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Attorneys for the State of Wyoming,  
Department of Environmental Quality

**FILED**

**OCT 21 2011**

Jim Ruby, Executive Secretary  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE OBJECTION )  
TO THE PROPOSED RENEWAL PERMIT, ) Docket No. 11-5602  
SAND DRAW LANDFILL, SHWD FILE #10.195 )

DEQ'S MOTION FOR SUMMARY JUDGMENT

In accordance with Wyoming Rule of Civil Procedure 56 and DEQ Rules of Practice and Procedure Chapter II, Sections 3 and 14, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ) moves that the Environmental Quality Council (Council) grant summary judgment in its favor on Fremont County Solid Waste Disposal District's (District) objections to the draft operating permit for the Sand Draw landfill.

All of the District's objections fail. DEQ's groundwater protection permit condition, to which the District objects, is supported by the Environmental Quality Act, DEQ regulations, and evidence that the Sand Draw landfill is altering groundwater. DEQ followed the statutory permitting process, and properly required the District's application materials to be certified by a professional geologist or engineer. DEQ should

therefore be granted summary judgment on the District's objections because no genuine issue of material fact exists for trial, and DEQ is entitled to judgment as a matter of law.

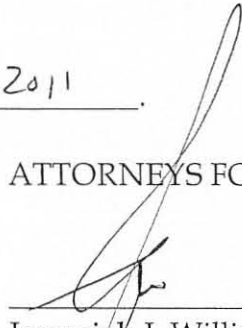
This motion is based on the forty-six exhibits attached to this motion, including the work of the District's consultants, the District's meeting minutes, DEQ permitting documents, and more than ten years of correspondence between DEQ and the District, as well as all other documents of record. These materials establish that DEQ is entitled to summary judgment.

In support of this motion, DEQ has concurrently filed a statement of undisputed material facts in accordance with Wyo. R. Civ. P. 56.1 and a memorandum in support of motion for summary judgment.

WHEREFORE DEQ requests that the Council grant this motion for summary judgment, and deny the District's objections to the draft operating permit for the Sand Draw landfill.

Dated this 21 day of October, 2011.

ATTORNEYS FOR DEQ




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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 21 day of October, 2011, a true and correct copy of *DEQ's Motion for Summary Judgment* was served by placing the same in the United States mail, postage pre-paid, to the following:

Rick L. Sollars  
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Wyoming Office of the Attorney General