

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

**IN THE MATTER OF THE OBJECTIONS)
TO THE SMALL MINE PERMIT OF)
STRID MARBLE & GRANITE)
COMPANY, TFN 5 6/121)**

Docket No. 12-4801

FILED

APR 26 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

ORDER OF SCHEDULE

A short pre-hearing conference was held in this matter. The conference was conducted on Tuesday, April 24, 2012 at 3:00 p.m via telephone conference call. Appearing on behalf of the Department of Environmental Quality (DEQ) was Luke Esch. Steven Freudenthal and Elden Strid appeared on behalf of Strid Marble & Granite Company (Strid). Jeff Falkenburg, Garret Falkenburg and George & Phyllis Falkenburg appeared on their own behalf. Also present was the Environmental Quality Council staff, Jim Ruby and Joe Girardin and John Knepper, Attorney General for the Council. Council member Rich Fairservis was present as the presiding officer.

The following parties failed to appear at the prehearing conference: Wagonhound Land & Livestock, Kenneth R. Taylor, Lyndon J. Fink, Mary Falkenburg, Darren Fink, Pamela Haar, and Benny R. & Pauline Middleton. The prehearing conference was transcribed by a court reporter.

1. DEQ identified Anna Waitkus and Lowell Spackman as will call witnesses.
2. Mr. Freudenthal identified DEQ's witnesses, Deanna Hill, Elden Strid, Jeff Falkenburg and George Falkenburg as will call witnesses.
3. Mr. Falkenburg identified himself, Elden Strid, Keith Schoup and Jim Willox as will call witnesses.
4. The parties have until May 2, 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.
5. The parties have until May 9, 2012 at 12:00 noon to exchange exhibits. DEQ shall mark their exhibits as DEQ 1, 2, 3 etc. Mr. Freudenthal shall mark his exhibits as Strid 1, 2, 3 etc. Mr.

Falkenburg shall mark his as Falkenburg 1, 2, 3 etc. The parties shall have 8 copies of exhibits to be provided to the Council at the hearing on May 11, 2012.

6. Mr. Falkenburg shall file with the parties and the Council a statement of issues with statute citations by Friday, April 27, 2012 at 5:00 p.m.

7. The final contested case hearing will be held on Friday May, 11, 2012 at the Department of Environmental Quality (DEQ) Field Office, 2100 W. Fifth Street, Sheridan, Wyoming. The hearing will begin at 9:00 a.m.

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

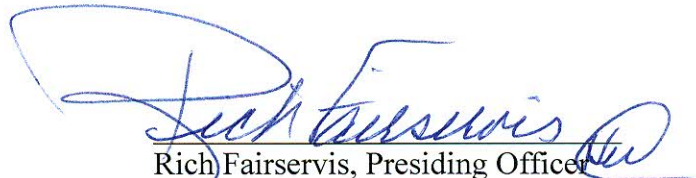
9. DEQ shall proceed first in the presentation of evidence, followed by Mr. Falkenburg and then Strid.

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

11. If possible, the parties should submit copies of their exhibits in digital format as well as hard copy.

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

DATED this 26th day of April, 2012.


Rich Fairservis, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 26th day of April, 2012, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

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

Steve Freudenthal
Attorney at Law
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George & Phyllis Falkenburg
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Benny R. & Pauline Middleton
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also by depositing the same in the United States mail addressed to:

George & Phyllis Falkenburg
854 Poison Lake Road
Douglas, WY 82633-9208

Garret Falkenburg
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Douglas, WY 82633-9203

Lyndon J. Fink
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Darren Fink
756 Wagon Hound Road
Douglas, WY 82633-9203



Kim Waring, Sr. Office Supp. Spec.
Environmental Quality Council