

**FILED**  
MAR 13 2008

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

IN THE MATTER OF THE APPEAL OF )  
CHEVRON MINING INC.'S )  
WELCH MINE, PERMIT NO. 497-T4 )  
(F/K/A THE PITTSBURG & MIDWAY )  
COAL MINING CO.) )

Terri A. Lorenzon, Director  
Environmental Quality Council

DOCKET NO. 07-4600

**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. Issues.** The following issues were identified in the Protestant's Pre-Hearing statement as the issues involved in this proceeding:

(a.) The WLDEQ has not enforced Wyoming Statutes 35-11-401, 402 and 406, by not requiring timely reclamation of the land subject to the Welch Mine Permit.

(b.) The WDEQ has not enforced Wyoming Statutes 35-11-406 and 437 in that the WDEQ has issued renewals of the Welch Mine Permit when the Permittee did not have sufficient land control to complete its obligations under the Welch Mine Permit. When this deficiency was brought to the attention of the WDEQ, it did not issue a violation as required but instead allowed the Permittee over two and one-half (2.5) years to abate the violation.

(c.) The WDEQ has not enforced Wyoming Statutes 35-11-406, 404 and 412 in that it has not revoked the Welch Mine Permit and P&M Coal's mining license as required by these statutes as a result of false sworn statements made by the Permittee in order to secure repeated extensions of the Welch Mine Permit.

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

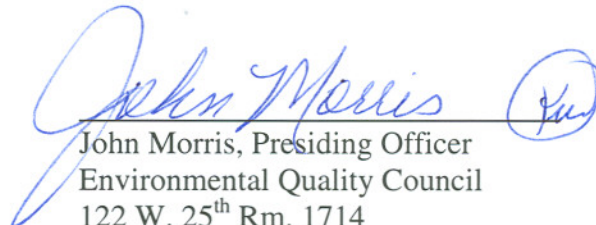
(a.) The Protestant, John C. Willson, will call as witnesses, John C. Willson and Richard Chancellor. The Protestant may call Bob Giurgevich.

(b.) The Department of Environmental Quality (DEQ) will call as witness, John Corra and may call Richard Chancellor.

(c.) The Mine, Chevron Mining Company (Chevron), may call as witnesses, John Corra, Richard Chancellor, John C. Willson, Rodney Gaines, Steven Leach, Bob Uttter, Julie Gerlach, and Bob Giurgevich.

4. **Exhibits.** During the pre-hearing, the parties agreed to consolidate the exhibits that the parties stipulated. The consolidated exhibits were filed with the EQC on Wednesday, March 12, 2008. The consolidated exhibits are admitted and will be published to the Council prior to 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. The Protestant
  2. The DEQ
  3. Chevron
  
6. **Date, Time and Location of Hearing.** The hearing is scheduled for March 20 & 21, 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 13<sup>th</sup> day of March.

  
John Morris, Presiding Officer  
Environmental Quality Council  
122 W. 25<sup>th</sup> Rm. 1714  
Herschler Building  
Cheyenne, WY 82002  
Phone: 307-777-7170  
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## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 13<sup>th</sup> day of March, 2008, I served a copy of the foregoing **PRE-HEARING CONFERENCE ORDER** by electronic mail to the following:

Tom Klepperich  
[tom@lonabaugh.com](mailto:tom@lonabaugh.com)

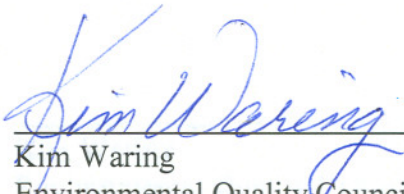
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