



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of an Air Pollution Control
Construction Permit Issued to FML Sand, LLC
(previously known as FTS International Services,
LLC), Located in Trempealeau County, Arcadia,
Wisconsin

Case No. DNR-13-043

Permit Number 12-POY-079

**PREHEARING CONFERENCE REPORT
AND
SCHEDULING ORDER**

On November 18, 2013, a prehearing conference was held by telephone Jeffrey D. Boldt, administrative law judge presiding.

This report is filed pursuant to Wis. Stat. § 227.44(4)(b).

The PARTIES to this proceeding are certified on a preliminary basis as follows:

FML Sand, LLC (previously known as FTS International Services)(FML), by

Attorney Eric McCloud
Eric McLeod Law, LLC
146 Lakewood Blvd.
Madison, WI 53704

Midwest Environmental Advocates and Paul Winey, Nancyanne Winey, Kary Jonas, Peter Jonas, Margaret Olsen, Beth Killian, Donna Brogan, Bert Hodous, Rebecca Larsen and Shirley Roberts (Petitioners), by

Attorney Sarah Williams
Midwest Environmental Advocates, Inc.
612 West Main Street, Suite 302
Madison, WI 53703

Wisconsin Department of Natural Resources (DNR), by

Attorney Michael G. Szabo
DNR – Office of Legal Services
P. O. Box 7921
Madison, WI 53707-7921

Based upon the representations of the parties, the following schedule is hereby ordered:

1. All dispositive motions, including motions to dismiss, and accompanying briefs shall be filed by January 17, 2014. Response briefs shall be filed by opposing counsel by February 14, 2014. Any reply is due by February 25, 2014.

2. The parties to this proceeding shall exchange witness lists no later than February 25, 2014. These lists shall contain the names and addresses of the witnesses, the affiliations of the witnesses, and the general subject to be covered by the witnesses. These lists should be hand delivered, mail delivered or faxed, to all parties by the close of business on February 25, 2014.

3. Discovery shall be completed by March 17, 2014. The usual rules of civil procedure shall govern time limits for discovery.

4. Any non-dispositive prehearing motions shall be filed by April 1, 2014.

5. The parties to this proceeding shall exchange exhibits and file a list of the same by April 1, 2014. Any pre-filed testimony is due on the same date. Exhibits shall be placed in a three-ring binder and premarked. The following exhibit numbers have been assigned:

- Petitioners - 1-99
- FMS - 100-199
- DNR - 200-299

6. The contested case hearing will commence at 9:00 a.m. on April 8, 2014, in the Hearing Room at the offices of the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, Wisconsin. It will continue on April 9 and 10, 2014, at the same Madison location. On April 11, 2014, the hearing will commence at noon in the Tremple Room at the Trempealeau County Courthouse, 36245 Main Street, Whitehall, Wisconsin. All witnesses who have filed testimony shall be present and made available for cross-examination unless all parties stipulate that such a witness need not be present. Rebuttal witnesses will be allowed if appropriate.

Dated at Madison, Wisconsin on November 19, 2013.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____

Jeffrey D. Boldt
Administrative Law Judge