

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**OCT 10 2011**

Jim Ruby, Executive Secretary  
Environmental Quality Council

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

Docket No. 11-5208A

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE EXPERT REPORT**

Comes now, Envirotank, Inc. (Envirotank), by and through its Counsel, Mary A. Throne, Throne Law Office, P.C., seeking leave for extension of time to file its expert report as set forth below:

1. Envirotank initiated this matter by appealing the Wyoming Department of Environmental Quality's (DEQ's) Notice of Violation and Order, issued on April 18, 2011. Following a scheduling conference, the Council issued a Scheduling Order (Schedule) on August 25, 2011, requiring Envirotank to file an expert report no later than October 14, 2011.

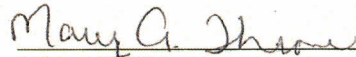
2. Envirotank's potential expert was unable to conduct a site visit until September 30, 2011 due to scheduling conflicts for counsel and the witness. In order to complete a more thorough report to assist the Council in resolving this appeal, Envirotank is requesting an extension until close of business on October 27, 2011 to file its expert designation and report. Counsel for Envirotank has consulted with counsel for DEQ and the landowners. Neither opposed the motion, provided that Envirotank agrees to the conditions set forth in paragraph 3 below.

3. In order to prevent the extension of the filing of Envirotank's expert report from affecting the remainder of the Schedule, Envirotank agrees to insure that the parties receive the expert designation and the report containing the expert's opinions and a detailed summary of the

basis of those opinions, consistent with the Wyoming Rules of Civil Procedure not later than October 27, 2011. Envirotank further agrees that answers to any written discovery addressing the expert witness' report and designation will be delivered within 15 days of receipt of the request. Expedited discovery responses will allow the parties to maintain the Schedule. Non-expert discovery will not be affected.

Therefore, Envirotank respectfully requests that the Council authorize Envirotank to file and serve its expert witness designation and report no later than October 27, 2011, in accordance with the terms of this Motion. A proposed Order accompanies this motion.

Submitted this 10<sup>th</sup> day of October, 2011



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**Counsel for Envirotank, Inc.**

#### CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing Unopposed Motion for Extension of Time to File Expert Report was served this 10<sup>th</sup> day of October, 2011 by electronic mail to the following:

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