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FILED
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Jim Ruby, Executive Secretary
Environmental Quality Council

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

**IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO)
G.A. ENTERPRISES) Docket No. 11-5216A
P.O. BOX 350)
WORLAND, WY 82401)**

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE
TO G.A. ENTERPRISES' REQUEST FOR HEARING**

In accordance with the Wyoming Environmental Quality Council's October 31, 2011, Response Order, the Wyoming Department of Environmental Quality (DEQ) responds herein to G.A. Enterprises' Request for Hearing in relation to Notice of Violation and Order No. 4890-11.

1. On October 19, 2011, DEQ issued Notice of Violation and Order docket number 4890-11 to G.A. Enterprises, alleging violations of the Wyoming Water Quality Rules and Regulations and ordering that the violations be remedied.

2. On October 31, 2011 G.A. Enterprises requested a hearing before the Council on the Notice of Violation and Order.

3. G.A. Enterprises' request for hearing consists of three sentences.
4. Chapter I, Section 3(c)(iii) of the DEQ Rules of Practice and Procedure (Rules) requires that requests for hearings set forth in concise language the facts on which the request is based, including particular reference to statutes, rules, or orders the petitioner alleges have been violated.
5. Chapter II, Section 14(a) of the Rules incorporate the Wyoming Rules of Civil Procedure, which require that claims for relief include a short and plain statement showing that the pleader is entitled to relief. *See Wyo. R. Civ. P. 8(a)(2)*.
6. G.A. Enterprises' three-sentence request for hearing does not comply with Chapter I, Section 3(c)(iii) or Chapter II, Section 14(a) of the Rules.
7. Rather than move for a more definite statement of G.A. Enterprises' claims, to the best of its ability DEQ responds herein to the limited claims set forth in the request for hearing.
8. DEQ denies that any of the counts in the Notice of Violation and Order are without basis.
9. DEQ is without sufficient knowledge to deny or admit whether legislators advised G.A. Enterprises to request a hearing.
10. DEQ has responded to the allegations contained in G.A. Enterprises' request for hearing to the best of its abilities; to the extent there were allegations that were not specifically addressed above, DEQ denies them.


Affirmative Defenses

1. DEQ preserves its affirmative defense of failure to state a claim upon which relief can be granted.

2. DEQ preserves all other affirmative defenses to the extent G.A. Enterprises' request for hearing does not make clear which other defenses may be relevant.

For the aforementioned reasons, Respondent DEQ requests that the Council deny G.A. Enterprises' objections.

Dated this 22nd day of November, 2011.

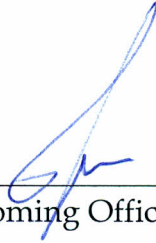


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of November, 2011, a true and correct copy of *Wyoming Department of Environmental Quality's Response to G.A. Enterprises' Request for Hearing* was served by placing the same in the United States mail, postage pre-paid, to the following:

G.A. Enterprises
P.O. Box 350
Worland, Wyoming 82401



Wyoming Office of the Attorney General