

**FILED**

**FEB 03 2006**

Terri A. Lorenzon, Director  
Environmental Quality Council

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

IN THE MATTER OF THE APPEAL AND )  
REVIEW OF THE DECISION REGARDING )  
THE PROPOSED WYOMING POLLUTANT )  
DISCHARGE ELIMINATION SYSTEM )  
(WYPDES) PERMITS WYOO52817 AND )  
WYOO52833 (KENNEDY OIL), DATED )  
NOVEMBER 30, 2005 )

Docket Number 06-3808

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**OPPOSITION TO "PETITION FOR REVIEW, NOTICE OF  
APPEAL AND REQUEST FOR CONTESTED CASE HEARING"**

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Kennedy Oil, a Wyoming corporation, by and through its undersigned counsel, herewith files and serves its Opposition to the "Petition for Review, Notice of Appeal and Request for Contested Case Hearing" filed and served by Dennis M. Kirven on behalf of the landowner on or about the 26<sup>th</sup> day of January, 2006.

**Answer to Petition for Review**

In the event that the petition is not dismissed as being untimely, Kennedy Oil submits its answer in response to the petition as follows:

1. The "reasons for appeal" stated in the Petition for Review and Notice of Appeal fail to state a basis upon which the Council can grant relief.
2. The allegations stated in Section 1 of the reasons for appeal allege facts that are irrelevant. It is admitted that Adami Ranch and Kennedy Oil have not reached an agreement regarding the methods of handling and disposal of produced water. However, no such agreement is required by any applicable law.

3. The allegations stated in Section 3 of the reasons for appeal are denied.
4. The allegations stated in Section 4 of the reasons for appeal are denied.
5. The allegations stated in Section 5 of the reasons for appeal are denied.
6. The Petitioners lack standing to complain of any injury to their interests. It is noted in the Administrator's decision: "All of these Class 4 drainages will be protected for recreation, wildlife, agriculture, industry and scenic value use." Accordingly, there is no injury to the Petitioners resulting from the Administrator's decision.
7. The allegations of Section 7 of the Petition are denied.
8. The allegations of Section 8 of the Petition are denied.
9. The Administrator's final determination is fully supported in fact and in law.

Wherefore, Kennedy Oil prays that the Council dismiss the "Petition for Review" with prejudice, and for such other relief as is just and appropriate.

DATED this 2<sup>nd</sup> day of February, 2006.



Randall T. Cox  
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CERTIFICATE OF SERVICE

I, Randall T. Cox, hereby certify that on the 2<sup>nd</sup> day of February, 2006, I did cause a true and correct copy of the foregoing to be deposited in the U.S. Mail, postage prepaid, addressed to each of the following:

Terri A. Lorenzon  
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Cheyenne, Wyoming 82002

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Randall T. Cox