

**FILED**

JAN 19 2007

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

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF )  
DEVON ENERGY PRODUCTION )  
COMPANY, L.P. OF CONDITIONS IN )  
WYPDES PERMIT NO. WY0054259 )

DOCKET NO. 07-3800

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**NOTICE OF APPEAL AND PETITION FOR HEARING**

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Devon Energy Production Company, L.P. (“Devon” or “Petitioner”) hereby appeals the conditions contained in WYPDES Permit No. WY0054259 (the “Permit”) issued by the Department of Environmental Quality (“DEQ”) to Devon Energy Production Company, L.P. on November 20, 2006 and requests a hearing pursuant to the Environmental Quality Act, the Wyoming Administrative Procedures Act, and the Environmental Quality Council’s (“EQC”) Rules of Practice and Procedure. In support of this appeal, Petitioner advises the EQC as follows:

**I. INFORMATION ABOUT THE PETITIONER**

The Petitioner filing this appeal is:

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

Petitioner is represented in this matter by Margo Harlan Sabec and Nicol Thompson Kramer of Williams, Porter, Day & Neville, P.C., P.O. Box 10700, Casper, WY 82602. Correspondence and information related to this appeal should be served on Devon’s attorneys and on the company, c/o Randy Maxey, Senior Regulatory Specialist, at the address above.

**II. ACTION BEING APPEALED**

1. Petitioner appeals the end of pipe compliance limits for electrical conductivity (EC), sodium adsorption ratio (SAR), and total dissolved solids (TDS). The limits contained in the permit are arbitrary and capricious and not supported by substantial evidence because they are overly restrictive and not necessary to protect the water quality and agricultural uses in the drainage into which the water will be discharged.

2. Petitioner reserves the right to supplement the grounds for this appeal as those grounds may become apparent at a later date.

WHEREFORE, Petitioner respectfully requests the EQC grant the following relief:

1. Grant Petitioner a contested case hearing on its appeal pursuant to the Environmental Quality Act, the Wyoming Administrative Procedures Act, and the EQC's Rules of Practice and Procedure;

2. Modify the provisions of the Permit referenced herein in a manner that enables Petitioner to reasonably comply with the Environmental Quality Act and the rules and regulations promulgated thereunder.

3. Provide such other relief as the EQC determines just and reasonable under the circumstances.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of January, 2007.

DEVON ENERGY PRODUCTION COMPANY, LP



By: Margo Harlan Sabec  
Nicol Thompson Kramer  
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Casper, Wyoming 82602-3902  
Phone: (307) 265-0700  
Fax: (307) 266-2306  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

The undersigned certifies that the above and foregoing **NOTICE OF APPEAL AND PETITION FOR HEARING**, was served this 19<sup>th</sup> day of January, 2007 as follows:

Mark Gordon, Chairman  
Environmental Quality Council  
Room 1714  
Herschler Building, 1<sup>st</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

HAND DELIVERED:  
Original plus eight (8) copies

SENT VIA CERTIFIED MAIL:  
Two (2) copies

John Corra, Director  
Department of Environmental Quality  
Herschler Building, 4<sup>th</sup> Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

SENT VIA CERTIFIED MAIL:  
Two (2) copies

  
\_\_\_\_\_  
Nicol Thompson Kramer