

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

SEP 22 2011

In the Matter of the Notice of Violation)
and Order Issued to:)
Torrington Livestock Markets, LLC)
626 West Valley Road)
Torrington, WY 82240)

Docket No. 11-3204A)
Jim Ruby, Executive Secretary
Environmental Quality Council

JOINT STIPULATION AND REQUEST FOR STAY

By letter dated April 13, 2011 (filed April 14, 2011), Petitioner Torrington Livestock Markets, LLC (TLM) requested a hearing before the Wyoming Environmental Quality Council (EQC) in the above-captioned matter to appeal Notice of Violation (NOV) & Order No. 4817-11 issued by Respondent Wyoming Department of Environmental Quality (DEQ), dated March 31, 2011, pertaining to TLM's livestock market facility located on West Valley Road, Torrington.

Chapter I, Section 10(b) of the DEQ Rules of Practice & Procedure provides that the EQC may grant continuances for good cause shown, and Section 11 provides for disposition of contested cases by stipulation of the parties upon approval of the EQC. TLM and DEQ, the only parties in this contested case, now jointly stipulate and request as follows that further proceedings in this case be stayed and the hearing currently scheduled for January 11, 2012 be continued:

1. TLM agrees to work in good faith to prepare and implement a Nutrient Management Plan (NMP) for its facility to accomplish the objectives specified in Chapter 2, Appendix G(i)(i & ii) of the Wyoming Water Quality Rules by July 31, 2012.
2. DEQ agrees to advise, consult and cooperate in good faith with TLM in preparation of the NMP in accordance with WYO. STAT. ANN. § 35-11-109(a)(ii).
3. Further proceedings in this case shall be stayed until July 31, 2012.



4. If the parties agree that an NMP has been prepared by July 31, 2012 which appears adequate to accomplish the objectives specified in Chapter 2, Appendix G(i)(i & ii) of the Wyoming Water Quality Rules, then DEQ will notify the EQC that TLM's implementation of that NMP will satisfy and resolve all issues raised by the allegations and terms in contested NOV & Order No. 4817-11 and TLM stipulates that its appeal in this matter shall be dismissed.

5. If the parties do not agree that an NMP has been prepared by July 31, 2012 which appears adequate to accomplish the objectives specified in Chapter 2, Appendix G(i)(i & ii) of the Wyoming Water Quality Rules, then DEQ will so notify the EQC, the stay shall terminate and the case re-set for hearing on the adequacy of the NMP, which shall be determinative for resolving TLM's appeal contesting NOV & Order No. 4817-11.

6. This Joint Stipulation shall be binding upon the parties, and their successors and assigns.

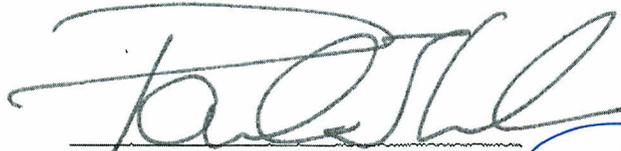
7. Each party shall bear its own costs and attorney fees incurred through the entry of an Order by the EQC approving this Joint Stipulation.

8. The parties request that the EQC enter an order approving, incorporating, and binding them to this Joint Stipulation and staying further proceedings and continuing the hearing in this case as stipulated above.

DATED this 22ND day of September, 2011.

FOR TLM:

FOR DEQ:



Name: PATRICK J. CRANK
 Office: COUNSEL FOR
TORRINGTON LIVESTOCK
MARKET.



Name: John F. Wagner
 Office: Administrator - Water Quality Division