

FILED

SEP 07 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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

**IN THE MATTER OF THE OBJECTIONS TO)
THE PERMIT APPLICATION OF McMURRY) DOCKET NO. 06-4803
READY MIX COMPANY, TFN 4 3/210)**

JOINT STIPULATION FOR DISMISSAL

The Department of Environmental Quality, Land Quality Division (“DEQ/LQD”), McMurry Ready Mix Company (“McMurry”) and Protestants Vickie Cooper, Sonja Sparks, and Gilberta Funk (hereinafter collectively referred to as “Protestants”) engaged in negotiations for disposition of this matter by stipulation. WYO. STAT. ANN. § 16-3-107(n) and Chapter I, § 11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the parties upon approval by the Council (“EQC”). On August 11, 2006, prior to the hearing, the DEQ/LQD, McMurry, and Protestants (hereinafter collectively referred to as the “Parties”) reached agreement for disposition of this matter by stipulation which requires the DEQ/LQD to add, in addition to any DEQ/LQD standard permit conditions, the following conditions into McMurry’s Mining Permit Application TFN 4 3/210:

1. Public Meeting.

A. McMurry shall hold a public meeting in Rawlins after each annual report is accepted (found to be in order) by the DEQ/LQD to

discuss the prior year's and the following year's activities, monitoring results, and any issues raised by the public. McMurry shall individually notify in writing at their last known addresses those persons who submitted objections to the permit application (see list attached hereto as Stipulation Exhibit A) and place a notice in the Rawlins' local paper once a week for two weeks prior to the meeting setting forth the meeting date, time and location.

B. Meeting attendees may by unanimous consent agree not to hold future meetings.

C. In the event meetings have been discontinued, any person listed on Stipulation Exhibit A may require the annual meeting be reinstated.

2. Lighting. To the extent practicable, McMurry shall direct lighting away from residences.

3. New Road Access. Within thirty days of permit approval by DEQ, McMurry shall submit a request for revision or amendment to the permit, as applicable, to include the new access road into the permit.

4. Recordkeeping. McMurry shall maintain a copy of the approved permit on site for public review.

5. Dust. Dust control is addressed in DEQ/AQD permit CT-4284.

Each party shall bear its own costs and attorneys fees incurred through the entry of an Order by the EQC.

Each signatory certifies that he/she is authorized to bind his/her respective party to this Stipulation. This Stipulation may be executed in any number of separate counterparts, any one of which need not contain the signature of more than one party, but all of such counterparts together will constitute one agreement. The separate counterparts may contain original, photocopy or telecopy transmissions of signatures.

FOR PROTESTANT VICKIE COOPER:

Vickie Cooper
Vickie Cooper

Date: 8/31/06

FOR PROTESTANT SONJA SPARKS:

Sonja Sparks

Date: _____

FOR PROTESTANT GILBERTA FUNK:

Gilberta Funk

Date: _____

FOR MCMURRY READY MIX COMPANY:

Ron McMurry, Vice-President

Date: _____

FOR DEPARTMENT OF ENVIRONMENTAL QUALITY:

Rick Chancellor, Land Quality Administrator

Date: _____

John Corra, Director

Date: _____

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM:

Nancy E. Vehr
Nancy E. Vehr, Sr. Asst. Attorney General

Date: 8/25/06

Each signatory certifies that he/she is authorized to bind his/her respective party to this Stipulation. This Stipulation may be executed in any number of separate counterparts, any one of which need not contain the signature of more than one party, but all of such counterparts together will constitute one agreement. The separate counterparts may contain original, photocopy or telecopy transmissions of signatures.

FOR PROTESTANT VICKIE COOPER:

Vickie Cooper Date: _____

FOR PROTESTANT SONJA SPARKS:



Sonja Sparks Date: 2 Sept 2006

FOR PROTESTANT GILBERTA FUNK:

Gilberta Funk Date: _____

FOR MCMURRY READY MIX COMPANY:


Ron McMurry, Vice-President Date: _____

FOR DEPARTMENT OF ENVIRONMENTAL QUALITY:

Rick Chancellor, Land Quality Administrator Date: _____

John Corra, Director Date: _____

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM:



Nancy E. Vehr, Sr. Asst. Attorney General Date: 8/25/06

Each signatory certifies that he/she is authorized to bind his/her respective party to this Stipulation. This Stipulation may be executed in any number of separate counterparts, any one of which need not contain the signature of more than one party, but all of such counterparts together will constitute one agreement. The separate counterparts may contain original, photocopy or telecopy transmissions of signatures.

FOR PROTESTANT VICKIE COOPER:

Vickie Cooper Date: _____

FOR PROTESTANT SONJA SPARKS:

Sonja Sparks Date: _____

FOR PROTESTANT GILBERTA FUNK:

Gilberta Funk

Gilberta Funk Date: *Aug. 30, 2006*

FOR MCMURRY READY MIX COMPANY:

Ron McMurry, Vice-President Date: _____

FOR DEPARTMENT OF ENVIRONMENTAL QUALITY:

Rick Chancellor, Land Quality Administrator Date: _____

John Corra, Director Date: _____

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM:

Nancy E. Vehr

Nancy E. Vehr, Sr. Asst. Attorney General Date: *8/25/06*

Each signatory certifies that he/she is authorized to bind his/her respective party to this Stipulation. This Stipulation may be executed in any number of separate counterparts, any one of which need not contain the signature of more than one party, but all of such counterparts together will constitute one agreement. The separate counterparts may contain original, photocopy or telecopy transmissions of signatures.

FOR PROTESTANT VICKIE COOPER:

 Vickie Cooper Date: _____

FOR PROTESTANT SONJA SPARKS:

 Sonja Sparks Date: _____

FOR PROTESTANT GILBERTA FUNK:

 Gilberta Funk Date: _____

FOR MCMURRY READY MIX COMPANY:

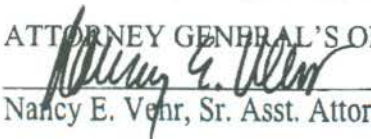

 Ron McMurry, Vice-President Date: 8-29-06

FOR DEPARTMENT OF ENVIRONMENTAL QUALITY:

 Rick Chancellor, Land Quality Administrator Date: _____

 John Corra, Director Date: _____

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM:


 Nancy E. Vehr, Sr. Asst. Attorney General Date: 8/25/06

Each signatory certifies that he/she is authorized to bind his/her respective party to this Stipulation. This Stipulation may be executed in any number of separate counterparts, any one of which need not contain the signature of more than one party, but all of such counterparts together will constitute one agreement. The separate counterparts may contain original, photocopy or telecopy transmissions of signatures.

FOR PROTESTANT VICKIE COOPER:

Vickie Cooper Date: _____

FOR PROTESTANT SONJA SPARKS:

Sonja Sparks Date: _____

FOR PROTESTANT GILBERTA FUNK:

Gilberta Funk Date: _____

FOR MCMURRY READY MIX COMPANY:


Ron McMurry, Vice-President Date: _____

FOR DEPARTMENT OF ENVIRONMENTAL QUALITY:


Rick Chancellor, Land Quality Administrator Date: 30 Aug 06


John Corra, Director Date: 8/30/06

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM:


Nancy E. Vehr, Sr. Asst. Attorney General Date: 8/25/06

CERTIFICATE OF SERVICE

I, Nancy Velur, certify that on this 7th day of September, 2006 the foregoing JOINT STIPULATION FOR DISMISSAL was served by United States Mail, postage prepaid, as follows:

Linda Gale
Kim Gale
P.O. Box 1594
Rawlins, WY 82301

Josh Smith
P.O. Box 783
Rawlins, WY 82301

Juanita M. Austin
1123 Cherokee Road
Rawlins, WY 82301

Gloria Young
P.O. Box 1893
Rawlins, WY 82301

Judy Richardson
Dale Atkinson
Thomas Richardson
P.O. Box 1012
Rawlins, WY 82301

Wojslaw and Joanna Marciniak
P.O. Box 308
Rawlins, WY 82301

Jerry Gale
P.O. Box 1193
Rawlins, WY 82301

Kenneth and Gilberta Funk
P.O. Box 265
Rawlins WY 82301

Eric and Amanda Engstrom
P.O. Box 2324
Rawlins, WY 82301

Ralph Cooper
P.O. Box 2124
Rawlins, WY 82301

George Harris
Michelle Bohn
P.O. Box 718
Rawlins, WY 82301

Robert Weber
P.O. Box 213
Sinclair, WY 82334

Gary and Carol Davis
P.O. Box 1151
Rawlins, WY 82301

T. Gale, Jr.
315 W. Cedar Street
Rawlins, WY 82301

Robert and Madeline Linn
P.O. Box 391
Rawlins, WY 82301

Andrew and Sonja Sparks
P.O. Box 1391
Rawlins, WY 82301

Kevin W. Jones
P.O. Box 368
Sinclair, WY 82334

Malcolm Watson
P.O. Box 51
Rawlins, WY 82301

Paul and Vickie Cooper
P.O. Box 471
Rawlins, WY 82301

Harriet M. Hageman
Hageman & Brighton, P.C.
222 East 21st Street
Cheyenne, WY 82001



Office of the Attorney General

Exhibit A to Joint Stipulation
Docket No. 06-4803
pg 1 of 1

Linda Gale
Kim Gale
P.O. Box 1594
Rawlins, WY 82301

Josh Smith
P.O. Box 783
Rawlins, WY 82301

Juanita M. Austin
1123 Cherokee Road
Rawlins, WY 82301

Gloria Young
P.O. Box 1893
Rawlins, WY 82301

Judy Richardson
Dale Atkinson
Thomas Richardson
P.O. Box 1012
Rawlins, WY 82301

Wojslaw and Joanna Marciniak
P.O. Box 308
Rawlins, WY 82301

Jerry Gale
P.O. Box 1193
Rawlins, WY 82301

Kenneth and Gilberta Funk
P.O. Box 265
Rawlins WY 82301

Eric and Amanda Engstrem
P.O. Box 2324
Rawlins, WY 82301

Ralph Cooper
P.O. Box 2124
Rawlins, WY 82301

George Harris
Michelle Bohn
P.O. Box 718
Rawlins, WY 82301

Robert Weber
P.O. Box 213
Sinclair, WY 82334

Gary and Carol Davis
P.O. Box 1151
Rawlins, WY 82301

T. Gale, Jr.
315 W. Cedar Street
Rawlins, WY 82301

Robert and Madeline Linn
P.O. Box 391
Rawlins, WY 82301

Andrew and Sonja Sparks
P.O. Box 1391
Rawlins, WY 82301

Kevin W. Jones
P.O. Box 368
Sinclair, WY 82334

Malcolm Watson
P.O. Box 51
Rawlins, WY 82301

Paul and Vickie Cooper
P.O. Box 471
Rawlins, WY 82301