

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

**In the Matter of the Bond
FORFEITURE PROCEEDINGS
AGAINST THE BOND OF
:Melvin-Edward: Gustin.
SMALL MINE PERMIT 310S**

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Docket No. 11-4502

FILED

APR 09 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

AMENDED ORDER OF SCHEDULE

A short pre-hearing conference was held in this matter. The conference was conducted on Tuesday, April 3, 2012 at 1:30 p.m via telephone conference call. Appearing on behalf of the DEQ was Luke Esch. Mr. Gustin. appeared on his own behalf. Also present was Jim Ruby, Joe Girardin and John Knepper. The prehearing conference was transcribed by a court reporter.

1. DEQ identified Mark Moxeley and Melissa Bautz as will call witnesses.
2. Mr. Gustin. identified himself as a will call witness.
3. The Parties have until April 10, 2012 at 5:00 p.m. Mountain Daylight Savings Time to provide a list of any other witnesses the party will or may call at the hearing.
4. The Parties have until April 12, 2012 at 12:00 noon to file any prehearing motions and to exchange exhibits. DEQ shall mark their exhibits as DEQ 1,2,3 etc. Mr. Gustin. shall mark his exhibits as Gustin 1,2,3 etc.. Responses to any prehearing motions shall be filed by April 16, 2012 at 8:00 a.m.
5. The issue to be decided by the Council is whether the bond of Mr. Gustin. should be forfeited.
6. The final contested case hearing will be held in Cheyenne, Wyoming on April 16, 2012. The hearing will be held in room B63 of the Herschler Building, 122 West 25th St. Cheyenne

WY 82002. Room B63 is in the basement of the Herschler Building. The hearing will begin at 9:00 a.m.

7. Each party will have 10 minutes for opening statements and 5 minutes for closing arguments.

8. DEQ shall proceed first in the presentation of evidence.

9. All witnesses will be subject to direct examination, cross examination and redirect examination. There will not be any recross examination.

10. If possible the Parties should submit copies of their exhibits in digital format as well as hard copy. If a party is not able to submit copies of its exhibits in digital format the party should deliver the hard copies of exhibits to the Council staff by 12:00 noon on Friday, April 13, 2012.

11. Failure of a party to appear at the final hearing may be cause for dismissal of the party's appeal.

DATED this 9th day of April, 2012.


Tom Coverdale, Chairman
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 9th day of April, 2012, I served a copy of the foregoing AMENDED ORDER OF SCHEDULE by electronic mail to the following:


John Corra
Director, DEQ
john.corra@wyo.gov

Nancy Nuttbrock, Administrator
DEQ Land Quality Division
nancy.nuttbrock@wyo.gov

Luke Esch
Assistant Attorney General
luke.esch@wyo.gov

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

:Melvin-Edward: Gustin.
P.O. Box 468
Riverton, WY 82510



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