

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

FILED

AUG 03 2010

*Jim Ruby, Executive Secretary
Environmental Quality Council*

**In the Matter of the Appeal)
and Petition for Hearing of:)
Croell Redi-Mix, DEQ AQD Permit)
Application No. AP-9645)
And DEQ AQD Permit No. MD-9646)
Dated March 17, 2010)**

DOCKET NO. 10-2803

ORDER

The above entitled matter came on for Scheduling Conference on the 3rd day of August, 2010 at 9:00 a.m. Councilman David Searle presiding. Present on behalf of the Department of Environmental Quality was Nancy Vehr and Samantha Lind, from the Attorney General's Office. Judith Bush, the Petitioner appeared on her own behalf by phone. Kim Cannon appeared on behalf of the Permittee, Croell Redi-Mix by phone. Also present were James Ruby, Executive Secretary for the Council and Joe Girardin, the Council Paralegal.

The following schedule has been set in the above captioned matter.

1. The Petitioner has until August 11th at 12:00 noon to file an amended petition.
2. The DEQ and the Permittee have until August 20th at 12:00 noon to respond to the Petitioner's Amended Petition.
3. Fact Discovery deadline is September 30, 2010.
4. Petitioner shall file Designation of Experts and Expert Reports by September 7th, 2010
5. DEQ and Permittee shall file Designation of Experts and Expert Reports by October 4th, 2010.
6. Dispositive Motions shall be filed by October 20th, 2010.

7. Responses to Motions due November 12th, 2010.
8. Hearing on Dispositive Motions will be November 18th, 2010 at the University of Wyoming, Department of Engineering, 1000 East University Avenue, Room 1062, Laramie, WY.
9. Prehearing memorandums shall be filed by January 4th, 2011.
10. Prehearing Conference shall be held on January 7th, 2011. The conference shall be held at the offices of the Council in Cheyenne, Wyoming, 122 W. 25th St., Herschler Building, Room 1714, Cheyenne WY.

a. The purpose of the prehearing conference is:

- i. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
- ii. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
- iii. Stipulation to uncontested facts;
- iv. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
- v. Pending motions.



11. Final Hearing on this appeal shall be heard on November 13th and/or 14th 2011. The time and location shall be determined at a later date.

All documents shall be delivered no later than 4:00 on the above referenced dates unless a different time is indicated for a specific paragraph. For the purpose of this order, deliver shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same time.

For the dispositive motion hearing and the prehearing conferences the parties may appear by telephonic means. Any party using this method must provide a direct line phone number to the Council seven days prior to the hearing or conference.

The parties shall have ten days from the date of receipt of this Order to file any objections to this Scheduling Order.

DATED this 3rd day of August, 2010.


F. David Searle, Presiding Officer
Environmental Quality Council 

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 3rd day of July, 2010, I served a copy of the foregoing SCHEDULING ORDER by electronic mail to the following:

Nancy Vehr
Sr. Asst. Attorney General
nvehr@state.wy.us

Amanda Kroul
Office of Attorney General
akroul@state.wy.us

John Corra
Director, DEQ
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Kim Cannon
Davis and Cannon
Attorney for Croell Redi-Mix, Inc.
cannon@davisandcannon.com

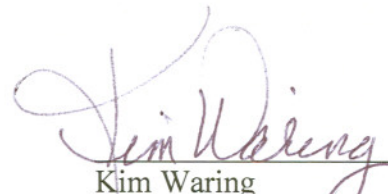
Roger Croell
Croell Redi-Mix, Inc.
ATTN: Julie Ewing
Julie.ewing@croell.com

Steve Dietrich
DEQ, Air Quality Administrator
sdietr@wyo.gov

Gina Johnson
DEQ, Air Quality Division
gjohns@wyo.gov

also by depositing the same in the United States mail addressed to:

Judith Bush
P.O. Box 861
Sundance, WY 82729



Kim Waring
Sr. Off. Support Specialist
Environmental Quality Council