

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

FILED
AUG 10 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) Docket No. 10-5601
Elton Court in Natrona County)
Under Chapter 1 Section 1(l)(xxi) of the)
Solid Waste Rules and Regulations)

UNOPPOSED MOTION FOR DISMISSAL OF PETITION WITHOUT PREJUDICE

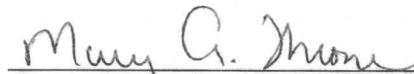
Comes now, Milne Development Corporation (MDC), by and through its Counsel, Mary A. Throne, Throne Law Office, P.C., to move for dismissal of its petition without prejudice:

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 tire as fill without a solid waste permit.

2. MDC has met with representatives of the Department of Environmental Quality and has prepared a new application that differs from the original one, but has not yet submitted it to the agency, as its plans for the property may have changed. In the event MDC submits a new and different application for an exemption, it will have the right to appeal any adverse decision by the Administrator to the Council. Under these circumstances, MDC sees no need to pursue the pending appeal.

4. MDC has consulted with counsel for the Department of Environmental Quality and he has no objection to this Motion. A proposed Order accompanies this Motion.

Submitted this 10th day of August, 2011



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CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing Unopposed Motion for Dismissal of Petition Without Prejudice was served this 10th day of August, 2011 by electronic mail to the following:

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