

FILED

DEC 03 1986

Ardelle M. Kissler, Clerk  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF )  
FMC WYOMING CORPORATION ) Docket No. \_\_\_\_\_

PETITION APPEALING NOTICE OF VIOLATION, REQUESTING STAY, AND  
REQUESTING HEARING

Pursuant to the provisions of the Environmental Quality Act, W.S. 35-11-101 et. seq. (EQA), Petitioner, FMC Corporation, ("FMC"), Box 750, Kemmerer, Wyoming 83101, by and through its attorneys, Holland & Hart, 2020 Carey Avenue, Cheyenne, Wyoming 82001, hereby appeals the Notice of Violation issued by the Land Quality Division of the Department of Environmental Quality, concerning reclamation of exploration drill holes in the vicinity of FMC's Skull Point Mine near Kemmerer, Wyoming.

On November 10, 1986, FMC received Notice of Violation (NOV) Number 100489, Docket No. 1791-86 for alleged violations of FMC's exploratory drilling permit number CN29. FMC's appeal of the NOV and the various violations set forth therein, includes but is not limited to the following issues:

a. The attempt by the Land Quality Division to hold FMC responsible for reclamation of holes drilled by other entities;

b. That portion of the Notice of Violation relating to the handling of drilling fluid;

c. The time frames within which to comply with the Notice of Violation;

d. That portion of the Notice of Violation relating to reclamation of drill holes within the fenced mine area.

Petitioner also requests, pursuant to W.S. 35-11-437(e), that the Notice of Violation be temporarily stayed pending review

by the EQC. This request for stay is based upon the following reasons:

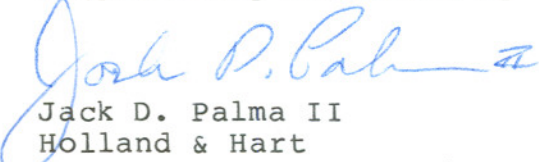
a. There is a genuine dispute over the matters covered by the Notice of Violation and the extent of FMC's responsibility to perform the remedial action requested. If FMC were to comply with the Notice of Violation regarding matters for which it is ultimately deemed not to be responsible, it would incur considerable unnecessary expense.

b. Climatic conditions preclude compliance with the terms of the Notice of Violation due to the onset of winter, the extent of snow cover, and the fact that the ground is now frozen in the area in question.

WHEREFORE, FMC respectfully requests the Environmental Quality Council grant the Petitioner a Stay of the above-referenced Notice of Violation, grant a hearing before the Council in order to fully review the Notice of Violation, and grant whatever additional relief the Environmental Quality Council may deem appropriate.

DATED this 3rd day of December, 1986.

Respectfully Submitted by

  
Jack D. Palma II  
Holland & Hart  
2020 Carey Avenue, Suite 500  
Cheyenne, Wyoming 82001  
Attorneys for FMC Corporation

#### CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December, 1986, I served the foregoing Petition, by hand delivering and by placing in the U.S. Mail, by registered mail, a true and correct copy thereof to the following persons:

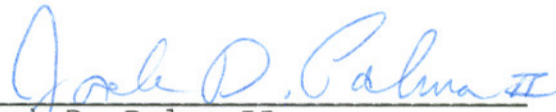
Randolph Wood  
Director Department of Environmental Quality  
Herschler Building  
Cheyenne, Wyoming

and

Terry Lorenzen  
Administrative Assistant  
Environmental Quality Council  
Emerson Building  
Cheyenne, Wyoming

and

Harold Bergman  
Chairman, Environmental Quality Council  
c/o Terry Lorenzen  
Administrative Assistant  
Environmental Quality Council  
Emerson Building  
Cheyenne, Wyoming

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Jack D. Palma II  
Attorney at Law