

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

**FILED**

JAN 14 2011

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

4626-10

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**ORDER OF DISMISSAL: TOWN OF ALPINE'S PETITION IN PROTEST  
AND APPEAL OF ISSUANCE OF PERMIT**

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THE ABOVE MATTER came before the Council on the Motion of SALL, LLC, to dismiss the Town of Alpine's Petition in Protest and Appeal of Issuance of Permit. The Council gave due consideration to the filings of the parties and the presentations of counsel made at a hearing conducted on the 18<sup>th</sup> day of November, 2010, in Laramie, Wyoming, with SALL represented by Mr. Gary Shockey on the pleadings and Mr. J. Nicholas Murdock at the hearing, the Town of Alpine represented by Ms. Leah Corrigan of the Lubing Law firm, and the Department of Environmental Quality represented by Mr. Luke Esch of the State of Wyoming Attorney General's Office.

After due consideration of the pleadings and presentations of counsel, the Council FINDS as follows:

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

2. Chapter I, General Rules of Practice and Procedure, 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."

3. The Petition of the Town of Alpine was not filed within sixty days of the issuance of the permit, as the permit was issued on July 6, 2010, and the Petition was not filed until September 9, 2010.

4. The Petition should be dismissed because it was not filed in a timely manner.

IT IS THEREFORE ORDERED that that Petition in Protest and Appeal of Issuance of Permit should be, and hereby is, DISMISSED.

DATED this 14<sup>th</sup> day of ~~December, 2010.~~  
January, 2011 NW

FOR THE COUNCIL:

Teri Blitzer

**CERTIFICATE OF SERVICE**

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 14<sup>th</sup> day of January, 2011, I served a copy of the foregoing **ORDER OF DISMISSAL** by electronic mail to the following:

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