

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

IN THE MATTER OF THE APPEAL )  
AND REVIEW OF THE ISSUANCE OF )  
WYOMING POLLUTANT DISCHARGE )  
ELIMINATION SYSTEM (WYPDES) )  
GENERAL PERMITS )

DOCKET NO. 06-3815

**FILED**

JUN 05 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

**SCHEDULING CONFERENCE ORDER**

THIS Order arises out of the scheduling conference conducted by Dennis Boal, hearing examiner for the Environmental Quality Council, on May 22, 2007.

**1. Wyoming Department of Environmental Quality's (DEQ) MOTION FOR ORDER TO CORRECT PETITION.**

(a) The hearing examiner considered DEQ's MOTION FOR ORDER TO CORRECT PETITION.

(b) In its motion DEQ alleges:

- (1) Petitioners failed to set forth in ordinary, and concise language the facts on which the protest is based in accordance with Chapter I, Section 3(c)(iii) of the DEQ rules;
- (2) Petitioners failed to present each averment simply, concisely, and directly as required by W.R.C.P. 8(e)(i);
- (3) Petitioners failed to present all averments in numbered paragraphs, the contents of which are limited as far as practicable to a statement of a single set of circumstances, as required by W.R.C.P. 10(b); and
- (4) Petitioners' petition is in a format that makes it so vague or ambiguous that the responding party cannot reasonably be required to frame a responsive pleading, for purposes of W.R.C.P. 12 (e).

(c) After discussion with the parties, and review of the motion and pleadings, the hearing examiner finds that Petitioner's pleadings were sufficient to give DEQ notice of claims, issues, and facts upon which the protest is based.

(d) Therefore, DEQ's MOTION FOR ORDER TO CORRECT PETITION is denied. No further responsive pleading is required from DEQ and no matters other than those specifically admitted is deemed admitted.

## **2. Scheduling.**

(a) The following schedule is set in this matter:

(1) All discovery, both written and oral, shall be completed by November 1, 2007.

(2) Dispositive motions shall be filed on or before November 16, 2007.

(3) Responses to dispositive motions shall be filed on or before November 30, 2007.

(4) The Pre-hearing Conference and arguments on dispositive motions is set for December 3, 2007. The location and time of the Pre-hearing Conference will be determined later.

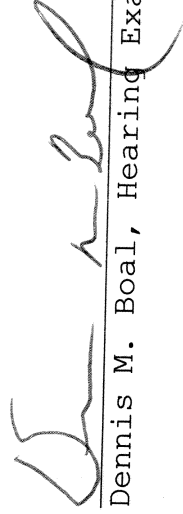
(5) Hearing is set for December 17-19, 2007 in Cheyenne. The exact location and time of the hearing will be determined later.

(b) All documents shall be delivered no later than 4:00 p.m. on the above referenced date. For the purposes of this order, delivery shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The Parties may deliver documents via fax or e-mail, if the original is mailed at the same time.

**3. Objections to Scheduling Conference Order.**

The parties shall have ten days from the date of service to serve and file any objections to this Scheduling Conference Order.

SO ORDERED this 29 day of May.

  
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Dennis M. Boal, Hearing Examiner

**CERTIFICATE OF SERVICE**

I, Joe F. Girardin, certify that at Cheyenne, Wyoming, on the 5<sup>th</sup> day of June, 2007, I served a copy of the foregoing **SCHEDULING CONFERENCE ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to;

Yates Petroleum Corporation  
c/o Lisa Norton  
105 South 4<sup>th</sup> Street  
Artesia, NM 88210

Citation Oil & Gas Corporation  
c/o Lee Ann Elsom  
8223 Willow Place South  
Houston, TX 77070

Marathon Oil Company  
1942 Sugarland Drive  
Suite 192  
Sheridan, WY 82801

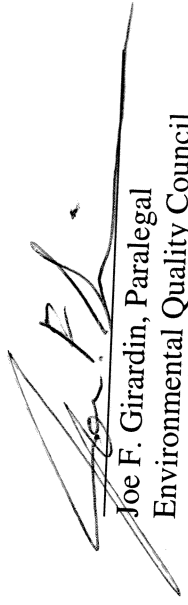
Eric L. Hiser  
Jordan, Bischoff & Hiser, P.L.C.  
7272 East Indian School Road, Ste. 360  
Scottsdale, AZ 85251

also to the following persons via interoffice mail:

Mike Barrish  
Office of Attorney General  
123 State Capitol  
Cheyenne, WY 82002

John Wagner, Administrator  
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122 W. 25<sup>th</sup>, 4-W  
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