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FILED
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Terri A. Lorenzon, Director
Environmental Quality Council

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

**IN THE MATTER OF THE APPEAL
OF CLABAUGH RANCH, INC. FROM
WYPDES PERMIT NO. WY0049697**

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) **Docket No. 08-3802**
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ANSWER OF LANCE OIL AND GAS COMPANY, INC.

Lance Oil and Gas Company, Inc. ("Lance") , by and through its counsel, Patrick J. Crank of Speight, McCue and Crank, P.C., hereby responds to Clabaugh Ranch, Inc.'s ("Clabaugh") appeal of Lance's WYPDES Permit No. WY0049697 and states to the Environmental Quality Council ("EQC") the following:

ANSWERS TO ALLEGATIONS IN THE APPEAL

1. Lance admits the allegation contained in paragraph 1 of Clabaugh's appeal.
2. Lance admits the allegation contained in paragraph 2 of Clabaugh's appeal.
- 3(a). Upon information and belief, Lance admits the allegation contained in paragraph 3(a) of Clabaugh's appeal.

3(b). Lance admits the allegation contained in paragraph 3(b) of Clabaugh's appeal.

3(c). Lance admits the allegation contained in paragraph 3(c) of Clabaugh's appeal.

3(d). Lance admits that the outfalls are located up drainage from Clabaugh's ranch but denies the remainder of the allegations contained in paragraph 3(d) of Clabaugh's appeal.

3(e). Lance admits that discharge water may reach Clabaugh's ranch. Lance cannot admit or deny whether discharge water will pass through Clabaugh's ranch for several miles as alleged in paragraph 3(e) of Clabaugh's appeal.

3(f). Lance admits that discharge water may reach Clabaugh's ranch. Lance is without sufficient knowledge to be able to either admit or deny whether discharge water will pass through areas of Clabaugh's ranch that serve as important grazing pastures of livestock as alleged in paragraph 3(f) of Clabaugh's ranch. Lance denies all other allegations contained in paragraph 3(f).

3(g). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(g) of Clabaugh's appeal.

3(h). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(h) of Clabaugh's appeal.

3(i). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(i) of Clabaugh's appeal.

3(j). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(j) of Clabaugh's appeal.

3(k). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation

and accordingly denies the allegation contained in paragraph 3(k) of Clabaugh's appeal.

3(l). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(l) of Clabaugh's appeal.

3(m). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(m) of Clabaugh's appeal.

3(n). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(n) of Clabaugh's appeal.

3(o). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water

Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(o) of Clabaugh's appeal.

3(p). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(p) of Clabaugh's appeal.

3(q). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(q) of Clabaugh's appeal.

3(r). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(r) of Clabaugh's appeal.

3(s). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming

Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(s) of Clabaugh's appeal.

3(t). The allegation is vague, ambiguous, and conclusory and fails to specifically allege any facts as to how the permit may violate the Wyoming Environmental Quality Act and any rules adopted thereto or the Clean Water Act. Lance cannot reasonable frame a responsive pleading to this allegation and accordingly denies the allegation contained in paragraph 3(t) of Clabaugh's appeal.

GENERAL DENIAL

To the extent the Petition raises any allegations beyond those specifically denied above; Lance denies all such allegations and reserves the right to fully address all allegations at appropriate stages of these proceedings.

AFFIRMATIVE DEFENSES

1. Clabaugh has failed to state a claim upon which relief can be granted.
2. The EQC lacks subject matter jurisdiction over Clabaugh's appeal.
3. Lance is entitled to judgment on the pleadings.
4. Clabaugh lacks standing to bring this appeal before the EQC.

WHEREFORE, Lance prays that the Environmental Quality Council enter and order affirming the issuance of WYPDES Permit No. WY0049697 by the Department of Environmental Quality/Water Quality Division.

Dated this 18th day of July, 2008.

SPEIGHT, McCUE & CRANK, P.C.

By: 

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COMPANY, INC.

CERTIFICATE OF SERVICE

This is to certify that on the 18th day of July, 2008, a true and correct copy of the foregoing was served upon counsel as follows:

Director, Department of Environmental Quality	[X]	U.S. Mail
122 West 25 th Street	[]	Federal Express
Herschler Building, Room 174	[]	Fax
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Rebecca A. McCoy