

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE APPEAL )  
AND REVIEW OF THE ISSUANCE )  
OF WYOMING POLLUTANT DISCHARGE )  
ELIMINATION SYSTEM (WYPDES) ) Dockets No. 06-3816, 06-3817  
GENERAL PERMITS )  
)  
)  
)

**PETITION FOR LEAVE TO INTERVENE IN WYOMING OUTDOOR  
COUNCIL APPEALS OF PUMPKIN CREEK GENERAL PERMIT,  
PERMIT NUMBER WYG280000, AND WILLOW CREEK GENERAL  
PERMIT, PERMIT NUMBER WYG290000**

Pursuant to the Wyoming Department of Environmental Quality (“DEQ”) Rules of Practice and Procedure, Chapter 2, Section 7, Yates Petroleum Corporation, Marathon Oil Company and Citation Oil & Gas Corp. (“Intervenors”) hereby file this Petition for Leave to Intervene and respectfully request that the EQC allow intervention in the above-captioned petitions filed by Wyoming Outdoor Council (“WOC”).

**INTERVENORS**

1. Intervenors own and operate coal bed natural gas facilities located in watersheds subject to the General Permits. These facilities are currently permitted under individual permits authorizing discharge of produced water to several on-channel reservoirs located on various unnamed ephemeral tributaries of the watersheds in the Powder River Basin. Discharges of coal bed natural gas produced water in these watersheds are the subject of the General Permits.
2. The Intervenors filing this Motion are:

Yates Petroleum Corporation  
c/o Lisa Norton  
105 South 4<sup>th</sup> Street  
Artesia, NM 88210

Marathon Oil Company  
c/o Gregory A. Smith  
Pennaco Energy, Inc.  
3601 Southern Drive  
Gillette, WY 82718

Citation Oil & Gas Corp.  
c/o Lee Ann Elsom  
8223 Willow Place South  
Houston, TX 77070

3. Intervenors in this matter are represented by Eric L. Hiser and Matthew Joy, of Jorden Bischoff & Hiser, P.L.C., 7272 East Indian School Road, Suite 360, Scottsdale, Arizona, 85251. Correspondence and information related to this Motion should be served on Intervenors' counsel and on the company contacts at the addresses above.

#### **INTERVENOR'S RIGHTS AFFECTED**

4. Intervenors' discharges in connection with production of coal bed natural gas are (or will be) regulated by the Wyoming Department of Environmental Quality's Water Quality Division ("WWQD") under the subject General Permits, if finally issued, therefore, Intervenors have a legal right to intervene.
5. While Intervenors are currently operating under individual permits, the individual permits will expire in the future and at least some of the Intervenors' discharges are (or could become) subject to the terms and conditions set forth in the General Permits.
6. Further, Intervenors are indispensable parties to the above-captioned petition. Intervenors claim an interest relating to the subject of this action and are so situated that EQC's disposition of the action in absence of Intervenors may impair or impede the Intervenor's ability to protect their interests. *See* Wyoming Rules of Civil Procedure 19(a), 24(a).
7. The Intervenor's interests are not adequately addressed by either of the existing parties to the above-captioned appeal. Intervenors' interests will be directly and adversely affected by the outcome of this proceeding should EQC grant WOC's sought-after relief and determine that the General Permits are null and void and/or determine that DEQ cannot issue general permits.
8. In the alternative, if the issuance of the permits is upheld, any changes resulting from this appeal without Intervenor's participation would directly and adversely affect the rights of Intervenors to discharge as provided under the Wyoming Environmental Quality Act.

#### **REQUEST FOR RELIEF**

9. For all of the foregoing reasons, Intervenors respectfully request that the EQC grant Intervenor's Petition for Leave to Intervene.

10. Intervenor acknowledges the EQC's set schedule regarding WOC's Motion for Summary Judgment and do not intend to change the scheduled Summary Judgment filing deadlines or hearing date.
11. Intervenor will file separately its Response in Opposition to WOC's Appeals of the Pumpkin Creek and Willow Creek General Permits in the event the Council grants this request to intervene.

RESPECTFULLY SUBMITTED this 3<sup>RD</sup> day of July, 2007.



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Eric L. Hiser (Wyo. Bar 6-4003)  
Matthew Joy  
Jordan Bischoff & Hiser, PLC  
7272 East Indian School Road, Suite 360  
Scottsdale, Arizona 85251  
(480) 505-3900

ATTORNEYS FOR INTERVENORS

## Certificate of Service

I certify that on this 3<sup>rd</sup> day of July, 2007, service of a true and complete copy of Intervenor's Petition for Leave to Intervene in Wyoming Outdoor Council's Appeals of Pumpkin Creek General Permit, Permit Number WYG280000, and Willow Creek General Permit, Permit Number WYG290000 in File Nos. 06-3816 and 06-3817 was made upon each party or attorney of record herein as indicated below.

The ORIGINAL and ten (10) copies were filed by registered U.S. Mail on July 3, 2007 with:

Terri Lorenzon, Director / Attorney  
Wyoming Environmental Quality Council  
122 W. 25<sup>th</sup> Street  
Herschler Bldg., R. 1714  
Cheyenne, Wyoming 82002

COPIES were served by registered U.S. Mail on July 3, 2007 with:

Steve Jones  
Watershed Protection Program Attorney  
Wyoming Outdoor Council  
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Lander, Wyoming 82520

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Sharon E Baker

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

IN THE MATTER OF THE APPEAL	)	
AND REVIEW OF THE ISSUANCE	)	
OF WYOMING POLLUTANT DISCHARGE	)	
ELIMINATION SYSTEM (WYPDES)	)	Dockets No. 06-3816, 06-3817
GENERAL PERMITS	)	
	)	

**ORDER**

Upon motion filed by Yates Petroleum Corporation, Marathon Oil Company and Citation Oil & Gas Corp. ("Intervenors"), through their attorney and the Environmental Quality Council being fully advised of the premises does find that Intervenors' Motion for Leave to Intervene in Wyoming Outdoor Council Appeals of Pumpkin Creek General Permit, Permit Number WYG280000, and Willow Creek General Permit, Permit Number WYG290000, should be granted.

IT IS HEREBY ORDERED that Intervenors' Motion for Leave to Intervene in the above-captioned matter is granted.

DATED this \_\_\_\_ day of July, 2007.

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Dennis M. Boal, Hearing Examiner  
Environmental Quality Council  
122 West 25<sup>th</sup> Street  
Herschler Building, Room 1714  
Cheyenne, WY 82002