

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

IN THE MATTER OF:)
James Pace)
P.O. Box 575)
Douglas, WY 82633)
and)
Peter J. Moore & Bonnie Smith-Moore)
103 Hwy. 59)
Douglas, WY 82633)

Docket No. 10-3207A

FILED

APR 25 2011

*Jim Ruby, Executive Secretary
Environmental Quality Council*

JAMES PACE'S PREHEARING MEMORANDUM

COMES NOW JAMES PACE, by and through his attorney, James A. Hardee, Attorney at Law, pursuant to the Council's Order setting a prehearing conference and requiring disclosure, and submits the following disclosure statement:

I. STATEMENT OF CONTENTIONS:

JAMES PACE contends that the property in question was conveyed by contract for deed into the possession and control of **Peter J. Moore & Bonnie Smith-Moore** on September 3, 2004. At the time of said change of possession and control Mr. Pace had been in contact with the appropriate local and state regulatory authorities and was in compliance with their directions to the best of his knowledge. Thereafter, it is his understanding that the Moores expanded the use of the facility and thereby increased the demand upon the existing systems including one septic tank that had been essentially abandoned. Mr. Pace has not been in control of the facility since 2004 and has not been privy to nor authorized to take any sampling or make any decisions regarding the operation of the facility.

II. WITNESSES:

That we may call the following witnesses:

(a) James Pace and Martha Pace, 314 Pine Street, Douglas, Wyoming, (307) 358-3637 may be called as to all matters relevant and at issue in this hearing.

(b) James Pace reserves the right to add additional witnesses with appropriate notice to the parties, as well as the right to call any and all of Peter J. Moore, Bonnie Smith-Moore, and the Department of Environmental Quality Council's witnesses.

III. EXHIBITS

James Pace may introduce the following exhibits or parts thereof

1. Contract for Deed dated September 3, 2004 with attachments.

James Pace further retains full right to add to the above list any documents pertinent to this case which may be available to him at a future date.

IV. MOTIONS:

There are no pending motions.

V. DISCOVERY:

Discovery has been completed as of this date.

VI. STIPULATIONS:

At this time there have been no stipulations or evidentiary matters by the parties.

VII. ADMISSIONS:

See Pace's response to DEQ's First and Second Discovery Requests attached,

VIII. SETTLEMENT:

Settlement discussions are taking place.

DATED this 25th day of April, 2011




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CERTIFICATE OF SERVICE

This is to certify that on the 25th day of April, 2011, the undersigned served the within and foregoing JAMES PACE'S PREPARING MEMORANDUM upon counsel by depositing a true and correct copy thereof in the United States mail, postage pre-paid, and properly addressed to:

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Sr. Assistant Attorney General
123 State Capitol building
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Harry G. Bondi
Attorney at Law (Attorney for Moores)
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