

**FILED**

AUG 29 2003

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

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF )  
THE APPEAL OF )  
EDWARD SWARTZ et. al )

Docket No. 02-3801

**Order**

The Environmental Quality Council (EQC) heard pending motions from Redstone Resources, Inc. (Redstone), Yates Petroleum Corporation (Yates), and Devon Energy Production Company, L.P. (Devon) for relief from the stay imposed by the EQC's May 9, 2003 Amended Order to Consolidate, at a public hearing, held on July 11, 2003. Edward H. Swartz (Swartz) was represented by Kate Fox of Davis and Cannon. Redstone Resources, Inc. (Redstone) was represented by Keith Burron of Associated Legal Group, L.L.C. Yates Petroleum Corporation (Yates) was represented by Eric L. Hiser of von Oppenfeld, Hiser and Freeze. Majestic Petroleum Operations, LLC was represented by Mike Onstott. The Wyoming Department of Environmental Quality, Water Quality Division (DEQ) was represented by Michael Barrash, Senior Assistant Attorney General. J.M. Huber Corporation was represented by Mike Wozniak of Dorsey & Whitney LLP. Devon Energy Production Company, L.P. (Devon) and Pennaco Energy, Inc. (Pennaco) were represented by Margo H. Sabec of Williams, Porter, Day & Neville, P.C. EQC members present at the hearing were Olin Sims, Hearing Examiner, Thomas Dunn, John N. Morris, Mark Gordon, Jon Brady, and Dr. Jason Shogren. Also present for the Council was Terri A. Lorenzon, attorney for the Council.

At the hearing the parties negotiated and presented the EQC with a Joint Stipulation for relief from the stay in permitting actions in Wildcat Creek. DEQ has reviewed and will approve the permit modifications in the Joint Stipulation except where stated. After reviewing the record and being advised in the premises the EQC:

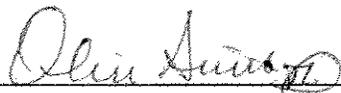
**HEREBY FINDS AND CONCLUDES:**

1. Yates' Permit No. WY0037401 should be modified to:
  - a) Remove two outfalls from the permit.
  - b) Change the location of one outfall approximately 1300 feet upstream into the Redstone reservoir.
  
2. Devon's Permit Nos. WY0039951, WY0039969, and WY0039977 should be modified:
  - a) 14 new wells will be added to these permits.
  - b) The permits will not add any new outfalls.

- c) There will be no discharge from the 14 new wells until the Council issues a decision on the final permit modification.
  - d) The compliance point for metals will be moved upstream.
  - e) The DEQ will not approve moving the irrigation compliance point upstream.
3. Redstone's Permit No. WY0043109 should be modified:
    - a) Change the location of the outfall into an existing full containment reservoir.
    - b) The new outfall location will not increase the discharge.
    - c) The DEQ will not approve the additional two wells.
  4. Redstone's Permit No. WY0044351 should be modified:
    - a) This permit application will be released from the stay imposed in the Councils May 9, 2003 Amended Order to Consolidate.
    - b) The permit application to add an on-channel outfall and 10 new wells shall also show where the natural flow is separated from the discharge waters.
    - c) The permit application shall go through the normal permit application processing, being reviewed by the DEQ and published for public comment.
  5. Redstone's Permit Nos. WY0036188, WY0036277, WY0036285, WY0036293, WY0036323, WY0036331, WY0036358, WY0036366, WY0036374, WY0036382, WY0038148, WY0038491, WY0038504 should be modified to:
    - a) The dependent property limits of iron, radium, and barium point of compliance will be moved from the end of pipe to a downstream point of compliance.
  6. Redstone Permit No. WY0042001 would expire on August 7, 2003. Redstone applied for renewal of the permit and sought relief from the EQC stay. The Administrative Procedure Act, W.S. 16-3-113 extends permits, where timely applications for renewal have been made, until the Council makes a final decision in this matter. No further relief is required.

**HEREBY ORDERS** and modifies the permits as stated above.

DATED this 29<sup>th</sup> day of August, 2003.

  
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Olin Sims, Hearing Examiner  
Environmental Quality Council  
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CERTIFICATE OF SERVICE

I, Joe F. Girardin, certify that at Cheyenne, Wyoming, on the 29th day of August, 2003, 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:

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also to the following persons via interoffice mail:

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