

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JAN 05 2010

IN THE MATTER OF THE OBJECTION)
TO THE ISSUANCE OF SOLID WASTE)
PERMIT RENEWAL AND MAJOR)
AMENDMENT TO EASTERN LARAMIE)
COUNTY SOLID WASTE DISPOSAL)
DISTRICT LANDFILL (SHWD FILE #10.330))

DOCKET NO. 09-5801
Jim Ruby, Executive Secretary
Environmental Quality Council

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
PREHEARING MEMORANDUM

Respondent Wyoming Department of Environmental Quality (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) December 17, 2009 Notice of Hearing and Order, submits this Prehearing Memorandum in the above-captioned matter.

WITNESSES

Respondent DEQ may call the following witnesses to testify at the evidentiary hearing in this contested case:

1. Maggie McKenzie, c/o DEQ/SHWD, Herschler Building, Fourth Floor West, 122 W. 25th Street, Cheyenne, WY 82002, 307-777-6978. Ms. McKenzie is expected to testify regarding the draft permit terms and matters related to the issues raised by the "Formal Objection" filed in this contested case.
2. Molly Nelson, c/o DEQ/SHWD, Herschler Building, Fourth Floor West, 122 W. 25th Street, Cheyenne, WY 82002, 307-777-6978. Ms. Nelson is expected to testify regarding the draft permit terms and matters related to the issues raised by the "Formal Objection" filed in this contested case.
3. Any of the other parties' witnesses as may be needed for further examination.
4. Any other witnesses as may be needed for purposes of rebuttal or impeachment.

EXHIBITS

1. Terracon Map, Drawing No. 1, entitled "Survey Control Plan and Legal Description" dated January 9, 2004.
2. Terracon Map, Drawing No. 2, entitled "Existing Site Conditions – August 2003" dated January 9, 2004.

3. Eastern Laramie County Solid Waste Disposal District's (ELCSWDD) municipal solid waste landfill permit application form dated August 19, 2009.

4. Cover page, table of contents, and excerpted portions describing landfill boundaries and litter control requirements from ELCSWDD's municipal solid waste landfill permit application, dated August 17, 2009.

5. DEQ's draft permit letter to ELCSWDD dated September 4, 2009.

6. DEQ's cover letter for first draft permit to ELCSWDD dated September 1, 2009.

7. DEQ's cover letter for revised draft permit to ELCSWDD dated September 4, 2009.

8. DEQ's ELCSWDD landfill inspection report dated January 21, 2009, for January 12, 2009, inspection.

9. DEQ's ELCSWDD landfill inspection report dated June 16, 2009, for June 5, 2009, inspection.

10. DEQ's ELCSWDD landfill inspection report dated September 22, 2009, for September 17, 2009, inspection.

11. Any documents filed by the parties in EQC Doc. No. 09-5801.

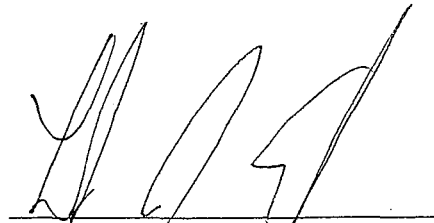
12. Any other exhibits needed for purposes of rebuttal or impeachment.

ISSUES

1. Whether the DEQ can grant the contested draft landfill permit before issues regarding the ownership of and/or consent to conduct landfill operations on certain property as described in the application have been resolved.

2. Whether existing litter control requirements in the contested draft landfill permit are adequate.

DATED this 5th day of January, 2010.



Mike Barrash (WY Bar #5-2310)
Luke Esch (WY Bar #6-4155)
WY Attorney General's Office
123 State Capitol Building
Cheyenne, WY 82002
307-777-6946

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S PREHEARING MEMORANDUM were served this 5th day of January, 2010 by hand delivery or United States mail, first class postage prepaid, addressed as follows:

Robert & Barbara Musgrave
1630 State Highway 213
Burns, WY 82053

Kelly Krakow
Chairman
Eastern Laramie County Solid Waste Disposal District Board
P.O. Box 41
Burns, WY 82053

Russell Hay
Solid Waste Manager
Eastern Laramie County Solid Waste Disposal District
P.O. Box 41
Burns, WY 82053

Alex Davison
Attorney at Law
P.O. Box 945
Cheyenne, WY 82003-0945
Alex@Pattondavison.com

