

**BEFORE THE  
WYOMING ENVIRONMENTAL QUALITY COUNCIL**

Wyoming Outdoor Council,	)	
	)	
Petitioner	)	
	)	
vs.	)	
	)	
Wyoming Department of Environmental	)	
Quality, Water Quality Division,	)	
	)	
Respondent.	)	
	)	
	)	Docket No. 06-3816
	)	Docket No. 06-3817

**MOTION FOR SUMMARY JUDGMENT OF WYOMING OUTDOOR COUNCIL**

Comes now the Wyoming Outdoor Council and for its Motion for Summary Judgment hereby presents the following:

Wyoming Outdoor Council (WOC), the Petitioner in this matter, moves that the Environmental Quality Council grant Summary Judgment in favor of WOC in this matter and find that the Willow Creek Watershed General Permit and the Pumpkin Creek Watershed General Permit, issued by the Wyoming Department of Environmental Quality on Sept. 11, 2006, are invalid and violate Wyoming statutes and regulations, based upon the following:

A. Both general permits are agency statements of general applicability and should have been promulgated as rules as required by the Wyoming Administrative Procedure Act, W.S. 16-3-101 et seq., but instead were improperly issued without such promulgation.

B. Both general permits were issued, despite the fact that the Wyoming Department of Environmental Quality does not have the requisite statutory authority to issue general permits and therefore are violative of the Environmental Quality Act, W. S. 35-11-302, and the Administrative Procedure Act, W.S. 16-3-103(d)(i).

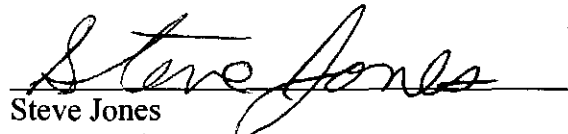
C. Both general permits do not comply with the requirements of Chapter 2, Section 4, Wyoming Water Quality Rules and Regulations, in that they do not meet the requirements for general permits. Specifically, they both have different categories of discharges, with different effluent limitations, and provide for different monitoring requirements, all within the same permit.

D. The Petitioner has filed a Memorandum of Support, with Exhibits, attached hereto, setting forth the legal and factual basis for its claims herein.

WHEREFORE, the Petitioner moves that the Environmental Quality Council grant this Motion for Summary Judgment and further moves that the EQC grant such other and further relief as the EQC may deem just and equitable.

Dated: July 13, 2007.

Respectfully submitted,



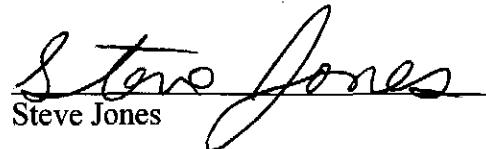
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing Motion for Summary Judgment of Wyoming Outdoor Council, together with attached exhibits, by placing a copy of the same in the U.S. mail, postage prepaid, on the 13th day of July, 2007, addressed to the following:

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