

**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

**ORDER DENYING BROOK MINING CO., LLC’S MOTION
TO STRIKE AFFIDAVIT OF GENNARO G. MARINO**

On November 3, 2020, Brook Mining Co., LLC filed a motion to strike affidavit of Gennaro G. Marino, dated October 23, 2020, filed as Exhibit C to Powder River Basin Resource Council’s Combined Response in Opposition to Brook Mine Co., LLC.’s Motion for Summary Judgment and Memorandum. The Department of Environmental Quality joined the motion. Powder River Basin Resource Council (“PRBRC”) responded to the motion.

Following the issue being fully briefed by the parties, the Council held a hearing on the motion on December 16, 2020 via Zoom video conference.

After hearing and considering the parties’ motions and arguments and otherwise being fully advised, the Council voted 5 to 1 (with one member absent) against granting Brook Mine’s motion. Accordingly, the Council denied the motion.

IT IS HEREBY ORDERED that Brook Mining Co., LLC’s motion to strike is denied.

DATED this 12th day of February, 2021



John Corra, Chairman
Environmental Quality Council