

FILED

DEC 22 2006

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

Terr A. Lorenzon, Director
Environmental Quality Council

STATE OF WYOMING

IN THE MATTER OF A NOTICE OF VIOLATION)
VIOLATION ISSUED TO LANDRICA)
DEVELOPMENT COMPANY, KF_x MINE)
P.O. BOX 1777, GILLETTE, WY 82717-1777)
PERMIT NO. 486-T5, NOV NO. 100516)
DOCKET NO. 3928-06)

PETITION FOR REVIEW

COMES NOW LANDRICA DEVELOPMENT COMPANY, by and through undersigned counsel, and submits its petition for review as a contested case in the captioned matter to the Wyoming Environmental Council pursuant to W.S. 35-11-902(e)(ii) and the applicable rules and regulations, and as grounds therefore would show that:

1. The name and address of the person requesting the hearing is:

Landrica Development Company
KF_x Mine
P.O. Box 1777
Gillette, WY 82717-1777

and the name and address of its attorney is:

Steven F. Freudenthal
Freudenthal, Salzburg & Bonds, P.C.
123 East 17th Street
P. O. Box 387
Cheyenne, WY 82003
(307) 634-2240

2. At issue is NOV #100516 (Docket No. 3928-06) issued September 6, 2006, the Assessment Memo dated October 23, 2006, and the Director's Findings of Fact, Conclusions of Law and Decision dated December 11, 2006.

3. The alleged "nature of the violation is the dumping of

liquids into an un-permitted treatment site in the pit."

4. The proposed amount of the penalty at the time of filing this petition is \$25,000.00, subject to reduction to \$15,000.00.

5. Landrica Development Company disputes both the existence of any violation and the amount of the penalty because of, but not limited to, the following reasons:

a. No liquids were dumped in the pit.

b. The solid materials deposited into the pit are non-hazardous wastes as determined by the Solid and Hazardous Waste Division, Wyoming Department of Environmental Quality.

c. The solid materials deposited into the pit are exempt under the Beville Amendment.

d. Disposal of the solid materials at issue into the pit is legal and authorized under existing laws, regulations and permits.

e. The amount of the penalty is not supported by either the facts or the considerations set forth in the Land Quality Rules and Regulations, Chapter 16, Section 3.

6. Concurrently with the filing of this petition a wire transfer of \$25,000.00, the full amount of the proposed penalty, is being made to the State of Wyoming-Department of Environmental Quality pursuant to wiring instructions provided through the Executive Director of the Environmental Quality Council.

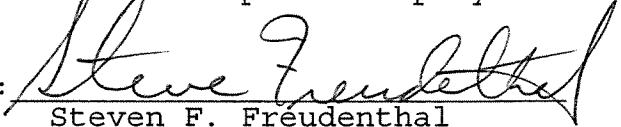
WHEREFORE, Landrica Development Company prays that the Wyoming Environmental Quality Council conduct a contested case hearing on this matter, and enter its order and determination that no

violation occurred or, in the alternative, reducing the proposed penalty to an amount that is justified by the facts and the considerations set forth in the Land Quality Rules and Regulations, Chapter 16, Section 3.

Dated this 22nd day of December, 2006.

Landrica Development Company

BY:


Steven F. Freudenthal
Freudenthal, Salzburg
& Bonds, P.C.
123 East 17th Street
P. O. Box 387
Cheyenne, WY 82003
(307) 634-2240

CERTIFICATE OF SERVICE

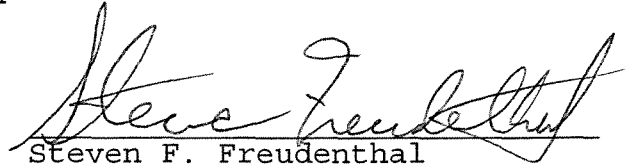
I, Steven F. Freudenthal, do hereby certify that a true and correct copy of the foregoing was served by depositing the same in the United States mail, postage prepaid, certified mail, return receipt requested, this 22nd day of December, 2006, addressed as follows:

John Corra
Director
Wyoming Department of Environmental Quality
Herschler Building
125 West 25th Street
Cheyenne, WY 82002

John S. Burbridge, Esq.
Wyoming Attorney General's Office
123 Capitol Building
Cheyenne, WY 82002

and by hand-delivering the original of the petition to:

Chairman
Environmental Quality Council
Herschler Building, Room 1714
Cheyenne, WY 82002


Steven F. Freudenthal