

FILED

MAR 07 2003

Terri A. Lorenzon, Director
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF)
EDWARD SWARTZ FROM NPDES)
PERMIT NOS WY0036188, WY0036285,)
WY0036293, WY0036323, WY0036331,)
WY0036358, WY0036366, WY0036374,)
WY0036382, WY0038148, WY0038491,)
WY0038504)

DOCKET NO. 02-3801
DOCKET NO. 02-3804

IN THE MATTER OF THE APPEAL OF)
REDSTONE RESOURCES, INC.)
REGARDING PERMITTING)
CONDITIONS IN NPDES PERMIT NOS.)
WY0036188, WY0036285, WY0036293,)
WY0036323, WY0036331, WY0036358,)
WY0036366, WY0036374, WY0036382,)
WY0038148, WY0038491, WY0038504)

DOCKET NO. 02-3600

IN THE MATTER OF THE APPEAL OF)
PENNACO ENERGY, INC REGARDING)
CONDITIONS IN NPDES PERMIT NOS.)
WY0048224, WY0048232, WY0047384,)
AND WY0047376)

DOCKET NO. 02-3602

IN THE MATTER OF THE APPPEAL OF)
EDWARD H. SWARTZ FROM NPDES)
PERMIT NOS. WY0048224, WY0048232,)
WY0047384, AND WY0047376)

DOCKET NO. 02-3603

IN THE MATTER OF THE APPEAL OF)
J.M. HUBER CORPORATION)
REGARDING CONDITIONS IN NPDES)
PERMIT NOS. WY0048224, WY0048232,)
WY0047384, AND WY0047376)

DOCKET NO. 02-3604

IN THE MATTER OF THE APPEAL OF)
EDWARD H. SWARTZ FROM NPDES)
PERMIT NO. WY0048852)

DOCKET NO. 03-3600

IN THE MATTER OF APPEAL OF)
EDWARD H. SWARTZ FROM NPDES)

DOCKET NO. 03-3601

PERMIT NOW WY0039951, WY0039969,)
AND WY0039977)

IN THE MATTER OF THE APPEAL OF)
DEVON ENERGY PRODUCTION)
COMPANY, L.P. OF TERMS AND)
CONDITIONS IN NPDES PERMIT NOS.)
WY0039951, WY0039969, AND)
WY0039977)

DOCKET NO. 03-3602

ORDER TO CONSOLIDATE

The Environmental Quality Council (EQC) reviewed pending motions to consolidate from the Department of Environmental Quality, Water Quality Divisions (DEQ), Devon Energy, and Pennaco Energy at a public hearing, on February 13 & 14, 2003 . At the same hearing DEQ moved to withdraw the State’s Motion to Consolidate. There were no objections from the parties. After reviewing the record and being advised in the premises the EQC:

HEREBY FINDS AND CONCLUDES:

1. NPDES permit nos. WY0036188, WY0036285, WY0036293, WY0036323, WY0036331, WY0036358, WY0036366, WY0036374, WY0036382, WY0038148, WY0038491, WY0038504, WY0048224, WY0048232, WY0047384, WY0047376, WY0048852, WY0039951, WY0039969, and WY0039977 all discharge in to the Wildcat Creek Basin.
2. All of the above mentioned NPDES permits have been appealed to the EQC for review and final decision.
- 3,. A final decision for some but not all of the above mentioned NPDES permit holders would inevitably affect the cases for the remaining permit holders.
4. Common issues to the NPDES permits should be argued before the EQC during a consolidated hearing.
5. Unique issues for individual permit holders can be separated and heard within the consolidated hearing.
6. All NPDES permits discharging into the Wildcat Creek Basin that have not been issued by


the DEQ as of February 14, 2003 and are not part of this case should be stayed until the EQC issues a decision.

7. An operator, if prejudiced by this stay, can petition the EQC for relief or to intervene in this matter.

HEREBY ORDERS

1. All of the above mentioned cases, docket nos. 02-3801, 02-3804, 02-3600, 02-3602, 02-3603, 02-3604, 03-3600, 03-3601, and 03-3601 shall be consolidated under docket no. 02-2801.
2. Caption for the above mentioned cases as a consolidated case shall read "IN THE MATTER OF THE APPEAL OF EDWARD H. SWARTZ, et. al."
3. All NPDES permits that are not included in these cases are hereby stayed from any discharges in to Wildcat Creek Basin.
4. In the interest of fairness, any person affected by this order can petition the EQC for relief and to intervene as a party in this case.
5. A hearing in this matter shall be held on or before June 30, 2003.

DATED this 7th day of March 2003.



Olin Sims, Hearing Examiner
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CERTIFICATE OF SERVICE

I, Joe F. Girardin, certify that at Cheyenne, Wyoming, on the 7th day of March, 2003, I served a copy of the foregoing ORDER TO SHOW CAUSE by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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also to the following persons via interoffice mail:

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