



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Wisconsin Pollutant Discharge
Elimination System Permit No. WI-0061514-03-0
(WPDES Permit) Reissued to United Liquid Waste
Recycling, Inc., Located in Clyman, Wisconsin, by the
Department of Natural Resources on July 1, 2014.

Case No. DNR-14-061

SECOND AMENDED
PREHEARING CONFERENCE REPORT
AND
SCHEDULING ORDER

The Scheduling Order was amended pursuant to an agreement of the PARTIES and based on the anticipated Decisions on pending Motions by DHA as discussed on November 13, 2015.

This report is filed pursuant to Wis. Stat. § 227.44(4)(b).

The PARTIES to this proceeding are certified as follows:

United Liquid Waste Recycling, Inc., by

Attorney Amy B.F. Tutwiler
Bell, Moore & Richter, SC
345 West Washington Avenue, Suite 302
Madison, WI 53703

Attorney David McFarlane
Bell, Moore & Richter, SC
345 West Washington Avenue, Suite 302
Madison, WI 53703

Department of Natural Resources, by

Attorney Robin Nyffeler
DNR-Legal Services
PO Box 7921
Madison, WI 53707-7921

Attorney Judy Ohm
DNR-Legal Services
PO Box 7921
Madison, WI 53707-7921

Based upon the representations of the parties, the following schedule is hereby ordered:

1. The ALJ will make every effort to issue a Decision on the Motion to Amend the Petition by Friday, November 20, 2015. The ALJ will make every effort to issue a Decision on the Motions for Summary Judgment by January 8, 2016.

2. The parties to this proceeding shall exchange witness lists no later than January 29, 2016. These lists shall contain the names and addresses of the witnesses, the affiliations of the witnesses, and the general subject to be covered by the witnesses.

3. Any non-dispositive prehearing motions shall be filed by February 5, 2016.

4. All expert testimony shall be filed by pre-filed testimony in sworn question and answer form on February 5, 2016.

5. The parties to this proceeding shall exchange exhibits and file a list of the same by February 5, 2016. Exhibits shall be placed in a three-ring binder and pre-marked. The following exhibit numbers have been assigned:

- Petitioner - 1-99
- DNR - 100-199

6. The parties have stipulated that the confidentiality issued under Wis. Stat. § 227.42 shall also be subject to the same schedule and that the cases shall be consolidated under the above caption.

7. The contested case hearing will commence at 9:00 a.m. on February 22, 2016, in the Hearing Room at the offices of the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, Wisconsin. It will continue, if necessary, on February 23 and 24, 2016, at the same location. All witnesses who have filed testimony shall be present and made available for cross-examination unless all parties stipulate that such a witness need not be present. Rebuttal witnesses will be allowed if appropriate.

8. In this order whenever the term "filed" is used, it shall be understood that this means received by mail or facsimile transmission by the Division of Hearings and Appeals and all other parties listed above.

Dated at Madison, Wisconsin on November 18, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, WI 53705-5400
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: 

Rebecca J. Vahle
Administrative Law Judge