

**FILED**

JUN 08 2007

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL**  
**STATE OF WYOMING** Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE APPEAL )  
OF THE COPPERLEAF SUBDIVISION WATER ) Docket No. 06-3814  
SUPPLY, TREATMENT, STORAGE, AND )  
BOOSTER PUMPING SYSTEMS, )  
Permit No. 06-274RR / Reference No. 06-236RR )

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**DEPARTMENT OF ENVIRONMENTAL QUALITY/WATER  
QUALITY DIVISION'S PRE-HEARING MEMORANDUM**

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The Department of Environmental Quality (DEQ)/ Water Quality Division (WQD) by and through its attorney, John S. Burbridge, Senior Assistant Attorney General, hereby submits its Pre-Hearing Memorandum and states to the Environmental Quality Council (EQC) the following:

**SUMMATION OF THE FACTS**

The Division issued a Permit to Construct, Permit No. 06-274RR, Reference No. 06-236RR, to the Worthington Group of Wyoming, L.L.C. (Worthington) for a water supply, treatment, storage and booster system for the Copperleaf Subdivision located near Cody, Wyoming. The issuance of the permit is based on the Division's review of Worthington's application package submitted in accordance with the requirements of Chapter 3, Section 6 of the Water Quality Rules and Regulations (WQRR) and the statements, representations, and supporting documents presented by Worthington. The permit allows Worthing to construct

and install a surface water infiltration gallery, raw water pumps and pipeline; three water supply wells, pumps and transmission lines; raw water treatment including microfiltration and disinfection; three 35,000 gallon finished water storage tanks; a booster pump system; and all specified controls and alarms.

The Northfork Citizens for Responsible Development (Northfork) filed a Petition for Review on October 27, 2006 contesting the issuance of the Permit to Worthington. Northfork generally alleges that the issuance of the permit “fails to meet the requirements of the Water Quality Division, Rules and Regulations, Chapters 3, 12 and likely 22.”

### **LEGAL ISSUE**

Does the Division’s decision to issue a permit to construct a water supply system to Worthington comply with applicable Wyoming law as set forth in Chapters 3 and 12 of the WQRR?

### **WITNESSES**

WILL CALL:

Jeff Hermansky  
Northwest District Engineer  
Department of Environmental Quality  
Water Quality Division  
Lander Field Office  
510 Meadow Drive  
Lander, Wyoming 82520  
(307) 332-3144

Mr. Hermansky is in charge of the oversight and review of Worthington’s permit

number 06-274RR. He is expected to testify regarding all matters contained in the permit including water concerns. In addition, Mr. Hermansky will testify regarding the permit application requirements and whether Worthington's permit application is in compliance with the requirements of Wyoming law.

MAY CALL:

John Passehl  
Program Principal  
Department of Environmental Quality  
Water Quality Division  
122 West 25<sup>th</sup> Street, 4<sup>th</sup> Floor West  
Cheyenne, Wyoming 82002  
307-777-7781

If called, Mr Passehl is expected to testify regarding his knowledge surrounding Worthington's application for the water supply, treatment, storage and booster pumping station.

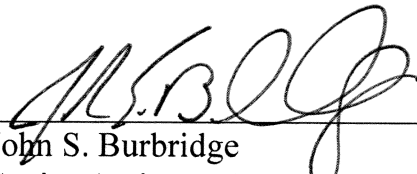
The Division may call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

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**EXHIBITS**

State's Exhibit 1: Application for permit number 06-274RR

DATED this 1<sup>st</sup> day of June, 2007.



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John S. Burbridge  
Senior Assistant Attorney General  
123 Capitol Building  
Cheyenne, Wyoming 82001  
307-777-7823

## CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that on this 1<sup>st</sup> day of June, 2007 the foregoing PRE-HEARING DISCLOSURES was served by United States Mail, postage prepaid, as follows:

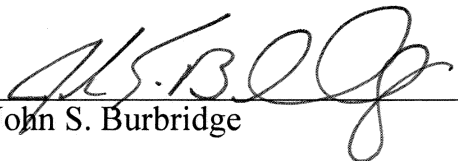
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