

FILED

APR 15 1994

*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)	

ORDER OF DISMISSAL

The Department of Environmental Quality, Land Quality Division, filed a Motion to Dismiss in the above-entitled matter on March 17, 1994. A hearing on this Motion was held by conference call on April 4, 1994 at 7:30 p.m. The conference call was scheduled by Kim D. Cannon, a member of the Environmental Quality Council and the Hearing Examiner in this matter, and Terri A. Lorenzon, the attorney for the Environmental Quality Council. Thomas A. Roan, Assistant Attorney General representing the Department of Environmental Quality, Christopher H. Hawks, of 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 attorneys provided numbers at which they could be reached.

The conference call was scheduled after business hours, to accommodate the trial schedule of Mr. Rissler. On the morning of April 4th, the day of the conference call, Mr. Rissler notified the office of the Environmental Quality Council that he would make no further appearances in this matter.

At the time of the conference call, the conference call operator informed Mr. Cannon that the number given by Mr. Rissler for purposes of the conference call did not answer. In addition, Mr. Hawks was not available at 7:30 p.m. at the number given for purposes of the call. Those participating in the conference call were the Hearing Examiner Mr. Cannon, Ms. Lorenzon, and Mr. Roan.

Having considered the Motion and supporting arguments made by Mr. Roan, and having considered the record in this matter, the Environmental Quality Council finds and concludes as follows:

1. The hearing in this matter was scheduled on April 25, 26, and 27, 1994 to accommodate all parties' schedules and permit the attendance of all seven Council members of the Environmental Quality Council;
2. A prehearing conference was scheduled on April 11, 1994;
3. This hearing was scheduled on earlier dates, however, the matter was continued pursuant to the Order of the Environmental Quality Council issued on February 24, 1994;

4. At the request of the Applicant, this matter was scheduled in April to facilitate the Applicant's ability to prepare for a June trial in a related matter;

5. On February 18, 1994, the Applicant notified the Department of Environmental Quality, Land Quality Division that it was withdrawing its small mine permit application, TFN 26/247;

6. The Applicant has not filed a Motion to Dismiss this matter before the Council;

7. The Applicant has failed to respond to correspondence from the Council inquiring as to the status of this matter;

8. The Department of Environmental Quality filed a Motion to Dismiss stating there was no reason to continue with the hearing as the subject of the hearing, the small mine permit application had been withdrawn;

9. The Applicant has notified the Council that it will no longer participate in proceedings regarding this matter before the Council;

10. No objections to the Motion to Dismiss were filed with the Environmental Quality Council;

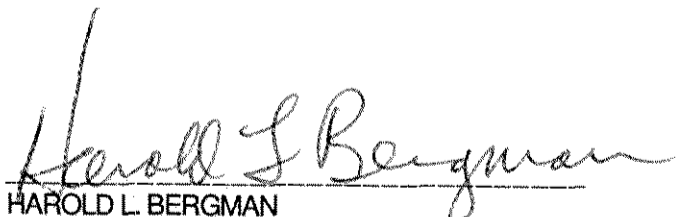
11. The Hearing Examiner vacated the prehearing conference scheduled for April 11, 1994 and further vacated the April 25, 1994 hearing unless the parties objected in writing prior to April 13, 1994. No objections have been received.

12. This matter should be dismissed.

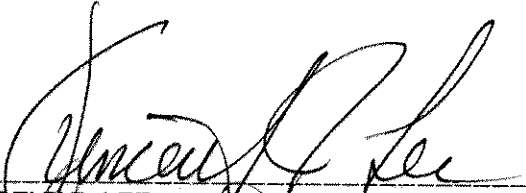
IT IS HEREBY ORDERED THAT, the above-entitled matter is dismissed without prejudice.


DATED THIS 13th day of April, 1994.



KIM D. CANNON, Hearing Examiner


HAROLD L. BERGMAN


FRED H. CARR


VINCENT R. LEE


JOHN C. DARRINGTON


JOHN MORRIS


CRAIG THOMPSON

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 15th 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:

Christopher H. Hawks
P. O. Box 548
Jackson, WY 83001

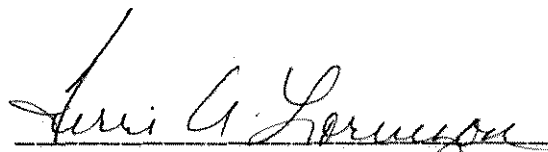
Donald J. Rissler
P. O. Box 1873
Riverton, WY 82501

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

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