

FILED

DEC 11 2009

**Jim Ruby, Executive Secretary
Environmental Quality Council**

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE OBJECTION)
TO THE ISSUANCE OF SOLID WASTE)
PERMIT RENEWAL AND MAJOR) DOCKET NO. 09-5801
AMENDMENT TO EASTERN LARAMIE)
COUNTY SOLID WASTE DISPOSAL)
DISTRICT LANDFILL (SHWD FILE #10.330))

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO ROBERT AND BARBARA MUSGRAVE'S PETITION

Wyoming Department of Environmental Quality (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) November 9, 2009 Response Order and November 10, 2009 Order Granting Increase Response Time hereby responds as follows to the allegations of fact in Robert and Barbara Musgrave's (Petitioners) Petition for Review and Request for Hearing (Petition) in the above-captioned matter.

1. DEQ is without knowledge or information sufficient to form a belief as to the truth of the averment(s) in ¶1 of Petitioners' "Statement of Facts."

2. DEQ is without knowledge or information sufficient to form a belief as to the truth of the averment(s) in ¶2 of Petitioners' "Statement of Facts."

3. DEQ admits that a demolition waste disposal cell, monitoring wells, fire lanes and a buffer zone were added to landfill Area 1 over a period of years.

DEQ admits that page 3, Section 1.4 of the August 17, 2009 permit application contains the following statement "Based on Drawing 1 in Appendix D1, the landfill's eastern perimeter fire lane and buffer zone have been developed approximately 45 feet over the eastern boundary of the Existing Landfill Area on property owned by Robert Musgrave. Groundwater monitoring well LF-1R also appears to have been installed over the eastern landfill boundary."

DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶3 of Petitioners' "Statement of Facts."

4. DEQ admits that Areas 5 and 6 are part of the lateral expansion area.

DEQ denies that Area 7 is part of the lateral expansion.

DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶4 of Petitioners' "Statement of Facts."

5. DEQ admits that the referenced November 20, 2008 letter (Petitioners' "Attachment 7") states that "further negotiations with Mr. Musgrave would not be beneficial."

DEQ is without knowledge or information sufficient to form a belief as to the truth of any other the averment(s) in ¶5 of Petitioners' "Statement of Facts."

6. DEQ admits to having records of phone calls received from Mr. Musgrave on January 12th and 13th, 2009 regarding litter blowing on his property from the facility.

DEQ denies that Solid Waste Rules and Regulations require daily litter collection, but admits that the proposed permit requires daily pickup of litter.

DEQ admits that the proposed permit requires the landfill operator to cover construction/demolition waste with a minimum of six inches of compacted soil at least once every thirty calendar days.

DEQ denies that the landfill's area for demolition materials is poorly policed and covered.

DEQ is without knowledge or information sufficient to form a belief as to the truth of Petitioners' averment that "trash constantly peppers Musgrave pasture land."

DEQ is without knowledge or information sufficient to form a belief as to the truth of Petitioners' averment that "snow blowing over it in the winter makes the county road hard to maneuver and/or impassable to other families . . . due to drifting caused by the height of the demolition pit."

DEQ is without knowledge or information sufficient to form a belief as to the truth of Petitioners' averment regarding collection of litter by the Musgraves from their pasture and fences.

DEQ is without knowledge or information sufficient to form a belief as to the truth of Petitioners' averment regarding the communication between the Landfill and the Musgraves referenced in ¶6.

DEQ is without knowledge or information sufficient to form a belief as to the truth of Petitioners' averment regarding the Landfill's intentions as represented in ¶6.

DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶6 of Petitioners' "Statement of Facts."

DATED this 11th day of December, 2009.



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CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO ROBERT AND BARBARA MUSGRAVE'S PETITION was served this 11th day of December, 2009 by United States mail, first class postage prepaid, addressed as follows:

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