

FILED

FEB 25 2008

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

IN RE: THE FINAL DETERMINATION)
OF REIMBURSEMENT OF FUNDS TO) Docket No. 07-3216
LINCOLN COUNTY LANDFILLS)

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
MOTION FOR SUMMARY JUDGMENT

This matter before the Wyoming Environmental Quality Council (EQC) was initiated by Petitioner Lincoln County's request for a hearing to contest a decision of the Wyoming Department of Environmental Quality (DEQ) regarding reimbursement of certain costs under WYO. STAT. ANN. §§ 35-11-521 & 522 contained in a letter dated September 25, 2007. Pursuant to the EQC's January 24, 2008 Status Conference Order, Chapter II, Section 14 of the DEQ Rules of Practice & Procedure, and Rule 56 of the Wyoming Rules of Civil Procedure, Respondent DEQ moves for summary judgment on the following two issues in this matter before the EQC, on the grounds that, as explained in the DEQ's Memorandum in Support of Motion for Summary Judgment, there is no genuine issue of material fact and judgment on these two issues may be rendered as a matter of law. Oral argument on motions for summary judgment is set for March 21, 2008.

Issues for Summary Judgment

I. Are costs of preparing plans for installing additional wells to upgrade the existing monitor well systems to detect subsurface pollutant releases from the Cokeville and Kemmerer landfills eligible for reimbursement grants under WYO. STAT. ANN. § 35-11-521, even if those existing monitor well systems currently meet applicable standards established by DEQ?

II. Do the existing monitor well systems to detect subsurface pollutant releases from the Cokeville and Kemmerer landfills currently meet applicable standards established by DEQ?

WHEREFORE Respondent DEQ respectfully requests that the EQC grant this motion for summary judgment on the two issues specified above.

DATED this 25th day of February, 2008.



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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S MOTION FOR SUMMARY JUDGMENT was served by United States mail, first class postage prepaid, and by email or facsimile transmission this 25th day of February, 2008, addressed as follows:

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