Filed: 11/10/2022 2:37:40 PM WEQC

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

In Re Black Hills Bentonite LLC.)	
Permit P0024615)	DOCKET 22-4801

ORDER

The Parties appeared for a scheduling conference on November 2, 2022 10:00 a.m. They appeared in person and via Zoom at the Board of Equalization Board Room 1st Floor Hathaway Building, 2300 Capitol Ave. Cheyenne WY.

Present at the hearing were the Petitioners Donald Dihle, Mark Stengle and Tara Wineteer. David DeWald counsel for the Department of Environmental Quality (DEQ), Kyle Wendtland, Land Quality Administrator and Mark Rogazewski from the DEQ and Mike Thomas and Adam Evenson were present on behalf of Black Hills Bentonite LLC.

Also present were Jim Ruby and Joe Girardin staff for the EQC.

Based on estimates by the parties the final hearing is set for one and one-half days. The final hearing was set for February 21 and 22, 2023 at 9:00 a.m. The exact location will be set at a later date.

The following timelines were established.

All discovery, Requests for Production of Documents and Interrogatories, shall be completed by December 1, 2022 at 5:00 p.m. Responses to discovery shall be completed by January 2, 2023 at 5:00 p.m.

The deadline for identifying all expert and lay witnesses is December 1, 2022 at 5:00 p.m. The parties must comply with Rule 26 of the Wyoming Supreme Court Rules of Civil Procedure for all expert witnesses.

The parties shall identify their witnesses and exchange a summary of testimony for each lay

witness no later than December 1, 2022 at 5:00 p.m.

Any dispositive motions shall be filed no later than January 9, 2023 at 5:00 p.m. and responses

shall be filed no later than February 9, 2023 at 5:00 p.m. The hearing on any motions filed will

occur immediately prior to the final hearing on February 21, 2023.

Exhibits shall be filed with each party and with the Council by February 6, 2023 at 4:00 p.m.

The filing of all documents for the Council can and should be done on the e-file docket site. The

e-file will name and number exhibits so do not name and number the originals until after they have

been filed. When filing Exhibits identify them on e-file as final exhibits not pleading exhibits.

Contact Mr. Girardin at 307-777-7170 for assistance prior to using the system if you have not used

it before.

The final hearing will be held on February 21 and 22, 2023 beginning at 9:00 a.m. in a location

near the site of the mine. The actual location will be set and the parties notified at a later date.

DATED this \$\frac{1}{2}\$th day of November 2022.

Margorie Bedessem, Hearing Examiner

Environmental Quality Council 2