

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

**FILED**

**JUN 03 1991**

**Terri A. Lorenzon, Admin. Secy.**  
**Environmental Quality Council**

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION AND ORDER ISSUED TO:	)	
Jerry Loghry, President	)	DOCKET NO. 2249-91
Fleischli Oil Company	)	
P.O. Box 487	)	
Cheyenne, WY 82003-0487	)	

William J. Thomson, Dray, Madison & Thomson, P.C., 204 East 22nd Street  
Cheyenne, WY 82001-3799, (307) 634-8891, appearing for and  
representing Fleischli Oil Company, P.O. Box 487, Cheyenne, Wyoming  
82003-0487.

**PETITION FOR HEARING**  
**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL**  
**AND OBJECTION TO NOTICE OF VIOLATION**

COMES NOW Fleischli Oil Company ("Petitioner") by and through its  
attorney, William J. Thomson of Dray, Madison & Thomson, P.C., 204 East  
22nd Street, Cheyenne, Wyoming 82001-3799, and pursuant to Chapter I,  
Section 3 of the Rules of Practice and Procedure of the Department of  
Environmental Quality requests a hearing before the Environmental  
Quality Council on the Notice of Violation and Order in the above-cited  
matter now pending before the Department of Environmental Quality of  
the State of Wyoming ("Notice and Order").

The grounds for this Petition for Hearing and Objection to the Notice  
and Order are as follows:

1. The Petitioner has not caused, threatened or allowed the  
discharge of any pollutant or waste into waters of the State.
2. The Petitioner has not altered the physical, chemical,  
radiological, biological or bacteriological properties of any waters of the  
State.
3. Upon information and belief, there is insufficient and  
inadequate evidence to support the allegations of fact alleged in the Notice  
and Order or to demonstrate a violation of Section 35-11-301(a)(i) and (ii),  
Wyoming Statutes 1977, as amended.

4. The Notice and Order and the standards and interpretation of the Rules and Regulations on which the Notice and Order are based are arbitrary, capricious and contrary to law and fails to constitute a violation of the statutes of the State of Wyoming cited therein.

5. All of the defenses and objections provided by law.

DATED this 3rd day of June, 1991.

By: 

William J. Thomson  
OF DRAY, MADISON & THOMSON, P.C.  
204 East 22nd Street  
Cheyenne, Wyoming 82001-3799  
(307) 634-8891

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Petition for Hearing Before the Environmental Quality Council and Objection to Notice of Violation** has been served by registered mail, return receipt requested, and delivered in person to the Chairman of the Environmental Quality Council at Room 308, Barrett Building, 2301 Central Avenue, Cheyenne, Wyoming 82002 and the Director of the Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002 on this 3rd day of June, 1991.

By: 

OF DRAY, MADISON & THOMSON, P.C.