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

**IN THE MATTER OF THE APPEAL )  
OF PROTECT OUR WATER )  
JACKSON HOLE )  
PERMIT NO. 2023-025 )      Docket No. 23-3801**

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**DESIGNATION OF EXPERT WITNESSES OF WYOMING DEPARTMENT OF  
ENVIRONMENTAL QUALITY PURSUANT TO W.R.C.P. 26(a)(2)**

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The Department, by and through counsel, hereby submits the following Designation of Expert witnesses in accordance with the scheduling order entered on February 22, 2024 and Wyo. R. Civ. P. 26(a)(2). Throughout this disclosure, references to the “Department” specifically refers to the Department of Environmental Quality. References to “Permit 2023-025” specifically refers to the individual small wastewater permit, Permit 2023-025, issued by the Department.

The Department may call the following individuals as a non-retained expert witness:

**Keenan Hendon  
Water and Wastewater Section Manager  
Wyoming Department of Environmental Quality, Water Quality Division  
200 W 17<sup>th</sup> Street, Suite 200  
Cheyenne, WY 82002  
307-777-7075**

1. Mr. Hendon has not been retained or specifically employed by the Department to provide expert testimony but may present evidence under Wyoming Rules of Evidence 702, 703, or 705.
2. Mr. Hendon is the Water and Wastewater Section Manager for the Water Quality Division at the Department. Mr. Hendon has served in this role for approximately three (3) years. Prior to this, Mr. Hendon served as the Staff Engineer for the Wyoming Office of State Lands and Investments for two years, and prior to that he served at the Wyoming Water Development Office as a Project Manager in the Construction Division for ten years. Before his time with the Water Development Office, Mr. Hendon worked for the Wyoming State Treasurer, the Wyoming Department of Transportation, private consulting, and was an instructor for the University of Wyoming College of Business. Mr. Hendon has a BS in Civil Engineering, a Master's of Business Administration, and is a registered Professional Engineer #12359.
3. Mr. Hendon may provide expert testimony based on his professional knowledge and experience relating to the Wyoming water and wastewater permitting process and permitting decisions, specifically as this knowledge and experience may be applicable to the issues presented by Docket No. 23-3801 and the appeal of Permit No. 2023-025.
4. Mr. Hendon may testify regarding the regulatory process and considerations inherent to the Department's processing of applications and issuance of permits for small wastewater systems.
5. Mr. Hendon may testify regarding his opinion that Permit No. 2023-025 meets the technical regulatory requirements necessary for the Department to issue a small wastewater permit.
6. Mr. Hendon may testify regarding the selection requirements of the pressure-dosed sand mound septic system permitted under Permit No. 2023-025.

7. Mr. Hendon may testify regarding the nature and consideration of permit requirements and the inclusion of permit conditions and may testify regarding his opinion on the technical reasons for the specific conditions placed in Permit No. 2023-025.
8. Mr. Hendon may testify regarding his opinion that the permit conditions and requirements placed on Permit No. 2023-025 are sufficient to track and evaluate potential impacts to allow the Department the ability to address these impacts through enforcement action as they may relate to water quality and effluent flow volumes.
9. Mr. Hendon may testify regarding his opinion that the “record drawings” and the facility, as built, indicate compliance with the permit conditions and requirements of Permit No. 2023-025.
10. Mr. Hendon may testify regarding his opinion of what constitutes a “small wastewater system,” as that term is defined in Wyoming law.
11. Mr. Hendon may testify regarding his opinion that the facility meets technical permitting requirements identified by Petitioner in Teton County’s regulations.
12. Mr. Hendon may also provide expert testimony in response to any testimony proffered by Petitioner or Basecamp LLC or any of Petitioner’s or Basecamp LLC’s regular or expert witnesses.
13. The Department reserves the right to alter, amend, delete or expand the opinions and expert witness subjects set forth above as necessitated by further discovery or expert designations of the other parties. By these designations, the Department does not waive its right to challenge the admissibility of the testimony of any expert listed by Petitioner or Basecamp LLC in their designation.

**Brad Ellis**  
**SRF/Teton County District Engineer**  
**Wyoming Department of Environmental Quality, Water Quality Division**  
**444 West Collins Drive, Suite 1400**

**Casper, WY 82601**  
**307-473-3469**

1. Mr. Ellis has not been retained or specifically employed by the Department to provide expert testimony but may present evidence under Wyoming Rules of Evidence 702, 703, or 705.
2. Mr. Ellis is the State Revolving Fund and Teton County District Engineer for the Water Quality Division's Water and Wastewater Section at the Department. Mr. Ellis has served in this role for approximately one (1) year. Prior to this, Mr. Ellis served as the District Engineer for the Northeast District and Teton County for the Department for approximately two and a half (2.5) years. Prior to this, Mr. Ellis served as the Assistant District Engineer for the Northeast District for the Department for approximately three and a half (3.5) years. Before his time with the Department, Mr. Ellis managed and ran his private civil engineering consulting firm, Ellis Consulting, Inc., for approximately twenty-six (26) years. Prior to this, Mr. Ellis worked for NJS Engineering for approximately nine (9) years. Mr. Ellis has a BS in Civil Engineering, and is a registered Professional Engineer #8198.
3. Mr. Ellis may provide expert testimony based on his professional knowledge and experience relating to the Wyoming water and wastewater permitting process and permitting decisions, specifically as this knowledge and experience relates to the review and issuance of Permit No. 2023-025.
4. Mr. Ellis may testify regarding the regulatory process and considerations inherent to the Department's processing of applications and issuance of permits for small wastewater systems.
5. Mr. Ellis may testify regarding his opinion that Permit No. 2023-025 meets the technical regulatory requirements necessary for the Department to issue a small wastewater permit.

6. Mr. Ellis may testify regarding the selection requirements of the pressure-dosed sand mound septic system permitted under Permit No. 2023-025.
7. Mr. Ellis may testify regarding the nature and consideration of permit requirements and the inclusion of permit conditions and may testify regarding his opinion on the technical reasons for the specific conditions placed in Permit No. 2023-025.
8. Mr. Ellis may testify regarding his opinion that the additional permit conditions and requirements placed on Permit No. 2023-025 are sufficient to track and evaluate potential impacts to allow the Department the ability to address these impacts through enforcement action as they may relate to water quality and effluent flow volumes.
9. Mr. Ellis may testify regarding his opinion that the “record drawings” and the facility, as built, indicate compliance with the permit conditions and requirements of Permit No. 2023-025.
10. Mr. Ellis may testify regarding his opinion that the facility meets technical permitting requirements identified by Petitioner in Teton County’s regulations.
11. Mr. Ellis may also provide expert testimony in response to any testimony proffered by Petitioner or Basecamp LLC or any of Petitioner’s or Basecamp LLC’s regular or expert witnesses.
12. The Department reserves the right to alter, amend, delete or expand the opinions and expert witness subjects set forth above as necessitated by further discovery or expert designations of the other parties. By these designations, the Department does not waive its right to challenge the admissibility of the testimony of any expert listed by Petitioner or Basecamp LLC in their designation.

**Justin Scott**  
**Underground Injection Control Program**  
**Class I and Class V Geology Supervisor**  
**Wyoming Department of Environmental Quality, Water Quality Division**

**200 W 17<sup>th</sup> Street, Suite 200  
Cheyenne, WY 82002  
307-777-7511**

1. Mr. Scott has not been retained or specifically employed by the Department to provide expert testimony but may present evidence under Wyoming Rules of Evidence 702, 703, or 705.
2. Mr. Scott is the Class I and Class V Geology Supervisor for the Underground Injection Control Program for the Water Quality Division's Groundwater Section at the Department. Mr. Scott has served in this role for approximately two (2) years. Prior to this, Mr. Scott served as a Project Geologist for the Wyoming Department of Environmental Quality for three years, and for five years prior to that he served at the Wyoming Department of Transportation as a Geologist II in the Geology Program. Prior to his time with the Department of Transportation, Mr. Scott worked in the energy sector as a Geosteering Geologist for oil and gas consulting in the Williston Basin and a Geohydrologist for a junior Uranium mining company in the Powder River Basin. Mr. Scott has a BS in Geology and is a registered Professional Geologist #3979.
3. Mr. Scott may provide expert testimony based on his professional knowledge and experience relating to the Underground Injection Control permitting process, as this knowledge and experience may be applicable to the issues presented by Docket No. 23-3801 and the appeal of Permit No. 2023-025.
4. Mr. Scott may testify regarding the regulatory process and considerations inherent to the Department's siting and construction of monitoring wells and sampling and analysis programs to ensure the protection of groundwaters of the State, including sampling of groundwaters of the State in relation to the small wastewater system Permit No. 2023-025.

5. Mr. Scott may testify regarding his opinion on the nature and consideration of the sampling and analysis plan under a permit issued by the Department, specifically Permit No. 2023-025.
6. Mr. Scott may testify regarding his opinion that the siting and construction of monitoring wells and the sampling and analysis plan for Permit No. 2023-025 are protective of groundwaters of the State.
7. Mr. Scott may also provide expert testimony in response to any testimony proffered by Petitioner or Basecamp LLC or Petitioner's or Basecamp LLC's regular or expert witnesses.
8. The Department reserves the right to alter, amend, delete or expand the opinions and expert witness subjects set forth above as necessitated by further discovery or expert designations of the other parties. By these designations, the Department does not waive its right to challenge the admissibility of the testimony of any expert listed by Petitioner or Basecamp LLC in their designation.

Submitted this 16<sup>th</sup> day of September 2024.

/s/ Abigail Boudewyns  
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## CERTIFICATE OF SERVICE

I, Abigail Boudewyns, hereby certify that on the 16th day of September 2024, I electronically filed the forgoing *Department's Supplemental Motion to Dismiss* with the Environmental Quality Council and served the following parties using the Environmental Quality Council's electronic notification system:

John Graham  
[jwg@glslp.com](mailto:jwg@glslp.com)

Kelly Shaw  
[kshaw@kochlawpc.com](mailto:kshaw@kochlawpc.com)

Stacia Berry  
[stacia.berry@kochlawpc.com](mailto:stacia.berry@kochlawpc.com)

Christopher Hawks  
[chris@hawksassociates.net](mailto:chris@hawksassociates.net)