

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

FILED

JUN 26 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

**IN THE MATTER OF THE OBJECTIONS)
TO THE SMALL MINE PERMIT OF)
CROELL REDI-MIX, INC., TFN 5 1/189)**

Docket No. 12-4802

STIPULATED AGREEMENT FOR FINAL HEARING

On June 22, 2012, the following parties or their representatives appeared either in person or by phone pursuant to a Notice of Hearing and Order for a prehearing conference. Luke Esch, Assistant Attorney General, for the Department of Environmental Quality; Jake Brooks, Lonabaugh & Riggs, LLP, on behalf of Mr. and Mrs. Troy Ehrmantraut; Mark Stewart, Davis & Cannon, LLP, and Julie Ewing on behalf of Croell RediMix Inc.; Jacob Gay and Fred Matthews. Failing to appear pursuant to the Notice of Hearing and Order were Kim Love, Steve Wuthier, Dan Gay, Jerry Ruby, Larry Brannian and Chuck Evitt.


The Presiding Officer was unavailable and unable to attend, and the Chairman was unable to appoint a substitute prior to the scheduling hearing. The parties present agreed to proceed on the hearing with James Ruby, Executive Secretary of the Council moderating the discussion. Also present for the Council were Joe Girardin and John Knepper, Senior Assistant Attorney General.

The Parties have stipulated as follows:

1. Final Identification of all Witnesses and filing of Rule 26 Expert Reports shall be made by 5 p.m. on July 6, 2012.
2. Delivery and identification of all Exhibits shall be made by 5 p.m. on June 29, 2012.
3. DEQ identified David Schellinger as a will call witness and Nancy Nuttbrock as a may call witness.

4. DEQ identified DEQ Exhibit 1 as the permit application and correspondence file. DEQ will label their exhibits as DEQ 1,2,3 etc.
5. Mr. Brooks identified Troy and Hannah Ehrmantraut as will call witnesses.
6. Mr. Brooks identified photos and videos as possible exhibits. Mr. Brooks will label his exhibits as Ehrmantraut 1,2,3 etc.
7. Mr. Jacob Gay stated that he would not be calling any witnesses, would not be testifying on his own behalf and would not be offering any exhibits.
8. Mr. Matthews stated that he would not be calling any witnesses, he would be testifying on his own behalf and would not be offering any exhibits.
9. Mr. Stewart identified Brian Marchant and Dennis McGirr as will call witnesses and Julie Ewing and Scott Pehringer as may call witnesses.
10. Mr. Stewart will label his Exhibits Croell 1,2,3, etc. and identified several maps, the Croell Air Quality Permit, a County Road Use Agreement and the Easement for haul road as exhibits.
11. Any motions shall be filed no later than 12:00 noon on July 3, 2012 and any responses to said motions shall be filed by 5:00 p.m. on July 6, 2012. Oral arguments on any motions filed will be held prior to the commencement of the final hearing on July 12, 2012 at 9:00 a.m. in room 1699 of the Herschler Building, 122 West 25th St, Cheyenne WY.

So Stipulated to on this 26th day of June, 2012.



J. Mark Stewart
Attorney for Croell Redi-Mux