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ATTORNEYS FOR PETITIONER
CITATION OIL & GAS CORP.

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

In the Matter of:)
Citation Oil & Gas Corp.) Docket No. 20-2601
Air Quality Permit No. P0027427)
Through Permit No. P0027433)

**CITATION OIL & GAS CORP.’S REPLY IN SUPPORT OF ITS
MOTION TO TEMPORARILY STAY PERMIT CONDITIONS**

Petitioner Citation Oil & Gas Corp. (“Citation”), pursuant to Chapter 2, Section 11(a) of the Rules of the Wyoming Department of Environmental Quality (“DEQ”) and the Hearing Examiner’s December 2, 2020 Scheduling Order, replies in support of its motion to temporarily stay the permit conditions at issue in Citation’s Petition for Review of Permit Nos. P0027427 through Permit No. P0027433 and extend the associated compliance deadlines pending final resolution of this matter.

ARGUMENT

In its response to Citation’s motion to stay, DEQ suggests this Council has no meaningful ability to serve the purpose it was statutorily designed to serve. DEQ implies it can both divest this Council of its statutory right to hear this case and divest Citation of its right to be heard. Unfortunately for DEQ, that is not the design of the Wyoming Environmental Quality Act nor

the Wyoming Administrative Procedure Act. DEQ does not have unfettered power and it is not entitled to operate without any oversight or accountability. Nothing about DEQ's compliance deadlines changes that reality.

This Council was created and vested with certain authority for a reason. The Wyoming Legislature expressly granted the Council broad and exclusive authority to “hear and determine all cases or issues arising under the laws, rules, regulations, standards or orders issued or administered by the department or its air quality... division[.]” Wyo. Stat. Ann. § 35-11-112 (a). Also among the Council's powers are the ability to “repeal, modify or suspend any rule, regulation, standard or order of the director or any division administrator” and also to “[o]rder that any permit, license, certification or variance be granted, denied, suspended, revoked or modified[.]” *Id.* at (c) (i) through (ii).

These broad powers are what enable the Council to serve as a check on DEQ's powers and ensure DEQ does not exceed its statutory authority. They are also what provide the Council the ability to grant relief and protect individuals from DEQ's unlawful agency action when it occurs. Here, protecting Citation means temporarily extending DEQ's compliance deadlines to ensure the Council can decide this case on its merits before Citation suffers irreparable harm and these proceedings are rendered meaningless. For DEQ to argue that the Council, the entity that has the power to suspend, modify or altogether revoke a permit, does not have the authority to extend a permit compliance deadline, is absurd. The Council's broad powers necessarily include the ability to grant Citation the relief it requests.

Finally, Citation is not requesting a stay of the entirety of the permits or a significant extension of compliance deadlines. The facts of this case are undisputed and both parties agree the case is appropriate for early disposition. Accordingly, the extension Citation seeks is narrow

and brief. In comparison to the imminent harm Citation stands to suffer if an extension is denied, DEQ suffers absolutely no harm as a result of the requested extension. There is, likewise, no harm to the public or the environment. These wells will simply continue to operate for a brief period under the same conditions and permit requirements that have been in place for decades.

REQUEST FOR HEARING

For these reasons, Citation respectfully requests the Council temporarily stay permit conditions 7 through 13 of Permit Nos. P00275427, P00275428, P00275429, P00275430, P00275431, P002754232, and P00275433 and extend associated compliance deadlines for each day until the Council is able to resolve this matter on its merits. Citation also requests that this matter be set for hearing at the Council's earliest convenience.

Dated December 23, 2020.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this December 23, 2020, in accordance with the requirements of Chapter 2, Section 4(a) of the Department of Environmental Quality Rules of Practice and Procedure, this Citation Oil Corp.'s Motion for Summary Judgment was filed via hand delivery on:

Chairman of the Environmental Quality Council,
2300 Capitol Ave.
Hathaway Bldg. 1st, Room 136
Cheyenne, WY 82002

and served via registered mail, return receipt requested, on the following, and delivered by hand as well:

Todd Parfitt
Director of the Department of Environmental Quality
200 West 17th Street
Cheyenne, WY 82002

Nancy E. Vehr
Administrator of the Air Quality Division
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