

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
MAR 10 2008

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF A NOTICE OF VIOLATION)
ISSUED TO LANDRICA DEVELOPMENT)
COMPANY, Kfx MINE, P.O. BOX 1777,)
GILLETTE, WY 82717-1777, PERMIT NO.)
486-T5, NOV. NO. 100516, DOCKET NO. 3928-06)

Docket No. 06-4806

PRE-HEARING CONFERENCE ORDER

THIS Order arises out of the pre-hearing conference conducted by the hearing examiner for the Environmental Quality Council on January 9, 2008.

1. **Issue.** The following issue was identified as the issue involved in this proceeding:

Was the civil penalty assessed by the DEQ justified with LQD Rule and Regulation, Chapter 16, Section 3?

3. **Witnesses.** The parties identified the following witnesses:

- (a) The Department of Environmental Quality (DEQ) will call as witnesses, John Corra, Richard Chancellor, and Mark Rogaczewski. DEQ may call Mark Taylor.
- (b) Petitioner, Landrica Development Company (Landrica), will call as witnesses, Victor Bozic, David B. Weinert, P.G. and Brent Knottnerus. Landrica may call Mark Rogaczewski.

4. **Exhibits.** In their pre-hearing memorandums, the parties identified the exhibits they intend to use during the hearing. The parties stipulated to the following exhibits, and as such, they are admitted and will be published to the Council prior to the hearing:

- (a) DEQ: Exhibits 1-6.
- (b) Landrica: Exhibits A-H, J, L & N-P.

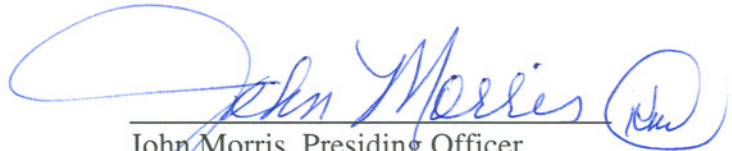
Landrica will offer exhibits I, K and M at the hearing. The DEQ will offer exhibit 7 at the hearing.

5. **Order of Proceeding.** Each party will have ten (10) minutes for opening and closing statements. Following opening statements, the order for the presentation of evidence shall be as follows:

- 1. DEQ
- 2. Landrica

6. **Date, Time and Location of Hearing.** The hearing is scheduled for March 19, 2008. The hearing will begin at 9:00 a.m. in Room 1699 of the Herschler Building, Cheyenne, WY.
7. **Objections to Pre-Hearing Conference Order.** The parties shall have five days from the date of service to serve and deliver any objections to this Order.

SO ORDERED this 19th day of March.



John Morris, Presiding Officer
Environmental Quality Council
122 W. 25th Rm. 1714
Herschler Building
Cheyenne, WY 82002
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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 10th day of March, 2008, I served a copy of the foregoing PRE-HEARING CONFERENCE ORDER by electronic mail to the following:

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