

James Kaste, WSB #6-3244
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**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN RE WILSON BROTHERS)
CONSTRUCTION TFN 56/125) DOCKET 18-4804

**DEPARTMENT OF ENVIRONMENTAL QUALITY'S
WITNESS AND EXHIBIT LIST**

The State of Wyoming Department of Environmental Quality, pursuant to the Environmental Quality Council's Order of December 6, 2018, hereby files its witness and exhibit list.

WITNESSES

The Department will call the following witness:

1. **Mr. Craig C. Smith**, Natural Resource Program Principal, Land Quality Division District 2, Wyoming Department of Environmental Quality, 510 Meadow View Drive, Lander, Wyoming 82520; (307) 332-3047.

Mr. Smith was the permit coordinator for the Wilson Brothers mine permit application TFN 5 6/125. Mr. Smith will testify about his education, training and experience, his duties as a Natural Resource Program Principal and permit coordinator for the Department, and his work on the Wilson Brothers bentonite mine permit application, TFN 5 6/125. He will testify generally about the procedures the Department employs when reviewing and approving applications for

mining permits. He will testify about the scope of the Land Quality Division's jurisdiction, its lack of authority over the use of roads outside the permit boundary, and its lack of authority to issue permits regulating emissions. He will testify about his knowledge, observations, and opinions regarding the Wilson Brothers permit application, the Department's review and processing of that application, the mine and reclamation plan submitted by Wilson Brothers, and the objections raised against the application. In particular, he will testify based upon his education, training, and experience and his review of the Wilson Brothers mine permit application, that the application is complete and technically sufficient, that the application was properly processed by the Department, and that the application complies with the Environmental Quality Act and all applicable federal and state laws. In addition, he will testify to the Department's conclusion that the proposed mine will not constitute a public nuisance and will not endanger the public health and safety. He may also rebut any opinions or evidence offered by any other party.

The Department reserves the right to call any of the witnesses identified by any other party, or any additional witnesses necessary for foundation, impeachment, or rebuttal.

EXHIBITS

The Department's exhibits are identified in the attached Exhibit List. The Department, with the consent of the other parties, previously uploaded the permit file related to this matter onto the Council's electronic filing system as DEQ01, consisting of pages 1 through 601. The Department previously provided thumb drives containing this exhibit to all parties. Upon review of DEQ01, the Department discovered that it had inadvertently failed to scan two pages of the permit file, consisting of the affidavit of publication and affidavit of notice which should have followed pages 281 and 283 in DEQ01. Those two documents will be offered separately as DEQ02 and DEQ03.

In addition the proof of filing which should have followed page 282 in DEQ01 was misplaced in the scanning job, but it can be found on page 24 of DEQ01.

The Department reserves the right to enlarge portions of this exhibit for use as demonstrative exhibits at the hearing. The Department also reserves the right to use at the hearing any exhibits designated by any other party. The Department further reserves the right to designate additional exhibits as may become necessary for impeachment or rebuttal.

Dated this 18th day of January, 2019.



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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing upon the persons below via e-mail and by depositing the same in the United States mail, first-class postage prepaid, this 18th day of January 2019, addressed as follows:

Steven Freeman
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Wyoming Attorney General's Office

**DEPARTMENT OF ENVIRONMENTAL QUALITY'S
EXHIBIT LIST**

Ex. No.	Exhibit Date	Description	Pages	DEQ Bates Numbers
DEQ01	2/13/18	Permit File	601	DEQ01-00001 - DEQ01-00601
DEQ02	10/23/18	Affidavit of Publication	1	DEQ02
DEQ03	10/29/18	Affidavit of Notice	1	DEQ03
DEQ04		Craig Smith Resume	2	DEQ04-00001- DEQ04-00002