

FILED

AUG 08 1979

Ardelle M. Kissler, Clerk  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE )  
OF VIOLATION ISSUED TO )  
FREMONT ENERGY CORPORATION, )  
MR. VICTOR E. LEBSOCK, ) Docket No. 584-79  
PROJECT MANAGER, WRITERS )  
TOWER BLDG., SUITE 515, )  
1660 SOUTH ALBION STREET, )  
DENVER, CO 80222 )  
RE: LICENSE TO EXPLORE NO. 56 )

REQUEST FOR HEARING: APPEAL

FREMONT ENERGY CORPORATION hereby requests a hearing before the Environmental Quality Council on the July 31, 1979, Notice of Violation issued against it.

APPELLANT contests said Notice of Violation on the following issues and grounds.

1. The allegations of paragraph 8 are false. The field engineer has been periodically provided with accurate scale maps showing all information required. All maps have been provided well within the required reporting period. This method of reporting was approved by the District Engineer and the Administrator of the Land Quality Division.

2. That the statutory requirements cited in paragraph 5 must be construed within the practicalities of field engineering for the following reasons:

- a. Section 35-11-404 does not set specifications for a legal plug, but only that it be sufficient to prevent artesian flow.
- b. Of necessity, the election to use any particular plug involves a judgment decision against unknown geologic and hydrologic conditions and conditions and pressures which experience seasonal changes.
- c. Of necessity, the discovery of the final adequate

plug may involve trial and error.


3. That no plug set by Fremont Energy Corporation failed to contain artesian flow, at the time the plug was set.

4. That prior to the Notice of Violation filed herein, Fremont Energy Corporation was in the process of determining the type of satisfactory plug to be used.

5. That prior to receiving Notice of Violation, Fremont Energy Corporation was in full communication with the District Engineer seeking his advice and counsel on successful plugging techniques.

6. That the Notice of Violation was improperly issued and in violation of law, to wit: Section 35-11-701, in that the Notice of Violation was issued while Fremont Energy Corporation was working under the direct supervision of the District Engineer to correct the condition.

DATED this 7th day of August, 1979.

  
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