

**FILED**

**MAR 05 2019**

STATE OF WYOMING

IN THE OFFICE OF ADMINISTRATIVE HEARINGS  
Board of Environmental Quality Council  
Jim Ruby, Executive Secretary

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

**AMENDED 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 January 14, 2019 Order of the Environmental Quality Council shall remain in effect except as specified in this Amended Order.
2. 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.
3. A prehearing conference will be held May 9, 2019, at 10:00 a.m., at the Board of Equalization Board Room, Room 121, Hathaway Building, 2300 Capitol Avenue Cheyenne, Wyoming. The Environmental Quality Council will provide a court reporter and notice of the call-in information. 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.

4. The hearing shall be held on **May 15 and 16, 2019, each day beginning at 9:00 a.m.**, in The Liquor Division Warehouse, Conference Room, 6601 Campstool Rd., Cheyenne, Wyoming. A court reporter will report the hearing, and Environmental Quality Council shall make the arrangements.

5. 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 shall be filed with **Environmental Quality Council**, and a copy shall be provided to this Office along with other disclosures. The parties shall make appropriate arrangements for the attendance of their witnesses at the above-scheduled hearing.

6. Each party shall file and serve no later than noon on May 8, 2019, a Disclosure Statement including a complete list and a **copy** of all documents, statements, etc., which the party will or may introduce into evidence. The filing of exhibits shall be according to the January 14, 2019 Order of the Environmental Quality Council. A copy of all Disclosure Statements, including a complete list and a copy of all documents, statements, etc., which the party will or may introduce into evidence, shall be filed with this Office.

7. **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.

8. **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.

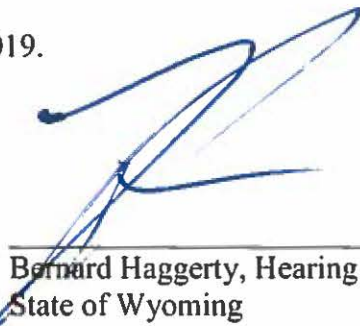
9. **All discovery requests shall be served by February 16, 2019 at 5:00 p.m. Discovery responses shall be due no later than 30 days after receipt of the same.** Discovery requests and answers are not to be served upon this Office.

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

11. 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 immediately contact the Environmental Quality Council, and this Office at (307) 777-6660.**

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

DONE this 5 day of March, 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 5 day of March, 2019, addressed to the following:

Environmental Quality Council - (ORIGINAL)

Attn: Jim Ruby  
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Cheyenne, Wyoming 82002

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Office of Administrative Hearings