

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SWEETWATER COUNTY, STATE OF WYOMING

THE PEOPLE OF THE)
STATE OF WYOMING,)
)
Plaintiffs,)
)
vs.)
)
ALLSTATE PAVING, INC.,)
)
Defendant.)

Docket No. C-87-14

FILED

MAY 21 1987

CONSENT DECREE

Teri A. Lorenzon, Adm. Aide
Environmental Quality Council

This is a civil action against the Defendant, Allstate Paving, Inc. (Allstate), to enforce W.S. Section 35-11-801(c) of the Wyoming Environmental Quality Act (Act), Section 21(a)(i) and (b)(i) of the Wyoming Air Quality Standards and Regulations, 1985 (Regulations), and the Order (No. 1770-86) issued by the Wyoming Department of Environmental Quality (DEQ) on August 12, 1986 and affirmed by the Environmental Quality Council (EQC) on September 22, 1986. The Plaintiff and the Defendant have entered into a Stipulation concerning this matter and have presented it to the Court. The Court has considered the Stipulation and finds and orders as follows:

THE COURT FINDS as follows:

1. This Court has jurisdiction over the subject matter of this action and all parties hereto.
2. The Defendant, Allstate, admits that it violated W.S. Section 35-11-801(c) of the Act, Sections 21(a)(i) and (b)(i) of the Regulations, and Cease and Desist Order No. 1770-86 issued by the DEQ on August 12, 1986 and affirmed by the EQC on September 22, 1986.
3. The Defendant, Allstate, agrees to the condition that it cease and desist from any operation in Wyoming of its

concrete batch plant facility (including storage units) without a valid Wyoming air quality permit.

4. The Defendant, Allstate, agrees to the condition that it cease and desist from any operation in Wyoming of its concrete batch plant facility (including storage units) at any time during which the emission control system is not functioning either as described in the permit application upon which a valid Wyoming air quality permit for such operation is based, or as otherwise approved by the Air Quality Division of DEQ.

5. W.S. 35-11-901(a) authorizes the Court to assess a penalty of up to ten thousand dollars (\$10,000) per day for violation of the Act or any rule, regulation, or permit adopted or issued thereunder, or of any order of the Environmental Quality Council pursuant to this Act or any rule or regulation. The parties have agreed that six thousand dollars (\$6,000) is an appropriate penalty to be imposed by the Court for Defendant's violations. The Court finds that the six thousand dollar (\$6,000) penalty, to be paid within thirty (30) days of the entry of this Consent Decree, is appropriate.

6. The provisions of the Stipulation between these two parties shall be incorporated in this Order of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

A. The terms of this Stipulation between the Plaintiff and the Defendant are hereby incorporated in this Order, and the Defendant shall comply with the conditions set forth in the Stipulation and shall pay the agreed upon penalty to the Plaintiff.

B. The provisions of this Consent Decree shall apply to and be binding upon the Defendant, Allstate Paving, Inc., and its successors and assigns and upon the State of Wyoming.

C. Jurisdiction is retained by this Court for the purpose of enabling the parties to this Consent Decree to apply to this Court at any time for any further orders and directives as may be necessary or appropriate for the effectuation of this Consent Decree.

DONE this 20th day of May, 1987.

[Signature]
District Court Judge

This document to which this certificate is attached is a true and correct copy of the original on file and on hand in my office.

Dated 5-20 1987
LAWALD A. BROWN, Clerk of the District Court
County of Sweetwater
State of Wyoming

By [Signature] Deputy