

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL JAN 03 2005
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO NEW FASHION PORK)
MR. TODD GOENS, FACILITY MANAGER,)
5230 COUNTY ROAD 228, ALBIN WY 82050)

DOCKET NO. 04-2200

JOINT MOTION FOR DISMISSAL OF NOTICE OF VIOLATION, ORDER AND APPEAL

The Department of Environmental Quality (“DEQ”), Air Quality Division (“AQD”) and New Fashion Pork, L.L.P., a Minnesota Limited Liability Partnership (formerly d/b/a/ NFP Farms, L.L.P and NFP West, R.L.L.P.) (“NFP”), hereby stipulate and jointly move as follows:

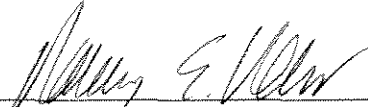
1. On January 12, 2004, the DEQ served NFP with Notice of Violation and Order under DEQ Docket No. 3531-04 (“NOV and Order”). Said NOV and Order alleged that NFP violated the odor standard under Chapter 2 Section 11 of the Wyoming Air Quality Standards and Regulations (“WAQSR”).
2. On February 4, 2004, NFP filed its Notice of Appeal of the NOV and Order with the Environmental Quality Council (“EQC”), contesting the allegations of violations of the air quality odor standards and the administrative Order.
3. WYO. STAT. § 16-3-107(n) provides for disposition of contested cases by stipulation of the parties.
4. The parties have negotiated at arms length and in good faith regarding the issues involved in this appeal and have reached and stipulated to an agreement that obviates the need for any determination by the EQC as to the merits of the NOV and Order.
5. A copy of the parties’ Settlement Stipulation is attached hereto as Exhibit A to advise the EQC of the manner in which this matter was resolved between the parties.

WHEREFORE, the parties jointly move the EQC to place this matter on the EQC's agenda for dismissal at the earliest date as is convenient for the EQC, and to dismiss the Notice of Violation and Order under DEQ Docket No. 3531-04 and NFP's appeal of the same.

DATED this 3RD day of ~~December~~ JANUARY, 2004.

ATTORNEY FOR RESPONDENT DEQ:

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