

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

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)	

**STATUS REPORT AND UNOPPOSED MOTION FOR LEAVE TO FILE
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 status report and motion requesting leave to file a third 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 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 March 29, 2011 the Council entered an Order allowing a second status report.

3. 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. Under these circumstances, there is nothing to gain by proposing a new schedule and the parties will file a third status report no later than July 8, 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 third status report from the Parties, no later than July 8, 2011.

Submitted this 16th day of May, 2011



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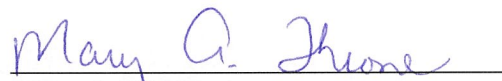
CERTIFICATE OF SERVICE

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 16th day of May by electronic mail to the following:

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