

STATE OF WYOMING

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

UPON REFERRAL FROM THE WYOMING DEPARTMENT OF ENVIRONMENTAL  
QUALITY

IN THE MATTER OF PERMIT RENEWAL	)	OAH DOCKET NO. 19-004-220
APPLICATION OF	)	C103
CONTURA COAL WEST, LLC.: P20214;	)	DOCKET NO. DEQ/EQC 18-4803
AND IN THE MATTER OF THE	)	
APPLICATIONS FOR COAL MINE PERMIT	)	
TRANSFERS OF	)	
BLACKJEWEL, LLC.: PT0214 & PT0428;	)	DOCKET NO. DEQ/EQC 18-4805

**ORDER SETTING PREHEARING CONFERENCE,  
AND SETTING HEARING**

THIS MATTER has been referred to the Office of Administrative Hearings (Office) for administrative hearing pursuant to Wyoming Statute § 9-2-2202(b); the Wyoming Administrative Procedure Act, Wyoming Statutes §§ 16-3-101 through -115; Environmental Quality, Practice and Procedure, Chapter 2, 020.0008.2.04242017; and Office of Administrative Hearings, General Agency Rules (OAH Rules), Chapter 2, 270.0001.2.07202017.

1. The issues to be heard shall concern the permit renewal application of Contura Coal West, LLC and the application for Coal Mine Permit Transfers of Blackjewel, LLC.
2. A prehearing conference will be held May 9, 2019, at 10:00 a.m., by telephone with the Environmental Quality Council to provide call-in information at a later date. The purpose of the prehearing conference is to address all pending motions, challenges to admissibility of exhibits or the testimony of witnesses, and any other matters raised by the parties. The Office may record the prehearing.

3. This Office has received the Order entered by the Wyoming Environmental Quality Council setting this matter for hearing on **May 15 and 16, 2019, each day beginning at 9:00 a.m.**, in Room 127, Hathaway Building, 2300 Capitol Avenue, Cheyenne, Wyoming. A court reporter will report the hearing and Environmental Quality Council shall make the arrangements.

4. On April 15, 2019 by noon, each party shall file and serve identification of witness and summary of the testimony the witness is expected to give in the case. If a deposition is to be offered into evidence, the original should be filed with **Wyoming Department of Environmental Quality**, and a copy shall be provided to this Office along with other disclosure. The parties shall make appropriate arrangements for the attendance of their witnesses at the above-scheduled hearing.

5. The parties shall file and serve no later than noon on May 8, 2019, a complete list and a copy of all documents, statements, etc. which the party will or may introduce into evidence. Petitioner's exhibits shall be identified by letters beginning with "A" and going through "Z." If necessary, additional exhibits shall begin with "AA" and continue alphabetically. Respondent's exhibits shall be identified by numbers beginning with "1." The parties shall be prepared to present their exhibits at the above-scheduled hearing. *Each exhibit shall be tabbed, and each page shall be numbered so that every page presented to the Office can be specifically identified. Exhibits containing multiple pages must be individually numbered. The parties shall include a separate index list of all exhibits, which identifies each exhibit and corresponding page number.*

*All Disclosure Statements and exhibits exceeding 25 pages shall be bound in a spiral or ring binder with all exhibits tabbed and incorporated into a single 8.5 by 11 inch document.*

**All original documents filed in this proceeding must be mailed to Wyoming Department of Environmental Quality.**

6. Designation of Experts and Reports. All parties shall disclose to the other parties the identity of any person who may be called to present evidence under Rules 702, 703, or 705 of the Wyoming Rules of Evidence. Except as otherwise stipulated or directed by the Office, the disclosure of the identity of the expert witness shall be accompanied by a written report prepared and signed by the expert witness and in full compliance with the requirements of Rule 26(a)(2) of the Wyoming Rules of Civil Procedure. Expert witnesses must be identified not later than March 14, 2019 by 5:00 p.m.

7. **No later than April 15, 2019**, all prehearing motions, including motions for continuance and dispositive motions, shall be filed and served upon all other parties and this Office. Responses to Motions shall be filed and served by April 25, 2019.

8. **All discovery requests shall be served by February 16, 2019 at 5:00 p.m.** Discovery responses shall be due no later than 30 days after receipt of the same. Discovery requests and answers are not to be served upon this Office.

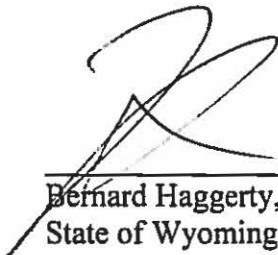
9. The parties shall file and serve any trial briefs no later than May 13, 2019.

10. All parties should continue to make reasonable efforts towards achieving settlement of this contested case. **Should this matter settle, or should any party decide they**

**no longer wish to pursue this matter further, please contact the Office of Administrative Hearings immediately at (307) 777-6660.**

11. If any party, attorney, or witness needs special accommodations, this Office shall be notified as soon as possible so the necessary arrangements may be made.

DONE this 29 day of January, 2019.



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Bernard Haggerty, Hearing Examiner  
State of Wyoming  
OFFICE OF ADMINISTRATIVE HEARINGS  
2020 Carey Avenue, Fifth Floor  
Cheyenne, Wyoming 82002-0270  
(307) 777-6660

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served by mailing a true and correct copy, postage prepaid, on the 29 day of January, 2019, addressed to the following:

Wyoming Department of Environmental Quality Council - (ORIGINAL)  
Attn: Joe Girardin  
2300 Capitol Avenue  
Hathaway Building, Room 136  
Cheyenne, Wyoming 82002

James Kaste – Attorney for Environmental Quality Council  
Assistant Attorney General  
2320 Capitol Avenue  
Cheyenne, Wyoming 82002

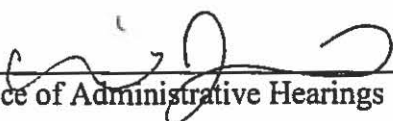
Ryan Schelhaas – Advising Attorney for Environmental Quality Council  
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2320 Capitol Avenue  
Cheyenne, Wyoming 82002

Tom Throne – Attorney for Blackjewel, LLC  
P.O. Box 6590  
Sheridan, Wyoming 82801

Jason Wasserburger – Attorney for Blackjewel, LLC  
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Jeff Pope – Attorneys for Contura Coal West, LLC.  
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2515 Warren Avenue, Suite 450  
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Office of Administrative Hearings