

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

FILED

DEC 12 2008

*Jim Ruby, Executive Secretary
Environmental Quality Council*

In the Matter of Permit No. CT-7066,)
Touchstone Materials, LLC, and)
Tom Berry and Susie Berry,)
Protestants.)

Docket 08-2801

ORDER SETTING MOTION HEARING

THIS MATTER has come before the Wyoming Environmental Quality Council upon the Department of Environmental Quality/Air Quality Division's (DEQ) Motion to Dismiss filed on September 8, 2008 and the Protestants' Response to the Motion to Dismiss filed on September 18, 2008.


In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the DEQ shall pay the cost of the transcript and court reporter.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

1. The hearing on DEQ's Motion to Dismiss will be held on February 10, 2009 at 3:00 p.m. The hearing will be held at the Campbell County Library, 2101 S 4J Road, Pioneer Rooms 1 and 2, Gillette, Wyoming. All Parties shall have ten minutes each to present legal argument.
2. If the Parties have not filed a waiver on or before January 30, 2009 a court reporter will transcribe the hearing.
3. The DEQ shall assume the cost of the transcript and court reporter.

DATED this 12th day of December, 2008.


F. David Searle, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 12TH day of December, 2008, I served a copy of the foregoing **ORDER SETTING MOTION HEARING** by electronic mail to:

Greg L. Goddard
Attorney for the Protestant
GWV@wyoming.com

Dave Finley
WDEQ Coordinator
dfinle@wyo.gov

John Corra
Director, DEQ
jcorra@wyo.gov

by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Mary Ann Porter
Manager
Touchstone Materials, LLC
P.O. Box 735
Meridian, ID 83680-0735



Kim Waring, Executive Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134