

FILED

AUG 31 2010

*Jim Ruby, Executive Secretary
Environmental Quality Council*

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

**IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) DOCKET NO. 10-4802
EVANS CONSTRUCTION COMPANY,)
TFN 5 6/149)**

PRE-HEARING DISCLOSURES

The Department of Environmental Quality, Land Quality Division (“Division”), through the Office of the Attorney General, pursuant to the Environmental Quality Council’s (“Council”) Notice of Hearing and Order, hereby submits its Pre-Hearing Disclosures.

SUMMATION OF THE FACTS

Evans Construction Company (“Evans”) filed its small mine application, TFN 5 6/149 with the Division. After notification that Evans’ application was complete, an interested party, Timothy J. Bommer, timely filed his objection to the permit with the Division. The objection raises the following issues: defective notice, noise and air pollution, public safety due to heavy equipment and increased truck traffic, degradation of roadways, and quality of life issues. The Division has determined that the application is complete and in full compliance with Wyoming Law. The Division is ready to issue the permit.

LEGAL ISSUES

Is Evans’ permit application complete and should the DEQ issue Evans a permit to mine pursuant to WYO. STAT. ANN. § 35-11-406 (West 2010)?

WITNESSES

WILL CALL:

Tanya King
Department of Environmental Quality
Land Quality Division
Lander Field Office
510 Meadowview Drive
Lander, Wyoming 82520
307-332-3047

Ms. King is in charge of the oversight and review of Evans' permit application, TFN 56/149. She is expected to testify regarding all matters contained within the permit application. In addition, Ms. King will testify regarding general permit application requirements and whether Evans' permit application is in compliance with all requirements of Wyoming law.

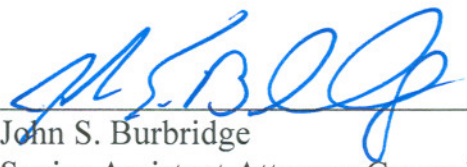
MAY CALL:

The Division may call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

EXHIBITS

State's Exhibit 1: Evans' permit application.

DATED this 31st day of August, 2010.



John S. Burbridge
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82001
307-777-3442

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Pre-Hearing Disclosures were served by placing the same in the United States mail, postage prepaid, this 31st day of August 2010, to the following:

Evans Construction Company
P.O. Box 4309
Jackson, Wyoming 83001

Timothy J. Bommer
Attorney at law
P.O. Box 5186
Etna, Wyoming 83118



Wyoming Attorney General's Office