

**FILED**

**DEC 20 2011**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

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

**In the Matter of the Appeal and Petition for )  
Review of: The Notice of Violation issued to )  
Thunder Basin Coal Company for Operation )  
At its Coal Creek Mine )**

**Docket No. 11-4601**

**ORDER OF SCHEDULE**

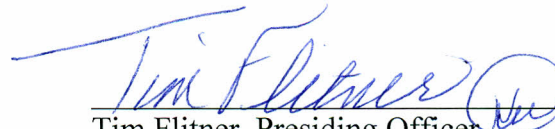
1. A prehearing conference in this matter was held on Monday, December 19th, 2011 at 1:30 p.m. via telephone conference call. Presiding was Councilman Tim Flitner. The hearing was recorded electronically. Present on behalf of the Petitioner were Michael Drysdale and William Prince. Present on behalf of the Department of Environmental Quality (DEQ) was Assistant Attorney General Luke Esch. Also present for the Council were Senior Assistant Attorney General John Knepper, Joe Girardin, of the Council staff and Jim Ruby, Executive Secretary of the Council.
2. The final hearing will begin on July 12, 2012 at 9:00 a.m. The exact location will be decided at a later date.
3. All discovery, both written and oral, shall be completed by 12:00 noon on or before March 28th, 2012.
4. Disclosure of expert witnesses shall comply with Rule 26 of the Wyoming Rules of Civil Procedure and shall occur no later than 5:00 p.m. February 15, 2012.
5. Dispositive Motions shall be filed by 12:00 noon on April 2, 2012. Responses to Dispositive Motions shall be filed by 12:00 noon on April 30th, 2012. The Council will hold a teleconference call for argument on any Dispositive Motions on June 29th, 2012 prior to the prehearing conference. The exact time will be set at a later date.
6. The Parties shall exchange final witness lists and exhibit lists by June 26th, 2012 at 12:00 noon Mountain Time. The witness lists shall include identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony. DEQ shall identify its exhibits as "DEQ 1,2,3" etc. The Petitioner shall identify its exhibits as "Thunderbasin 1,2,3" etc.
7. A prehearing conference in this matter will be conducted on June 29th, 2012 via telephone conference call following oral arguments, if any, on dispositive motions. The parties shall inform the EQC office of a direct telephone number and if possible an email address where they can be reached for the prehearing on or before 9:00 a.m. June 26th, 2012. Failure to appear at the prehearing conference may result in dismissal from this case.
8. The purpose of the prehearing conference is:
  - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;

- b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
- c. Stipulation to uncontested facts;
- d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and

**IT IS HEREBY ORDERED THAT:**

- 1. All Parties shall appear for a prehearing conference in this matter on June 29th, 2012, via telephone conference call. The exact time will be set at a later date. Failure to appear at the prehearing conference may result in dismissal from this case.
- 2. All parties shall appear on July 12th, 2012 at 9:00 a.m. for final hearing in this matter. The exact location shall be determined at a later date. Failure to appear at the hearing may result in dismissal from this case.
- 3. A court reporter will transcribe the hearing.

**DATED** this 20th day of December, 2011.

  
Tim Flitner, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

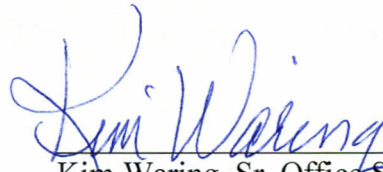
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 20th day of December, 2011, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

John Corra  
Director, DEQ  
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Luke Esch  
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Nancy Nuttbrock, Administrator  
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