

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

FILED
SEP 28 2011
Jim Ruby, Executive Secretary
Environmental Quality Council

In the Matter of the Appeal)
Of Notice of Violation and Order)
Dated July 29th, 2011) **Docket No. 11-4201A**
Issued to Good Mining Company, LLC)

ORDER OF SCHEDULE

ON THE 22nd day of September, 2011, the Council, through Dennis Boal, the appointed Presiding Officer, conducted a scheduling conference with the parties. Present at said hearing was Heather Jacobson on behalf of the Petitioner, Good Mining Company LLC; the Department of Environmental Quality, Land Quality Division was represented by Luke Esch, Asst. Attorney General; Present for the Council were Jim Ruby, Executive Secretary of the Council and Joe Girardin, Paralegal for the Council.

The following schedule has been developed by the Presiding Officer through consultation and the parties are hereby ordered to comply with said schedule unless good cause is shown why the parties are unable to comply.

The following schedule is hereby ordered:

- a. All discovery, both written and oral shall be completed by 12:00 noon on or before November 30, 2011
- b. Dispositive motions shall be filed by 12:00 noon on or before December 15th, 2011
- c. Responses to dispositive motions shall be filed by 12:00 noon on or before December 30th, 2011.
- d. Oral arguments on dispositive motions shall be held on January 12th, 2012 at 9:00 a.m. prior to the beginning of the final hearing in this matter. Each party will have ten minutes for oral argument. The proponent of any dispositive motion shall also have an additional five minutes for rebuttal argument.
- e. Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council by 12:00 noon on or before December 30th, 2011. A copy of all exhibits shall

also be served on the opposing parties. The DEQ shall label their exhibits DEQ 1, 2, 3 etc. The Petitioner shall label their exhibits Good 1, 2, 3 etc. At a minimum, the memorandum shall identify all contested issues and all uncontested issues, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the pre-hearing conference.

f. The pre-hearing conference shall be held on January 5th, 2012 at 1:30 p.m. The parties may appear by teleconference if personal attendance at the offices of the Council in Cheyenne, WY is impractical. The purpose of the pre-hearing conference is:

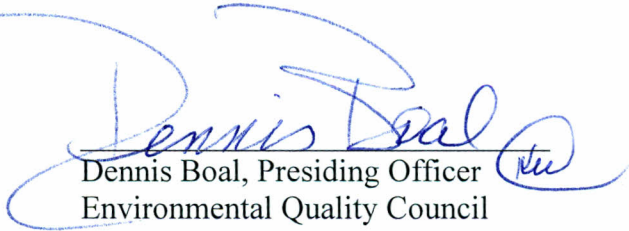
1. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony.
2. Clarification of the legal issues, both substantive and procedural, of all the parties, including the statutory provisions and regulations that form the basis of this appeal.
3. Stipulation to uncontested facts.
4. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony.
5. Pending motions.

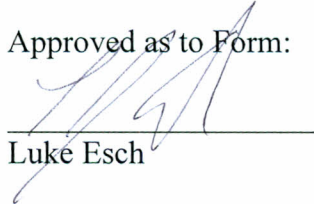
g. Final hearing in this matter is scheduled for January 12th, 2012 in either Greybull or Basin, Wyoming at 9:00 a.m.. The exact location of the hearing will be determined at a later date.

h. All documents shall be delivered no later than 12:00 noon on the above referenced dates. 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.

The parties shall have 48 hours from the date of receipt of this Order to file any objections to this Scheduling Order or to sign approval as to form.

DATED this 28th day of September, 2011.


Dennis Boal, Presiding Officer
Environmental Quality Council

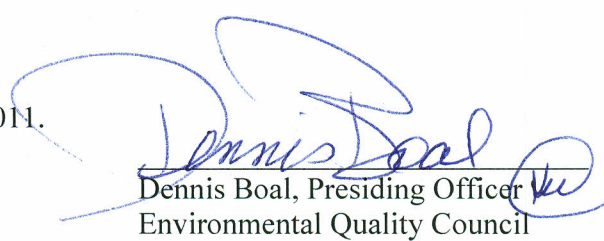
Approved as to Form:


Luke Esch

Heather Jacobson


The parties shall have 48 hours from the date of receipt of this Order to file any objections to this Scheduling Order or to sign approval as to form.

DATED this 28th day of September, 2011.


Dennis Boal, Presiding Officer
Environmental Quality Council

Approved as to Form:

Luke Esch


Heather Jacobson

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 28th day of September, 2011, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

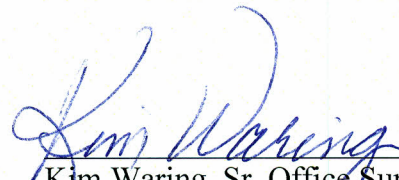
John Corra
Director, DEQ
john.corra@wyo.gov
307-777-7937

Luke Esch
Asst. Attorney General
lesch@state.wy.us
307-777-6946

Nancy Nuttbrock, Administrator
Land Quality Division
Nancy.nuttbrock@wyo.gov
307-777-7046

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

Heather A. Jacobson
Jacobson Law Office, LLC
1839 Madora Avenue
Douglas, WY 82633
(307) 358-3180



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