

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

MAY 24 2005

Terri A. Lorenzon, Director
Environmental Quality Council

In the Matter of the Patrick)
Draw Gas Plant) Docket No. 3141-99
370 17th Street, Suite 900) EQC Doc. No. 00-5401
Denver, Colorado 80202)
TRC Companies, Incorporated as Respondent)

**MOTION TO AMEND ADMINISTRATIVE ORDER ON CONSENT
TO ADD ADDITIONAL PARTY**

Comes now, Duke Energy Field Services, LP (DEFS) by and through their attorneys, Hickey & Mackey, and makes this Motion to add Mountain Gas Resources ("Mountain") as a party to this Administrative Order on Consent. In support of this Motion, DEFS states as follows:

1. Duke Energy Gathering and Processing, LP, through its general partner, Duke Energy Fuels Operating LLC, a subsidiary of Duke Energy Field Services LLC, TRC Companies, Incorporated ("TRC") as Respondent, and the Wyoming Department of Environmental Quality entered into an Administrative Order on Consent ("AOC") for Voluntary Corrective Action at the Patrick Draw Natural Gas Processing Facility ("Facility") on September 1, 2000. The AOC was approved and filed by the Environmental Quality Council on September 5, 2000. Duke Energy Gathering and Processing, LP, and Duke Energy Fuels Operating, LLC, have since merged into Duke Energy Field Services, LP, a subsidiary of Duke Energy Field Services LLC (collectively, "DEFS") DEFS has sold

the Patrick Draw Gas Plant to Mountain Gas Resources ("Mountain), a subsidiary of Western Gas Resources. The transfer of ownership occurred on February 1, 2005. As a result, DEFS is seeking an Amendment to the AOC to add Mountain as a party to the AOC.

2. DEFS, TRC and the WDEQ entered into the AOC to address historic contamination at the Patrick Draw Plant that occurred prior to DEFS's ownership of the Facility. Following the transfer of ownership of the Facility to Mountain on February 1, 2005, DEFS is no longer an owner or operator of the Facility and no longer is in a position to oversee the remediation activities of the Respondent TRC.

3. Under the AOC, TRC is the Respondent and the party responsible for implementing the requirements of the AOC at the Facility. The Amendment to the AOC does not change TRC's role as Respondent. To date, TRC has been responsible for compliance with the AOC at the Facility and this continues under Mountain's ownership. The current AOC states that DEFS and TRC have entered into a contract transferring liability and responsibility that DEFS may have under existing laws for remediation of the Facility to TRC. When DEFS transferred ownership of the Facility to Mountain, DEFS assigned the TRC contract to Mountain. Mountain has agreed to take on the

responsibility as owner/operator under the AOC. As of the closing date of the sale, DEFS no longer had a contractual relationship with TRC related to the Facility.

4. Mountain, as the owner/operator of the Facility, is in control of the Facility and in a position to monitor the remediation activities of TRC. Mountain is also the party that has the ability to grant WDEQ access to the Facility, as required by the AOC.

5. TRC is in compliance with the requirements of the AOC. It has completed the Site Investigation Report pursuant to Section IV.A.12 and submitted it to WDEQ, which was approved by WDEQ. TRC is in the process of submitting a Corrective Action Plan, as required by Section IV.B of the AOC.

6. The Amendment adds Mountain while also acknowledging that DEFS remains a party to the AOC and does not relieve DEFS of any liability or obligations assumed under the AOC.

7. Mountain and TRC have reviewed the Amendment to the AOC and have no objections. The Amendment has been executed by Mountain, TRC, WDEQ and DEFS.

8. WDEQ and DEFS have entered into a separate indemnification agreement to confirm that in the event that Mountain and TRC fail to perform under the AOC, DEFS will indemnify the State of Wyoming for any and all claims or causes

of action directly arising from acts or omissions of DEFS or its agents, independent contractors, receivers, trustees, successors and assignees to the degree of DEFS' fault or strict liability in carrying out activities required by the Amended AOC, Docket No. 3149-99, that occur after the effective date of the Amended AOC.

9. The substantive remediation terms will remain unchanged by the AOC, as amended. DEFS will also not be relieved of its obligations as stated under the original AOC. The proposed Amended AOC simply acknowledges that Mountain Gas is the new owner and operator of the facility and will also be responsible in the event that TRC fails to perform. For these reasons, the AOC, as amended, will achieve the same objectives as the original AOC and is protective of human health and the environment.

10. For the above stated reasons, DEFS respectfully requests that the EQC approve the Amendment to the Administrative Order on Consent.

DATED this 24th day of May, 2005.



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ATTORNEYS FOR DUKE ENERGY
FIELD SERVICES, LP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 24th day of May 2005, Duke Energy's Motion to Amend Administrative Order On Consent to Add Additional Party was served as follows:

John V. Corra	
Wyoming Dept of Environmental Quality	<input type="checkbox"/> U.S. MAIL
122 West 25 th Street	<input checked="" type="checkbox"/> HANDDELIVERY
Herschler Building	<input type="checkbox"/> FAX
Cheyenne, WY 82002	<input type="checkbox"/> FED EX
Michael Barrash	<input type="checkbox"/> U.S. MAIL
Wyoming Attorney General's Office	<input checked="" type="checkbox"/> HAND DELIVERY
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Mountain Gas Resources, Inc.	<input checked="" type="checkbox"/> U.S. MAIL
ATTN: General Counsel	<input type="checkbox"/> HAND DELIVERY
1099 18 th Street, Suite 1200	<input type="checkbox"/> FAX
Denver, CO 80202	<input type="checkbox"/> FED EX
Mountain Gas Resources, Inc.	<input checked="" type="checkbox"/> U.S. MAIL
ATTN: Vice President, Business Devel.	<input type="checkbox"/> HAND DELIVERY
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Mr. Michael C. Salmon	<input checked="" type="checkbox"/> U.S. MAIL
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