

JAN 04 2010

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Jim Ruby, Executive Secretary
Environmental Quality Council

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

**EASTERN LARAMIE COUNTY SOLID WASTE DISPOSAL DISTRICT'S
PREHEARING MEMORANDUM**

COMES NOW, the Eastern Laramie County Solid Waste Disposal District, by and through Alexander K. Davison of Patton and Davison, and files its Prehearing Memorandum as follows.

WITNESSES

Scott Larson (P.E. BenchMark Engineers, County Engineer)
Address: 1920 Thomes Ave., Cheyenne, Wyoming 82001
Phone: 307-634-9064

Testimony: Mr. Larson is a licensed professional engineer and primary owner of BenchMark Engineers. He has acted on behalf of Laramie County as the county engineer since 1996. His firm recently conducted a survey to ascertain the historic boundary of the landfill operations and the location of the right of way for C.R. 150 that separates the landfill property from the Musgrave property. His firm has confirmed the existence and location of the 80' right of way owned by Laramie County. He will testify that the landfill does encroach onto the county right of way by about 65'. He will also confirm that the landfill does not encroach upon

nor does it occupy any real property east of the right of way and owned by Robert and Barbara Musgrave, the protestants.

Clay Muirhead (P.E. Terracon)
Address: 1505 Old Happy Jack Road, Cheyenne, Wyoming 82001
Phone: 632-9224

Testimony: Mr. Muirhead, acting on behalf of the applicant, was the primary author of the permit application in this docket. He will testify that the original application text is in error necessitating a revision of Section 1.4 and Section 1.6 to accurately reflect the existence and ownership of the county right-of-way and the landfill operations pertaining thereto.

Kelly Krakow (Chairman - ELCSWDD Board)
Address: P.O. Box 41, Burns, Wyoming 82053
Phone: 547-3791

Testimony: Chairman Krakow will testify that the application is correct in all respects to the best of his knowledge with the revisions tendered by Mr. Muirhead and that Laramie County has passed a resolution providing support for the permit application and granting permission for encroachment in perpetuity. He will also testify concerning the other issues raised by the protestants.

Russ Hay
P.O. Box 41, Burns, Wyoming 82053.
Phone: 547-3791

Mr. Hay is the landfill manager and as such is familiar with all operations. He will testify generally concerning the matters raised by the protestants and in particular the concerns expressed regarding landfill operations pertaining to litter. He will testify that the landfill is and has been operated in compliance with all DEQ requirements.

EXHIBITS

- A. Laramie County minutes dated December 31, 1923 with Resolution establishing CR # 1-34 which later became known as CR # 150.
- B. Record of Survey showing 80" ROW owned by Laramie County.
- C. Diagram showing location of landfill operations in relation to the county ROW.
- D. Revised pages 3 and 5 to the permit application.
- E. January 5, 2010 resolution approving encroachment of landfill and granting permission for use of ROW in perpetuity. (To be provided following adoption by the Laramie County Board of Commissioners.)

FACTS AND LEGAL ISSUES

The issues in this proceeding are limited to those raised by the protestants: 1.) Whether the landfill has control over the property where the landfill operations have historically been conducted and over the property where the proposed expansion is located, and 2) Is the landfill being operated in compliance with DEQ regulations and in particular with regard to litter control.

In 1993 the Musgraves purchased pasture land lying east of the landfill from Robert and Yvonne Steege. The Musgrave property is separated and from the eastern boundary of the landfill by an 80' public highway right of way owned by Laramie County. This right of way was established by county resolution in 1923 and has existed ever since. Consistent with these facts is Drawing #1 of the application, which map clearly indicates, both in the legend and on the map the existence of the 80 ft. public right-of-way owned by Laramie County. The landfill operations have encroached onto this right of way from the time its operations began. The

county, acting through the Board of County Commissioners has acknowledged the existence of the encroachment and formally authorized the landfill to continue the encroachment.

The Musgraves own no property onto which the landfill has encroached and lack standing to protest the application.

DATED this 4th day of January, ²⁰¹⁰~~2009~~.

EASTERN LARAMIE COUNTY SOLID WASTE
DISPOSAL DISTRICT

By:



Alexander K. Davison - WY #5-2492
Patton & Davison
1920 Thomes Avenue, Suite 600
P. O. Box 945
Cheyenne, Wyoming 82003-0945
307-635-4111

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true and correct copy of the foregoing was delivered via the United States Mail, postage pre-paid to the following on the 4th day of January, 2010.

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

Mike Barrash
Department of Environmental Quality
122 West 25th Street
Herschler Building, Rm 1714
Cheyenne, WY 82002

John Corra
Director, Department of Environmental Quality
122 West 25th Street
Herschler Building, Rm 1714
Cheyenne, WY 82002

Carl Anderson
SHWD Administrator, DEQ
122 West 25th Street
Herschler Building, Rm 1714
Cheyenne, WY 82002



Alexander K. Davison

C.R.

County Clerk's Office,
Cheyenne, Laramie County, Wyoming.
Monday, December 31st, 1923.

The Board of County Commissioners of Laramie County, met in special session at 10:00 o'clock A. M. Present, J. T. Bell, Chairman, F. R. Biddle, and Gust Palm, Commissioners.

Commissioner Palm offered the following resolution. Be it Resolved by the Board of County Commissioners of Laramie County, Wyoming in special session assembled, that the following described roads, same being necessary and important for the public use as permanent roads and having been heretofore used and traveled by the public as public roads and which said roads have been laid out and recorded by the County Surveyor of Laramie County, Wyoming and described as Branch County Roads, Numbers:-

Branch C.R. #10:

Beginning at a point on County Road #10 in the SW $\frac{1}{4}$ Sec. 11-16-70; thence northwesterly and in accordance with the fieldnotes of the survey through sections 11, 10, 3, 4, T. 19 N., R. 70 W., and sections 23, 28, 21, 16, 17, 8, 5, & 6, T. 19 N., R. 70 W. The line described is the centre line of an 80 foot R. of W.

Branch C. R. #12:

Beginning at a point on County Road #12, where the same is intersected by the south line of Section 16-18-67; thence northwesterly and in accordance with the field notes of the survey through sections 16, 17, 8, 9, & 5 T. 18, N. R. 67 W., 32 & 31, T. 19, N. R. 67, 36, 26, 27, 22, 23, 14, 16, 10 & 3 T. 19., N. R. 68, W. to a point on the north line of section 3, T. 19, N. R. 68. Also a branch beginning at SW corner Section 14, T. 19, N. R. 68 W. running thence east on section lines between sections 14 and 23, 13 and 24 to the SE corner section 13-19-68. The lines described are the centre lines of an 80 foot right of way.

Exten. of Branch C. R. #23:

Beginning at the NE corner Section 7, T. 18, N. R. 65, W. thence westerly and in accordance with the fieldnotes of the survey through section 6 & 7, T. 19, R. 65, 1, 12, 2, 11, 3, 10, 9, 8, and Section 7, T. 18, R. 66, and sections 12, 11 and 2 T. 18 R. 67, to a point on the Yellowstone Highway near the NW corner section 2 T. 18 R. 67. Also a branch through sections 12, 11, 14, 15, 22, 16, and 21 to a point on the Yellowstone Highway near the SE corner section 16, T. 18, R. 67. The line described is the centre line of an 80 foot right-of-way.

Branch C. R. #12:

Beginning at a point on County Road #12, in the NW $\frac{1}{4}$ section 28 T. 18, R. 67, thence westerly and in accordance with the fieldnotes of the survey through sections 28, 29, 28 and 19- T. 18, R. 67, and sections 24, 22, 21, 20, 29, 30, and 31 T. 18, R. 68; and sections 30, 35, 34, 33, 32, and 31 T. 18, R. 69, and section 30, T. 18, R. 70, and sections 1, 12, and 11, T. 17, R. 70, to a point on County Road #15 in the SW $\frac{1}{4}$ section 11, T. 17, R. 70. The line described is the centre line of an 80 foot right-of way.

County Road #139:

Beginning at the SW corner section 11, T. 17, R. 68; thence easterly on twp. line as near as may be and in accordance with the fieldnotes of the survey between twps. 16 and 17 North and through ranges 68, 67, 65 and 64 to a point on county road #6, near the SE corner section 35-17-64. The line described is the centre line of an 80 foot right-of-way.

Branch C. R. #6:

Beginning at a point on County Road #6 where the same is intersected by the south line of section 4, T. 16, R. 64, thence easterly on section lines as near as may be and in accordance with the field notes of the survey between sections 4 and 9, 8 and 10, 2 and 11, 1 and 12 T. 16, R. 64, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, T. 16, R. 63, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12 T. 16, R. 62, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, T. 16, R. 61, 6 and 7, 5 and 8, 4 and 9, to the SW corner section 3 T. 16, R. 60. The line described is the centre line of an 80 foot right-of-way.

Exten. Branch C.R.#83:

Beginning at the SW corner section 23, T. 16, R. 63; thence north on section lines and in accordance with the field notes of the survey between section 22 and 23, 14 and 15, 10 and 11 to the NW corner section 11, T. 16, R. 63. The line described is the centre line of an 80 foot right-of-way.

Branch C. R. #6:

Beginning at a point on the west line of section 9, T. 18, R. 63, a distance

of 1570 feet north of the SW corner of said section 9; thence easterly and in accordance with the field notes of the survey through sections 9, 10, 11, 12 to a point on the east line of section 12, T. 18, R. 63. The line described is the centre line of an 80 foot-right-of-way.

Branch C. R. #75:

Beginning at a point on County Road #75 in the W $\frac{1}{2}$ section 22 T. 14, R. 67; thence northwesterly and in accordance with the field notes of the survey through sections 22, 21, 16 and 17, to the NW corner section 16-14-67, the line described is the centre line of an 80 foot right-of-way.

Change in Branch C.R.#75:

Beginning at a point on branch of County Road #78 on the east line of section 12, T. 12, R. 63, 1290 feet north of the SE corner of said section 12; thence southerly and in accordance with the field notes of the survey through sections 12 and 13 to a point on the east line of section 13, T. 12, R. 63, which point is 2685 feet north of the SE corner said section 13. The line described is the centre line of an 80 foot right-of-way.

Branch, C. R. #2:

Beginning at a point on County Road #9, in the SW $\frac{1}{4}$ section 35, T. 13, R. 70; thence southwesterly and in accordance with the field notes of the survey through section 35-13-70, and sections 2, 3, 4, 9, 10, 16, 17 and 20-12-70 to a point on the Colorado-Wyoming line in section 20-12-70. The line described is the centre line of an 80 foot-right-of-way.

Branch of C. R. #6:

Beginning at the NW corner section 22-17-63; thence east on section lines as near as may be and in accordance with the field notes of the survey between sections 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36-17-63, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36 to the SE corner section 25-17-63. The line described is the centre line of an 80 foot right-of-way.

Branch of C. R. #16:

Beginning at a point on County Road #16 in the SW $\frac{1}{4}$ section 4-15-64; thence westerly and in accordance with the field notes of the survey through sections 4, 5, 8, 6, 7-15-69, 1, 2, 11, 12, 9, 10, 8 and 7-15-70 to the west line of Laraine County in the SW $\frac{1}{4}$ section 7-15-70. The line described is the centre line of an 80 foot right-of-way.

Branch of C. R. #20:

Beginning at a point on County Road #20 near the S $\frac{1}{4}$ corner section 14-14-69; thence northwesterly and in accordance with the field notes of the survey, through sections 14, 15, 16, 9, 8, 7 and 6-14-69; section 1-14-70, sections 36, 35, 34, 33, 32 and 31, -15-70, and section 6-14-70 to a point on the west line of Laraine County near the centre of section 6-14-70. The line described is the centre line of an 80 foot right-of-way.

Branch of C. R. #18:

Beginning at a point on County Road #18 in the S $\frac{1}{4}$ section 25-17-70; thence westerly and in accordance with the field notes of the survey through 25, 30 and 35-17-70, 2, 3, 4, and 6-16-70, 32 and 31-17-70 to the west line of Laraine County near the S $\frac{1}{4}$ corner section 31-17-70. The line described is the centre line of an 80 foot right-of-way.

County Road #135:

Beginning at the SW corner section 24-16-65; thence east on section lines as near as may be and in accordance with the field notes of the survey, between sections 24 and 25 -16-65; sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 24 and 25-16-64, sections 19 and 30-16-63, to the SW corner section 20-16-63; Also beginning at the SW corner section 21-16-66; thence east on section lines between sections 21 and 28, 22 and 27 to the SE corner section 22-16-66. The lines described are the centre lines of 80 foot right-of-way.

County Road #134:

Beginning at a point on County Road #6 where the same is intersected by the south line of section 30-16-65; thence east on section lines and in accordance with the field notes of the survey, between sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, -16-65; sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36-16-64, section 30 and 31-16-63 to the SE corner section 30-16-63. Also beginning at the SW corner section 27-16-63; thence east on section lines between sections 27 and 34, 26 and 35, 25 and 36, 16-63, sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, to

the SE corner section 27-16-62. The lines described are the centre lines of 80 foot right-of-way.

County Road #5-67:

Beginning at the SW corner section 9-15-63, thence east on section lines as near as may be and in accordance with the field notes of the survey, between sections 9 and 16, 10 and 15, 11 and 14, 12 and 13, 15-63, sections 7 and 18, 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, 15-61, to the SE corner section 12-15-61. Also beginning at the SE corner 12-15-67 thence west on section lines as near as may be and in accordance with the field notes of the survey, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, to the SW corner section 7-15-67. The lines described are the centre lines of 80 foot rights-of-way.

Exton. C. R. #6-78:

Beginning at the SE corner section 15-12-63; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 14 and 15, 10 and 11, 3 and 2, 12-63, 34 and 35, 26 and 27, 22, and 23, to the north line of section 22-13-63. The line described is the centre line of an 80 foot right-of-way.

County Road #8-78:

Beginning at the SE corner section 14-12-63; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 13 and 14, 11 and 12, 1 and 2-12-63, sections 35 and 36, 13-63, to the NE corner section 25-12-63. Also beginning at the SE corner section 23-13-63; thence north between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2-13-63, sections 35 and 36, 25 and 26, 23 and 24-13 and 14, 14-63, to the NE corner section 14-14-63. The lines described are the centre lines of 60 foot rights-of-way.

County Road #2-78:

Beginning at the SE corner section 14-12-62; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 14 and 15, 11 and 12, 1 and 2, 12-62; sections 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, 13-62, to the NE corner section 2-13-62. The line described is the centre line of an 80 foot right-of-way.

County Road #3-78:

Beginning at the SE corner section 15-12-62; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 14 and 15, 10 and 11, 1 and 2-12-62, sections 34 and 35, 26 and 27, 22 and 23, 14 and 16, 11 and 12, 1 and 2, 12-62, to the NE corner section 2-12-62. The line described is the centre line of an 80 foot right-of-way.

Extension of C.R. #4-78:

Beginning at the SE corner section 33-13-62; thence north on section lines as near as may be and in accordance with the field notes of the survey between sections 32 and 34, 27 and 28, 21 and 22, 16 and 16, 9 and 10, 3 and 4-13-62, sections 33 and 34, 27 and 28, 21 and 22, to the NE corner section 21-14-62. Also beginning at the SE corner section 33-16-62; thence north on section lines between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4-16-62, sections 33 and 34, 27 and 28 to the NE corner section 28-16-62. The lines described are the centre lines of 80 foot rights-of-way.

Extension of C.R. #1-34:

Beginning at the SE corner section 17-12-62; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 16 and 17, 8 and 9, 4 and 5-12-62, sections 32, and 33, 28 and 29, 20 and 21, 16 and 17, 5 and 9, 4 and 5, 13-62, sections 32 and 33, 28 and 29, to the NE corner sections 29-14-62, also beginning at the SE corner section 29-12-62; thence north on section lines between sections 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5-12-62, sections 32 and 33, 28 and 29, to the NE corner section 29-16-62. The lines described are the centre lines of 80 foot rights-of-way.

County Road #4-79:

Beginning at the SE corner section 18-12-61; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 17 and 18, 7 and 8, 5 and 6, 12-61; sections 31 and 32, 29 and 30, 19 and 20, 17 and 18, 7 and 8, 7-13-61, to the northeast corner section 7-12-61. Also beginning at the SE corner section 31-14-61; thence north on section lines between sections 31 and 32, 29 and 30, to the NE corner section 30-14-61. The lines described are the centre lines of 80 foot rights-of-way.

County Road #3-79:

Beginning at the SE corner section 4-12-61; thence north on section lines as

near as may be and in accordance with the field notes of the survey, between section 3 and 4 12-61, sections 23 and 34, 27 and 28, 22 and 21, to the NE corner section 21-13-61. Also beginning at the SE corner section 33-14-61; thence north on section lines between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 14-61; sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, to the NE corner section 9-15-61. The lines described are the centre lines of 80 foot rights-of-way.

County Road #2-79:

Beginning at the SE corner section 15-12-61; thence north on section lines as near as may be and in accordance with the field notes of the survey, between sections 14 and 15, 10 and 11, 3 and 2, 12-61; sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 3 and 2, 13-61, sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3-14-61, ~~sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3-14-61,~~ sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3-15-61, sections 34 and 35, to the NE corner section 34-16-61. The line described is the centre line of an 80 foot right-of-way.

Change in C. R. #60:

Beginning at a point on County Road #60, on the west line of section 31-13-62, which point of beginning is 3684 feet north of the SW corner of said section 31; thence southeasterly through said section 31, and in accordance with the field notes of the survey to a point on County Road #87 on the south line of said section 31 which point is 2180 feet west of the SE corner of said section 31. The line described is the centre line of an 80 foot right-of-way.

County Road #3-27:

Beginning at the SW corner section 14-13-63; thence easterly on section lines as near as may be and in accordance with the field notes of the survey, between sections 24 and 25, 13-63, sections 19 and 30, 26 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 26, 12-62, sections 19 and 30, to the SE corner section 19-13-61. Also beginning at the SW corner section 21-13-61; thence east between sections 21 and 28, 22 and 27 to the SE corner section 21-13-61. And beginning at the SW corner section 22-13-60; thence east on section lines between sections 22 and 27, 23 and 26, to the Wyoming-Nebraska State line. The line described is the centre line of an 80 foot right-of-way.

County Road #4-64:

Beginning at the SW corner section 30-13-62; thence east on section lines as near as may be and in accordance with the field notes of the survey between sections 30 and 31, 24 and 35, 28 and 33, 27 and 24, 26 and 36, 25 and 36, 13-62. And beginning at the SE corner section 29-13-61; thence east on section lines between sections 29 and 32, 28 and 32, 27 and 34, 26 and 35, 13-61. And beginning at the SW corner section 29-13-60; thence east on section lines between sections 29 and 32 to the SE corner section 29-13-60. And beginning at the SE corner section 26-13-60; thence east on section lines between sections 26 and 33, 27 and 34, 26 and 35, to the Wyoming-Nebraska State line. The lines described are the centre lines of an 80 foot right of way.

County Road #2-64:

Beginning at the SE corner section ³⁻¹²⁻⁶³ ~~3-12-61~~; thence east on section lines as near as may be and in accordance with the field notes of the survey, between sections 3 and 10, 21 and 11, 12-63, to the SE corner section 2-12-63. And beginning at the SE corner section 5-12-62; thence east on section lines between sections 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 12-62, sections 6 and 7, 6 and 8, to the SE corner section 5-12-61. The lines described are the centre lines of 80 foot rights-of-way.

County Road #6-27:

Beginning at the SE corner section 16-12-63; thence east on section lines as near as may be and in accordance with the field notes of the survey, between sections 10 and 16, 11 and 14, 12 and 13, 12-63 to a point on Branch of County Road #70. And beginning at the SW corner section 8-12-62; thence east on section lines between sections 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, 12-62, sections 7 and 18, 8 and 17, to the SE corner section 8-12-61. And beginning at the SW corner section 11-12-61; thence east on section lines between sections 11 and 14, 12 and 13 to the SE corner section 12-12-61. The lines described are the centre lines of an 80 foot right of way.

County Road #1-101:

Beginning at a point on the Wyoming-Colorado State line which point is the closing corner between sections 21 and 22, 12-63; thence east on the State line to the closing corner between sections 21 and 22, 12-62. And beginning at the SW corner section 15-12-62; thence east on section lines and in accordance with the field notes of the survey between sections 15 and 22, 14 and 23 to the SE corner section 14-12-62. The lines described are the centre lines of 80 foot Rights of Way.

Change in C. R. #16:

Beginning at a point on County road #15, in the SE 1/4 section 4-15-69; thence north-
westerly and in accordance with the field notes of the survey, through sections 4-15-69;
sections 35, 32, 29, 20, 19 and 18, 16-69, to a point on County Road #15 in the S 1/2 section
18-16-69. The line described is the centre line of an 80 foot right-of-way.

be by the said Board of County Commissioners of Laramie County, Wyoming, established as pub-
lic highways in accordance with Section 2977, Wyoming Compiled Statutes, 1920, as amended by
Chapter 100 of the Session Laws of Wyoming, 1921.

Upon motion duly made and carried the aforesaid resolution was adopted by the unan-
imous vote of all of the members of the Board present.

Upon further motion duly made and carried the ~~above~~ described public roads in
Laramie County, Wyoming, were declared by said Board of County Commissioners of Laramie
County, Wyoming, to be public highways, in accordance with the foregoing resolution and
section 2977, Wyoming Compiled Statutes, 1920, as amended by Chapter 100, Session Laws of
Wyoming, 1921, and which said roads and public highways are above-described.

Thereafter the Board adjourned.

J. P. Bell

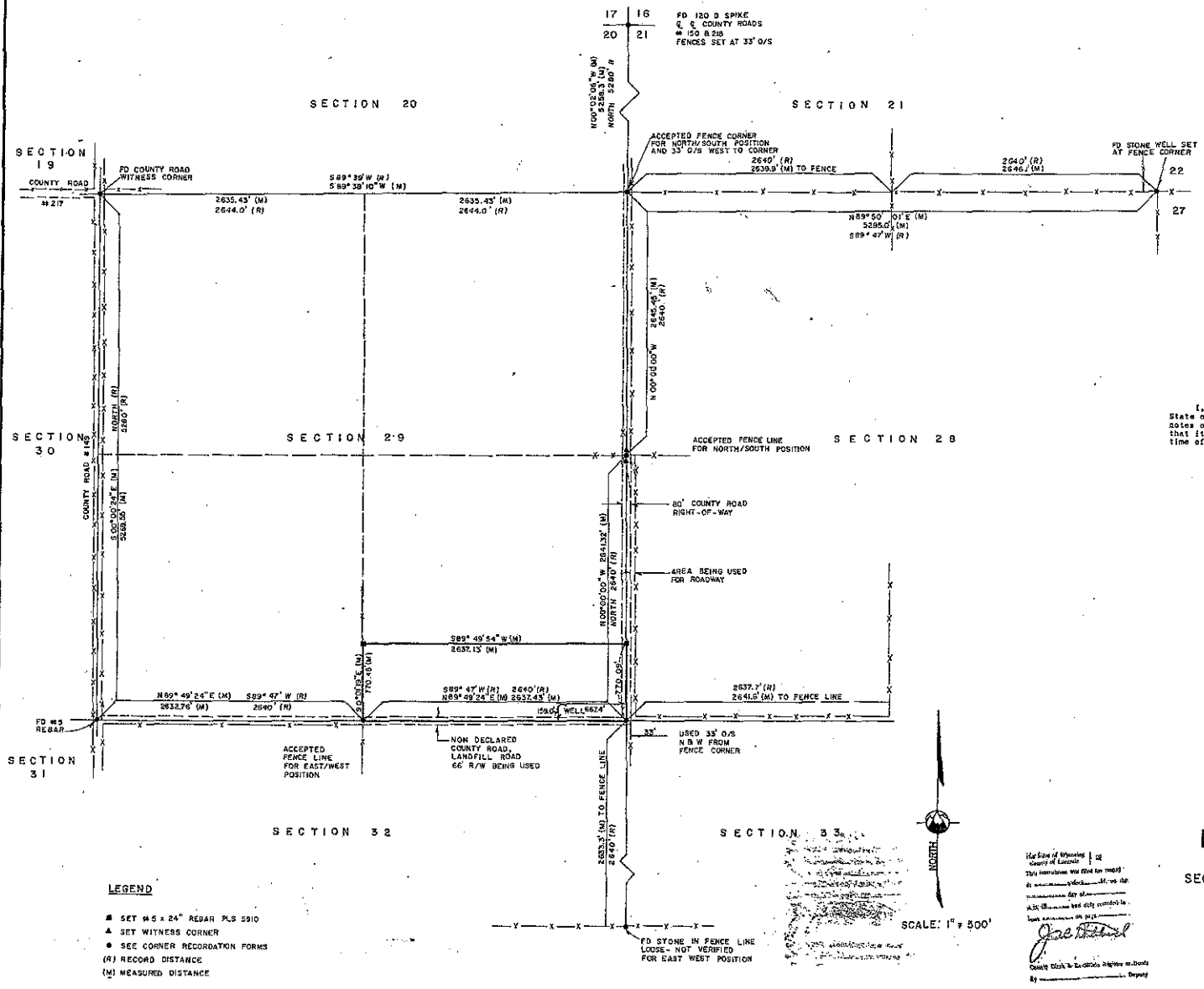
Chairman of the Board of
County Commissioners,
Laramie County, Wyoming.

Attest: *W. A. Gracie*

Clerk of said Board.

**STATE OF WYOMING
LARAMIE COUNTY**

I hereby certify that this is a true and complete copy
of the document filed for record and admitted to
record on 12-4-1923 11/9
in Book 471a
Date 1-4-10 Edra K. Lathrop
BY Thomas Bush Laramie County Clerk
, Deputy



LAND DESCRIPTION

A tract of land in the SE 1/4 of Section 29, T. 15 N., R. 62 W., 6th P.M., Laramie County, Wyoming, more particularly described as follows:

Beginning at the Southeast Section corner of said Section 29,

thence N 60° 49' 00" W, along the east line of said section, a distance of 772.08 feet to a point;

thence S 89° 49' 24" W, a distance of 2937.13 feet to a point on the North-South centerline of said section;

thence S 0° 02' 15" W, along the North-South centerline, a distance of 770.48 feet to the south line of said section;

thence W 89° 49' 24" E, along the South line of said section, a distance of 2937.43 feet to the Point of Beginning;

Said points being as depicted on the Record of Survey by P.L.S. 5910 to be filed at the Laramie County Clerk's office.

Said Tract subject to easements of record and apparent on the ground, including an 80' road Right-of-Way centered upon the east line of said section (County Road #19) and an undeclared road along the south line of said section (Landfill Road).

Said tract of land containing 46.84 acres, more or less.

STATEMENT OF SURVEYOR

I, Jeffrey B. Jones, a Professional Land Surveyor in the State of Wyoming state that this map has been prepared from field notes of a actual survey made by me during March of 1981, and that it shows the positions of monuments as found at the time of this survey and is correct to the best of my knowledge.



**STATE OF WYOMING
LARAMIE COUNTY**

I hereby certify that this is a true and complete copy of the document filed in my office and admitted to record on 4-1-91, Book 82825 in Book 1301 Page 16

Date 4-1-91 Peter K. Lathrop
Laramie County Clerk
BY [Signature] Deputy

RECORD OF SURVEY

A TRACT OF LAND IN THE SE 1/4,
SECTION 29, TOWNSHIP 15 N., RANGE 62 W.,
6TH PM., LARAMIE COUNTY, WYOMING

EXHIBIT
B

The State of Wyoming | is
County of Laramie | do
This instrument was filed for record
in accordance with the provisions of the
Constitution of Wyoming, and as the
same complies with the provisions of
the Statutes of Wyoming, I do hereby
certify that the same is a true and
correct copy of the original as the
same appears on file in my office.

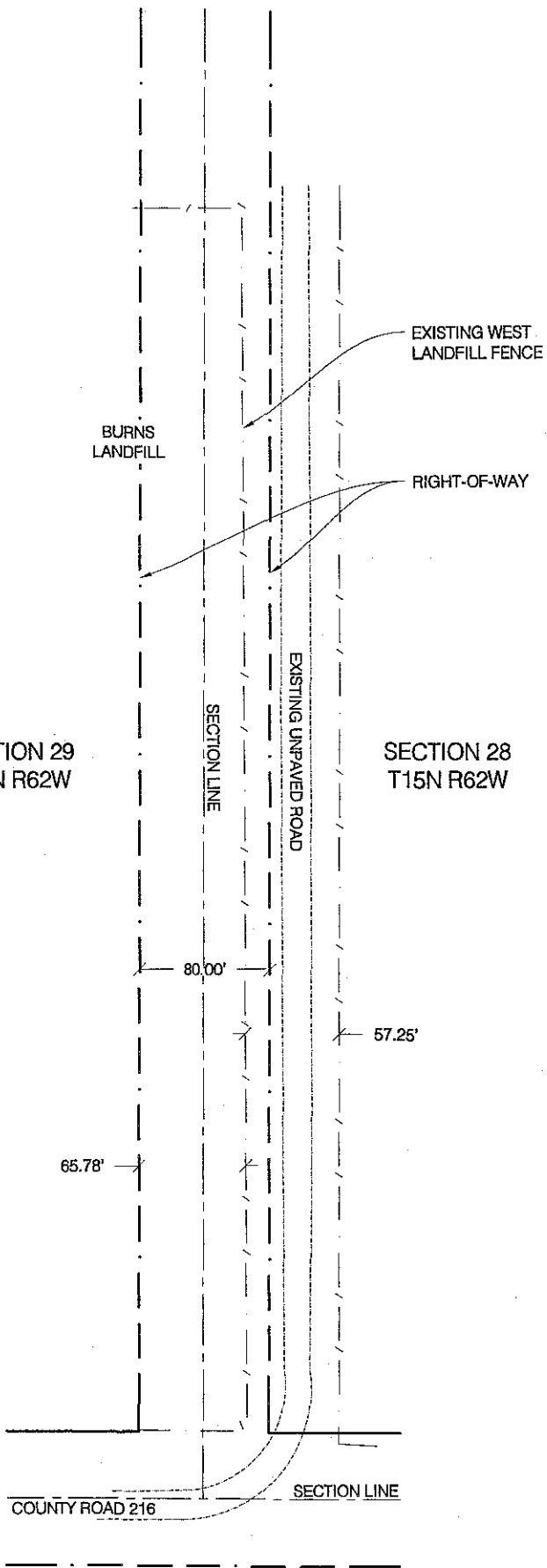
[Signature]
County Clerk & Ex-Officio Register in Deeds
& Recorder of Deeds

PROJECT 2227
DATE 4-1-91
SURVEYOR JONES
DRAWN BY STAFF

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PROJECT RECORD OF SURVEY
EASTERN LARAMIE COUNTY LANDFILL

Sheet 1
of 1



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EXHIBIT
C

FIGURE 1
BURNS LANDFILL
BURNS, WYOMING
1-4-10

community each year. Information regarding the annual WSWRA seminars are posted on-line at www.WSWRA.com.

- Attend training courses sponsored by the WDEQ/SHWD which the WDEQ/SHWD requires on changes to state and federal solid waste rules or guidelines, provided a minimum of 30 days notice is received prior to the scheduled training course.
- Maintain records which document the training and examination for him / her self, and other facility personnel. These records will be maintained at the facility and available for inspection by the WDEQ/SHWD.

1.4 Legal Description

The general location of the site, and property ownership within one mile of the site, are depicted on the Site Location Map in Appendix C, which was reproduced from a portion of the United States Geological Survey (USGS) Burns, WY Quadrangle 7.5 Minute Series Topographic Map, dated 1991. The legal description and plat of the landfill are shown on Drawing 1 in Appendix D1. Surveyed corner monuments are indicated on the drawing.

Based on Drawing 1 in Appendix D1, the eastern boundary of the Existing Landfill Area was originally developed approximately 65 feet onto County Road 150 right-of-way. Groundwater monitoring well LF-1R was also installed on the right-of-way. Terracon understands this occurred because the landfill was originally developed up to the existing fence line that runs along the western edge of County Road 150. However, the centerline of County Road 150 is located approximately 60 feet east of section line 28/29, and not on the section line, thus causing the confusion.

1.5 General Facility Description

The facility is located approximately 2.5 miles northeast of Burns, Wyoming on an approximate 159.8 acre parcel of land owned and operated by the ELCSWDD. The location of the facility is shown on the Site Location Map in Appendix C.



and Wednesday the landfill opens and receives refuse from the Town of Pine Bluffs and Coyote Sanitation only.

The service area for the facility is the Colorado State line to the south, the Nebraska State line to the east, the Laramie County line to the north and County Road 136 on the west; essentially Laramie School District No. 2. Communities served are Burns, Albin, Egbert, Hillsdale, Pine Bluffs and Carpenter. Rural residents within the District are also served.

Based on 2000 census data obtained from the Wyoming Department of Administration and Information, Division of Economic Analysis, the estimated population for the incorporated communities and rural areas of the facility's service area is 4,340 persons (2000 census population data for Laramie County School District No. 2), a 24.2% increase from the 1990 census data. Based on the community population data, the population is projected to continue to grow by an average of 0.87% per year. Population data is included in Appendix F. Note: A more conservative (i.e., higher) projected annual growth rate than 0.87% per year was used in calculating the annual waste volume increase for the facility. See section 4.4 for site capacity and site life information.

Based on recent landfill scale records, the facility currently receives an average of approximately 8.4 tons / day of MSW and 4.0 tons / day of C/D waste, or a total of 12.4 tons/day. These waste tonnage data are base on a short term of scale data, and do not include summer disposal rates; therefore, the estimated average daily tonnage may be low. See section 4.4 for information regarding site capacity and site life.

1.6 Surface and Mineral Ownership

The landfill site, including mineral rights, is owned by the ELCSWDD, with the exception of a narrow strip of land along the eastern boundary of the Existing Landfill Area which was developed onto County Road 150 right-of-way as discussed in Section 1.4. Land ownership within one mile of the facility boundary is shown on the Site Location Map In Appendix C.

2.0 LOCATION STANDARDS

The location standard information presented in this section is based on WDEQ/SHWD Chapter 2 location standard regulations for "new facilities", as the proposed Lateral Expansion Area is considered a new facility by the WDEQ/SHWD. Applicable site location standard information is shown on the Site Location Map in Appendix C.

In 2000, in preparation for the future permitting of the proposed Lateral Expansion Area, the ELCSWDD commissioned Terracon to perform a review of WDEQ/SHWD Chapter 2 location standards for the proposed Lateral Expansion Area. The results of the assessment are presented in the Location Standard Assessment report, prepared by Terracon dated August 4, 2000 (Terracon Project No. 24007004). In summary, the proposed Lateral