

**JOSEPH M. BARON**

*Attorney at Law*

*P.O. Box 430*

*Sundance, Wyoming 82729*

(307) 283-2646

FAX: (307) 283-1091

May 16, 1994

**FILED**

**JUN 27 1994**

Terri A. Lorenzon, Attorney  
Environmental Quality Council

Environmental Quality Council  
Barrett Building, Room 407  
2301 Central Avenue  
Cheyenne, WY 82002

Re: Sundance Landfill Variance  
Docket No. 2374-92

NOTICE OF OBJECTION

BE ADVISED that my client Eleanor Phillips objects to any variance being granted to establish the Sundance landfill, re-permit the Sundance landfill and/or expand the Sundance landfill.

Mrs. Phillips received the notice from the Town of Sundance as is stated in paragraph 1 of the letter from DEQ Analyst Patricia E. Gallagher originally on January 24, 1992. Mrs. Phillips is the sole owner of the adjoining land to the east and downwind of the Sundance landfill. She also has a water well which adjoins the landfill.

Mrs. Phillips' husband, Lewis L. Phillips, died in March 1989. If the Department had inquiry they could have determined her proper address, which could have been determined from the county assessor's records or land maps, the county treasurer's records, through inquiry at the Post Office or from the Town of Sundance records pertaining to the application of the permit.

The reasons for her objections are as follows:

1) The expansion, re-permitting and/or establishing the Sundance landfill will decrease the value of Mrs. Phillips' property and limit future development and use of the site as well as affect the water quality in the area; 2) The dumpsite does not have any water available for fire protection on the dumpsite. Mrs. Phillips' and the BLM lands to the east contain timber which is a valuable resource which is at risk should a fire get out of control.

If the permit is to be granted anyway Mrs. Phillips would like her property screened from the dump site area in all directions.

Sincerely,

Joseph M. Baron

JMB:rh

xc: Patricia E. Gallagher, DEQ  
Ken Rathbun, Bearlodge Engineering  
Eleanor M. Phillips  
Town of Sundance

Exhibit 1



are available from the Weed & Pest office, PO Box 7, Sundance, WY 82729 or by calling 283-2375.

Crook County Weed & Pest  
Board of Directors  
Roger Kyar, Chairman

Publish: February 17, 24; March 3, 1994

**NOTICE OF HEARING  
ENVIRONMENTAL QUALITY COUNCIL**

The Town of Sundance has petitioned the Environmental Quality Council for a variance from certain Environmental Quality Act location standards (W.S. 35-11-502(c)), which prohibit the location or construction of a solid waste management disposal facility larger than one acre within one mile of an incorporated city or town, public school or occupied dwelling or within one-half mile of a permitted water well or state or federal highway right-of-way. The variance request applies only to the proposed expansion of the existing Sundance landfill.

The existing Sundance landfill is located in S1/2 NE1/4 and N1/2 and SE1/4 of Section 18, T.51N., R.62W., Crook County. The existing landfill has an estimated site life of 28 years. The proposed expansion is directly north of the existing landfill and has an estimated site life of 32 years. The expansion is located less than one half mile from Interstate Highway 90, within one half mile of two permitted water wells, within one mile of occupied dwellings and within one mile of the Sundance town boundary.

The Department of Environmental Quality, Solid and Hazardous Waste Division has reviewed the variance application and recommends that the variance be granted with a condition that the Town of Sundance plant a vegetative screen along the north boundary of the proposed extension to provide visual screening from Interstate 90. In the event that the vegetative screen does not provide adequate visual screening, the extension boundary will be modified to reduce visual impacts. The Environmental Quality Council must find that the proposed expansion would not threaten to injure public health, safety or welfare and give final approval before the variance can be granted.

Information on the variance can be obtained by contacting the Department of Environmental Quality, Solid and Hazardous Waste Division, 122 West 25th Street, Herschler Building, Cheyenne, WY 82002, (307) 777-7752. Copies of the variance application and Department recommendations are available for review at the above address and the Crook County Clerk's office located at 309 Cleveland Street, Sundance, during normal business hours.

Written comments may be sent to the Department of Environmental Quality at the above address. The Department of Environmental Quality may hold an informal public hearing for additional public comment depending upon the volume of written comments or requests for such a hearing. Comments or requests for a hearing must be received by the Department of Environmental Quality Solid and Hazardous Waste Division by March 10, 1994.

The Wyoming Environmental Quality Council (EQC) will hold a formal contested case hearing on an Application for a Variance filed by the Town of Sundance on April 5, 1994. This hearing will be held at the City Council Chambers Room, 213 Main Street, Sundance, Wyoming at 9:00 am. Other parties may request to participate in the formal hearing before the Council by filing a written request specifying their position and what issue(s) they intend to raise. A request to participate as a party at the formal hearing before the Council must be received by the Office of the Environmental Quality Council, Room 407, Barrett Building, 2301 Central Avenue, Cheyenne, WY, 82002 by March 17, 1994. The hearing before the Council will be conducted as a contested case in accordance with the Wyoming Administrative Procedures Act and the Wyoming DEQ Rules of Practice and Procedure. Further information about this hearing may be obtained by contacting the Council at (307) 777-7170.

Publish: March 3, 1994

**COURT**

Days, Credit Served 1 Day, Fined \$500, Suspended \$150, Court Costs \$20, Victim's Compensation \$50, Probation 1 Year.

Lynelle Follum. Margaret also enjoyed having Pastor Baty and wife for dinner on Wednesday evening of last week. Amy Collins of Hulett visited briefly with Margaret one day last week.

Bill and Millie enjoyed the pleasant visit of Bill and Judy Mathews from Gillette on Saturday afternoon.

Visiting with Bryan and Vicki Graham on Saturday afternoon were Bob and Sharon Bohyl from Rapid City. Bryan and Vicki did some shopping in Rapid City on Sunday afternoon.

Sunday morning Amy Julian held a birthday party for Amanda Julian. Amanda turned one year old on the 17th. Happy birthday, Amanda.

Dutch and Brenda Hoyer from Glenrock, Wyo., visited with Zelma on the 19th. Later that evening they attended the play, "Peter Pan" in Sundance. Dutch's granddaughter, Whitney Lenz, was in the play. Zelma visited with Darlene and Linda on Sunday and had lunch with them.

Ann and Don Barker and family from Upton visited with Ray and Elaine Simon on Sunday before going to Rapid City to take in the World of Wheels Show. Greg Simon also visited with his folks during the week.

Dave and Roxey Whitted returned home from Florida on Sunday afternoon. They had been there enjoying sun and visiting for the past few days.

Hilma Saari was a guest on Sunday evening at Helen Metzel's home for dinner. Hilma and Alice Nonnast did some shopping one day during the week.

Vi Courchaine has been enjoying the company of Ellen Larive, Len and Marg Wales, Joe Julian, and real happy to have the kids helping with the work around home. Dick is still in Minneapolis in the VA Hospital.

Veronica and Roy Richards had a pleasant day on Sunday afternoon at the home of Bert Harris and having dinner with her.

Lynelle and Ray Follum enjoyed having Dan Island for lunch on Saturday. Lynelle visited with Margaret Blakeman on Saturday morning for coffee. Ray and Lynelle and boys would like to say HI to Dale and Ila Richards in Washington. Happy to hear you folks get our newspaper in Washington.

Mary Shepperson held a birthday dinner for Mel and son, Bill, on Sunday. Al and Jesse Shepperson

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FILED  
JUN 27 1994

Terri A. Lorenzon, Attorney  
Environmental Quality Council

Exhibit 2



*IN THE MATTER OF* }  
*THE SUNDANCE LANDFILL VARIANCE* }

Docket # 237492

**FILED**

**NOTICE OF OBJECTION AND MOTION TO REMAND  
CONTESTED CASE HEARING DUE TO LACK OF NOTICE  
PURSUANT TO W.S. 35-11-601**

**JUN 27 1994**

Terri A. Lorenzon, AEC  
Environmental Quality

BE ADVISED that Mrs. Eleanor M. Phillips objects to any further proceedings in the matter of granting a Variance for expansion of the existing landfill for the Town of Sundance, Crook County, Wyoming for the reasons that:

- 1) See attached previous objection as Exhibit 1.
- 2) The Notice of Hearing attached as Exhibit 2 was published only once on March 3, 1994 and not once a week for four (4) consecutive weeks as required by W.S. 35-11-601(a) and/or W.S. 35-11-601(g) for a Variance Application.

WHEREFORE Mrs. Phillips prays that adequate notice of the request for a variance comply with Wyoming Statute §35-11-601 so that she may have the opportunity to be heard and raise any and all objections she may have concerning the requested variance, including but not limited to those stated in Exhibit 1.

DATED this 23rd day of June, 1994.



Joseph M. Baron

Attorney for Eleanor M. Phillips

P.O. Box 430

Sundance, WY 82729

(307) 283-2646

CERTIFICATE OF SERVICE

I, Joseph M. Baron, hereby certify that on the 23rd day of June, 1994, I served the above and foregoing Notice of Objection and Motion to Remand Contested Hearing on the following

named parties by depositing true and correct copies thereof in the U.S. Mail, postage prepaid and addressed as follows together with copies being FAXed to the Environmental Quality Council and the Department of Environmental Quality:

Town of Sundance  
P.O. Box 542  
Sundance, WY 82729

Mrs. Eleanor M. Phillips  
P.O. Box 924  
Sundance, WY 82729

Environmental Quality Council  
Barrett Building, Room 407  
2301 Central Avenue  
Cheyenne, WY 82002  
FAX # 777-6005

Department of Environmental Quality  
Solid & Hazardous Waste  
122 West Twenty-fifth Street  
Cheyenne, WY 82002  
FAX # 777-5973

P.O. Box 924  
Sundance, WY 82729

  
Joseph M. Baron