

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**JUN 08 2011**

Jim Ruby, Executive Secretary  
Environmental Quality Council

In the Matter of the Appeal of Notice of )  
Violation and Order #4824-11 Issued to: )  
Envirotank, Inc. (51.031) ) Docket No. 11-5208A  
P.O. Box 302 )  
Ft. Lupton, CO 80621 )

**MOTION TO INTERVENE BY SANDRA KAY LANGE,  
MILDRED RAY BROYLES AND PEGGY A. SULLIVAN, LANDOWNERS**

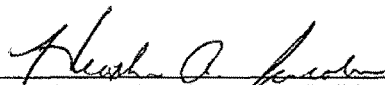
COMES NOW Sandra Kay Lange, Mildred Ray Broyles and Peggy A. Sullivan, hereinafter referred to as "Landowners," by and through their counsel, Heather A. Jacobson, of Jacobson Law Office, LLC, and hereby file this Motion to Intervene as a matter of right in the above-captioned matter. In support of this Motion, the Environmental Quality Council is advised as follows:

- 1) The matter pending before the Council is the appeal of a Notice of Violation issued to Envirotank, Inc. for the violation of the Solid Waste Rules and Regulations regarding the placement of tires, partial tires, and scraps on real property in Campbell County, Wyoming.
- 2) The real property upon which the tires, partial tires, and scraps were placed belongs to the Landowners.
- 3) Pursuant to Chapter 2, Section 7, of the Rules of Practice and Procedure for the Environmental Quality Council, an interested party may intervene in a proceeding if the petition to intervene sets forth the grounds of the proposed intervention and the position and the interest of the petitioner in the proceeding.
- 4) The Landowners are an interested party in this proceeding as the actions of Envirotank, Inc. in placing the tires, partial tires, and scraps upon the real property owned by Landowners, and without Landowners' permission, has significantly devalued the real property and any remediation action that the Council determines that Envirotank must undertake shall help in restoring the value and quality of Landowners' real property.
- 5) Envirotank has also attempted to distract the Council from Envirotank's responsibility in this matter by making false claims that Landowners gave permission to Envirotank for their activities on the property and that Landowners should bear at least partial responsibility for the violation.

- 6) Landowners have concerns that their interests will not be sufficiently represented, or be in alignment with the Department of Environmental Quality's interests, as the Department has previously attempted to settle this matter without Landowners' consent and in a manner that did not protect Landowners' property interests.
- 7) Based upon the foregoing, Landowners should be allowed to intervene to protect the value of their real property, as well to ensure that no false testimony or facts are presented to the Council.

WHEREFORE, Landowners pray the Council determine that Petitioners have met there burden under the Rules of Practice and Procedure and issue an Order allowing Landowners to intervene in this proceeding.

DATED this 8 day of June, 2011.

  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was served by depositing the same in the US Mail, first class postage prepaid, or by email, on the 9<sup>th</sup> day of June, 2011, to the following:



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