

FILED

OCT 17 2008

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Appeal of)
NOV & Order 4351-08 Issued to)
Jim Hedges, Chairman, Fremont County) Docket No. 08-5202
Solid Waste Disposal District (SWDD))
Lander Landfill (10.190))

**Jim Ruby, Executive Secretary
Environmental Quality Council**

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO FREMONT COUNTY SWDD'S PETITION

Respondent Wyoming Department of Environmental Quality (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) Response Order dated and filed September 19, 2008, responds as follows to Petitioner Fremont County Solid Waste Disposal District's (FCSWDD) Petition for Review of Notice of Violation and Request for Hearing (Petition) dated September 16, 2008, filed September 18, 2008:

- 1.a. Admit that the permitting process has been delayed, but deny the remainder of averment 1.a.
- 1.b. Admit that DEQ issued a temporary, conditional permit extension to FCSWDD with an expiration date of March 15, 2008, and that FCSWDD did not protest it.
- 1.c. Admit that the HGI Report was delivered to DEQ on August 27, 2008, but deny that the report contains recommendations for either number or location groundwater monitoring wells for review by DEQ, and deny the remainder of averment 1.c.
- 1.d. Deny that WYO. STAT. ANN. § 35-11-502(a)(ii) does not prohibit extension of the use of Phase 4 and expansion into Phase 5 for construction and demolition waste only without authorization under the permit system, and deny that extension of the use of Phase 4 and expansion into Phase 5 for construction and demolition waste only are currently authorized.

1.e. Admit that DEQ requires submittal of complete permit applications for review. Deny FCSWDD has submitted a complete permit application or that the "full plan" is "awaiting the receipt, review and direction of the water quality analysis and monitor wells by the [DEQ]."

2. Deny.

DATED this 17 day of October, 2008.



Mike Barrash (Bar No. 5-2310)
Senior Assistant Attorney General
123 State Capitol Building
Cheyenne, Wyoming 82002
307-777-6946

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO FREMONT COUNTY SWDD'S PETITION was served this 17 day of October, 2008 by United States mail, first class postage prepaid, and also by facsimile transmission, addressed as follows:

Rick L. Sollars
Western Law Associates, P.C.
277 Lincoln Street
Lander, Wyoming 82520
FAX: 307-332-4854

