



1. When the “pollution conditions” first commenced that are subject of a claim for remediation made by MoDNR on October 1, 2008;
2. Whether the pollution condition was the result of methane gas which resulted from a breach of the gas proof membrane in the engineered cell, constructed and completed on the property after June 7, 2006. *See* Plaintiff’s Exhibit 5, ¶ 39, 40 and 42 attached to and forming part of Plaintiff’s Responses to Defendant’s Statement of Additional Uncontroverted Material Facts.
3. Whether the methane gas, addressed by the MoDNR was present prior to June 7, 2006, and if so, was the result of trash present on the property prior to that date;
4. Whether the exclusionary language in Exclusion G, Endorsement No. 3, and Endorsement No. 4 apply.

NOW THEREFORE, it is ordered that Hazelwood’s Motion for Summary Judgment is Denied.