

*ALLSTATE PAVING*  
- orig signed - 12-16-86  
- call to M. Barrack  
on 1-8-86 - will send  
copy of signed  
order to  
Credille  
7-1-886

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

Docket No. \_\_\_\_\_

IN RE: )  
ALLSTATE PAVING INC. )  
WYOMING ENVIRONMENTAL ) APPLICATION  
QUALITY COUNCIL )  
DOCKET NO. 1770-86 )

APPLICATION TO THE WYOMING DISTRICT COURT OF  
THE THIRD JUDICIAL DISTRICT, IN AND FOR  
SWEETWATER COUNTY, FOR A COURT ORDER

COMES NOW the Environmental Quality Council, by and through its Chairman, Harold Bergman, and, pursuant to W.S. 35-11-112(c)(iii), hereby makes application to the District Court, Third Judicial District, for its order against Allstate Paving Inc., and for its application hereby presents the following:

A. Allstate Paving Inc. (Allstate) is the owner and operator of a concrete batch plant, located approximately two (2) miles west of the East Flaming Gorge interchange on Interstate 80, between Rock Springs and Green River in Sweetwater County, Wyoming.

B. On August 12, 1986, the Department of Environmental Quality issued its Order to Allstate in the above-entitled matter, (attached as exhibit A).

C. The Department's August 12, 1986 Order ordered that Allstate:

1. Shall immediately cease and desist the operation of the concrete batch plant;
2. Prior to the resumption of operations which result in the emission of particulate matter, shall have received an air quality permit which allows such operations and emissions.

D. On August 15, 1986, Allstate received a copy of the Department's Order of August 12, 1986 by certified mail. ( A copy of the return receipt is attached as Exhibit B.)

E. The said Order of the Department of Environmental Quality, dated August 12, 1986, was duly issued pursuant to the provisions of W.S. 35-11-701. The Order was not appealed by Allstate and became final and binding upon Allstate ten (10) days after Allstate's receipt of the Order, in accordance with W.S. 35-11-701(c)(ii).

F. W.S. 35-11-112(c)(i) provides that the Environmental Quality Council may "approve, disapprove, repeal, modify, or suspend any . . . order of the director or any division administrator." On September 22, 1986, the Council approved the issuance of the above-referenced Order. (A copy of the Council's September 22, 1986 "Order Approving Cease and Desist Order" is attached as Exhibit C.)

G. Although after its receipt on August 15, 1986 of the Department's August 12, 1986 Notice of Violation and Cease and Desist Order Allstate did submit an application for an air quality permit for the concrete batch plant, as of the date of this Application for a Court Order Allstate has not yet received an air quality permit for the concrete batch plant.

H. On September 22, 1986, after Allstate's receipt on August 15, 1986 of the Department's August 12, 1986 Notice of Violation and Cease and Desist Order, and on the same day that the Council issued its Order approving the Cease and Desist Order, the air quality division district engineer observed Allstate operating the concrete batch plant in a manner so as to allow excessive fugitive dust to escape from several points of the equipment because the control system was not functioning as described in Allstate's permit

application. Such operation of Allstate's concrete batch plant is a violation of the above-referenced August 12, 1986 Order as approved by the Council on September 22, 1986.

I. W.S. 35-11-112(c)(iii) provides that the Environmental Quality Council may apply to the district court in the county where an act or practice contrary to an issued and approved cease and desist order is taking place for a Court Order "to comply with the cease and desist order, and violation of the court order may be punished as a contempt."

NOW THEREFORE, the Environmental Quality Council respectfully applies to this Court:

1. For its Order requiring Allstate Paving Inc. to comply with the above-referenced Order of the Department of Environmental Quality dated August 12, 1986.
2. For such further relief as this Court may deem just and equitable.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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Harold Bergman, Chairman  
Environmental Quality Council  
304 Emerson Building  
Cheyenne, Wyoming 82002