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

**IN THE MATTER OF THE APPEAL)
OF NOTICE OF VIOLATION AND ORDER) Docket No. 17-2201A
ISSUED TO DELTON TINSLEY)
)**

**JOINT STATUS UPDATE ON SETTLEMENT NEGOTIATIONS
AND REQUEST FOR SCHEDULING CONFERENCE**

The State of Wyoming, Department of Environmental Quality (“Department”), and Mr. Delton Tinsley, by and through their respective undersigned counsel, hereby provide this joint status update on the settlement negotiations to resolve the Notice of Violation and Order that the Department issued Mr. Tinsley on June 23, 2017 and request the Environmental Quality Council (“Council”) set a scheduling conference to set dates for a final hearing on this matter.

1. On June 23, 2017, the Department issued Mr. Tinsley a Notice of Violation and Order (NOV and Order), DEQ Docket No. 5767-17, ordering Mr. Tinsley to take certain measures with respect to asbestos, which is allegedly regulated, on two of Mr. Tinsley’s properties.

2. The first property is located at 81 East Whalen Street, Guernsey, Wyoming (the “demolition site”). The second property is located at 599 US Highway 26, Wheatland, Wyoming (the “disposal site”).

3. NOV and Order, Docket No. 5767-17, contained four orders. Orders one through three apply to the demolition site; order four applies to the disposal site.

4. On July 10, 2017, Mr. Tinsley timely appealed that NOV and Order to the Council.

5. On August 22, 2017, the Council issued a Scheduling Order, which established various deadlines, including discovery deadlines and dates for a final hearing on this matter.

6. On November 9th, 2017, both parties jointly requested that the Environmental Quality Council stay the deadlines established in the Scheduling Order, pending settlement negotiations to resolve the allegations in NOV and Order, Docket No. 5767-17.

7. The parties are negotiating a settlement that will resolve the orders which apply to the demolition site: orders one through three of NOV and Order, Docket No. 5767-17. These negotiations should be complete by February 28, 2018. If they are not complete by February 28, 2018, the parties will submit another joint status update to the Council.

8. The parties have failed to negotiate a settlement that will resolve the order which applies to the disposal site: order four of NOV and Order, Docket No. 5767-17.


9. The parties believe that a final hearing on the merits in this case will be necessary to resolve whether order four of NOV and Order, Docket No. 5767-17, should be affirmed, modified, or rescinded pursuant to Wyoming Statute § 35-11-701(c)(iii).

10. If the parties’ negotiations are ultimately not fruitful, a final hearing on the merits in this case will be necessary to resolve whether orders one through three of NOV and Order,

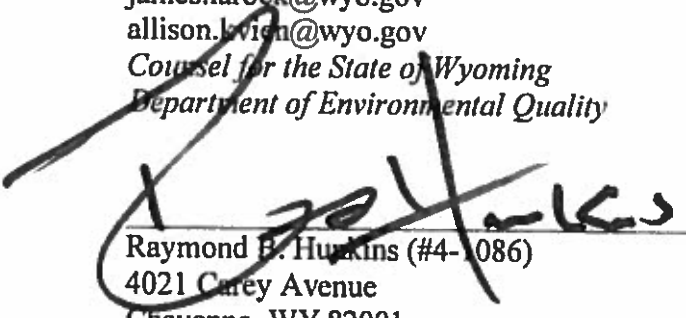
Docket No. 5767-17, should be affirmed, modified, or rescinded pursuant to Wyoming Statute § 35-11-701(c)(iii). The parties believe that if the parties' negotiations are not fruitful, new deadlines for discovery and a date for a final hearing to resolve issues related to order four of NOV and Order, Docket No. 5767-17, will suffice for orders one through three as well.

WHEREFORE, the parties hereby request that the Council hold a new scheduling conference and reset deadlines for discovery and a date for a final hearing in this matter.

Dated this 31 day of January, 2018.



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CERTIFICATE OF SERVICE

I hereby certify that on the 31 day of January, 2018, a copy of the foregoing document was filed electronically with the Wyoming Environmental Quality Council's online docket system and copies were served electronically via that system and by email on the following:

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