

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

FILED

JUN 03 2011

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE
REVIEW OF APPLICATION FOR
RENEWAL OF PERMIT
ISSUED TO:

MIKE MCDONALD, CHAIRMAN)
FREMONT COUNTY SOLID WASTE)
DISPOSAL DISTRICT (SWDD))
SAND DRAW LANDFILL (10.195))
P.O. BOX 1400)
LANDER, WY 82520)

DOCKET NO. 11-5601

RESPONSE TO DEQ'S MOTION TO DISMISS FOR MOOTNESS

COMES NOW Petitioner, Fremont County Solid Waste Disposal District, hereinafter FCSWDD, and hereby files it's Response to the DEQ's Motion to Dismiss for Mootness.

On December 23, 2010 Petitioner submitted an application for renewal of its permit at its Sand Draw Facility (10.195). On March 28, 2011 the DEQ issued what it terms in its Motion to Dismiss a preliminary application review. That review determined that the proposed vertical expansion would constitute a new cell or unit. Petitioner, thereafter sent correspondence to the DEQ that disputed that determination and on April 28, 2011 filed the within Petition. As noted in the DEQ's Motion the sole issue in the current appeal is whether the proposed vertical expansion constitutes a new cell or unit.

On March 23, 2011 the DEQ issued what it terms a final application review and proposed permit. As noted in the DEQ Motion that final application review and proposed permit the DEQ did not determine that the proposed vertical expansion would constitute a new cell or unit.

As a result of the issuance of the final application review and proposed permit by the DEQ with deletion of the determination that the proposed vertical expansion would constitute a new cell or unit, the DEQ's Motion to Dismiss for Mootness is meritorious. The one issue raised by the Petition, namely whether the vertical expansion constitutes a new cell or unit is no longer an issue in the final application review or proposed permit. Additionally, it would appear by removing the determination that the proposed vertical expansion would constitute a new cell or unit from the final application review and proposed permit that the DEQ has acquiesced in the Petitioners position on that subject. Additionally, by removing it from the final application review and proposed permit upon objection by the Petitioner and then moving to dismiss the current appeal it appears that the DEQ would be legally barred from raising that issue at a later date.

Therefore Petitioner would agree with the DEQ that the present Petition is now moot and stipulate to entry of the Order of Dismissal for Mootness.

WHEREFORE, the Fremont County Solid Waste Disposal District, respectfully requests that the Environmental Quality Council grant the Motion of the DEQ to Dismiss the above captioned matter as now being moot, and for such

other and further relief as the Environmental Quality Council deems just and proper in the premises.

DATED this 3rd day of June, 2011.

Fremont County Solid Waste
Disposal District, Petitioner

BY: 

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CERTIFICATE OF SERVICE

I certify that on the ^{3rd} day of June, 2011, a true and correct copy of the foregoing Response was served upon the following by email and by depositing the same in the United States mail, postage prepaid, address to:

Jeremiah I. Williamson
Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002
Email: jwilli2@state.wy.us



Rick L. Sollars