

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

FILED

SEP 16 2009

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE APPEAL OF)
POWDER RIVER COUNCIL, AND)
WILLIAM F. WEST RANCH, LLC)
FROM WYPDES PERMIT NO.)
WY0094056

DOCKET No: 09-3807

**ORDER DENYING CONTINUANCE
SCHEDULING ORDER**

ON THE 16TH DAY OF SEPTEMBER, 2009 at 9:00 a.m. the above entitled matters came on for scheduling conference before the Presiding Officer for the Council, Dr. Fred Ogden. Present were Kate Fox and Mark Stewart, counsel for the Petitioner; Mike Barrash, Pete Michael and Luke Esch, Asst. Attorney Generals on behalf of the Department of Environmental Quality and William Sparks and Mike Wozniak on behalf of Cedar Ridge LLC.. Also present for the conference was James Ruby, Exec. Secretary for the Council, and Joe Girardin the Council's paralegal.

On September 14, 2009 the Respondent filed a motion to continue the scheduling conference. On September 15, 2009 the Petitioner filed a response in opposition to the motion to continue. The Presiding officer received oral arguments on September 16, 2009 regarding the motion to continue. Being fully advised, the Motion of the Respondent is denied.

Discussion was held by the parties and the Presiding Officer and the following was agreed to by the Parties and is hereby made the Order of the Council:

1. All non-expert written and oral discovery shall be completed by November 2, 2009.

2. The Petitioner shall file their Expert Designations and Reports by November 2, 2009.
The report shall state the credentials and opinion(s) of each expert and contain a detailed summary of the facts and analysis that supports each opinion.
3. The Respondent and Third Party Respondent shall file their Expert Designations and Reports by December 1st, 2009. The report shall state the credentials and opinion(s) of each expert and contain a detailed summary of the facts and analysis that supports each opinion.
4. Depositions including Depositions of Experts and Written Discovery of Experts shall be concluded by January 25th, 2010.
5. Any Dispositive Motions shall be filed by February 9th, 2010
6. Replies to Dispositive Motions shall be filed by February 23rd, 2010
7. Hearing on any Dispositive Motions shall be heard on March 11th, 2010. The hearing shall be held in Cheyenne Wyoming.
8. A prehearing conference shall be held, if necessary, on April 14th, 2010.
9. Final Hearing on the matter shall be held on May 12th, 13th, and 14th 2010. The hearing shall be held in Cheyenne Wyoming.
10. All filings shall be made no later than 12:00 p.m. on the date set forth in this Order.

SO ORDERED this 16th Day of September, 2009.



Dr. Fred Ogden, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 16th day of September, 2009, I served a copy of the foregoing **ORDER DENYING CONTINUANCE SCHEDULING ORDER** by electronic mail to the following:

John Corra
Director, DEQ
jcorra@wyo.gov

Kate Fox
J. Mark Stewart
mark@davisandcannonchey.com

Mike Barrash
Asst. Attorney General
mbarra@state.wy.us

Michael Wozniak
Bill Sparks
Attorneys for Cedar Ridge, LLC
wsparks@bwenergyllaw.com


Kim Waring
Senior Office Support Specialist
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134