

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

JIM HEDGES, CHAIRMAN)
FREMONT COUNTY SOLID WASTE)
DISPOSAL DISTRICT (SWDD))
LANDER LANDFILL (10.190))
P.O. BOX 1400)
LANDER, WY 82520)

DOCKET NO. #4351-08

18-5202

FILED
SEP 18 2008
Jim Ruby, Executive Secretary
Environmental Quality Council

PETITION FOR REVIEW OF NOTICE OF VIOLATION
AND
REQUEST FOR HEARING

COMES NOW Petitioner, Fremont County Solid Waste Disposal District, hereinafter FCSWDD, and pursuant to W.S. Section 35-11-701, the Notice of Violation issued herein on September 8, 2008, and the Wyoming Administrative Procedures Act, W.S. 16-3-101 et seq, hereby moves the State of Wyoming Environmental Quality Council to set a date and time to hold a hearing to review the Notice of Violation issued herein. In support Petitioner would state to the Court as follows:

1. Petitioner denies that it is operating without a permit for the following reasons:
 - a) The permitting process has been delayed while awaiting the results of certain water analysis the FCSWDD has conducted on the Lander Landfill (10.190), with the consent of the Wyoming Department of Environmental Quality;
 - b) A temporary conditional permit has been issued and not protested by the FCSWDD;
 - c) The water analysis has been delivered to the Wyoming Department of Environmental Quality, but the same is awaiting review by said Department, to determine the location and number of testing wells that will be required;
 - d) Extension of the use of Phase 4, and expansion into Phase 5, for construction and demolition waste only is not prohibited under the current rules and regulations of the Wyoming Department of Environmental Quality;
 - e) The Wyoming Department of Environmental Quality has indicated that it does not desire parts of a plan, and would not review the same until a full plan was submitted, which full plan was awaiting the receipt, review and direction of the water analysis and monitor wells by the Wyoming Department of Environmental Quality.

2. The Notice of Violation issued by the Wyoming Department of Environmental Quality is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, and unsupported by substantial evidence

WHEREFORE, the Fremont County Solid Waste Disposal District, respectfully requests that a hearing be set in this matter to take testimony and review the Notice of Violation filed in this matter, and following the hearing that the Environmental Quality Council set aside the Notice of Violation filed in this matter, and for such other and further relief as the Environmental Quality Council deems just and proper in the premises.

DATED this 16th day of September, 2008.

Fremont County Solid Waste Disposal
District, Petitioner

BY: 

Rick L. Sollars, WSB #5-2394
Attorney for Petitioner
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CERTIFICATE OF SERVICE

I certify that on the 16th day of September, 2008, a true and correct copy of the foregoing Petition for Review of Notice of Violation and Request for Hearing was served upon the following by depositing the same in the United States mail, postage prepaid, address to:

John Corra, Director
Wyoming Department of Environmental Quality
Herschler Building, 4th Floor
122 West 25th Street
Cheyenne, WY 82002

John S. Burbridge
Wyoming Attorney General's Office
2424 Pioneer Avenue
123 Capitol Building
Cheyenne, WY 82002



Rick L. Sollars