

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE)
 OF VIOLATION AND ORDER)
 ISSUED TO:)
)
 V-1 OIL COMPANY)
 1813 North Federal)
 Riverton, Wyoming 82501)
)
 and)
)
 BIG WYOMING TRUCKING, INC.)
 50 Dalley Road)
 Riverton, Wyoming 82501)

FILED

DEC 30 1987

Terri A. Lorenzon, Adm. Aide
Environmental Quality Council

Docket No. 1800-86

RULING OF LAW

Petitioner, the Department of Environmental Quality, State of Wyoming, having moved for a ruling of law on the question of the burden of proof in this cause: the Council having considered the Motion, petitioner's Memorandum and the arguments of counsel,

FINDS:

That the Notice of Violation issued by the Department of Environmental Quality is, in its nature, a complaint; that the Department of Environmental Quality is the complaining party; that V-1 Oil Company is the respondent; that, as a matter of law, the burden of proof is on the proponent of an issue. In this cause, the Department of Environmental Quality alleges that V-1 Oil Company has violated water quality laws of the State of Wyoming, by causing, threatening or allowing a discharge of prohibited contaminants into ground water of the State. The Council accordingly finds that the Department of Environmental

Quality has the burden of proving that there are prohibited contaminants in the ground water and that V-1 Oil Company is the source of such contaminants.

IT IS THEREFORE ORDERED:

That the petition of the Department of Environmental Quality be denied; that as a matter of law, the petitioner, Department of Environmental Quality, must prove that V-1 Oil Company is the source of the alleged contaminants.

DATED THIS 7th DAY OF December, 1987.

ENVIRONMENTAL QUALITY COUNCIL

David Park
David Park, Hearing Examiner

APPROVED AS TO FORM:

Steve Jones
Steve Jones
Assistant Attorney General
Attorney for Department of
Environmental Quality

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 30th day of December, 1987, I served a copy of the foregoing Ruling of Law, by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Robert O. Anderson
Andrews & Anderson, P.C.
Broadway and Park
Riverton, WY 82501

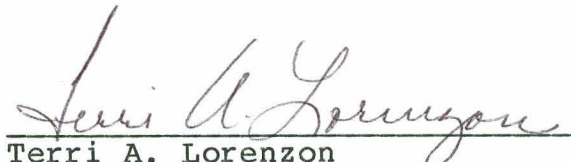
NettaBell Girard
Girard Law Office
P. O. Box 687
Riverton, WY 82501-0687

and by interoffice mail of the same date to:

Randolph Wood, Director
Department of Environmental Quality
122 W. 25th Street, Herschler Building
Cheyenne, WY 82002

William L. Garland, Administrator
Water Quality Division
Department of Environmental Quality
122 W. 25th Street, Herschler Building
Cheyenne, WY 82002

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Assistant Attorney General
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