

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

**FILED**

NOV 17 2010

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

Jim Ruby, Executive Secretary  
Environmental Quality Council

**UNOPPOSED MOTION FOR LEAVE TO FILE EXPERT REPORT**

Comes now, Milne Development Corporation, by and through its Counsel, Mary A. Throne, Throne Law Office, P.C., seeking leave to file its expert report after the due date in the Scheduling Order:

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. This Council held a scheduling conference and issued its Amended Order of Schedule Order (Order) on September 21, 2010. The Order set a number of dates for this matter, including a requirement that MDC file its Expert Report no later than November 15, 2010.

3. MDC and the Wyoming Department of Environmental (WDEQ) have met to discuss a possible resolution of this matter. However, the Order remains in effect and MDC requests leave to file its Expert Report no later than November 24, 2010. All other dates in the Order would remain in effect. Counsel for MDC has conferred with Counsel for WDEQ and there is no objection to this request. A proposed order accompanies this Motion.

Therefore, MDC respectfully requests that the Council grant leave for MDC to file its expert report no later than November 24, 2010.

Submitted this 17<sup>th</sup> day of November , 2010



Mary A. Throne  
Throne Law Office  
211 W. 19<sup>th</sup> St.  
Suite 200  
P.O. Box 828  
Cheyenne, WY 82001  
307-637-2822

**Counsel for Milne Development Corp.**

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing Unopposed Motion for Leave to File Expert Report was served this 17<sup>th</sup> day of November by electronic mail to the following:

Mike Barrash  
Senior Assistant Attorney General  
123 Capitol Building  
Cheyenne, WY 82002  
307-777-6946  
[mbarra@state.wy.us](mailto:mbarra@state.wy.us)

John Corra  
Director, DEQ  
307-777-7937  
[jcorra@wyo.gov](mailto:jcorra@wyo.gov)

Carl Anderson  
Solid & Hazardous Waste Division  
307-777-7753  
[cander@wyo.gov](mailto:cander@wyo.gov)



Mary A. Throne