



FILED

AUG 07 1980

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

Arlene M. Kistler, Clerk Environmental Quality Council

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND CEASE AND DESIST ORDER ISSUED TO REINERT KVIDAHL, RESIDENT MANAGER, FMC CORPORATION, P.O. BOX 872, GREEN RIVER, WYOMING 82935 RE: PERMIT NO. 335 DOCKET NO. 715-80

PETITION FOR HEARING ON NOTICE OF VIOLATION AND CEASE AND DESIST ORDER

FMC Corporation by its counsel, James E. Fitzgerald, respectfully petitions the Environmental Quality Council, pursuant to Chapter 1, Section 3 of the 1980 Rules of Practice and Procedure of the Department of Environmental Quality, for a hearing on the above-captioned matter. As grounds therefore, FMC Corporation states:

1. FMC Corporation's address is P.O. Box 872, Green River, Wyoming 82935, and the address of James E. Fitzgerald, one of its attorneys, is 710 Rocky Mountain Plaza, 2020 Carey Avenue, Cheyenne, Wyoming 82001.

2. On June 9, 1980 a notice of violation and cease and desist order was signed by the Administrator of the Land Quality Division of the Department of Environmental Quality and the Director of the Department of Environmental Quality.

3. Thereafter, on June 16, 1980, the Resident Manager of FMC Corporation's facility in Wyoming requested a hearing before the Environmental Quality Council as provided for in the notice of violation and order, and pursuant to the directions in the notice and order.

4. Thereafter, on July 24, 1980, a modified notice of violation and cease and desist order was signed by the Administrator of the Land Quality Division of the Department of Environmental Quality and the Director of the Department of Environmental Quality. This notice and order was postmarked July 28, 1980.


5. Thereafter, on July 30, 1980, the Resident Manager of FMC Corporation's facility in Wyoming requested a hearing before the

Environmental Quality Council as provided for in the modified notice of violation and order, and pursuant to the directions in the notice and order.

6. This petition is based upon the provisions of the Wyoming Environmental Quality Act, W.S. §§35-11-101 through 35-11-1104 (1977 Rep.Ed., as amended) and the Wyoming Administrative Procedure Act, W.S. §§9-4-101 through 9-4-115 (1977 Rep.Ed., as amended) on the grounds that the notice of violation and cease and desist order and the modified notice of violation and cease and desist order are unworkable and contrary to law.

WHEREFORE, FMC Corporation, by this petition, reiterates its previous requests for a hearing before the Environmental Quality Council.

Dated: August 7, 1980


James E. Fitzgerald
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2020 Carey Avenue
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CERTIFICATE OF SERVICE

I certify that I served two copies of the foregoing petition upon the Chairman of the Council of Environmental Quality by registered mail, return receipt requested, addressed to:

Terri Lorenzon
Counsel for the Environmental Quality Council
Equality State Bank Building
19th and Pioneer
Cheyenne, Wyoming 82001

and

Director of the Department of Environmental Quality
Equality State Bank Building
19th and Pioneer
Cheyenne, Wyoming 82001

on August 7, 1980, and by hand-delivery to the same on August 7, 1980.


James E. Fitzgerald