

FILED

SEP 11 1979

Adelle M. Kuster, Clerk
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF NOTICE
OF VIOLATION ISSUED TO:

CONSOLIDATED CONSTRUCTION

Docket No.: 568-79

and

GOLDEN KEY DEVELOPMENT

- - - - -

RESPONSE TO NOTICE OF VIOLATION

FIRST DEFENSE

The Notice of Violation fails to state a claim against Consolidated Construction and Golden Key Development upon which relief can be granted.

SECOND DEFENSE

The Notice of Violation involves, and the contentions made are of a nature wherein the relief requested would invoke violations of the rights of Consolidated Construction and Golden Key Development under the Fourteenth Amendment to the United States Constitution with regard to equal protection and due process and Article I, Sections 1, 6, 7, 8 and 34 of the Wyoming Constitution.

THIRD DEFENSE

The Rules and Regulations of the Department of Environmental Quality Council of the State of Wyoming, referenced by the Notice of Violation were not adopted with "reasons for adoptions" or a statement of the rules' "Basis and Purpose" and the administrative agency did not "provide a brief and concise statement of the principal reason for the adoption * * *" prior to attempted effectuation and as a consequence those rules and regulations are void and unenforceable as to this defendant.

FOURTH DEFENSE

The contended violation does not come within Statutory requirements or within the provisions of validly adopted rules and regulations wherein it is indicated that "minimum standards must be met in design and construction for all major water and waste water treatment projects". Involved extensions and constructions were not major water or waste water treatment projects.

FIFTH DEFENSE


Grandview Estates, Inc. generally denies any allegations of fact contained within the Notice of Violation which charge or can be construed to charge a violation of law.

SIXTH DEFENSE

Resolution of the problem, if one exists, should be accomplished by a determination of appropriate procedure between the submitting agency of the State of Wyoming and the City of Laramie, Albany County, Wyoming.

GRANDVIEW ESTATES, INC.

By:


Walter C. Urbigkit, Jr.
of Urbigkit & Whitehead, P.C.
Suite One, The Mall
1651 Carey Avenue
P. O. Box 247
Cheyenne, WY 82001

MAILING CERTIFICATE

The undersigned hereby certifies that on the 10th day of September, 1979, he caused a true and correct copy of the foregoing to be mailed to Mr. Robert E. Sundin, Director, Department of Environmental Quality, Hathaway Building, Cheyenne, Wyoming 82002, in a sealed envelope with postage prepaid.


Walter C. Urbigkit, Jr.