

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

FILED

JAN 09 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

**In the Matter of the Appeal
Of Notice of Violation and Order
Issued to G.A. Enterprises**

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Docket No. 11-5216A

ORDER OF SCHEDULE

ON THE 9th day of January 2012, the Council, through Rich Fairservis, the appointed Presiding Officer, conducted a scheduling conference with the parties. Present at said hearing was Edward Luhm on behalf of G.A. Enterprises; the Department of Environmental Quality, Solid and Hazardous Waste Division was represented by Jeremiah Williamson, Asst. Attorney General; Present for the Council were Jim Ruby, Executive Secretary of the Council and Joe Girardin, Paralegal for the Council. Also present was John Knepper, Senior Asst. Attorney General, Counsel for the EQC.

The following schedule has been developed by the Presiding Officer through consultation and the parties are hereby ordered to comply with said schedule unless good cause is shown why the parties are unable to comply.

The following schedule is hereby ordered:

- a. G.A. Enterprises shall file their disclosure of expert witnesses by March 30, 2012. DEQ shall file their disclosure of expert witnesses by April 8, 2012. The disclosure of expert witnesses shall comply with Rule 26 of the Supreme Court Rules of Civil Procedure.
- b. All discovery, both written and oral shall be completed by 12:00 noon on or before May 31, 2012.
- c. Dispositive motions shall be filed by 12:00 noon on or before June 15th, 2012. Responses to dispositive motions shall be filed by 12:00 noon on or before June 29th, 2012.
- d. Oral arguments on dispositive motions shall be held on July 12th, 2012 at 9:00 a.m.

prior to the beginning of the final hearing in this matter. Each party will have ten minutes for oral argument. The proponent of any dispositive motion shall also have an additional five minutes for rebuttal argument.

e. Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council by 12:00 noon on or before June 28th, 2012. A copy of all exhibits shall also be served on the opposing parties. The DEQ shall label their exhibits DEQ 1, 2, 3 etc. The Petitioner shall label their exhibits GA 1, 2, 3 etc. At a minimum, the memorandum shall identify all contested issues and all uncontested issues, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the pre-hearing conference.

f. The pre-hearing conference shall be held on July 2nd, 2012. The parties may appear by teleconference if personal attendance at the offices of the Council in Cheyenne, WY is impractical. The purpose of the pre-hearing conference is:

1. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony.
2. Clarification of the legal issues, both substantive and procedural, of all the parties, including the statutory provisions and regulations that form the basis of this appeal.
3. Stipulation to uncontested facts.
4. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony.
5. Pending motions.

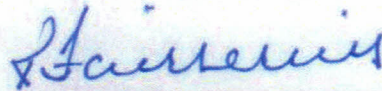
g. Final hearing in this matter is scheduled for July 12th, 2012 in either Sheridan, Worland or Thermopolis, Wyoming at 9:00 a.m.. The exact location of the hearing will be determined at a later date.

h. All documents shall be delivered no later than 12:00 noon on the above referenced

dates. For the purpose of this order, deliver shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same time.

The parties shall have 48 hours from the date of receipt of this Order to file any objections to this Scheduling Order.

DATED this 9th day of January 2012.



Rich Fairservis, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

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

Carl Anderson
DEQ, SHWD - Administrator
carl.anderson@wyo.gov

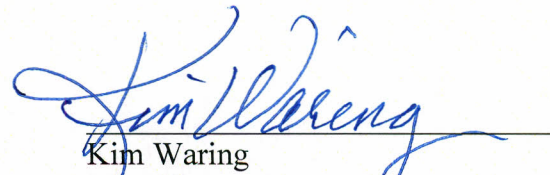
Jeremiah Williamson
Asst. Attorney General
jeremiah.williamson@wyo.gov

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

Edward G. Luhm
Attorney at Law
edluhm@rtconnect.net

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

G.A. Enterprises
P.O. Box 350
Worland, WY 82401



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