

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

**In re Brook Mining Co., LLC coal mine  
permit – PT0841**

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**EQC Docket No. 20-4802**

**SCHEDULING ORDER**

This matter came before this hearing officer in this matter on Thursday, August 13, 2020 at 10:30 a.m. for a status conference. Counsel for all parties were present. As a result of the status conference, the following schedule will apply to this matter:

1. **August 31, 2020** – the parties shall exchange a preliminary witness list and list of documents that each party may use at the contested case hearing to support their claims and/or defenses.
2. **September 30, 2020** – Powder River Basin Resource Council shall serve upon the other parties its expert witness designation.
3. **October 21, 2020** – DEQ and Brook Mine shall serve upon the other parties their expert witness designations.
4. **October 30, 2020** – Discovery cutoff with the exception of expert witness depositions.
5. **October 30, 2020** – Last day to file all prehearing and dispositive motions. The timelines to file responses and replies to any motion shall be governed by Chapter 2, Section 11 of DEQ’s Contested Case Hearing rules. Oral argument on motions will be scheduled at a later date, if necessary.

**FILED**

**AUG 18 2020**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

6. **November 18, 2020** – Last day to complete expert witness depositions.
7. **January 8, 2021** – Prehearing disclosure statements **and** a complete set of all exhibits each party may introduce into evidence at the contested case hearing shall be served upon the parties and filed with the Council. Prehearing disclosure statements shall comply with the requirements outlined in Chapter 2, Section 18 of DEQ's Contested Case Hearing rules. Each party's exhibits shall be bound in a spiral or ring binder and all exhibits shall be tabbed and every page numbered so that every page presented to the Council can be specifically identified. The parties shall also include a separate index list of all exhibits, which identifies each exhibit and corresponding page number. In order for each Council member to have a copy of the exhibits, each party shall provide an original and seven copies of its exhibits to the Council.
8. **January 13, 2021 at 10:00 a.m.** – Prehearing conference to be held in Cheyenne at a location to be announced.
9. **January 19 through January 22, 2021** – Contested case to be held in Cheyenne at a location to be announced. The parties have agreed to waive the thirty day deadline in which to hold the contested case hearing.
10. The burden of proof in this matter is on the objector, Power River Basin Resource Council.
11. The filing of documents and exhibits with the Council shall be filed via the e-file docket site. The e-file docket site will automatically name and number the exhibits so please do not name and number the originals until after they have been filed. When filing exhibits, identify

them on the e-file site as final exhibits. Contact Mr. Girardin at 307-777-7170 for filing assistance, if needed.

12. All parties should continue to make reasonable efforts towards achieving settlement of this matter.

13. If any party, attorney, or witness requires special accommodations, counsel shall notify the hearing officer as soon as possible so the necessary arrangements may be made.

DATED this 15<sup>th</sup> day of August, 2020

  
Deborah Baumer, Hearing Officer  
Environmental Quality Council