

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

FILED

OCT 30 2009

Jim Ruby, Executive Secretary Environmental Quality Council

IN THE MATTER OF THE APPEAL OF JOHN D. KOLTISKA, AC RANCH, INC., A Wyoming Corporation, PRAIRIE DOG RANCH, INC. a Wyoming Statutory Close Corporation, and PRAIRIE DOG WATER SUPPLY COMPANY FROM WYPDES PERMIT NO. WY0054364

DOCKET NO. 09-3805

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

- 1. The Environmental Quality Council (the Council) will conduct a hearing on 16th, 17th and 18th, 2009 in room 1699 of the Herschler Building, Cheyenne Wyoming. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Dennis Boal, a member of the Council will serve as the Presiding Officer.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1803, W.S. 2004, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. A pre-hearing in this matter will be conducted on November 4th, 2009 at the Herschler Building, 122 W. 25th Street, Hearing Room 1699, Cheyenne, Wyoming, commencing immediately after the hearing on the Applicant's Dispositive motions. Failure to appear at the pre-hearing conference may result in dismissal from this case.
4. The purpose of the pre-hearing conference is:
a. Identification of will call witnesses, their addresses, phone numbers, and the substance of their proposed testimony:
b. Identification of may call witnesses, their addresses, phone numbers, and the substance of their proposed testimony:
c. Each party shall prepare and file a Pre-Hearing Memorandum that clarifies the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
d. Stipulation to uncontested facts;
e. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and


- f. Hear pending motions.
- g. Be prepared to discuss the order of presentation of evidence.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall file and deliver pre-hearing conference memoranda and final witness and exhibit lists by 12:00 noon on November 3rd, 2009.
2. All parties shall appear at the pre-hearing on November 4th at 9:00 A.M. Failure to appear at the pre-hearing will result in dismissal from the case.

DATED this 30th day of October, 2009.


Dennis Boal, Hearing Examiner
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002
Tel: (307)777-7170
Fax: (307)777-6134

CERTIFICATE OF SERVICE

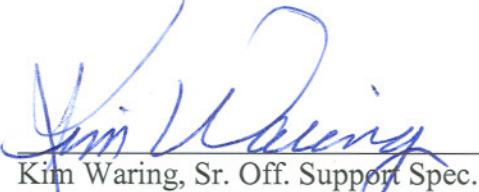
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 2nd day of November, 2009, I served a copy of the foregoing NOTICE OF HEARING AND ORDER by electronic mail to the following:

John Corra
Director, DEQ
jcorra@wyo.gov
(307)777-7192

Kate Fox
Mark Stewart
Davis and Cannon, LLP
mark@davisandcannonchey.com
kate@davisandcannonchey.com
(307)634-3210

Mike Barrash
Office of Attorney General
mbarra@state.wy.us
(307)777-7819

Mark Ruppert
Holland & Hart, LLP
mruppert@hollandhart.com
(307)778-4200


Kim Waring, Sr. Off. Support Spec.
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134