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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

)		
In re Black Hills Bentonite)		
Permit to Mine No. 248C)	Docket No. 17-1601	
(Herco Amendment))		

ORDER ON PETITIONER'S OBJECTION TO IMMATERIAL, IRRELEVANT AND INAPPROPRIATE EVIDENCE

Petitioner Black Hills objects to immaterial, irrelevant and inappropriate evidence expected to be introduced by Respondents, consisting primarily of DEQ/LQD application requirements. Petitioner argues that review of such requirements is delegated to the DEQ/LQD rather than the EQC, and that the LQD has the experience and expertise required to determine whether such requirements have been met. Petitioner argues that the EQC is not the proper administrative agency to interpret and rule on the DEQ/LQD application requirements.

The Council agrees. The EQC is not tasked with the responsibility to determine the sufficiency of the Application. Rather, the DEQ/LQD is tasked with that responsibility.

Evidence relating to objections based upon application requirements that will be reviewed by the DEQ/LQD will be excluded at the hearing in this matter.

Dated this da	y of February, 2018.
	Meghan Lally, Hearing Examir Environmental Quality Council