

FILED

APR 07 1994

Terri A. Lorenzon, Attorney
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

ORDER VACATING HEARING

This matter having come before the Hearing Examiner, Kim D. Cannon, a member of the Environmental Quality Council, on a Motion to Dismiss filed by the Department of Environmental Quality, the Motion to Dismiss was set for a hearing by conference call on April 4, 1994 at 7:30 p.m. Thomas A. Roan, Assistant Attorney General, representing the Department of Environmental Quality, Land Quality Division, Christopher H. Hawks, of the Lawyers and Advocates for Wyoming, representing the Friends of Bessemer Mountain, and Donald J. Rissler, of Central Wyoming Law Associates, P.C., representing Rissler & McMurry, Inc., were consulted regarding arrangements for the conference call, and the parties provided numbers at which they could be reached.

On April 4, 1994, the Council was notified by Mr. Rissler that he would not participate in the hearing and the Applicant will no longer participate in any proceedings relative to this matter for the Council. Mr. Hawks was not available at the time of the conference call at the number which was provided to the Council. Participating in the conference call were Kim D. Cannon, Terri A. Lorenzon, and Thomas A. Roan.

Having considered Mr. Roan's arguments in support of his Motion, Rissler & McMurry, Inc.'s withdrawal of its application and the letter of Donald J. Rissler of April 4, 1994, the prehearing conference scheduled for April 11, 1994 at 2:00 p.m. in Casper, Wyoming should be vacated and the hearing set for April 25 through April 27, should be vacated, and this matter should be dismissed unless there is an objection filed in writing prior to April 13, 1994.

IT IS HEREBY ORDERED THAT the date scheduled for prehearing is hereby vacated, and this matter shall come before the Environmental Quality Council at its meeting scheduled on April 13, 1994 at 6:00 p.m. at the DEQ District Office, Pronghorn Room, 3030 Energy Lane, Casper, Wyoming at which the hearing set for April 25-27, 1994 will be vacated and the matter dismissed unless there is an objection filed in writing prior to April 13, 1994.

Any parties wishing to object to the dismissal of this matter for the Environmental Quality Council shall file such objection with the Council no later than 5:00 p.m. on April 12 1994.

IT IS SO ORDERED THIS 7 day of April, 1994.



KIM D. CANNON, Hearing Examiner

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 7th day of April, 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:

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

Donald J. Rissler (by hand delivery)
c/o La Quinta Inns
2410 W. Lincolnway
Cheyenne, WY 82001

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

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

Thomas A. Roan
Assistant Attorney General
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