

FILED

OCT 07 2011

*Jim Ruby, Executive Secretary
Environmental Quality Council*

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Notice of Violation)
and Order Issued to:)
Torrington Livestock Markets, LLC) Docket No. 11-3204A
626 West Valley Road)
Torrington, WY 82240)

ORDER APPROVING 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, filed a Joint Stipulation and Request for Stay on September 22, 2011, which:

- a) requests that the hearing currently scheduled for January 11, 2012 be continued and further proceedings in this case be stayed until July 31, 2012; and
- b) specifies how this matter will be resolved either by the parties' agreement on a Nutrient Management Plan (NMP) to be implemented by TLM and dismissal of this appeal or by decision of the EQC after a hearing, if needed.

Having reviewed the parties' Joint Stipulation and Request for Stay and being advised in the premises,

IT IS ORDERED that:

1. The parties' Joint Stipulation and Request for Stay is approved, incorporated herein and binding upon the parties;
2. The hearing currently scheduled for January 11, 2012 is vacated and further proceedings in this case are stayed until July 31, 2012;
3. On or before July 31, 2012, the DEQ shall notify the EQC whether agreement on an NMP has been reached and this appeal should be dismissed or a hearing before the EQC should be set on the adequacy of the NMP, as stipulated in ¶¶ 4-5 of the Joint Stipulation and Request for Stay; and
4. The EQC retains jurisdiction for the purpose of dismissing this appeal or conducting a hearing as stipulated in ¶¶ 4-5 of the Joint Stipulation and Request for Stay.

DATED this 5 day of Oct, 2011.

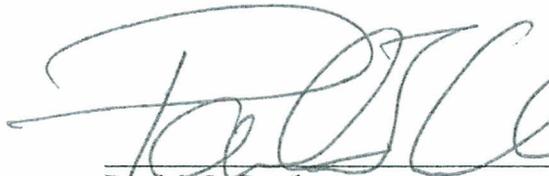


Environmental Quality Council

APPROVED AS TO FORM:

For Petitioner TLM:

For Respondent DEQ:



Patrick J. Crank
Counsel for TLM



Mike Barrash
Attorney General's Office

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 7th day of October, 2011, I served a copy of the foregoing **ORDER APPROVING JOINT STIPULATION AND REQUEST FOR STAY** by electronic mail to the following:

John Corra
Director, DEQ
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307-777-7937

Mike Barrash
Asst. Attorney General
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307-777-6946

John Wagner
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307-777-7072

also by depositing the same in the United States mail addressed to:

Shawn G. Madden
Torrington Livestock Markets, LLC
626 West Valley Road
Torrington, WY 82240

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