

**FILED**

**JAN 11 2010**

**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 ) Docket No. 09-5801  
RENEWAL AND MAJOR AMENDMENT TO )  
EASTERN LARAMIE COUNTY SOLID WASTE )  
DISPOSAL DISTRICT LANDFILL (SHWD #10.330) )**

**PRE-HEARING CONFERENCE ORDER**

THIS MATTER came before the Environmental Quality Council (Council) on January 7, 2010, for an informal pre-hearing conference. Presiding Officer, Dennis Boal participated telephonically. Also present at the conference were Jim Ruby, Executive Secretary of EQC, and Joe Girardin, Paralegal for the EQC. The Objectors, Bob and Barbara Musgrave appeared personally on their own behalf. The Department of Environmental Quality, Air Quality Division (DEQ) appeared by and through Assistant Attorney General, Luke Esch. Also present on behalf of the DEQ was Carl Anderson, the Administrator of the Solid and Hazardous Waste Division of the Department of Environmental Quality. The Permittee appeared through its representative Alex Davison. This Pre-hearing Conference Order arises out of the January 7, 2010 pre-hearing conference.

1. **MOTIONS:** Any prehearing motions shall be filed no later than Noon on January 13, 2010.
2. The parties shall submit written briefs no later than noon January 13, 2010 outlining their arguments as to whether the Council has subject matter jurisdiction to decide the issue as to who has legal title to the 80 foot wide strip of land in question in this matter. The Permittee's Exhibit C has been stipulated to by the Parties as properly describing the location of the unpaved road, right of way, fences, Section lines and County Road 216 as they exist on the ground. A copy of said Exhibit C is attached hereto and made a part of this Order as it applies to the issue of the Council's subject matter jurisdiction.

**3. WITNESSES:** The parties identified the following witnesses who will be in attendance at the hearing and available to testify:

- (a) DEQ will call as witnesses, Maggie McKenzie and Molly Nelson
- (b) The Objectors will call Mr. Bob Musgrave and Mrs. Barbara Musgrave.
- (c) The Permittee will call Scott Larson, Clay Muirhead, Kelly Krakow, and Russ Hay.

Any party wishing to secure the attendance of a witness should apply for a subpoena to be issued and served to require the attendance of a witness.

**4. EXHIBITS:** Objection to Foundation of the following exhibits have been waived all other objections are reserved:

- Objector's Exhibits A through E, G, H, I, J, and L,
- DEQ Exhibits: All offered Exhibits.
- Permittee Exhibits: A, B, C, D,

The following Exhibits were objected to by the Permittee and the Objection was sustained:

Objector's Exhibits F, K and N.

All objections are reserved by all parties regarding the following Exhibits:

- Objector's Exhibit M
- Permittee's Exhibit E

Permittee and DEQ shall reidentify their Exhibits by using numbers instead of the alphabet and shall deliver said Exhibits to the Council and to the Objectors.

**5. ORDER OF PROCEEDINGS.** Each party will have five (5) minutes for opening. The order of proceeding for opening and closing statements will be as follows:

- 1. Objectors
- 2. DEQ
- 3. Permittee

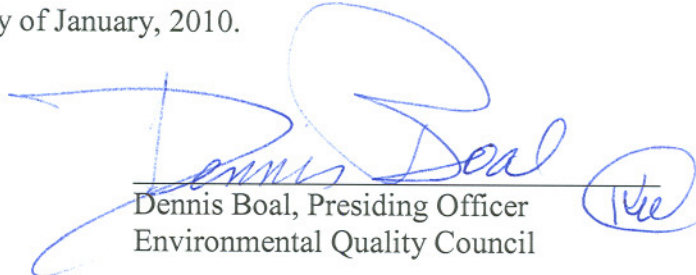
Following opening statements, the order for the presentation of evidence shall be as follows:

- 1. DEQ (background information regarding the permit)
- 2. Objectors
- 3. Permittees

The parties will be provided five (5) minutes for closing statements and the Objectors will be permitted 5 minutes for rebuttal statement.

6. **DATE, TIME AND LOCATION OF HEARING.** The contested case hearing is scheduled for 1 day beginning January 14, 2010 at 9:00 a.m. The hearing location remains set in Room 1699 of the Herschler Bldg, 122 W. 25<sup>th</sup> St. Cheyenne, Wyoming.

SO ORDERED this 7th day of January, 2010.

  
Dennis Boal, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 11<sup>th</sup> day of January, 2010, I served a copy of the foregoing **PRE-HEARING CONFERENCE ORDER** by electronic mail to the following:

Luke Esch  
Asst. Attorney General  
[Lesch@state.wy.us](mailto:Lesch@state.wy.us)

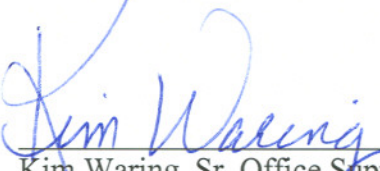
Carl Anderson  
DEQ, SHWD Administrator  
[cander@wyo.gov](mailto:cander@wyo.gov)

John Corra  
Director, DEQ  
[jcorra@wyo.gov](mailto:jcorra@wyo.gov)

also by depositing the same in the United States mail addressed to:

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

Alexander K. Davison  
P. O. Box 945  
Cheyenne, Wyoming 82003  
307-635-4111

  
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