

FILED

MAY 07 2012

Jim Ruby, Executive Secretary
Environmental Quality Council

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Attorney General's Office
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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Appeal of the)
WDEQ Director's Decision to a) Docket No. 11-5801
Requested Variance for Sheridan)
Landfill SHWD File # 10.526)

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
PREHEARING MEMORANDUM

Respondent Wyoming Department of Environmental Quality (DEQ) submits this Prehearing Memorandum pursuant to the Wyoming Environmental Quality Council's (EQC) Amended Order filed December 7, 2011.

DEQ WITNESSES

Will Call:

1. Dale Anderson, Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division, District # 3 Supervisor, Solid Waste Permitting & Corrective Program, 152 N. Durbin, Suite 100, Casper, WY 82601, (307) 473-3472. Dale Anderson will testify regarding DEQ's process for public input and review of information the City of Sheridan submitted in connection with the City's variance request.
2. Carl Anderson, Administrator, DEQ / Solid & Hazardous Waste Division (SHWD), Herschler Building, 4th Floor West, 122 W. 25th Street, Cheyenne, WY 82002, (307) 777-7753. Carl Anderson will testify regarding the solid waste disposal facility variance process and requirements in general and his recommendation to approve the City's variance request in this case.

May Call:

3. Any of the other parties' witnesses for purposes of direct examination.
4. Any other witnesses for purposes of foundation, rebuttal or impeachment.

DEQ EXHIBITS

- DEQ #1 December 30, 2009 initial variance request cover letter to DEQ from Burns & McDonnell.
- DEQ #2 March 31, 2010 letter to the City of Sheridan (City) from DEQ commenting on the City's initial variance request.
- DEQ #3 September 8, 2010 letter to DEQ from the City responding to DEQ's March 31, 2010 comment letter.
- DEQ #4 November 1, 2010 comment letter to the City from DEQ.
- DEQ #5 November 9, 2010 response letter to DEQ from Burns & McDonnell.
- DEQ #6 November 30, 2010 letter to the City from DEQ (referencing a November 29*. 2010 DEQ memorandum to the file).
- DEQ #7 November *30, 2010 DEQ memorandum to the file (referenced in DEQ's November 30, 2010 letter to the City).
- DEQ #8¹ December, 2010 revised City of Sheridan variance request.
¹DEQ expects this to be a "common exhibit" for all three parties.
- DEQ #9 March 23, 2011 letter to the City from DEQ regarding investigation of alternative landfill expansion sites.
- DEQ #10² July 8, 2011 letter to DEQ from Burns & McDonnell (Supplement to variance request containing evaluation of alternate sites).
²DEQ expects this to be a "common exhibit" for all three parties.
- DEQ #11 August 9, 2011 memorandum from the Administrator recommending that the Director grant the variance.
- DEQ #12 August 9, 2011 variance approval letter to the City from DEQ.

DEQ #13 Findings of Fact, Conclusions of Law and Order filed April 24, 1992 in EQC Docket No. 2271-91 (In the Matter of a Variance Request from Washakie County SWDD #1).


DEQ #14 Any exhibits listed by the other parties.

DEQ #15 Any other exhibits for foundation, rebuttal or impeachment.

ISSUES

1. Does the information provided to support the City of Sheridan's request for a variance from certain location standards in Wyo. Stat. Ann. § 35-11-502(c) for expansion of the existing Sheridan landfill satisfy the criteria in Chapter 1, § 2(i) of the DEQ Solid Waste Rules?
2. Should the requested variance from certain location standards in Wyo. Stat. Ann. § 35-11-502(c) for expansion of the existing Sheridan landfill be granted?

DATED this 7th day of May, 2012.



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CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S PREHEARING MEMORANDUM were served this 7th day of May, 2012, by United States mail, first class postage prepaid, and by email or facsimile transmission, addressed as follows:

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