

**FILED**

MAR 01 2013

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL** by, Executive Secretary  
**STATE OF WYOMING** Environmental Quality Council

IN THE MATTER OF THE )  
NOTICE OF VIOLATION & ORDER ) DOCKET NO. **12-5206A**  
ISSUED TO WYOMING TIRE, INC. )

**MOTION TO APPROVE ADMINISTRATIVE ORDER ON CONSENT  
AND DISMISS REQUEST FOR HEARING**

The Wyoming Department of Environmental Quality, Solid & Hazardous Waste Division (DEQ), moves the Wyoming Environmental Quality Council (EQC) to approve the Administrative Order on Consent (DEQ Docket No. **5026-12**) DEQ issued to Wyoming Tire, Inc. *with consent* by Wyoming Tire, Inc. (dated February, 2013), and to dismiss Wyoming Tire, Inc.'s Request for Hearing in this contested case, in which they are the only parties. Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by consent order upon approval of the EQC. The referenced Administrative Order on Consent would:

- supersede and replace the unilateral Order dated August 14, 2012 that DEQ issued to Wyoming Tire, Inc. in connection with Notice of Violation No. **5026-12**; and
- dispose of the need for the hearing Wyoming Tire, Inc. requested in this case to contest the unilateral Order.

WHEREFORE, the DEQ requests that the EQC vacate the evidentiary contested case hearing set for March 14, 2013 and enter an order approving the Administrative Order on Consent (**copy attached**) and dismissing Wyoming Tire, Inc.'s Request for Hearing in this contested case.

Dated this 1st day of March, 2013.

Mike Barrash (WY Bar #5-2310)  
ATTORNEY FOR THE WYOMING DEQ  
Wyoming Attorney General's Office  
123 State Capitol Building  
Cheyenne, Wyoming 82002  
307-777-6946

**CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the foregoing MOTION TO APPROVE ADMINISTRATIVE ORDER ON CONSENT AND DISMISS REQUEST FOR HEARING was served this 1st day of March, 2013 by U.S. mail, first class postage prepaid, and by facsimile transmission and/or email addressed as follows:

Mr. Richard Ayers  
Wyoming Tire, Inc.  
P.O. Box 1400  
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[wyoingtireinc@yahoo.com](mailto:wyoingtireinc@yahoo.com)



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