

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

**FILED**

**APR 18 2006**

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE TOWN OF )  
WHEATLAND WASTEWATER STORAGE ) Docket No. 05-3801  
AND LAND APPLICATION )

**NOTICE OF HEARING AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Environmental Quality Council (the Council) will conduct a hearing on June 19 and 20, 2006 at the Platte County Public Library, 904 9<sup>th</sup> St., Wheatland, Wyoming, commencing at 9:00 A.M. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Jon Brady, a member of the Council will serve as hearing examiner.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1803, W.S. 2004, as amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.
3. A prehearing conference in this matter will be conducted on May 30, 2006 at 10:00 a.m. via telephone conference call. The parties shall inform the EQC office of a telephone number where they can be reached for the prehearing on or before May 24, 2006. Failure to appear at the prehearing conference may result in dismissal from this case.
4. 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
  - e. Pending motions.
5. To facilitate the hearing process, all parties shall deliver a list of witnesses, their addresses, phone numbers, the substance of their proposed testimony, a list of exhibits, and a summation of the facts and legal issues, to all parties to this case (The Town of Wheatland, the Protestants, and the Department of Environmental Quality) and the Environmental Quality Council by 4:00 p.m. on May 24, 2006.

### **ORDER**

IT IS HEREBY ORDERED THAT:

1. All parties shall appear at the prehearing conference call on May 30, 2006 at 10:00 a.m. Failure to appear at the prehearing will result in dismissal from the case.
2. All parties shall appear on June 19 and 20, 2006 at 9:00 A.M. to present evidence. Failure to appear at the hearing will result in dismissal from the case.
3. All parties shall deliver the prehearing document in accordance with the schedule set fourth in this Notice of Hearing and Order. All other documents shall be filed with the Environmental Quality Council at the address below, and all documents shall be served to all other parties to the case.
4. Documents may be served or delivered by fax transmission or via e-mail if prior arrangements for the transmission are made with the recipients, the e-mailed document is in either Word for Windows or WordPerfect 6.0, and the original document is mailed to the Council prior to or at the same time as transmission by fax or e-mail. The fax number for the Environmental Quality Council is 307-777-6134 and the e-mail address is JGirar@state.wy.us.
6. All motions shall be filed by 4:00 p.m. May 24, 2006, and parties shall be prepared to argue pending motion(s) at the prehearing; and

7. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the EQC no later than 4:00 p.m. on May 24, 2006 and the Hearing Examiner finds that good cause has been shown.

DATED this 18<sup>th</sup> day of April, 2006.

  
Jon Brady, Hearing Examiner   
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