

Jeremy A. Gross (Wyo. Bar No. 7-5110)  
Assistant Attorneys General  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, Wyoming 82002  
(307) 777-6946  
(307) 777-3542 *facsimile*  
jeremy.gross@wyo.gov

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

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

**MOTION TO DISMISS**

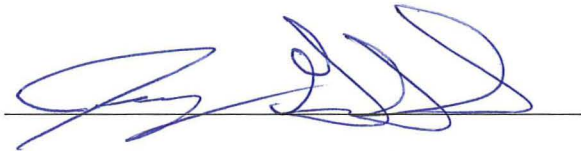
The Wyoming Department of Environmental Quality, Solid & Hazardous Waste Division (DEQ), through the Office of the Attorney General, hereby moves the Environmental Quality Council (Council) for an order dismissing any further action in the above captioned matter. As grounds for this motion, the DEQ states the following:

1. DEQ issued Notice of Violation (NOV) No. 4255-08 to Wyoming Tire, Inc. (Wyoming Tire) on May 5, 2008. DEQ subsequently issued the follow-up NOV & Order No. 5026-12 to Wyoming Tire on August 14, 2012.
2. Wyoming Tire objected to NOV & Order No. 5026-12 and requested a hearing before the Council.
3. Prior to a hearing taking place, the parties entered into an Administrative Order on Consent dated February 28, 2013, which set detailed milestones for Wyoming Tire to complete in order to come back into compliance with Wyoming statutes and regulations.

4. The Administrative Order on Consent remained in effect until “July 31, 2014 or DEQ’s issuance of a solid waste management facility permit to Wyoming Tire, Inc., whichever occurs first.”
5. As of July 31, 2014, DEQ had not issued Wyoming Tire a solid waste management facility permit. Thus, the Administrative Order on Consent is no longer in effect.

WHEREFORE, as no further action can be taken on the Administrative Order on Consent, DEQ respectfully requests that the Council dismiss the above captioned proceeding. A proposed order granting this request is provided herein.

DATE this 14<sup>th</sup> of October, 2014



Jeremy A. Gross (Wyo. Bar No. 7-5110)  
Assistant Attorneys General  
Wyoming Attorney General’s Office  
123 Capitol Building  
Cheyenne, Wyoming 82002  
(307) 777-6946  
(307) 777-3542 *facsimile*  
jeremy.gross@wyo.gov

CERTIFICATE OF SERVICE

I, Jessica Curless, certify that on the 14<sup>th</sup> day of October, 2014, I served a copy of the foregoing *Motion to Dismiss* by U.S. Mail to the following:

Richard L. Ayers  
Wyoming Tire, Inc.  
6925 Cactus Lane  
Casper, WY 82604

  
\_\_\_\_\_  
Wyoming Attorney General's Office