

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**JUL 08 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(1)(xxi) of the )  
Solid Waste Rules and Regulations )

Docket No. 10-5601

**THIRD STATUS REPORT**

Comes now, Milne Development Corporation (MDC), by and through its Counsel, Mary A. Throne, Throne Law Office, P.C., to file this third status report, as required by the Council's Order dated June 6, 2011:


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(1)(xxi) of the Solid Waste Rules and Regulations, to allow MDC to use shredded tire 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. On June 6, 2011, the Council entered an Order allowing a third status report.

3. The status of the case has not changed since the Council's Order. MDC has met with representatives of the Department of Environmental Quality and has prepared an application, but has not yet submitted it to the agency, as its plans for the property may have changed.

4. MDC has consulted with counsel for the Department of Environmental Quality and he has no objection to this report.

Submitted this 8<sup>th</sup> day of July, 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 Third Status Report was served this 8th day of July, 2011 by electronic mail to the following:

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