

FILED

MAR 19 2002

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OBJECTIONS TO THE)
SMALL MINING PERMIT APPLICATION)
OF MULLINAX CONCRETE SERVICES) DOCKET NO. 02-4800
CO., INC. TFN 3 3/378)

ORDER

The Petitioners in the above-entitled matter, having withdrawn their objections to the permit application, and the Environmental Quality Council being fully advised in the premises,

IT IS HEREBY ORDERED that the appeal should be and is hereby dismissed.

DATED this 19TH day of March, 2002.



Lisa M. Lindemann, Hearing Examiner
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002
Tel: (307) 777-7170
FAX: (307) 777-6363

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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FEB 13 2002

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF OBJECTIONS TO THE)
SMALL MINING PERMIT APPLICATION) DOCKET NO. 02-4800
OF MULLINAX CONCRETE SERVICES)
CO., INC. TFN 3 3/378)

PRE-HEARING DISCLOSURES

COMES NOW the Department of Environmental Quality, Land Quality Division (Division), through the Office of the Attorney General, pursuant to the Environmental Quality Council's (Council) Notice of Hearing and Order, and hereby submits its Prehearing Disclosures.

SUMMATION OF THE FACTS

Mullinax Concrete Services Co., Inc. (Mullinax) filed its application with the Division for a small mine permit (TFN 3 3/378). After proper notification of Mullinax's application, several interested parties timely filed objections with the Division. The Division has determined that the application is complete and is ready to issue the permit.

LEGAL ISSUES

Whether or not a small mining permit should be issued to Mullinax.

WITNESSES

Don McKenzie or Don Crecelius
Sheridan Field Office
1043 Coffeen Ave, Suite D
Sheridan, Wyoming 82801
307-672-6488

Rick Chancellor
Herschler Building, Third Floor

Cheyanne, Wyoming 82002
307-777-7046

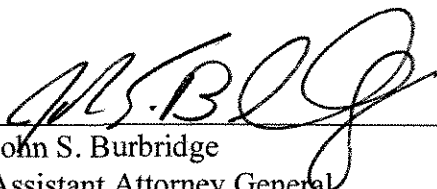
All witnesses are expected to testify regarding knowledge of Mullinax's mining permit application and the Division's decision to issue the permit.

The Division may call any witness listed by the objectors in the above captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

EXHIBITS

None at this time.

DATED this 13th, day of February, 2002.



John S. Burbridge
Assistant Attorney General
123 Capitol Building
Cheyanne, Wyoming 82001
307-777-7841

CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that the foregoing PRE-HEARING DISCLOSURE was served by placing a true and complete copy in the United States mail to the following people on the 13th day of February, 2002:

Mullinax Construction Services Co., Inc.
P.O. Box 2044
Sheridan, Wyoming 82801

Karen Kawulok
P.O. Box 563
Sheridan, Wyoming 82801

Dr. and Mrs. F.D. Holbrook
2635 West 5th Street
Sheridan, Wyoming 82801



John S. Burbridge

P.O. BOX 2044



FORT ROAD

SAND AND GRAVEL
BRICK SAND

Ready Mix Concrete
SHERIDAN, WYOMING 82801

ROAD GRAVEL
FILL DIRT

(307) 674-4466

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Terri A. Lorenzon, Director
Environmental Quality Council

2/13/02

Wyoming Environmental Quality Council
Lisa M. Lindemann, Hearing
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, Wy 82002

RE: DOCKET NO. 02-4800
OBJECTIONS TO THE SMALL MINING PERMIT APPLICATION OF MULLINAX
CONCRETE SERVICES CO. INC. TFN 3 3/378

Dear Lisa,

Mullinax Concrete Service Co. Inc. would like to apply for a continuance for the hearing scheduled for Friday, February 22, 2002 in reference to the objections you have received on our application for a Small Mining Permit.

We would appreciate a continuance being granted due to the fact that the objectors and Mullinax are working together to resolve the objections.

Thank you,

Robert Mullinax, President
Mullinax Concrete Service Co. Inc.

cc: Richard Chancellor