

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

FILED

SEP 15 2010

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE ISSUANCE OF )  
DEQ PERMIT 10-254R )  
)  
)  
)  
)  
ISSUED TO SALL, LLC. )  
)

EQC Docket No. 10-3801

---

MOTION TO DISMISS

---

SALL, LLC, through Counsel, moves the Council for its Order Dismissing the Town of Alpine's Petition in Protest and Appeal of Issuance of the above-referenced Permit on the following grounds and for the following reasons:

1. The referenced permit was issued and dated by the DEQ on July 6, 2010, signed on that date by both the Administrator of the Water Quality Division, Mr. John F. Wagner and the Director, Department of Environmental Quality, Mr. John V. Corra.

2. The Town of Alpine's Petition and Appeal was filed September 9, 2010.

3. Chapter I, General Rules of Practice and Procedure, Section 3(d) provides that, with respect to a protest of a permit, "[T]he filing of such a petition shall constitute the commencement of the proceeding **on the date filed.**"

[Emphasis added.]

4. Section 16 of the same Rules provides that "all appeals to Council form final actions of the Administrators or Director shall be made within sixty (60) days of such action."

5. More than sixty (60) days elapsed between the date the permit was issued and the date the protest/appeal was filed; sixty five (65) days elapsed.

6. Alpine's protest/appeal was not filed in a timely manner and therefore should be dismissed without further proceedings which would result in undue fees and costs to SALL, LLC.

WHEREFORE, SALL prays that the Petition/Appeal of the Town of Alpine be dismissed.

DATED this 15<sup>th</sup> day of September, 2010.

/s/ \_\_\_\_\_  
Gary L. Shockey  
Counsel for SALL, LLC

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Dismiss was served, via email and U.S. Mail, on the 15<sup>th</sup> day of September, to Mr. Stefan Fodor and Mr. Richard Rideout.

/s/ \_\_\_\_\_

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

IN THE MATTER OF THE ISSUANCE OF )  
DEQ PERMIT 10-254R )  
 ) EQC Docket No. 10-3801  
 )  
 )  
ISSUED TO SALL, LLC. )  
 )  
 )

---

**MOTION TO DISMISS**

---

SALL, LLC, through Counsel, moves the Council for its Order Dismissing the Town of Alpine’s Petition in Protest and Appeal of Issuance of the above-referenced Permit on the following grounds and for the following reasons:

1. The referenced permit was issued and dated by the DEQ on July 6, 2010, signed on that date by both the Administrator of the Water Quality Division, Mr. John F. Wagner and the Director, Department of Environmental Quality, Mr. John V. Corra.

2. The Town of Alpine’s Petition and Appeal was filed September 9, 2010.

3. Chapter I, General Rules of Practice and Procedure, Section 3(d) provides that, with respect to a protest of a permit, “[T]he filing of such a petition shall constitute the commencement of the proceeding **on the date filed.**”

[Emphasis added.]

4. Section 16 of the same Rules provides that “all appeals to Council form final actions of the Administrators or Director shall be made within sixty (60) days of such action.”

5. More than sixty (60) days elapsed between the date the permit was issued and the date the protest/appeal was filed; sixty five (65) days elapsed.

6. Alpine's protest/appeal was not filed in a timely manner and therefore should be dismissed without further proceedings which would result in undue fees and costs to SALL, LLC.

WHEREFORE, SALL prays that the Petition/Appeal of the Town of Alpine be dismissed.

DATED this 15<sup>th</sup> day of September, 2010.

/s/ \_\_\_\_\_  
Gary L. Shockey  
Counsel for SALL, LLC