

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

APR 23 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF)
SUBLETTE COUNTY FROM THE)
FINAL DETERMINATION FOR) Docket No. 09-5601
REQUIREMENT OF AN ENGINEERED)
CONTAINMENT SYSTEM)
MARBLETON #2 LANDFILL)

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO SUBLETTE COUNTY'S PETITION

Wyoming Department of Environmental Quality (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) March 24, 2009 Response Order hereby responds as follows to the allegations of fact in Sublette County's Petition for Review and Request for Hearing (Petition) in the above-captioned matter.

3.a) DEQ admits the averments in ¶3.a. of the Petition.

3.b) DEQ admits that the January 14, 200[9] letter from the Administrator of the DEQ Solid & Hazardous Waste Division (SHWD) to the Sublette County Commissioners contains a final determination that "all future disposal area/s at the Marbleton #2 Landfill must be constructed with an approved ECS" (Engineered Containment System).

3.c) DEQ admits the averment in ¶3.c. of the Petition that groundwater sampling has been done at the Marbleton #2 landfill, but denies any other averments in ¶3.c.

3.d) DEQ denies that the referenced federal regulation applies to the current situation at the Marbleton #2 landfill as alleged in ¶3.d. of the Petition.

3.e) DEQ denies the averments in ¶3.e. of the Petition.

3.f) DEQ admits the averments in ¶3.f. of the Petition.

DEQ further denies any other averments in the Petition to which a responsive pleading may be required.

DATED this 23rd day of April, 2009.



Mike Barrash (Bar No. 5-2310)
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CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO SUBLETTE COUNTY'S PETITION was served this 23rd day of April, 2009 by United States mail, first class postage prepaid, and also by email, addressed as follows:

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