

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
SEP 07 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE OBJECTION)
TO THE PROPOSED RENEWAL PERMIT,)
SAND DRAW LANDFILL, SHWD FILE #10.195)

Docket No. 11-5602

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO PETITION

This matter arises from the Fremont County Solid Waste Disposal District's petition dated August 25, 2011, which raised objections and comments to the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division's (DEQ) proposed renewal permit for the Sand Draw Landfill. The petition also requested a hearing before the Environmental Quality Council. In accordance with the Council's Order dated September 1, 2011, DEQ responds herein to the District's objections and comments.

1. Chapter I, Section 3(c)(iii) of the Council's Rules of Practice and Procedure (Rules) require that petitions for hearings set forth in *concise language* the facts on which the request is based, including particular reference to statutes, rules, or orders the petitioner alleges have been violated.

2. Chapter II, Section 14(a) of the Rules incorporate the Wyoming Rules of Civil Procedure, which require that claims for relief include a *short and plain statement* showing that the pleader is entitled to relief. Wyo. R. Civ. P. 8(a)(2).

3. The District's letter is fifteen pages of un-numbered paragraphs that contain a mixture of factual allegations, opinions, and legal arguments that do not comply with Chapter I, Section 3(c)(iii) or Chapter II, Section 14(a) of the Rules.

4. Rather than move for a more definite statement of the District's claims and to strike redundant material from the petition, DEQ has attempted to distill the District's claims to allow for responses.

5. Accordingly, DEQ's responses herein refer to the District's claims by page number and, where applicable, item numbers.

6. DEQ denies objection number 1 on page 1.

7. DEQ denies objection number 2 on page 1.

8. DEQ denies objection number 3 on page 1.

9. DEQ denies as incomplete the chronology set forth on pages 2-6.

10. DEQ denies comment number 1 on page 6.

11. DEQ denies comment number 2 on page 6.

12. DEQ denies comment number 3 on page 7.

13. DEQ denies objection number 1 on pages 7-8.

14. DEQ denies objection number 2 on page 8.

15. DEQ denies objection number 3 on pages 8-14.

16. DEQ has responded to the allegations contained in the District's un-numbered paragraphs to the best of its abilities; to the extent there were allegations that were not specifically addressed above, DEQ denies them.

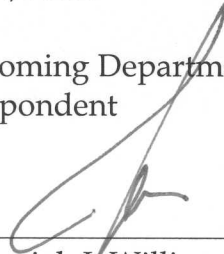
Affirmative Defenses

1. DEQ preserves its affirmative defense of failure to state a claim upon which relief can be granted.
2. DEQ preserves its affirmative defenses of ripeness and lack of administrative finality.

For the aforementioned reasons, Respondent Wyoming Department of Environmental Quality requests that the Council deny the District's objections.

Dated this 7th day of September, 2011.

Wyoming Department of Environmental Quality,
Respondent



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7th day of September, 2011, a true and correct copy of *Wyoming Department of Environmental Quality's Response to Petition* was served by placing the same in the United States mail, postage pre-paid, to the following:

Rick L. Sollars
Western Law Associates, P.C.
277 Lincoln Street
Lander, Wyoming 82520



Wyoming Office of the Attorney General