

FILED

MAR 22 1982

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

Ardelle M. Kissler, Clerk Environmental Quality Council

IN THE MATTER OF AN OBJECTION ) TO A MINING PERMIT APPLICATION ) OF MONOLITH PORTLAND CEMENT ) COMPANY, TFNI 2/236 )

ANSWER OF MONOLITH PORTLAND CEMENT COMPANY TO OBJECTION LETTER OF R.L. MCKINSEY

Pursuant to Chapter II, Section 1(a) of the rules and regulations governing hearings before the Environmental Quality Council, Applicant, Monolith Portland Cement Company, responds to the objection letter filed in as follows:

FIRST DEFENSE

1. Admits that Applicant uses a road through Protestant's property but denies all other allegations contained in the objection letter concerning the road.

SECOND DEFENSE

1. Applicant has a legal right to use the access/haul road which predates and is superior to the right of Protestant.

THIRD DEFENSE

1. Because this is an application for an amendment to an existing permit, the Environmental Quality Council has no jurisdiction to adjudicate the issues raised by Protestant in his objection letter.

FOURTH DEFENSE

1. Contestant fails to state a claim upon which relief can be granted under State Law, including the Environmental Protection Act.

BY MONOLITH PORTLAND CEMENT COMPANY

Philip A. Nicholas

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