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FILED

OCT 01 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

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

IN THE MATTER OF THE APPEAL)
OF POWDER RIVER BASIN RESOURCE) Docket No. 09-3802
COUNCIL, BERNADETTE BARLOW,)
BERNADETTE BARLOW TRUST,)
WILLIAM L. BARLOW TRUST AND)
ERIC BARLOW FROM WYPDES)
PERMIT NO. WY0052299)

**DEPARTMENT OF ENVIRONMENTAL QUALITY'S WAIVER
OF COURT REPORTER FOR PRE-HEARING CONFERENCE**

Department of Environmental Quality ("DEQ"), by and through its undersigned counsel, submits its waiver of a court reporter for the Pre-Hearing Conference scheduled on October 6, 2009 at 1:30 p.m., and requests that the EQC not invoice DEQ for any costs of the transcript

Respectfully submitted this 1st day of October, 2009.

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY



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CERTIFICATE OF SERVICE

I certify that the foregoing document was served by US. Mail, postage prepaid, and addressed correctly, to the following people on the 1st day of October, 2009:

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Jack D. Palma II
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Wyoming Attorney General's Office

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

FILED

SEP 29 2009

Jim Ruby, Executive Secretary Environmental Quality Council

IN THE MATTER OF THE APPEAL OF POWDER RIVER BASIN RESOURCE COUNCIL, BERNADETTE BARLOW, BERNADETTE BARLOW TRUST, WILLIAM L. BARLOW TRUST AND ERIC BARLOW FROM WYPDES PERMIT NO. WY0052299

DOCKET NO. 09-3802

ORDER

A short pre-hearing conference will be held in this matter to discuss time frame for discovery, possible hearing dates and time needed for the Parties to present their case. The conference will be conducted on October 6, 2009 at 1:30 p.m. via telephone conference call. The parties should provide the EQC office with a telephone number where they can be reached for the pre-hearing on or before October 5, 2009. Failure to appear at the pre-hearing conference may result in dismissal from this case.

In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the Parties should equally pay the costs of the transcript.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

- 1. The Parties shall appear for a short pre-hearing conference in this matter that will be conducted on October 6, 2009 at 1:30 p.m. via telephone conference call. The parties shall inform the EQC office of a telephone number where they can be reached for the pre-hearing on or before October 5, 2009. Failure to appear at the pre-hearing conference may result in dismissal from this case.
2. If the Parties have not filed a waiver on or before October 5, 2009 a court reporter will transcribe the hearing.
3. Each party shall assume one third of the cost of the transcript and court reporter.

DATED this 29th day of September, 2009.

Thomas Coverdale, Presiding Officer Environmental Quality Council

CERTIFICATE OF SERVICE

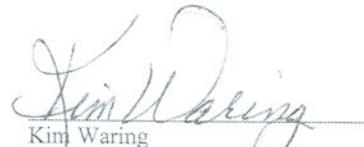
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 29th day of September, 2009, I served a copy of the foregoing ORDER by electronic mail to the following:

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