

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

**FILED**

**MAR 20 2012**

Jim Ruby, Executive Secretary  
Environmental Quality Council

<b>IN THE MATTER OF THE OBJECTION</b>	)	<b>Docket No. 11-5801</b>
<b>TO THE VARIANCE FOR THE SHERIDAN</b>	)	
<b>LANDFILL</b>	)	<b>ORDER GRANTING</b>
	)	<b>MOTION TO STRIKE</b>

The Petitioner's Motion to Strike in the above entitled matter was heard by the Environmental Quality Council on the 8<sup>th</sup> day of March, 2012.

1. Petitioners have sought a hearing before the Environmental Quality Council (the Council) to contest the August 9, 2011, decision by the Department of Environmental Quality to grant a variance to the City of Sheridan for operation of its municipal landfill.

2. The Environmental Quality Council conducts such hearings in accordance with the contested case procedures set forth in the Wyoming Administrative Procedure Act. *See* Wyo. Stat. Ann. § 35-11-112(f).

3. On February 6, 2012 the Chairman of the Sheridan County Commission sent a letter to the Environmental Quality Council expressing the Commissioners' views on issues that may be relevant to a decision in this case.

4. On February 10, 2012, the Petitioner filed a "Motion to Strike the Sheridan County Letter" from the record of the above entitled matter as the Sheridan County Commissioners have not yet sought to intervene in this contested case pursuant to Wyoming Statute and the Rules of Practice and Procedure for this Council.

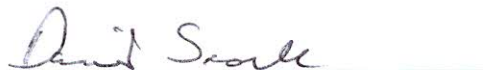

5. Neither the City of Sheridan nor the Department of Environmental Quality expressed opposition to Petitioners' motion.

6. The Wyoming Administrative Procedure Act prevents the Council from considering evidence that has not been made a part of the record by the parties – or by the Council through exceptions not applicable here. *See* Wyo. Stat. Ann. § 16-3-108.

**ORDER**

It is hereby ordered that the Petitioners' Motion to Strike is GRANTED and the February 6, 2011, letter is ORDERED stricken from the record. The Executive Secretary of the Council is directed to remove the letter from the case file. This Order does not determine whether the Sheridan County Commission may intervene in this case, nor does it determine the ability of the parties to provide third-party information to the Council at the evidentiary hearing for this matter.

**DATED** this 13th day of March, 2012.

  
David Searle, Presiding Officer   
Environmental Quality Council

**CERTIFICATE OF SERVICE**

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 20th day of March, 2012, I served a copy of the foregoing **ORDER GRANTING MOTION TO STRIKE** by electronic mail to the following:

Mike Barrash  
Asst. Attorney General  
[mike.barrash@wyo.gov](mailto:mike.barrash@wyo.gov)

Mary Throne  
Throne Law Firm  
[mthrone@thronelaw.com](mailto:mthrone@thronelaw.com)

Greg A. Von Krosigk  
Pence and MacMillan, LLC  
[gvk@penceandmac.com](mailto:gvk@penceandmac.com)



Kim Waring, Sr. Office Support Spec.  
Environmental Quality Council  
122 W. 25<sup>th</sup>, Rm. 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134