

**FILED**

FEB 08 1999

Barri A. Lorenson, Attorney  
Environmental Quality Council

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL**

**STATE OF WYOMING**

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION AND ORDER ISSUED TO:	)	DOCKET NUMBER 3041-99
	)	
Jim's Water Service, Inc.	)	
P. O. Box 2290	)	
Gillette, Wyoming 82716	)	
	)	

**PETITION FOR HEARING AND PROTEST**

1. This request for hearing and protest is made by Jim's Water Service, Inc., P. O. Box 2290, Gillette, Wyoming 82716. The attorney representing Jim's Water Service, Inc. is:

After 3/1/99

H. W. Rasmussen  
Badley & Rasmussen, P.C.  
P. O. Box 648  
Sheridan, Wyoming 82801  
(307) 672-5878

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2. Jim's Water Service, Inc. requests a hearing and objects to the Notice of Violation and Order Docket Number 3041-99 relating to a commercial oilfield disposal facility known as Blake's Pit, located in Section 1, Township 50N, Range 71W in Campbell County, Wyoming.

3. The Notice of Violation alleges that Jim's Water Service, Inc. is behind schedule in addressing activities at the facility. The Application for the Permit to Construct and the Permit to Construct do not require Jim's Water Service, Inc. to perform the identified functions by a specific date. Rather, the documents contain references which establish goals.

For example, "assuming normal weather conditions, Jim's Water Service expects to be able to remove the oil and water by August. However, it is important to point out that there are substantial uncertainties in this process and the schedule. The balance of the schedule is predicated on having the oil and water removed so that the treatment of the remaining stain materials on the banks and bottom of the pond can be initiated in early August." The Permit to Construct and the time within which Jim's Water Service is voluntarily attempting to change conditions at the site does not expire until April, 2000. The Notice of Violation as issued attempts to establish a new arbitrary and unreasonable schedule.

4. Jim's Water Service requests a hearing before the Environmental Quality Council.

DATED this 5<sup>th</sup> day of February, 1999.

  
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