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

**IN RE BIG VALLEY AND CROSSED        )  
ARROWS IMPROVEMENT DISTRICT    )        EQC DOCKET NO. 16-3601**

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**DEPARTMENT OF ENVIRONMENTAL QUALITY'S  
MOTION FOR A MORE DEFINITE STATEMENT**

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The State of Wyoming, Department of Environmental Quality ("Department"), by and through its undersigned counsel, hereby files its *Motion for a More Definite Statement* pursuant to Rule 12(e) of the Wyoming Rules of Civil Procedure and Wyoming Environmental Quality Council's Rules of Practice and Procedure, Chapter II, Sections 3 and 14. In support of its motion, the Department states as follows:

1. On May 26, 2016, the Department issued a Notice of Violation and Order to Big Valley and Crossed Arrows Improvement District ("BVCA") for the discharge of raw sewage from an unpermitted septic system (Facility Number: WYS-029-00219).
2. On June 6, 2016, BVCA filed a letter with the Wyoming Environmental Quality Council ("Council").
3. In BVCA's letter, BVCA requested "a hearing concerning Docket # 5430-14" and stated it is "not in agreement with [sic] [the Department's] assumption that BVCA is responsible for any sewer activity anywhere."

4. The Council's Rules of Practice and Procedure, Chapter I, Section 3(c), states that petitions requesting a hearing should include "[a] statement in ordinary, but concise language of the facts on which the request or protest is based, including whenever possible particular reference to the statutes, rules or orders that the Applicant or Protestant alleges have been violated."

5. In part, Rule 12(e) of the Wyoming Rules of Civil Procedure provides: "If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading."

6. BVCA has only made a conclusory statement that it is not responsible "for any sewer activity anywhere," and has failed to set forth any facts on which its protest is based as required by the Council's Rules of Practice and Procedure.

7. As such, the Department is unable to reasonably respond to BVCA's letter and respectfully requests that the Council order BVCA to provide a more definite statement which describes, in ordinary, but concise language the facts on which its petition is based, including whenever possible particular reference to the statutes, rules, or orders that BVCA alleges have been violated.

8. In the alternative, and to the extent the Council requires a response from the Department to BVCA's June 6, 2016 letter, the Department states that BVCA is responsible for the violations detailed in its May 26, 2016 Notice of Violation and Order. BVCA's By-Laws are not relevant to the ownership of the unpermitted septic system at issue. Additionally, upon information and belief, the Quitclaim Deed and Assignment of Rights between Vision Quest Estate and BVCA identified in the Notice of Violation and Order support that BVCA is the lawful owner of the unpermitted septic system at issue.

**WHEREFORE**, the Department respectfully requests that the Council grant this motion and order BVCA to provide a more definite statement in accordance with Rule 12(e) of the Wyoming Rules of Civil Procedure and Chapter I, Section 3(c) of the Council's Rules of Practice and Procedure.

DATED this 23 day of June 2016.



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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of June, 2016, a true and correct copy of the foregoing document was filed electronically with the Wyoming Environmental Quality Council's online docket system and served electronically through that system on the following:

Todd Parfitt  
Director, DEQ  
todd.parfitt@wyo.gov

Kevin Frederick  
Administrator, Water Quality Division, DEQ  
Kevin.frederick@wyo.gov

This certifies that true and correct copies of the foregoing document was served via United States mail addressed as follows:

Big Valley and Crossed Arrows Improvement District  
P.O. Box 33  
Meeteetse, WY 82433

  
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WYOMING ATTORNEY GENERAL'S OFFICE