

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

DEC 14 2007

IN THE MATTER OF THE APPEAL OF)
THE PUMPKIN CREEK AND THE)
WILLOW CREEK WYPDES WATERSHED)
GENERAL PERMITS AND THE)
FOURMILE CREEK WATERSHED PLAN)

Terri A. Lorenzon, Director
Environmental Quality Council

Dockets No. 06-3815, 06-3816
06-3817 (Consolidated)

RESPONDENT DEQ'S MOTION AND
MEMORANDUM FOR PARTIAL SUMMARY JUDGMENT

Respondent Wyoming Department of Environmental Quality (DEQ), pursuant to Rules 56 and 7(b)(1) of the Wyoming Rules of Civil Procedure and Chapter II, Sections 3 & 14 of the DEQ Rules of Practice & Procedure, submits this Motion and Memorandum for Partial Summary Judgment seeking a determination that two claims in the above-captioned consolidated case before the Wyoming Environmental Quality Council are not ripe for review on the merits at this time, on the following grounds.

Two Claims at Issue for this Motion for Partial Summary Judgment

Petitioners Yates Petroleum Corporation (Yates), Marathon Oil Company (Marathon) and Citation Oil & Gas Corp. (Citation), collectively Yates, filed a Petition with the Wyoming Environmental Quality Council (EQC) appealing the DEQ's issuance of the Pumpkin Creek Watershed General Permit and the Willow Creek Watershed General Permit (the General Permits), and also the Fourmile Creek Watershed General Plan. One of the four stated bases for Yates' Petition ("D") alleges that incorporation of an incomplete assimilative capacity allocation process violates due process considerations. Yates Petition, p. 8.

Respondent DEQ moves for partial summary judgment determining as a matter of law that the following two claims raised by Yates' Petition are not ripe for review on the merits in this proceeding, as explained below:

I. The terms of the Fourmile Creek Watershed General Plan are not ripe for review on the merits at this time, because the Plan is not itself a permit, and authorization to discharge will require issuance of individual permits (Part I, 1.1.4), at which time all conditions imposed in such permits will be subject to appeal and ripe for review on the merits by the EQC. *In the alternative*, to avoid redundant adjudications, an EQC determination on the merits of any terms of the Fourmile Creek Watershed General Plan in this proceeding should be conclusive for subsequent appeals of individual permits contesting those terms in permits issued for discharges in the area described in the Fourmile Creek Watershed General Plan, because applicable law does not provide for redundant adjudications of both.

II. The reference in the Pumpkin Creek and the Willow Creek Watershed General Permits (Part I, 1.2.2.13) to unspecified “additional requirements related to assimilative capacity in the Powder River, as determined by the ‘*Wyoming Powder River Assimilative Capacity Allocation and Control Process*’” is not ripe for review at this time as a violation of due process, because authorization to discharge under these General Permits will require issuance of individual written authorization letters from the DEQ, which will specify any additional requirements related to assimilative capacity in the Powder River and will then be subject to appeal and ripe for review on the merits by the EQC.

Standard and Grounds for Summary Judgment

Chapter II, Section 14 of the DEQ Rules of Practice & Procedure makes the Wyoming Rules of Civil Procedure (Wyo. R. Civ. P.) applicable to matters before the EQC. A party against whom a claim is asserted may move for summary judgment as to all or any part thereof. Summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Wyo. R. Civ. P. 56(b) & (c). Rule 56, Wyo. R. Civ. P. is virtually identical to its federal counterpart, therefore federal

authority relative thereto is highly persuasive. *Kimbley v. City of Green River*, 642 P.2d 443, 445, n.3 (Wyo. 1982).

Summary judgment may be granted on the grounds that claims asserted are not ripe for review at the time. *Ash Creek Mining Co. v. Lujan*, 934 F.2d 240, 241, 244 C.A.10 (Wyo.), 1991; *Miller v. Campbell County, Wyo.*, 722 F.Supp. 687, 693-694, 697 (D.Wyo.1989), *aff'd* 945 F.2d 348, 350 C.A.10 (Wyo.), 1991. The doctrine of ripeness prevents adjudicatory tribunals, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties. *Jacobs v. Wyoming Workers' Safety and Compensation Division*, 2004 WY 136, ¶ 8; 100 P.3d 848, 850-851 (Wyo. 2004) (until a party is actually denied the benefits claimed, that issue is not ripe for review).

The Fourmile Creek Watershed General Plan

The DEQ's Motion for Partial Summary Judgment on the ripeness of this claim is based on the applicable law and undisputed material facts enumerated below.

1. WYO. STAT. ANN. § 35-11-301(a)(i) requires "authoriz[ation] by a permit" for discharges of pollution into waters of the state.
2. WYO. STAT. ANN. § 35-11-302(a)(v) provides for rules establishing "permit systems" for discharges to surface waters.
3. Wyoming Water Quality Rules, Chapter 2 provides for issuance of permits authorizing point source discharges, which may be general permits (Section 4(a)) or individual permits (Section 4(i)).
4. Unlike the Pumpkin Creek Watershed General Permit and the Willow Creek Watershed General Permit, the Fourmile Creek Watershed General Plan is not and does not

purport to be a general permit.

5. The Fourmile Creek Watershed General Plan itself (Part I, 1.1.4) states that “issuance of an individual WYPDES permit by the Wyoming Department of Environmental Quality, Water Quality Division” will be needed for authorization to discharge.

6. Issuance of an individual permit (including conditions) is subject to appeal and ripe for review on the merits by the EQC under WYO. STAT. ANN. § 35-11-112(a)(iv), Wyoming Water Quality Rules, Chapter 2, Section 17, and Chapter I, Section 16 of the DEQ Rules of Practice & Procedure.

7. DEQ rules, regulations and permits are subject to enforcement by issuance of a Notice of Violation (NOV) and Order under WYO. STAT. ANN. § 35-11-701(a) & (c), but a watershed general “plan” is not.

8. DEQ rules, regulations and permits are subject to enforcement in a civil action in state court under WYO. STAT. ANN. § 35-11-901(a), but a watershed general “plan” is not.

9. There is no mechanism for the DEQ to make the terms of a watershed general “plan” enforceable and “its effects felt in a concrete way” other than by imposing them as conditions of general or individual permits issued pursuant to WYO. STAT. ANN. §§ 35-11-302(a)(v) & 801(a) or recommending them as rules for adoption by the EQC.

Yates requests that the EQC disapprove and remand the Pumpkin Creek Watershed General Permit and the Willow Creek Watershed General Permit and also the Fourmile Creek Watershed General Plan. Yates Petition, p. 8. The terms of the Fourmile Creek Watershed General Plan are not subject to appeal and ripe for review on the merits by the EQC, because they are not binding or enforceable and do not affect challenging parties in a concrete way unless and until adopted as rules or imposed as conditions of a general or individual permit(s) issued by DEQ under WYO. STAT. ANN. §§ 35-11-302(a)(v) & 801(a).

Considering that the Fourmile Plan itself (Part I, 1.1.4) states that authorization to discharge will require issuance of individual permits, prospective permit applicants (or others, such as the Wyoming Outdoor Council) may have refrained from appealing that Plan in reliance on the opportunity to contest individual permits and the conditions therein. An EQC decision on the merits of particular terms in the Fourmile Creek Watershed General Plan in this case would not be dispositive *if* subsequent issuance of individual permits containing such conditions would also be subject to appeal contesting those conditions.

Alternatively, to avoid redundant adjudications, an EQC determination on the merits of any terms of the Fourmile Creek Watershed General Plan in this proceeding should be conclusive for subsequent appeals contesting those terms in individual permits issued for discharges in the area described in the Fourmile Creek Watershed General Plan.

Partial summary judgment for either alternative would not deprive Petitioners of the opportunity for EQC review on the merits of the contested conditions, but it should not afford them multiple opportunities to contest those conditions both in this proceeding and also subsequently upon issuance of individual permits.

Reference to the Assimilative Capacity Allocation Process

The DEQ's Motion for Partial Summary Judgment on the ripeness of this claim is based on the applicable law and undisputed material facts enumerated below.

10. The contested General Permits (Part I, 1.2.2.13) do contain language that says permittees "are subject to additional requirements related to assimilative capacity in the Powder River, as determined by the '*Wyoming Powder River Assimilative Capacity Allocation and Control Process*,'" but do not specify what those requirements are.

11. The "Methodology Used to Determine the Number of Credits Needed for Surface Discharges" *is* specified in the contested General Permits (Part I, 18.2).

12. WYO. STAT. ANN. § 35-11-801(a) authorizes imposition of permit conditions which are not inconsistent with existing rules.

13. Wyoming Water Quality Rules provide that no permit or authorization shall be issued which would authorize any discharge that, after imposition of permit conditions, cannot ensure compliance with applicable water quality requirements of all affected states. Chapter 2, Section 9(a)(v).

14. The contested General Permits (Part I, 1.1.5) expressly require a “written notification, in the form of an authorization letter, from the Wyoming Department of Environmental Quality, Water Quality Division” for authorization to discharge from an outfall subject to these General Permits.

15. Wyoming Water Quality Rules also require a written authorization from DEQ before commencing discharge under a general permit. Chapter 2, Section 4(b)(iii)(A).

16. Wyoming Water Quality Rules require general permits to identify applicable conditions for discharges covered by those general permits. Chapter 2, Section 4(d).

17. Wyoming Water Quality Rules provide that an authorization to discharge under a general permit will “identify any conditions of authorization.” Chapter 2, Section 4(f)(ii).

18. Issuance by DEQ of a written authorization to discharge (including conditions specified therein) is subject to appeal and review by the EQC under W.S. 35-11-112(a)(iv), Wyoming Water Quality Rules, Chapter 2, Section 9(b), and Chapter I, Section 16 of the DEQ Rules of Practice & Procedure.

Yates’ Petition (“D”) alleges that the contested General Permits violate due process by incorporating an incomplete assimilative capacity allocation process, because permittees do not have notice of the actual requirements that will be imposed on them. Yates’ Petition (“2.d.”) requests that the EQC order the condition requiring permittees to comply with the

assimilative capacity allocation process be removed until such time as that process is finalized. Yates Petition, pp. 8-9. The only relief for this claim would be to direct the DEQ to specify the requirements in question, which is what will be done in the appealable written authorizations anyway.

A condition like the one in question must be included in these permits, because Chapter 2, Section 9(a)(v) mandates that no permit or authorization shall be issued which would authorize any discharge that, after imposition of permit conditions, cannot ensure compliance with applicable water quality requirements of all affected states. WYO. STAT. ANN. § 35-11-801(a) authorizes imposition of permit conditions which are not inconsistent with existing rules. Conditions in the contested General Permits and in written authorizations to discharge thereunder subjecting permittees to additional requirements related to assimilative capacity in the Powder River (as determined by the "*Wyoming Powder River Assimilative Capacity Allocation and Control Process*") are consistent with Chapter 2, Section 9(a)(v), because the purpose of the *Wyoming Powder River Assimilative Capacity Allocation and Control Process* is to ensure compliance with applicable water quality requirements of affected downstream states, such as Montana. DiRienzo Dep., p. 144 (attached).

Wyoming Water Quality Rules (Chapter 2, Section 4(b)(iii)(A)) and the contested General Permits (Part I, 1.1.5) both require a written authorization from DEQ before commencing discharge under a general permit. Pursuant to Wyoming Water Quality Rules, Chapter 2, Section 4(f)(ii), an authorization to discharge under these general permits will "identify any conditions of authorization," including those pertaining to assimilative capacity allocations and requirements. Wagner Dep., p. 142; DiRienzo Dep., pp. 151-153 (attached).

Yates currently is not objecting to any specific assimilative capacity requirements or allocations in the contested General Permits, but rather to the reference to assimilative capacity requirements or allocations which are not specified in those permits. Objections to unspecified requirements cannot be resolved on the merits in this proceeding, but would be appealable and ripe for review on the merits when they are specified in written authorizations subsequently issued by DEQ. Issuance by DEQ of a written authorization to discharge (including conditions specified therein) is subject to appeal and review by the EQC under W.S. 35-11-112(a)(iv), Wyoming Water Quality Rules, Chapter 2, Section 9(b), and Chapter I, Section 16 of the DEQ Rules of Practice & Procedure. Wagner Dep., pp. 142-144 (attached). Authorizations under the Pumpkin Creek and Willow Creek General Permits will be posted at the following DEQ websites (copies of web pages attached):

Pumpkin Creek:

http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_cbm/Pages/CBM_Watershed_Permitting/Pumpkin_Fourmile_Creek/wypdes_cbm_wspem_PumpkinCk.IssuedNOIs.asp

Willow Creek:

http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_cbm/Pages/CBM_Watershed_Permitting/Willow_Creek/wypdes_cbm_wspem_WillowCk.IssuedNOIs.asp

While the actual allocation for a particular discharger would be specified in the written authorizations to discharge, pursuant to Wyoming Water Quality Rules, Chapter 2, Section 4(b)(iii)(A) & (f)(ii) and Part I, 1.1.5 of the General Permits, the contested General Permits themselves (Part I, 18.2) do give notice of the *methodology* to be used for allocating assimilative capacity credits. If disputed, the “Methodology Used to Determine the Number of Credits Needed for Surface Discharges,” which is specified in the contested General Permits (Part I, 18.2), is ripe for review on the merits in this proceeding.

Conclusion

Respondent DEQ asks the EQC to grant partial summary judgment determining that there are no genuine issues of material fact and as a matter of law the two referenced claims are not ripe for review on the merits at this time, for the reasons discussed above. In the alternative, the DEQ asks for partial summary judgment on Claim I holding that an EQC determination on the merits of any terms of the Fourmile Creek Watershed General Plan in this proceeding are conclusive for subsequent appeals contesting those terms in individual permits issued for discharges in the area described in the Fourmile Creek Watershed General Plan, because applicable law does not provide for redundant adjudications of both.

DATED this 14th day of December, 2007.



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(307) 777-6946

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing RESPONDENT DEQ'S MOTION AND MEMORANDUM FOR PARTIAL SUMMARY JUDGMENT were served this 14th day of December, 2007 by United States Mail, first class postage prepaid, and by facsimile transmission and/or e-mail, addressed as follows:

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Wyoming Attorney General's Office

1 BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
 2 STATE OF WYOMING
 3 Dockets No. 06-3815, 06-3816, 06-3817 (Consolidated)

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

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DEPOSITION OF BILL DIRIENZO
Tuesday, October 23, 2007
8:34 a.m.

Taken in behalf of the Yates Petroleum, Marathon, Citation, pursuant to Notice, and in accordance with the Wyoming Rules of Civil Procedure, in the Yellowstone Room of the Herschler Bldg., 4 West, 122 W. 25th St., Cheyenne, Wyoming, before Merissa Racine, Registered Diplomate Reporter and Notary Public in and for the County of Laramie, State of Wyoming.

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1 assimilative -- make sure the assimilative capacity is
2 being complied with?
3 A. Yes.
4 Q. Can you elaborate a little bit?
5 A. Well, to start with it's no different, there's no
6 distinction between implementing the assimilative
7 capacity program on the general permit than on an
8 individual permit. It's the same.

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1 That's where we went from there.

2 MR. JONES: Okay. Thank you.

3 Q. (By Mr. Jones) So what I'm having trouble with,
4 your assimilative capacity policy -- Well, let me back
5 up. Since it is a policy, how are you going to enforce
6 it with respect to these two permits?

7 A. We are going to use it to establish effluent
8 limits. We would enforce effluent limits. And if it
9 establishes a limit on the amount of water that can be
10 discharged, in order to maintain the Montana standard,
11 you know, once it's written into the permit it's a
12 limit. That's what we're enforcing.

13 Q. Okay. That's for individual permits, but the
14 permits for these two, Willow Creek and Pumpkin Creek
15 general permits, the effluent limit's already
16 established, right?

17 A. Um-hum.

18 Q. And that's a yes?

19 A. Yes. When you say effluent limits, the effluent
20 concentrations are established.

21 Q. Right. So in your Notice of Authorization for
22 one of these, if you issued a new authorization to an
23 operator under one of these general permits, what would
24 you do in terms of the assimilative capacity? Would you
25 just restrict the volume in order to get the

1 MR. JONES: We're back on the record, and
2 Matt, I think you had something?

3 MR. JOY: Yeah. I just wanted to clarify --
4 and I'd like to thank Mr. Wagner for this. Bill, you
5 were right, I was wrong, about the assimilative capacity
6 being at least referenced in the -- in Exhibit 5, the
7 revision date February 6, '06. There is a reference to
8 it under -- on page 10 of 55, which is Part I, 1.2.2.15,
9 and it says "Permittees are subject to additional
10 requirements related to assimilative capacity in the
11 Powder River" policy.

12 And that is under the Notice of Intent,
13 Submission Requirements. And I don't want to step on
14 Steve's toes here, and so now I have some follow-up
15 questions on that but I guess I'll wait till you're
16 done.

17 MR. JONES: You can go ahead now, at least I
18 don't have a problem with it.

19 MR. JOY: If nobody else does.

20 **FURTHER EXAMINATION**

21 BY MR. JOY:

22 Q. I guess the question I have, it says that
23 basically the notice of intent shall include the
24 following information, and then it lists this reference
25 to the assimilative capacity policy. And I guess my

1 again, would be a question for Jason or Kathy, because
2 we have had Notices of Intent submitted under one or the
3 other of these general permits. There haven't been many,
4 but there are some authorizations that have been made,
5 and I'm not sure of what the form of that NOI is,
6 myself.

7 Q. Okay. So regardless, if DEQ generates the NOI
8 form to be filled out by the applicant, would it include
9 a statement along the lines of the applicant
10 acknowledges that it is subject to additional
11 requirements related to assimilative capacity?

12 A. I don't know if there's that particular kind of
13 language in there --

14 Q. Okay.

15 A. -- that asks for that acknowledgment.

16 Q. But as far as you can tell from this paragraph in
17 here, this reference to assimilative capacity is not --

18 A. That means when we issue the authorization, if
19 there are additional assimilative capacity
20 considerations that they need to comply with, that they
21 will be in that notice, they will be in that
22 authorization.

23 MR. JOY: Okay. Thanks. That was it.

24 **EXAMINATION (RESUMED)**

25 BY MR. JONES:

1 question there is, is the intent of this draft permit
2 just to note whether or not the permit applicant is
3 subject to the assimilative capacity policy, do you
4 know?

5 A. The intent, yes, is to -- is to inform the
6 applicant that there are other requirements outside of
7 the specifics of this permit that they're also subject
8 to. And that was probably a really strange way to say
9 that.

10 Yes, it's to notify them that there is a
11 assimilative capacity process that they are also subject
12 to.

13 Q. Okay. So does the notice -- Let me stop there.
14 Is the Notice of Intent something that's written by DEQ?

15 A. No. The Notice of Intent is how you apply for
16 coverage under the permit, under the general permit.

17 Q. But is there going to be a form issued by DEQ
18 that the applicant fills out?

19 A. There will -- I don't know how to answer that. I
20 guess the short answer is, yes, there will be some
21 required form.

22 Q. Okay. And --

23 A. Whether an applicant can assemble it himself, or
24 whether we are going to have some specific form, I'm not
25 sure of. I don't know if we have that or not. That,

1 BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
 2 STATE OF WYOMING
 3 Dockets No. 06-3815, 06-3816, 06-3817 (Consolidated)

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

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DEPOSITION OF JOHN F. WAGNER
Wednesday, October 24, 2007
8:32 a.m.

Taken in behalf of the Yates Petroleum, Marathon, Citation, pursuant to Notice, and in accordance with the Wyoming Rules of Civil Procedure, in the Yellowstone Room of the Herschler Bldg., 4 West, 122 W. 25th St., Cheyenne, Wyoming, before Merissa Racine, Registered Diplomat Reporter and Notary Public in and for the County of Laramie, State of Wyoming.

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1 A. Correct.
 2 Q. So there's a lot of different issues or concepts
 3 that somehow have the term use associated with them, so
 4 I'm sure when we get to the hearing that will all be
 5 straight, and have them separated appropriately. Won't
 6 be cross.

7 MR. JONES: We will ensure complete
 8 understanding at the hearing, I'm sure.

9 MR. JOY: Whose understanding?

10 Q. (By Mr. Barrash) There is some question that I
 11 think Matt was getting into earlier on notice of
 12 assimilative capacity conditions or requirements that
 13 are, I'd say at least referenced. I know we get into
 14 this word, you know, fine distinctions, whether it's
 15 incorporated or referenced or whatever, but the
 16 references in the draft and in the final permit to the
 17 assimilative capacity process, and whether or not the
 18 language in the permits spell out sufficiently what
 19 those requirements might be, does the assimilative
 20 capacity policy, in your view, just by itself, being out
 21 there, is that a rule that's an enforceable rule?

22 A. No.

23 Q. Would any requirements related to the
 24 assimilative capacity process or policy actually apply
 25 to anyone before they were specified in a permit,

1 authorization under the general permit?

2 A. No.

3 Q. Would -- I think Chapter 2 explains the process
 4 for general permits; you submit notice of -- the
 5 operator submits a Notice of Intent, and then DEQ issues
 6 an authorization?

7 A. That's correct.

8 Q. A written authorization?

9 A. That's correct.

10 Q. And that written authorization, is that where the
 11 actual requirements or conditions for assimilative
 12 capacity would be specified?

13 A. That's correct.

14 Q. And that would be signed by the administrator and
 15 the director?

16 A. Yes.

17 Q. Would you think at that point if someone objected
 18 to those conditions, that that written authorization
 19 would be something subject to being contested?

20 A. Appealed?

21 Q. Yes.

22 A. Um-hum.

23 MR. JOY: Could you ask that again? I'm
 24 sorry.

25 MR. BARRASH: That if an authorization, a

1 written authorization to discharge under one of these
2 general permits, which contain the specific conditions
3 pertaining to assimilative capacity, if the person
4 receiving that authorization, the party objected, that
5 that would be an appealable action.

6 MR. JOY: And you said yes?

7 A. Yes, I did.

8 MR. JOY: Okay. Thank you.

9 MR. BARRASH: If you got to, Steve, I don't
10 want you to get hyperplexic.

11 MR. JONES: While we're on the subject, is it
12 your position, John, that notices of authorization are
13 appealable? Is that your general position?

14 A. Yes. It's a decision of the administrator, which
15 is appealable.

16 MR. JONES: Okay. Thanks.

17 Q. (By Mr. Barrash) And authorization is defined in
18 Chapter 2 in the definitions?

19 A. Keep going.

20 Q. I mean --

21 A. Section?

22 Q. Section 3 (b)(xi)?

23 A. Yes.

24 Q. Is that the definition you think applies to what
25 we're talking about here?

1 A. I do.

2 MR. JONES: Can I ask what page that is?

3 MR. BARRASH: 2-6.

4 Q. (By Mr. Barrash) And in Section 9 of Chapter 2,
5 does Section 9 in Chapter 2 tend to equate permits with
6 authorizations, permit being the individual;
7 authorization being --

8 A. The language would seem to say that. It says
9 issuance or denial of permits or authorizations.

10 Q. Okay. So I don't mean to equate them, that
11 they're the same thing, but in the nature of a decision.

12 A. I've always assumed that any decision made by the
13 administrator, and by extension, the administrator's
14 staff, are appealable.

15 Q. Well, actually under the EQC, the DEQ rules,
16 practice and procedure, it's really only the final
17 decisions of the administrator or director. I think
18 it's Chapter 1, Section 16. But in any case. . .

19 I think there was some discussion of what was
20 actual irrigation that -- for purposes of protection
21 under Chapter 1, Section 20. And there was discussion
22 about, well, what if the irrigation diversion structures
23 are in disrepair, or what if it's not really effective
24 irrigation, or what if there's no water right for the
25 irrigation. And I think you've been saying that DEQ



WYPDES Watershed Permitting Approach for Coalbed Methane Development

Submitted NOIs and Approved Authorizations

Pumpkin Creek Watershed General Permit

Submitted NOI Application	Company	Date NOI Submitted	Current Status of NOI	Date Approved	Approved Authorization Letter
WYG280001	Bill Barrett Corporation	12/7/06	Active	3/14/07	WYG280001-NEW WYG280001- modification issued 5/10/07
WYG280002	Williams Production RMT Company	1/9/07	Received Application		
WYG280003	Bill Barrett Corporation	2/6/07	Not Issued	This NOI was combined with WYG280001, see modification issued 5/10/07 for that authorization.	
WYG280004	Williams Production RMT Company	4/26/07	Active	11/9/07	WYG280004-NEW
WYG280005	Ringwood Gathering Company	5/22/07	Active	10/11/07	WYG280005-NEW

This page was last updated December 13, 2007



WYPDES Watershed Permitting Approach for Coalbed Methane Development

Submitted NOIs and Approved Authorizations

Willow Creek Watershed General Permit

Submitted NOI Application	Company	Date NOI Submitted	Current Status of NOI	Date Approved	Approved Authorization Letter
WYG290001	Bill Barrett Corporation	12/26/07	Active	3/14/07	WYG290001-NEW WYG290001- modification issued 11/28/07
WYG290002	Williams Production RMT Company	3/8/07	Received Application		
WYG290003	Williams Production RMT Company	7/20/07	Received Application		

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