

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

FILED

JAN 06 2012

In the Matter of the Appeal)

Of Notice of Violation and Order)

Dated July 29th, 2011)

Issued to Good Mining Company, LLC)

Docket No. 11-4201A

Jim Ruby, Executive Secretary
Environmental Quality Council

PREHEARING CONFERENCE ORDER

THIS MATTER came before the Environmental Quality Council for a prehearing conference on January 5, 2012. The Department of Environmental Quality, Land Quality Division appeared by and through counsel, Luke J. Esch, Assistant Attorney General. Good Mining LLC appeared telephonically by and through counsel, Heather Jacobson.

IT IS THEREFORE ORDERED that:

1. DEQ listed one (1) issue to be determined at the scheduled hearing on January 12, 2012 in Greybull, Wyoming. There being no objection, the issue listed by DEQ will be considered by EQC.
2. DEQ listed two (2) will call and one (1) may call witnesses. There being no objection all witnesses will be allowed to testify at the scheduled hearing.
3. DEQ offered Exhibits DEQ-1 through DEQ-8. Counsel for Good Mining stipulated to the admission of Exhibits DEQ-1 through DEQ-8. Exhibits DEQ-1 through DEQ-8 are admitted into evidence. All Exhibits may be objected to based upon relevance by the parties.
4. Good listed three (3) issues to be considered at the scheduled hearing. DEQ objected to issues 2 and 3. The presiding officer overruled the objection and will allow the Petitioner to present their issues and allow DEQ to object to any issue they believe to be outside of the pleadings.
5. Good listed one (1) will call and two (2) may call witnesses. There being no objection all witnesses will be allowed to testify at the scheduled hearing.


6. Good offered Exhibits 1 through 3 in its Prehearing Memorandum. DEQ objected to Exhibit 3 on the basis of relevancy. At the hearing the DEQ has preserved it's objection to Good Exhibit 3 as to relevancy and if the exhibit is offered the DEQ may raise the issue of relevancy at that time for a ruling by the council. All Exhibits may be objected to based upon relevance by the parties.

7. Each party will be allowed ten minutes for opening statements. Whether closing argument will be made orally or in writing will be determined by EQC at the close of the evidentiary portion of the hearing. If EQC desires oral closing the length will be determined at the hearing.

8. This matter remains set for contested case evidentiary hearing to take place at 9:00 o'clock a.m., on January 12, 2012 at the Bank of Greybull in Greybull, Wyoming.

SO ORDERED this 6th day of January 2012

A handwritten signature in cursive script that reads "Dennis Boal". The signature is written in black ink and is positioned above the typed name.

Dennis Boal, Presiding Officer 
Environmental Quality Council.