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June 19, 1987

FILED JOHN P. WORRALL
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JUL 06 1987

Terri A. Lorenzon, Adm. Aide
Environmental Quality Council

JOHN W. DAVIS
JEFFREY A. DONNELL

Randolph Wood, Director
Department of Environmental Quality
122 West 25th Street
Herschler Building
Cheyenne, Wyoming 82002

Harold L. Bergman, Chairman
Environmental Quality Council
Zoology & Physiology Dept.
University of Wyoming
Box 3166, Univ. Station
Laramie, Wyoming 82071

Re: In Re the Matter of Violation
and Order, Served to George Easton,
Docket No. 1830-87, on June 11, 1987.

Dear Sirs:

The purpose of this letter is to petition for and request a hearing, pursuant to §35-11-701, W.S. 1977, on behalf of George Easton, 1104 E. Hillcrest Drive, Worland, Wyoming, before the Environmental Quality Council, regarding the Department of Environmental Quality's June 5, 1987 Notice of Violation and Order.

The grounds for this request are that the interpretation given §35-11-301(a)(i), W.S. 1977, by the DEQ, as it relates to George Easton, is improper and incorrect in that Mr. Easton, is being subjected to the oppressive burden of remedying a pollution problem which he neither caused, nor threatened, nor allowed, and for the further reason that if the DEQ's interpretation of said statute is affirmed, this statute is unconstitutional as representing the taking of property without due process of law.

Mr. Easton purchased property in Worland, Wyoming in 1978, which property had primarily been used as a gasoline station, in connection with which there were underground tanks. These tanks were never used by Mr. Easton, he gained no profit from them,

Mr. Randolph Wood, Director and
Mr. Harold L. Bergman, Chairman
June 19, 1987
Page 2

nor was he aware of any leakage problem until 1986, when the DEQ undertook investigations in the City of Worland, Wyoming. Mr. Easton is retired, and his primary source of income is social security. All insurance coverage has been denied and Mr. Easton has no means with which to meet the demands of the DEQ. Simply meeting the requests of the DEQ for a plan and a clean-up procedure will cost approximately \$50,000.00 to \$60,000.00. Mr. Easton is a gentleman of limited means and to pay these monies will wipe him out financially.

Sincerely,



John W. Davis

JWD/ch
cc: George Easton