

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

FILED

MAR 25 2011

*Jim Ruby, Executive Secretary
Environmental Quality Council*

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(l)(xxi) of the)
Solid Waste Rules and Regulations)

Docket No. 10-5601

**STATUS REPORT AND UNOPPOSED MOTION FOR LEAVE TO FILE SECOND
STATUS REPORT IN LIEU OF PROPOSED SCHEDULE**

Comes now, Milne Development Corporation (MDC), by and through its Counsel, Mary A. Throne, Throne Law Office, P.C., to file this status report and motion requesting leave to file a second status report in lieu of a proposed schedule. In support of its motion, MDC states as follows:

1. MDC filed a Petition for Review to appeal the decision of the Administrator of the Solid and Hazardous Waste Division, dated April 14, 2010, denying MDC's request for a beneficial use exemption under Chapter 1, Section 1(l)(xxi) of the Solid Waste Rules and Regulations, to allow MDC to use shredded tires as fill without a solid waste permit.

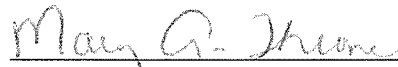
2. On December 21, 2010, the Council issued an Order vacating the Amended Order of Schedule and requiring a status report no later than March 25, 2011 and a proposed schedule if the parties had not reached a resolution of this matter.

3. MDC has met with representatives of the Department of Environmental Quality and is in the process of developing a new application for a beneficial use exemption, which it hopes to file within the next ten (10) days. Under these circumstances, there is nothing to gain by proposing a new schedule and the parties will file a second status report no later than May 16, 2011 if no resolution has been filed with the Council.

4. A proposed order accompanies this Motion.

Therefore, MDC respectfully requests that the Council require a second status report from the Parties, no later than May 16, 2011, including if necessary, a proposed schedule for the case.

Submitted this 25th day of March , 2011



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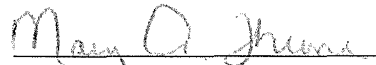
CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing Status Report and Unopposed Motion for Leave to File Second Status Report was served this 25th day of March by electronic mail to the following:

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**ORDER GRANTING UNOPPOSED MOTION FOR LEAVE TO
FILE SECOND STATUS REPORT IN LIEU OF PROPOSED SCHEDULE**

The Council, having been fully advised in the premises and based on its review of the Unopposed Motion for Leave to File Second Status Report in Lieu of Proposed Schedule, the Council finds that the Motion should be granted;

THEREFORE IT IS HEREBY ORDERED:

That the Parties are granted leave to file a Status Report no later than May 16, 2011.

DATED this _____ day of March, 2011.

Tim Flitner, Chairman
Environmental Quality Council