

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

DEC 20 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

Docket No. 10-3601

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)

UNOPPOSED MOTION TO VACATE AMENDED ORDER OF SCHEDULE

Comes now, Milne Development Corporation, by and through its Counsel, Mary A. Throne, Throne Law Office, P.C., to request that the Council vacate its Amended Order of Schedule, issued September 21, 2010. 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 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. Since the issuance of the Order, MDC and the Wyoming Department of Environmental Quality (WDEQ) have met and are discussing resolution of their dispute without a hearing. The Parties need additional time to develop a resolution and believe it is more beneficial to devote resources to this effort in lieu of preparing for a hearing.

3. Given the winter conditions and the need to gather information to develop a proposal that satisfies the requirements of both Parties, MDC and the Wyoming Department of Environmental (WDEQ) need approximately 90 days, after approval of this Motion. On or before the expiration of the period, the Parties will provide the Council with a status report and if no resolution has been reached, a proposed schedule.

4. A proposed order accompanies this Motion.

Therefore, MDC respectfully requests that the Council vacate the Amended Order of Schedule and require a status report from the Parties, no later than March 25 2011, including if necessary, a proposed schedule for the case.

Submitted this 17th day of December, 2010



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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 17th day of November by electronic mail to the following:

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