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**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**In Re Asphalt Specialties Co., Inc.**            )  
**Permit P0024615**                                    )  
  )  
  )       **Docket No. 22-2801**

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

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The Wyoming Department of Environmental Quality (Department), through its undersigned counsel, hereby provides its witness list and summary of each witness's expected testimony to be used during the presentation of its case in accordance with the Environmental Quality Council's Amended Scheduling Order issued on February 23, 2022.

**A. Witnesses and Summary of Testimony**

The Department may call the following witnesses:

1. Nancy Vehr  
Administrator  
Air Quality Division  
Wyoming Department of Environmental Quality  
200 W. 17th St., 3rd Floor  
Cheyenne, WY 82002

If called, Ms. Vehr will testify about her education, training, experience, and her duties as the Administrator of the Air Quality Division for the Department. She will testify generally about the rules governing and the procedures used by the Department when reviewing and approving applications for air quality permits. She will testify about the scope of the Air Quality Division's

jurisdiction, and its lack of authority over water contaminants, waterways, and discharges into waterways. She will testify about her knowledge, observations, and opinions regarding the Asphalt Specialties' Lone Tree Creek Quarry permit application, the review process, the objections raised during the public comment period, the Department's responses to public comments, and the final decision and permit. She will testify that the application was properly processed by the Department, that the permit is very similar to other permits for similar mining operations, that the permit contains standard and appropriate conditions, and that the permit complies with the Environmental Quality Act and all applicable regulations. She may also rebut any opinions or evidence offered by any other party.

2. Jack Burton  
Natural Resources Program Principal  
Air Quality Division  
Wyoming Department of Environmental Quality  
200 W. 17th St., 3rd Floor  
Cheyenne, WY 82002

Mr. Burton was the permit writer for the Asphalt Specialties' Lone Tree Creek Quarry permit application. If called, he will testify about his education, training and experience, and duties as a Natural Resource Program Principal and permit writer for the Department. He will testify generally about the rules governing and the procedures used by the Department when reviewing and approving applications for air quality permits. He will testify about the scope of the Air Quality Division's jurisdiction, and its lack of authority over water contaminants, waterways, and discharges into waterways. He will testify about his knowledge, observations, and opinions regarding the Asphalt Specialties Lone Tree Creek Quarry permit application, the review process, his permit application analysis, the objections raised during the public comment period, the Department's responses to public comments, and the final decision and permit. He will testify that the application was properly processed by the Department, that the permit is very similar to other

permits for similar mining operations, that the permit contains standard and appropriate conditions, and that the permit complies with the Environmental Quality Act and all applicable regulations. He may also rebut any opinions or evidence offered by any other party.

3. Jennifer Zygmunt  
Administrator  
Water Quality Division  
Wyoming Department of Environmental Quality  
200 W. 17th St., 2nd Floor  
Cheyenne, WY 82002

Although the issue in the present appeal is whether the Department erred in issuing an air quality permit to Asphalt Specialties, the Department recognizes that the Council may have questions about the water quality concerns raised by the Appellant. Accordingly, the Department may call the Administrator of the Water Quality Division for the Department, Jennifer Zygmunt. If called, Ms. Sigmund will testify about her education, training, experience, and her duties as the Administrator of the Water Quality Division for the Department. She will testify about the storm water permit issued to Asphalt Specialties for the Lone Tree Creek Quarry on April 1, 2018, and that Asphalt Specialties has complied with all applicable requirements of the Water Quality Division. She will testify that the Air Quality Division consulted with the Water Quality Division about the Appellant's concerns related to selenium before responding to public comments on the proposed permit. She will explain the Water Quality Division does not believe the available data supports Appellant's concerns that dust from the quarry will affect adjacent surface water or aquifers. She will explain that most selenium surface water quality exceedances in the state are due to selenium being leached from soils from either irrigated agriculture or natural rain and snowmelt in areas with seleniferous soils or certain geology. She will explain that this quarry is not in such an area and that the quarry is not expected to affect selenium levels in adjacent water bodies, and certainly is not expected to raise levels above either the drinking water standard of 50

ug/L or the aquatic life standard of 5 ug/L. She 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 another party, or any additional witnesses necessary for foundation, impeachment, or rebuttal.

Dated this 31st day of March, 2022.



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*Attorney for the State of Wyoming  
Department of Environmental Quality*

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing upon the persons listed below by U.S. mail, postage prepaid, and via email where noted, this 31st day of March, 2022:

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