

ENVIRONMENTAL QUALITY BOARD

ELK RUN COAL COMPANY, INC.,

Appellant,

v.

Appeal No. 14-11-EQB

**HAROLD WARD, Acting Director,
Division of Mining and Reclamation,
West Virginia Department of Environmental
Protection,**

Appellee.

NOTICE OF PREHEARING CONFERENCE

Appeal No. 14-11-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on June 5, 2014. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning the matters set forth in the Notice of Appeal is scheduled for November 10, 2016.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Conference will be held on Thursday, October 27, 2016, at 10:00 a.m.** before the Board’s legal counsel. Parties may appear in person or by telephone. If appearing in person, the said prehearing will be conducted at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. If appearing by telephone, dial 1-877-302-0757. After the welcome message, dial the conference ID (8855847) followed by the pound (#) key.

The proceedings will be recorded and transcribed at a later date if necessary. The following will be discussed at the prehearing:

- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

ORDERED and **ENTERED** this 22nd day of September, 2016.

Environmental Quality Board

Dr. Edward Snyder, Chairperson