

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JAN 05 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

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

**PETITIONERS' DESIGNATION OF WITNESSES AND EXHIBITS,
LEGAL ISSUES AND STIPULATION OF FACTS**

NOW COMES the Petitioners, Barbara and Robert Musgrave ("Petitioners), appearing pro se and pursuant to the December 17, 2009 NOTICE OF HEARING AND ORDER issued by the Environmental Quality Council (the "Council") and submit their designation of witnesses and exhibits, legal issues and stipulation of facts in the above-captioned appeal.

A. WITNESSES

1. Bob Musgrave: (property owner of approximately 480 acres of Section 28) home address 1630 State Hwy 213, Burns, WY 82053. (307) 547-3442. Mr. Musgrave may be called to testify regarding anything he was involved with pertaining to his property since he purchased it in March, 1993. This may include discussions with Bob Steege, the previous owner of the property; managers for Eastern Laramie County Solid Waste Disposal District Landfill ("landfill"); Wyoming Department of Environmental Quality ("DEQ") employees; DEQ Rules and Regulations he has read; and any other matter or circumstance concerning his objection petition.

2. Barbara Musgrave: (property owner of approximately 480 acres of Section 28) home address 1630 State Hwy 213, Burns, WY 82053. (307) 547-3442. Mrs. Musgrave may be called to testify regarding anything she was involved with pertaining to the property since its purchase in March, 1993. This may include her review of any and all records of the DEQ pertaining to the landfill.

THE PETITIONERS RESERVE THE RIGHT TO: 1) SUPPLEMENT THIS DESIGNATION AS THEY DEEM NECESSARY AND WILL PROVIDE PROMPT NOTICE TO THE OTHER PARTIES TO THIS APPEAL; 2) EXPAND THE EXPECTED SCOPE OF THE TESTIMONY OF THE WITNESSES LISTED HEREIN; 3) CALL ANY WITNESSES LISTED BY ANY OTHER PARTY TO THIS APPEAL; AND 4) CALL SUCH REBUTTAL WITNESSES AS MAY BE NECESSARY AS A RESULT OF EVIDENCE PRESENTED BY ANY OTHER PARTY TO THIS APPEAL.

B. EXHIBITS

- Exhibit A Site Diagram attached to Landfill's Application for Expansion dated 8-17-09.
- Exhibit B 1.4 Legal Description, p. 3, #2 of the Landfill's Application for Expansion dated 8-17-09.
- Exhibit C Letter from Landfill dated 11-2-08 to the Musgraves withdrawing any settlement offer.
- Exhibit D 1) Survey Diagram prepared by Steil Surveying Services, LLC dated March, 2008, showing Section Lines Between Sections 28 and 29; 2) pictures showing survey stakes
- Exhibit E Board of County Commissioner's minutes
- Exhibit F Definitions from BLACK'S LAW DICTIONARY of Easement and Right of Way
- Exhibit G 1) Letter from Landfill mailed 2-11-04 to Musgrave regarding offer to buy property; 2) Letter from Musgrave dated 2-18-04 to Landfill refusing offer.

- Exhibit H 1) Letter from Musgraves' attorney dated 12-15-07 to Landfill terminating Musgrave permission for Landfill's continued use of their property; 2) Letter from Musgraves' attorney dated 5-23-08 to Russell Beavers and Landfill regarding the Landfill giving permission to Beavers to farm Musgrave property, objection to the survey stakes being plowed down, and request that the Landfill cease and desist giving permission for farming on Musgrave property.
- Exhibit I 4.12 Litter Control, p. 32 of the Landfill's Application for Expansion dated 8-17-09.
- Exhibit J Pictures showing litter on Musgrave fence, Inside and outside Landfill fence.
- Exhibit K Wyoming Department of Environmental Quality, Solid Waste Rules and Regulations, ch. 1.

THE PETITIONERS RESERVE THE RIGHT TO SUPPLEMENT THIS LIST OF EXHIBITS AS IT DEEMS NECESSARY UP TO AND THROUGH THE TIME OF HEARING.

C. LEGAL ISSUES

1. Petitioners contend that the Landfill is using their property without permission.
2. Petitioners contend that in accordance with DEQ's Solid Waste Rules and Regulations, ch. 1, (e)(i), the Landfill, as applicant, must have a fire lane and buffer zone on property owned by the applicant.
3. Petitioners contend that the fire lane and buffer zone the applicant is using belongs to Petitioners. This was admitted to in Petitioners' Exhibit B. (1.4 Legal Description, p. 3, #2 of the Landfill's Application for Expansion dated 8-17-09.)
4. Petitioners' also contend that the Landfill has poor litter control. See DEQ's Solid Waste Rules and Regulations, ch. 1.

D. STIPULATION OF FACTS

- A. Petitioners' purchased their property in March, 1993.

B. An 80 foot right- of-way for a public road running north and south between Sections 28 and 29 was granted in 1923.

DATED this 5th day of January, 2010.



Barbara K. and Robert A. Musgrave
1630 State Hwy 213
Burns, WY 82053
(307) 547-3442

CERTIFICATE OF SERVICE

I certify that on this 5th day of January, 2010, the foregoing DEPARTMENT OF REVENUE'S DESIGNATION OF WITNESSES AND EXHIBITS, LEGAL ISSUES AND STIPULATION OF FACTS was served by hand delivery to the following:

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