

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

FILED

FEB 26 2009

IN THE MATTER OF THE APPEAL)
OF NOV AND ORDER 4331-08) Docket 08-3807
ISSUED TO KDA CONSTRUCTION INC.)

**Jim Ruby, Executive Secretary
Environmental Quality Council**

ORDER SETTING MOTION HEARING

THIS MATTER has come before the Wyoming Environmental Quality Council upon the Department of Environmental Quality/Water Quality Division's (DEQ) Motion for Summary Judgment filed on December 22, 2008 and the DEQ's Motion for Setting of Hearing on Motion for Summary Judgment filed on February 5, 2009. KDA Construction Inc. did not file a response.

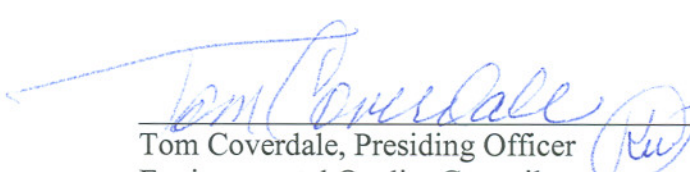
In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the DEQ should pay the costs of the transcript.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

1. The hearing on DEQ's Motion for Summary Judgment will be held on March 25, 2009 at 9:00 a.m. The hearing will be held at the Herschler Bldg., 122 W. 25th, Conference Rm. B63, Cheyenne, Wyoming. The Parties shall have ten minutes each to present legal argument.
2. If the Parties have not filed a waiver on or before March 16, 2009 a court reporter will transcribe the hearing.
3. The DEQ shall assume the cost of the transcript.

DATED this 26th day of February, 2009.


Tom Coverdale, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 26th day of February, 2009, I served a copy of the foregoing **ORDER SETTING MOTION HEARING** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to;


Rock Springs Senior Living, LLC
Contact: Scott Ramey
P.O. Box 3006
Salem, OR 97302

Brad Hankins
KDA Construction, Inc.
3950 Fairview Industrial Dr., SE
Ste. 210
Salem, OR 97302

by electronic mail to the following:

Mike Barrash
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John Corra
Director, DEQ
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