

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Appeal and Petition)
For Review of the Denial of a Beneficial)
Use Exemption for Milne Development)
Corporation for Elton Court in Natrona)
County under Chapter 1, Section 1(1)(xxi))
Of the Solid Waste Rules & Regulations)

FILED
JUL 19 2010
Jim Ruby, Executive Secretary
Environmental Quality Council
Docket No. 10-560

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO PETITION

Respondent Wyoming Department of Environmental Quality (DEQ), Solid & Hazardous Waste Division (SHWD), pursuant to the Wyoming Environmental Quality Council's (EQC) June 17, 2010 Response Order, responds as follows to the averments identified as the "Basis for Petition" in paragraphs 3 through 9 of Petitioner Milne Development Corporation's (Milne) Petition for Review (Petition) in the above-captioned matter.

¶3. DEQ **admits** the averments in the first sentence of ¶3. DEQ **admits** Chapter 1, Section 1(1)(xxi) of the SWRR provides that the SHWD Administrator "may exempt" from the permit requirement "the reuse of wastes in a manner which is both beneficial and protective of human health and the environment, as approved by the administrator," subject to conditions identified in Chapter 1, Section 1(1). DEQ **denies** any other averments in ¶3.

¶4. DEQ **admits** that on February 11, 2010 they received a request from Milne for a "beneficial use" exemption to use approximately 526,500 cubic feet of tire shreds as fill material to level an area located at Lot 18, Elton Court in Casper, and then cover it with dirt and gravel. DEQ is without knowledge or information sufficient to form a belief as to the truth of the averments in the last sentence of ¶4. DEQ **denies** any other averments in ¶4.

¶5. DEQ **admits** the SHWD Administrator's April 14, 2010 letter ("Exhibit A" to Milne's Petition) determined that the beneficial use exemption request received from Mr. Ken Milne on February 11, 2010 could not be issued for the reasons stated in the Administrator's April 14, 2010 letter. DEQ **denies** any other averments in ¶5.

¶6. DEQ **denies** the averments in ¶6.

¶7. Petitioner does not identify what "project" they allege DEQ has "approved" that "had the potential" of bringing scrap tires in contact with water, consequently DEQ is without knowledge or information sufficient to form a belief as to the truth of that averment in ¶7. DEQ **denies** the other averments in ¶7.

¶8. DEQ **denies** the averments in ¶8.

¶9. ¶9 is Milne's request for a hearing in this matter, which does not require a responsive pleading.

Dated this 19th day of July, 2010.



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CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO PETITION was served this 19th day of July, 2010 by United States mail, first class postage prepaid, and/or by hand delivery or email, addressed as follows:

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WBA