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EQC CONTESTED CASE

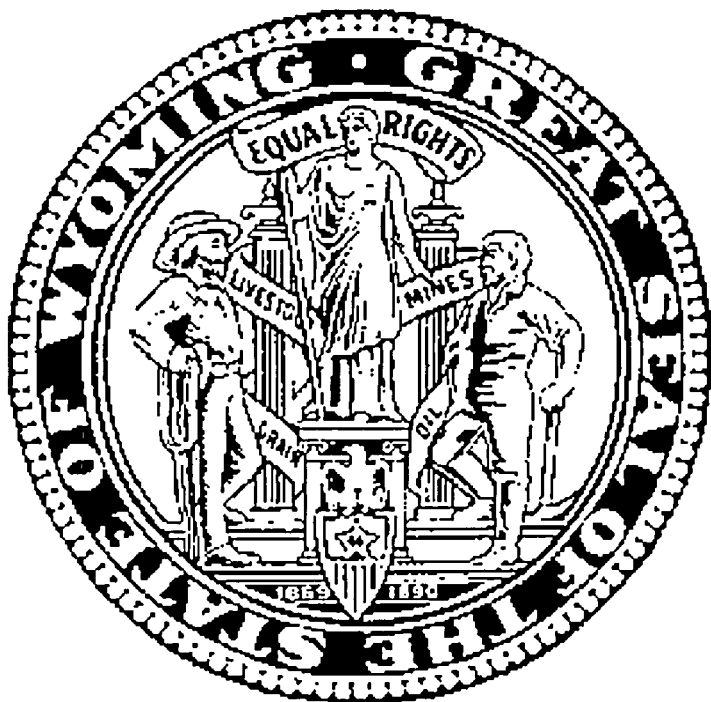
GETTY OIL COMPANY

DOCKET NO. 1240-83





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CASE SHEET

NAME: \_\_\_\_\_ DOCKET NO. \_\_\_\_\_

HEARING EXAMINER: \_\_\_\_\_ COURT REPORTER: \_\_\_\_\_

TYPE OF CASE: \_\_\_\_\_

TIME LIMITS: \_\_\_\_\_

NOTICE REQUIREMENTS:

1. DEADLINES: \_\_\_\_\_

\_\_\_\_\_

2. SCHEDULE: \_\_\_\_\_

\_\_\_\_\_

3. PERSON/DIVISION RESPONSIBLE: \_\_\_\_\_

\_\_\_\_\_

4. WHEN COMPLETED: \_\_\_\_\_

\_\_\_\_\_

JURISDICTIONAL MATTERS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPLICABLE STATUTES: \_\_\_\_\_

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APPLICABLE REGULATIONS: \_\_\_\_\_

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PARTIES: \_\_\_\_\_

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ATTORNEYS: \_\_\_\_\_

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ISSUES: \_\_\_\_\_

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UNDISPUTED FACTS: \_\_\_\_\_

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FILED

MAY 29 1984

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

Ardelle M. Kissler, Clerk  
Environmental Quality Council

IN THE MATTER OF THE )  
NOTICE OF VIOLATION )  
ISSUED TO: THE GETTY )  
OIL COMPANY, P. O. BOX )  
1360, CASPER, WYOMING )  
82602-1360 )

DOCKET NO. 1240-83

O R D E R

THE PETITIONER in the above-entitled matter having withdrawn its Request for Hearing, and the Council being fully advised,

IT IS HEREBY ORDERED THAT this appeal be and the same is hereby dismissed.

DATED this 23 day of May, 1984.

Richard Gray  
Richard Gray, Hearing Examiner  
Wyoming Environmental Quality Council

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 25 day of May, 1984, I served a copy of the foregoing Order, by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Ms. Marilyn S. Kite  
Holland & Hart  
Suite 500  
2020 Carey Avenue  
Cheyenne, WY 82001

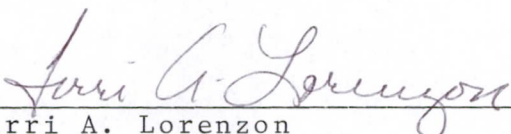
and by interoffice mail of the same date to:

Mr. Robert E. Sundin, Director  
Department of Environmental Quality  
Equality State Bank Building  
401 West 19th Street  
Cheyenne, WY 82002

Mr. William Garland, Administrator  
Water Quality Division  
Department of Environmental Quality  
1111 E. Lincolnway  
Cheyenne, WY 82002

Mr. Lawrence Wolfe  
Senior Assistant Attorney General  
Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

Mr. Steve Jones  
Assistant Attorney General  
Attorney General's Office  
123 Capitol Avenue  
Cheyenne, WY 82002

  
\_\_\_\_\_  
Terri A. Lorenzon  
Administrative Aide  
Wyoming Environmental Quality Council  
Emerson Building, Room 304  
2001 Capitol Avenue  
Cheyenne, WY 82002

# HOLLAND & HART

ATTORNEYS AT LAW

DENVER OFFICE  
SUITE 2900  
555 SEVENTEENTH STREET  
DENVER, COLORADO 80202  
TELEPHONE (303) 575-8000  
TELECOPIER (303) 575-8261

SUITE 500  
2020 CAREY AVENUE  
CHEYENNE, WYOMING 82001  
TELEPHONE (307) 632-2160  
TELECOPIER (307) 778-8175

WASHINGTON, D. C. OFFICE  
SUITE 1200  
1875 EYE STREET, N. W.  
WASHINGTON, D. C. 20006  
TELEPHONE (202) 466-7340  
TELECOPIER (202) 466-7354

MONTANA OFFICE  
SUITE 1400  
175 NORTH 27TH STREET  
BILLINGS, MONTANA 59101  
TELEPHONE (406) 252-2166  
TELECOPIER (406) 252-1669

ASPEN OFFICE  
600 EAST MAIN STREET  
ASPEN, COLORADO 81611  
TELEPHONE (303) 925-3476

MARILYN S. KITE  
(307) 632-2160

S. E. DENVER OFFICE  
BUILDING 5-SUITE 4002  
5555 DTC PARKWAY  
ENGLEWOOD, COLORADO 80111  
TELEPHONE (303) 575-8350

April 23, 1984

Ms. Terri Lorenzon  
Administrative Aid  
Environmental Quality Council  
Emerson Building  
Room 304  
2001 Capitol Ave.  
Cheyenne, WY 82002



Re: Getty Oil Company Appeal

Dear Terri:

I received your letter concerning the Getty Oil Company Lake Creek appeal which is still pending before the Environmental Quality Council. You should be aware that the matter has been settled, and that Getty hereby wishes to withdraw the appeal and the request for hearing.

Thank you very much for calling it to our attention.

Very truly yours,

*Marilyn S. Kite by gpk*  
Marilyn S. Kite  
for Holland & Hart

MSK:pjm

cc: John F. Sullivan

# Environmental Quality Council

EMERSON BUILDING, ROOM 304  
2001 CAPITOL AVENUE  
CHEYENNE, WYOMING 82002  
TELEPHONE 307-777-7170

April 4, 1984

CERTIFIED MAIL # 93086  
RETURN RECEIPT REQUESTED

Ms. Marilyn S. Kite  
Of Holland & Hart  
Suite 500  
2020 Carey Avenue  
Cheyenne, WY 82001

Re: Getty Oil Lake Creek Appeal

Dear Marilyn:

There has been no activity since June 27, 1983. At postponement of the setting of negotiate. Since that time to activity.

If you continue to need a hearing date to the Council taken on this case within 30 will be considered for dismissal scheduled meeting.

Thank you for your attention

PS Form 3811, July 1982

**SENDER: Complete items 1, 2, 3, and 4.**  
Add your address in the "RETURN TO" space on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).  
 Show to whom and date delivered ..... \$  
 Show to whom, date, and address of delivery .. \$  
 2.  RESTRICTED DELIVERY..... \$  
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ 0.00

3. ARTICLE ADDRESSED TO:  
 Ms. Marilyn S. Kite  
 Of Holland & Hart  
 2020 Carey Ave., Suite 500  
 Cheyenne, WY 82001

4. TYPE OF SERVICE:      ARTICLE NUMBER  
 REGISTERED       INSURED      93086  
 CERTIFIED       COD  
 EXPRESS MAIL

**(Always obtain signature of addressee or agent)**

I have received the article described above.  
 SIGNATURE       Addressee       Authorized agent  
*[Signature]*

5. DATE OF DELIVERY      POSTMARK  
(may be on reverse side)  
 APR 4 1984  
 USPO

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:      7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

☆ GPO: 1982-379-593

Getty Oil  
Appeal  
Library  
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Administrative Aide

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**SENDER INSTRUCTIONS**

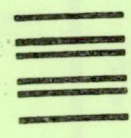
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits.
- Otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.

**UNITED STATES POSTAL SERVICE**  
OFFICIAL BUSINESS

RETURN TO

Environmental Quality Council  
(Name of Sender)  
Emerson Building, Room 304  
(Street or P.O. Box)  
2001 Capitol Avenue, Cheyenne, WY 82001  
(City, State, and ZIP Code)



PENALTY FOR PRIVATE USE, \$300

RSCHLER  
ERNOR



*Environment*

EMERSON  
2001  
CHEYENNE  
TELEPHONE

CERTIFIED MAIL # 93086  
RETURN RECEIPT REQUESTED

Ms. Marilyn S. Kite  
Of Holland & Hart  
Suite 500  
2020 Carey Avenue  
Cheyenne, WY 82001

Re: Getty Oil Lake Creek Appeal, Docket No. 1240-83.

Dear Marilyn:

There has been no activity on the Getty Oil, Lake Creek appeal since June 27, 1983. At that time, you requested a temporary postponement of the setting of this case to allow the parties time to negotiate. Since that time there has been no correspondence or other activity.

If you continue to need a hearing in this matter, please propose a hearing date to the Council as soon as possible. If no action is taken on this case within 30 days of receipt of this letter, the case will be considered for dismissal at the Council's next regularly scheduled meeting.

Thank you for your attention to this matter.

Sincerely,

ENVIRONMENTAL QUALITY COUNCIL

*Terri*

Terri A. Lorenzon  
Administrative Aide

ccc

# HOLLAND & HART

ATTORNEYS AT LAW

DENVER OFFICE  
SUITE 2900  
555 SEVENTEENTH STREET  
DENVER, COLORADO 80202  
TELEPHONE (303) 575-8000  
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S. E. DENVER OFFICE  
BUILDING 5-SUITE 4002  
5555 DTC PARKWAY  
ENGLEWOOD, COLORADO 80111  
TELEPHONE (303) 575-8350

June 23, 1983

Ms. Terri Lorenzon  
Administrative Aid  
Environmental Quality Council  
Emerson Building, Room 304  
2001 Capitol Avenue  
Cheyenne, WY 82002

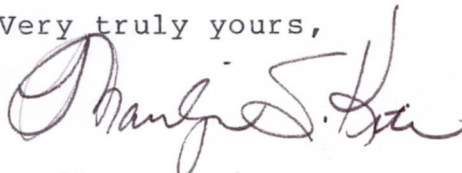
Re: Lake Creek Appeal  
Docket No. 1240-83

Dear Terri:

On behalf of Getty Oil Company, we have filed an appeal of a Notice of Violation and Order issued by the Water Quality Division of the Department of Environmental Quality. That order was later modified and we renewed our appeal. At this time, Getty is undertaking the steps required by the Modified Order. We wish to preserve our appeal of the finding of a violation of the oil and grease limitation. However, we are hopeful the matter can be satisfactorily resolved and no hearing will be required. I have discussed this matter with Mr. Steve Jones and am requesting that the Council temporarily postpone the setting of this matter for hearing until the one of the parties so requests.

We are hopeful we will be able to dismiss the appeal in the near future.

Very truly yours,



Marilyn S. Kite  
for Holland & Hart

MSK:pjm

cc: John Sullivan  
David Bowers  
Steve Jones



**FILED**

JUN 21 1983

Ardelle M. Kissler, Clerk  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

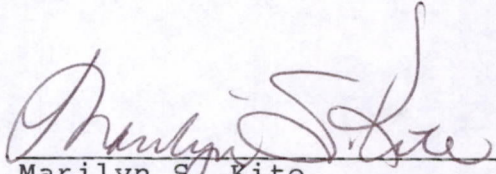
IN THE MATTER OF THE )  
NOTICE OF VIOLATION )  
ISSUED TO: ) Docket No. 1240-83  
The Getty Oil Company )  
P.O. Box 1360 )  
Casper, Wyoming 82602-1360 )

APPEAL OF MODIFIED ORDER

COMES NOW GETTY OIL COMPANY by and through its attorneys Holland & Hart, hereby amends it previous petition pursuant to the Modification of Order issued by the Department of Environmental Quality as follows:

1. Getty has agreed to shut-in the Lake Creek Well No. 23 and to conduct cleanup of the drainage channel located below the discharge point.
2. Getty is also accomplishing the expansion of treatment facilities to handle the flow from the Lake Creek Well No. 23.
3. Based upon the information available to Getty, Getty is not able to determine whether actual violations of the oil and grease limitation have occurred or would continue to occur if the shut-in was not accomplished. Consequently, the previous petition is hereby amended to include the appeal of the Modification of Order to the extent it is interpreted as determining actual and continuing violations of the oil and grease limit.

Dated this 21<sup>st</sup> day of June, 1983.

  
Marilyn S. Kite  
Holland & Hart  
2020 Carey Avenue  
Suite 500  
Cheyenne, Wyoming 82001

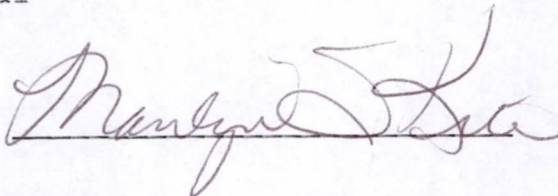
CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 1983, I served the foregoing Appeal of Modified Order by placing a true and correct copy thereof in the United States mail, postage prepaid and properly addressed to the following:

Mr. Robert Sundin, Director  
Environmental Quality Council  
1814 E. 19th St.  
Cheyenne, Wyoming 82001

Mr. John Wagner  
Department of Environmental Quality  
Water Quality Division  
1111 E. Lincoln Way  
Cheyenne, Wyoming 82002

Mr. Steve Jones  
Assistant Attorney General  
Attorney General's Office

A handwritten signature in cursive script, appearing to read "Marilyn E. Hester", is written over a horizontal line.

JUN 06 1983

Ardelle M. Kissler, Clerk  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE )  
NOTICE OF VIOLATION )  
ISSUED TO: ) Docket No. 1240-83  
The Getty Oil Company )  
P.O. Box 1360 )  
Casper, Wyoming 82602-1360 )

APPEAL OF NOTICE OF VIOLATION

AND

ORDER

COMES NOW GETTY OIL COMPANY by and through its attorneys Holland & Hart and appeals the Notice of Violation and Order issued by the Department of Environmental Quality, Docket No. 1240-83. Getty Oil Company files this appeal and requests a hearing before the Environmental Quality Council on the following grounds:

1. All necessary action has been taken to abate and correct the violations alleged by the Department of Environmental Quality.
2. Getty does not have adequate information to evaluate whether the alleged oil and grease concentrations accurately represent the quality of the discharge. Consequently, Getty does not admit that a violation of the oil and grease contained in discharge permit Wy-0002984 occurred.

NOW THEREFORE, Getty Oil Company appeals the Notice of Violation and Order and requests a hearing before the Environmental Quality Council.

Dated this 6th day of June, 1983.

*Marilyn S. Kite by Joel Paul*  
Marilyn S. Kite  
Holland & Hart  
2020 Carey Avenue  
Suite 500  
Cheyenne, Wyoming 82001