

FILED

SEP 20 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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

IN THE MATTER OF THE APPEAL)
OF WILLIAM P. MAYCOCK) Docket No. 06-3810
FROM WYPDES PERMIT NO. WY0053899)

DEPARTMENT OF ENVIRONMENTAL QUALITY/WATER
QUALITY DIVISION'S RESPONSE TO PETITION

The Department of Environmental Quality (DEQ)/ Water Quality Division (WQD) by and through its attorney, John S. Burbridge, Senior Assistant Attorney General, hereby responds to William P. Maycock's (Maycock) Petition and states to the Environmental Quality Council (EQC) the following:

1. The DEQ admits the allegations contained in paragraphs 1, 2, 3(a), 3(b) and 3(c) of Maycock's petition.
2. The DEQ denies the allegations contained in paragraphs 3(d), 3(e), 3(f) and 3(g) of Maycock's petition.
3. The DEQ admits the allegation contained in paragraph 3(h) of Maycock's petition.
4. The DEQ denies the allegations contained in paragraph 3(i) of Maycock's petition. The permit protects water uses that were in existence on or before November 28, 1975 and is also protective of antidegradation concerns. The permit complies with Water Quality Rule and Regulation, Chapter 1, Section 8.
5. The DEQ denies the allegation contained in paragraph 3(j) of Maycock's petition. The permit specifically prohibits the discharge of produced water that could cause the formation of

visible deposits of iron, hydrocarbons or any other constituent on the bottom or shoreline of any receiving waters. In addition, the permit prohibits the discharge of any water that would result in a significant aesthetic degradation or degradation of habitat for aquatic life, plant life, public water supply or those intended for agricultural or wildlife use. The permit complies with Water Quality Rule and Regulation, Chapter 1, Section 15.

6. The DEQ denies the allegations contained in paragraph 3(k) of Maycock's petition. The permit complies with Water Quality Rule and Regulation, Chapter 1, Section 16.

7. The DEQ denies the allegations contained in paragraph 3(l) of Maycock's petition. The permit complies with Water Quality Rule and Regulation, Chapter 1, Section 17.

8. The DEQ denies the allegations contained in paragraph 3(m) of Maycock's petition. The permit protects surface water quality so that the quality of the water does not cause a measurable decrease in crop or livestock production. The permit complies with Water Quality Rule and Regulation, Chapter 1, Section 20.

9. The DEQ denies the allegations contained in paragraph 3(n) of Maycock's petition. The permit complies with Water Quality Rule and Regulation, Chapter 1, Section 23.

10. The DEQ denies the allegations contained in paragraph 3(o) of Maycock's petition. The permit complies with Water Quality Rule and Regulation, Chapter 2, Section 5(c).

11. The DEQ denies the allegations contained in paragraph 3(p) of Maycock's petition. Maycock's allegation that the permit "fails to require that the discharge ensures compliance with the Water Quality Rules and Regulations of the DEQ" is too broad to afford the DEQ the ability to generate a meaningful response.

12. The DEQ denies the allegations contained in paragraph 3(q), 3(r), 3(s) and 3(t) of Maycock's petition.

13. The DEQ states that the Statement of Basis for the permit speaks for itself. The DEQ denies the allegations contained in paragraph 3(u) of Maycock's petition.

14. The DEQ denies the allegations contained in paragraph 3(v) of Maycock's petition. The effluent limits establish a quality of water which will not cause measurable decrease in crop and livestock production and will protect plant life.

15. The DEQ denies the allegations contained in paragraphs 3(w), 3(x) and 3(y) of Maycock's petition.

16. The DEQ denies each and every allegation not specifically admitted to in this response.

DATED this 20th day of September, 2006.

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY



John S. Burbridge
Senior Assistant Attorney General
Attorney General's Office
123 Capitol Avenue
Cheyenne, Wyoming 82002
307-777-6946

CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that the foregoing Response was served by US. Mail, postage prepaid, and addressed correctly, to the following people on the 20th day of September, 2006:

Tom C. Toner
Yonkee & Toner, LLP
P.O. Box 6288
Sheridan, Wyoming 82801

Devon Energy Production Company, LP.
20 North Broadway
Oklahoma City, Oklahoma 73102-8260

Margo Harlan Sabec
Nicol Thompson Kramer
Williams, Porter, Day & Neville, P.C.
159 North Wolcott, Suite 400
P.O. box 10700
Casper, Wyoming 82602-3902



John S. Burbridge