

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

Docket No. NOV-CD 1126-82

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND CEASE AND DESIST)
ORDER ISSUED TO RISSLER AND)
McMURRY COMPANY, PERMIT NO. 461,)
NOV-CD 1126-82.)

STIPULATION

COMES NOW the Petitioner, Rissler and McMurry Company, by and through its attorney, Harry Leimback, and Respondent, Department of Environmental Quality, Land Quality Division, by and through its attorney, Weldon S. Caldbeck, Assistant Attorney General, and hereby stipulate as follows:

A. STIPULATIONS OF RISSLER AND McMURRY COMPANY.

1. That it does not further contest those allegations of NOV-CD 1126-82 which state that an inspection of July 22, 1982, by representatives of the Department of Environmental Quality, Land Quality Division, found areas where access and haul roads had been constructed across in-place topsoil and where gravel had been stockpiled upon in-place topsoil, in violation of Land Quality rules and regulations, Chapter IV, Section 2(c)(1)(a).

2. That it does not further contest those allegations of NOV-CD 1126-82 which state that an inspection of July 22, 1982, by representatives of the Department of Environmental Quality, Land Quality Division, found stockpiles of sand and crusher fines in the pit area in violation of an Environmental Quality Council Order dated August 1, 1977, Docket No. 205-76.

3. That all violations aforementioned in paragraphs designated 1 and 2 have been corrected.

4. That a cone-type crusher is quieter than a jaw or impact crusher and that its use at the Rimrock Pit, Permit No. 461, fell within the spirit of the Environmental Quality Council Order dated July 23, 1980, Docket No. 667-80, because said Order was directed, in part, at reducing noise at the pit.

5. That Petitioner wishes to continue use of the cone-type crusher at its Rimrock Pit so as to keep crusher noise at the lowest practical minimum.

B. STIPULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, LAND QUALITY DIVISION.

1. That it concedes that the use of the cone-type crusher at the Rimrock Pit, Permit No. 461, is quieter than the impact or jaw crusher.

2. That NOV-CD 1126-82 should be modified by vacating said allegations of violation regarding the use of a cone-type crusher.

3. That use of the cone-type crusher is within the spirit of the Environmental Quality Council Order dated July 23, 1980, Docket No. 667-80, and that said Order should be corrected to allow the use of a cone-type crusher so as to minimize noise.

WHEREFORE, the parties hereby agree that based on the representations herein, this matter may be satisfactorily resolved before the Environmental Quality Council, Docket No. 1126-82, by an order denying and vacating NOV-CD 1126-82, as to those allegations stating a violation of a previous Environmental Quality Council Order through use of a cone-type crusher,

and by affirming the remainder of said NOV-CD 1126-82, and further, by correcting the previous Environmental Quality Council Order dated July 23, 1980, Docket No. 667-80, to allow for the use of a cone-type crusher.

DATED this 12 day of ~~January~~ ^{March}, 1984.

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