

OCT 26 2009

09-5801

Robert & Barbara Musgrave
1630 State Hiway 213
Burns, Wyoming 82053

307-547-3442

October 26, 2009

Wyoming Department of Environmental Quality
Attn: John Corra, Director
122 West 25th Street
Cheyenne, WY 82002

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Jim Ruby, Executive Secretary
Environmental Quality Council

Re: Formal Objection to Application of the Eastern Laramie County Solid Waste Disposal District for expansion of the present landfill dated August 17, 2009

Dear Mr. Corra:

We, Robert and Barbara Musgrave ("Musgrave"), as landowners bordering the entire east side of the Eastern Laramie County Solid Waste Disposal District ("Landfill"), hereby file a formal objection to the draft permit to the Landfill's request for expansion of the present landfill and provide the following **Statement of Facts** for DEQ consideration before rendering a final decision on the above application.

STATEMENT OF FACTS

1. Musgrave purchased 480 acres of pasture land bordering the entire east side of the landfill in July 1993 from Robert and Yvonne Steege. (Note: The Steege's also owned the original landfill property and are responsible for the process to make the property the landfill).
2. At the time of Musgrave purchase of the 480 acres, Bob Steege and Bob Musgrave walked and drove the entire purchase area where Bob Steege pointed out the boundaries of the property. The fenced boundaries of the "Area Nos 1 and 2-the 'Historic Landfill Area'" were notably different at that time. [See Site Diagram as attached to the Landfill's Application for Expansion dated August 17, 2009, hereby attached and made part of **Statement of Facts** as Attachment 1]. Area No. 1 had a barb wire fence running north and south on the east side of the landfill extending about half the distance from the original entrance of the Landfill east towards County Road 150. [Pictures provided over the years by the Landfill to the DEQ are in the DEQ permanent records clearly show this as fact]. (Note: County Road 150 is located entirely on the Musgrave property).

3. Over a period of years the Landfill added a demolition site and check wells to Area No. 1 in addition to a buffer zone and fire road as required by DEQ. They eventually fenced Area No. 1 in as it is today. [See attached picture showing survey stake in the S/E corner of Area No. 1 showing true boundary of Landfill and Musgrave land. This picture is hereby attached and made part of Statement of Facts as Attachment 2]. Attachment 2 clearly shows the well, fire road and buffer zone are on Musgrave property and illegally fenced in by the Landfill. [See 1.4 Legal Description, p. 3, ¶2 of the Landfill's Application for Expansion dated August 17, 2009, hereby attached and made part of **Statement of Facts** as Attachment 3, where the Landfill admits they are "approximately 45 feet over the eastern boundary ... on property owned by Robert Musgrave"].
4. Area Nos. 5, 6 and 7 are the areas involved in the present expansion application. The property line as shown in Attachment 1 is misleading. [See attached pictures showing survey stakes in future Area 5, Cell # E (Attachment 4); Area 6 (Attachment 5) and Area 7-property outside proposed expansion (Attachment 6). These pictures are hereby attached and made part of **Statement of Facts** as Attachments 4, 5, and 6]. These pictures clarify the boundaries between the Landfill and Musgrave property.
5. In December, 2007 the Musgraves hired an attorney and attempted to settle the dispute with the Landfill. [See Attachment 3, last line of ¶2 where it states: "The ELCSWDD Board of Directors are currently evaluating their options."] This statement is incorrect. In a letter dated November 20, 2008 from the Landfill's attorney, the Musgraves were notified that further negotiations would not be beneficial. [This letter is hereby attached and made part of **Statement of Facts** as Attachment 7].
6. As required by DEQ rules, the Landfill is required to daily inspect and pickup litter from "... and pasture land immediately outside of the landfill boundary," Currently the Landfill's area for demolition materials is poorly policed and covered. The cap is so high now that trash constantly peppers Musgrave pasture land and snow blowing over it in the winter makes the county road hard to maneuver and/or impassable to other families who daily use the road due to drifting caused by the height of the demolition pit. Many times Musgrave has had to pick up large pieces of foam packing, cardboard boxes

and strips of plastic off their fences and within the pasture. This material wrecks havoc with the fences. The Landfill informed Musgrave that DEQ requires the Landfill to only cover the demolition pit once a month. [See 4.12 Litter Control, p. 32, of the Landfill's Application for Expansion dated August 17, 2009, hereby attached and made part of **Statement of Facts** as Attachment 8]. Musgrave has complained to the DEQ several times about the amount of litter on their property and on the property to the south of them.

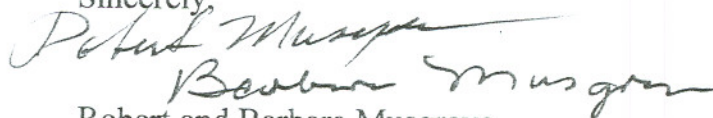
It is the Musgraves' contention that the Landfill has no intention of complying with its boundaries and will probably continue to encroach upon property not belonging to it. Evidence in the **Statement of Facts** above clearly shows the Landfill does not intend to right the wrong it has done to Musgrave and their property.

Before the DEQ renders its final decision on the Landfill's Application of Expansion, Musgrave requests that the DEQ consider the statements made in the above **Statement of Facts** and if the DEQ authorizes the expansion, the Order include the following stipulations:

1. That the Landfill is Ordered to cure the boundary dispute in Area No. 1 with Musgrave within a given time period or be held in contempt;
2. That the Landfill is Ordered to create the buffer zones, fire roads and fencing for Area Nos. 5, 6, and 7 of the proposed expansion area well within its own property boundaries;
3. That the Landfill is Ordered to cap the present demolition pit on its eastern boundary immediately; and
4. That the Landfill is Ordered to step up litter pickup.

If the above stipulations are met, the Musgraves will drop their objections to expansion of the Landfill.

Sincerely,


Robert and Barbara Musgrave