertain to small mining permits.
5. The issues in this case have been set forth in the prehearing documents and motions on file in this case and in previous orders issued by the Council. The positions of the parties will not be repeated in this document.

NOTICE IS FURTHER GIVEN THAT:

1. A prehearing conference in this matter will be conducted after the hearing is opened on August 25, 1993 at the Oil and Gas Commission Building.

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 to uncontested facts;
- d. Examination and marking of proposed exhibits and entering into stipulations as to the foundation and admissibility with respect to the exhibits; and
- e. Estimation of the time required for hearing of the above case.

3. To facilitate the hearing process, all parties shall submit a list of witnesses, their addresses, phone numbers, a summary 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 no later than the time of the hearing, or 10:00 a.m. on Wednesday, August 25, 1993. Parties do not have to provide information previously submitted in this case. Only information that supplements prior submittals is required so that all parties are apprised of the current lists of witnesses, exhibits, and issues in this case.

O R D E R

IT IS HEREBY ORDERED THAT:

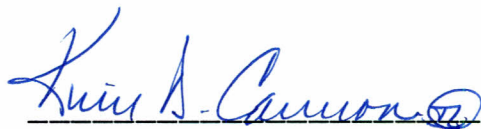
1. All parties shall appear on August 25, 1993 at 10:00 a.m. to participate in the prehearing conference and to present argument on pending motions;

2. All parties shall serve the prehearing documents in accordance with the stated schedule, and all documents served in advance of the hearing shall be served on the Environmental Quality Council at the following address:

Environmental Quality Council
2301 Central Avenue, Room 407
Cheyenne, WY 82002

3. All motions, including motions for a continuance, must be filed with the Council no later than the end of the business day on August 23, 1993.

DATED THIS 17th day of August, 1993.



Kim D. Cannon, Hearing Examiner

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 17th day of August, 1993, I served a copy of the foregoing NOTICE OF HEARING AND ORDER by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Donald J. Rissler (and also by FAX #856-8501)
105 South 6th East
P. O. Box 1783
Riverton, WY 82501

Christopher H. Hawks (and also by FAX #733-5248)
Lawyers & Advocates of Wyoming
P. O. Box 548
Jackson, WY 83001

Richard Lincoln
Box 1662
Mills, WY 82644

and also to the following persons via interoffice mail:

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

Roger Shaffer, Administrator
Department of Environmental Quality
Land Quality Division
122 W. 25th Street, Herschler Bldg.
Cheyenne, WY 82002

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

faxed - 8-17-93


TERRI A. LORENZON, Attorney
Environmental Quality Council
2301 Central Avenue, Rm. 407
Cheyenne, WY 82002
Tel: (307) 777-7170