

Shannon Anderson (Wyo. Bar No. 6-4402)
Powder River Basin Resource Council
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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
UPON REFERRAL FROM THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In re Applications for Coal Mine Permit)	OAH Docket No. 19-004-220
Transfers – PT0214 & PT0428)	
Blackjewel, LLC)	EQC Dockets No. 18-4805 &
)	18-4803
In re Permit Renewal Application)	
Contura Coal West – PT0214)	
)	

POWDER RIVER BASIN RESOURCE COUNCIL’S DESIGNATION OF WITNESSES

The Powder River Basin Resource Council (“Resource Council”) hereby designates the following witnesses for the hearing to be held May 15-16, 2019 in the above-captioned proceedings.

WILL CALL WITNESSES

The following witnesses will be called by the Resource Council at the hearing:

1) **Vanessa Romero**: Ms. Romero is a Records and Data Management Specialist at the Wyoming Department of Environmental Quality (“DEQ”). Ms. Romero conducted at least one of the Applicant Violation System (“AVS”) “checks” that are at issue in this proceeding. If not called by the DEQ or another party, the Resource Council will call Ms. Romero to testify to the DEQ process for AVS checks and what resulted from the check(s) she conducted.

2) **Mark Rogaczewski**: Mr. Rogaczewski is the District 3 Supervisor for the DEQ’s Land Quality Division (“LQD”). Mr. Rogaczewski oversees permitting activities for coal mining

in District 3, which includes permitting activities for the Eagle Butte and Belle Ayr Mines at issue in these proceedings. Mr. Rogaczewski also oversaw and/or supervised at least one AVS check related to the permit transfer application. If not called by DEQ or another party, the Resource Council plans to call Mr. Rogaczewski to testify to his knowledge about the permit renewal and permit transfer processes, including how and when the AVS and other compliance checks were conducted.

3) **Casey Robb**: Mr. Robb is the LQD Bonding Analyst for the DEQ. Mr. Robb was heavily involved in the regulatory process to approve the proposed reclamation bond instruments for the permit transferee, Blackjewel, as well as the permit renewal applicant, Contura. If not called by the DEQ or another party, the Resource Council will call Mr. Robb to testify to the bond review process for the permit renewal and permit transfer applications at issue in this proceeding, with a focus on the DEQ's approval of a real property collateral bond to guarantee reclamation at the Belle Ayr Mine.

If the DEQ does not plan to call these witnesses, the Resource Council will arrange witness availability with counsel for the DEQ.

MAY CALL WITNESSES

The Resource Council may call the following witnesses at the hearing:

1) **Mark Thrall**: Mr. Thrall is the Senior Environmental Manager of Environmental departments of the Eagle Butte and Belle Ayr Mines. He is responsible for environmental compliance, permitting, and reporting. If not called by Blackjewel or another party, the Resource Council may call Mr. Thrall to testify to his role in preparing the applications for permit transfer and to testify to his personal knowledge about the compliance status of his employer and any knowledge of the facts and information contained in a letter he sent to the DEQ dated January

18, 2018 (the letter will be included in the Resource Council's production of exhibits to be filed in this proceeding).

2) **Robin E.H. Bagley**: Ms. Bagley is the Communications and Development Director at the Resource Council. If the issue is not sufficiently covered by witnesses from DEQ or the other parties, the Resource Council may call Ms. Bagley to testify to the events and factual information contained in her affidavit filed with the Resource Council's objections to the permit renewal and permit transfer applications.

The Resource Council reserves the right to call any witness designated by another party or additional witnesses necessary for impeachment, foundation, and rebuttal purposes.

Respectfully submitted this 12th day of April, 2019.

/s/ Shannon Anderson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 12th day of April, 2019, the foregoing **DESIGNATION OF WITNESSES** was mailed to:

Bernard Haggerty, Hearing Examiner
State of Wyoming
Office of Administrative Hearings
2020 Carey Ave., 5th Floor
Cheyenne, WY 82002

And was served on the following parties via electronic mail and the EQC online docket system:

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