

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL NOV 08 2012  
STATE OF WYOMING**

Jim Ruby, Executive Secretary  
Environmental Quality Council

**In the Matter of the Appeal of the Notice Of )  
Violation and Order Issued To: ) Docket No. 12-5206A  
Wyoming Tire Inc. )  
6925 Cactus Lane )  
Casper, WY 82604 )**

**ORDER OF SCHEDULE**

1. A prehearing conference in this matter was held on Thursday, November 8th, 2012 at 11:00 a.m. via telephone conference call. Presiding was Councilman Tim Flitner. The hearing was recorded electronically. Present on behalf of the Petitioner was Richard Ayers. Present on behalf of the Department of Environmental Quality (DEQ) was Senior Assistant Attorney General Mike Barrash. Also present for the Council was Senior Assistant Attorney General John Knepper, Joe Girardin, of the Council staff and Jim Ruby, Executive Secretary of the Council.
2. The final hearing will begin on March 14th, 2013 at 9:00 a.m. The final hearing will be held in Casper, Wyoming. The exact location will be decided at a later date.
3. All discovery, both written and oral, shall be completed by 12:00 noon on or before February 15, 2013.
4. Disclosure of expert witnesses shall comply with Rule 26 of the Supreme Court Rules of Civil Procedure and shall occur no later than 5:00 p.m. January 15, 2013.
5. Dispositive Motions shall be filed by 12:00 noon on February 28th, 2013. Responses to Dispositive Motions shall be filed by 12:00 noon on March 6th, 2013. The Council will hold a hearing for argument on any Dispositive Motions on March 14th, 2013 prior to the final hearing.
6. The Parties shall exchange final witness lists and exhibit lists by March 8<sup>th</sup>, 2013 at 12:00 noon Mountain Time. The witness lists shall include identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony. DEQ shall identify their exhibits as "DEQ 1,2,3" etc. The Petitioner shall identify their exhibits as Wyoming Tire 1,2,3 etc.
7. A prehearing conference in this matter will be conducted on March 11, 2013 via telephone conference call. The parties shall inform the EQC office of a direct telephone number and if possible an email address where they can be reached for the prehearing on or before 9:00 a.m. March 8th, 2013. Failure to appear at the prehearing conference may result in dismissal from this case.
8. The purpose of the prehearing conference is:
  - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;

- b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
- c. Stipulation to uncontested facts;
- d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and

**IT IS HEREBY ORDERED THAT:**

- 1. All Parties shall appear for a prehearing conference in this matter on March 11, 2013, via telephone conference call. The exact time will be set at a later date. Failure to appear at the prehearing conference may result in dismissal from this case.
- 2. All parties shall appear in Casper, Wyoming at 8:00 a.m. on March 14, 2013 for oral argument on any dispositive motions and at 9:00 a.m for final hearing in this matter. The exact location shall be determined at a later date. Failure to appear at the hearing may result in dismissal from this case.
- 3. A court reporter will transcribe the hearing.

**DATED** this 8th day of November, 2012.



Tim Flitner, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

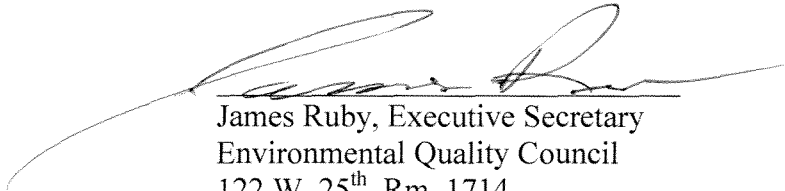
I, James Ruby, certify that at Cheyenne, Wyoming, on the 8th day of November, 2012, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

Tod Parfitt  
Director, DEQ  
[Tod.Parfitt@wyo.gov](mailto:Tod.Parfitt@wyo.gov)

Mike Barrash  
Asst. Attorney General  
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