

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF APPEAL OF: )  
 )  
LIMITED MINING OPERATION, ) DOCKET NO. 24-4801  
PEAK GRAVEL, ET0961, TFN 7 6/211 )

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UNOPPOSED MOTION TO RESCHEDULE HEARING DATE

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WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY-LAND QUALITY DIVISION (hereinafter "DEQ") hereby moves to reschedule the hearing set in this matter for January 15, 2025, for the reasons described herein. In support of its motion, DEQ states as follows:

1. A contested case hearing is set in this matter for January 15, 2025.
2. Pending before the Council are two dispositive motions: DEQ's Motion to Dismiss for Want of Subject Matter Jurisdiction and Petitioners' Motion for Summary Judgment.
3. Either of the dispositive motions could potentially negate the need for the Council to conduct the January 15th hearing.
4. More importantly, the undersigned counsel for DEQ has two obligations that will prevent his ability to participate in the January 15, 2025 hearing. First, the undersigned counsel will be in Kemmerer, Wyoming on January 13 - January 14, 2025 for a contested case hearing *In the Matter of the Industrial Siting Permit Application of US SFR Owner, LLC for the Kemmerer Power Station Unit 1 Project*, DEQ/ISC Docket 24-03. The undersigned counsel will be traveling from Kemmerer, Wyoming to Cheyenne, Wyoming on January 15, 2025. Moreover, given the magnitude of the DEQ/ISC hearing and its importance to the State of Wyoming, much of the prior two weeks in January will be consumed in preparation for the DEQ/ISC hearing. Second, the undersigned counsel has an appellate brief due the week following January 15, 2025 *In the Matter*

*of the Industrial Siting Permit Application for the Cowboy Solar Project Before the Wyoming Department of Environmental Quality Industrial Siting Council, Docket No. 2024-CV-0202434, District Court, First Judicial District, Laramie County, Wyoming. This appeal raises issues that are fundamental to the administration of the Industrial Siting program.*

5. As a result, therefore, the undersigned counsel will not be able to participate in the January 15, 2025 hearing in this matter, and the matters to be determined if the January 15<sup>th</sup> hearing is to take place warrant full and undivided attention by the DEQ.

6. Thus, DEQ's undersigned counsel contacted the attorney for Petitioners about rescheduling the January 15, 2025 hearing in this matter.

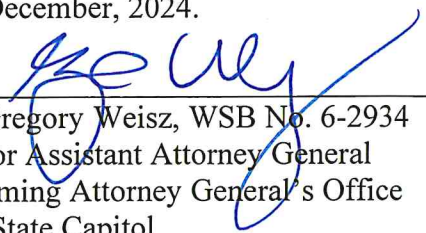
7. Petitioners' counsel has no objection to DEQ's request to reschedule the January 15, 2025 hearing. Moreover, Petitioners' counsel pointed out that the Environmental Quality Council must rule on DEQ's Motion to Dismiss for Want of Subject Matter Jurisdiction and Petitioners' Motion for Summary Judgment before conducting any contested case hearing; DEQ's counsel concurs with this observation. Thus the Council must rule on these motions before any contested case hearing, so a January 15, 2025 hearing will be difficult to prepare for, given the pending dispositive motions.

8. Moreover, either of the pending dispositive motions could eliminate the need for a hearing on the substance of this matter.

9. Petitioners' counsel has agreed to rescheduling the January 15, 2025 hearing, but will be unable to participate in any hearing in the last two weeks of January 2025. Accordingly, counsel for both parties agree that once the Council rules on the pending dispositive motions, the Council should arrange a scheduling conference to reschedule the contested case hearing in this matter, should it be necessary.

THEREFORE DEQ requests that the January 15, 2025 contested case hearing in this matter be continued to a later date.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of December, 2024.

  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served by email or mailing a true and correct copy on the 6<sup>th</sup> day of December, 2024 addressed to the following:

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