

FILED

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

NOV 04 2013

Objections to Linc Energy’s Proposed)
Research & Development License for)
Underground Coal Gasification and the)
Proposed Reclassification & Exemption of)
a Portion of the Fort Union Formation)

Jim Ruby, Executive Secretary
Environmental Quality Council

Docket No. 13-4804

**POWDER RIVER BASIN RESOURCE COUNCIL’S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SERVED ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

In accordance with the Presiding Officer’s Scheduling Order of October 28, 2013, and pursuant to Wyoming Rules of Civil Procedure 26, 33, 34, and the following definitions and instructions, Powder River Basin Resources Council (“Resource Council” or “PRBRC”) requests that the Wyoming Department of Environmental Quality (“WDEQ”) or any agency, officer or employee of WDEQ who has relevant information answer fully and under oath the following Interrogatories and Requests for Production of Documents.

DEFINITIONS

1. “Linc” means the permittee Linc Energy, Inc. and includes any employee, officer, agent, or expert of Linc.
2. “Communication(s)” means conversations, discussions, meetings, telephone calls, notes, letters, memoranda, reports, telecopies of facsimiles (faxes), electronic mail, voice mail, text messages, data or file transfer, pictures or photographs, and all other forms of oral, written or electronic expression by which information may be conveyed, including any mechanical or electronic sound recording or transcription thereof.
3. “Describe” means to specify in detail and to particularize the content of the answer to the question and not just to state the reply in summary or outline fashion, including all pertinent facts about the fact, event, or situation in question, including but not limited to:

- (a) the time, date, and place;
- (b) identification of all persons present or involved;
- (c) identification of all oral or written communications made during the event or situation;
- (d) a detailed description of all actions taken.

4. "Document(s)" is used in the broadest sense contemplated by Wyo. R. Civ. P. 34.

It means all records and other tangible forms of expression, including information in electronic, magnetic, or photographic form, in your possession, custody, or control, including drafts and any copies thereof that contain notes or otherwise differ from the original, however many, by whomever created, however prepared, circulated, sent, received, dated or used, produced or stores (manually, mechanically, electronically, or otherwise), including but not limited to books, papers, files, modeling files and data, notes, correspondence, memoranda, reports, writings, drawings, photographs, telegrams, facsimiles (faxes), telephone logs, contracts, agreements, calendars, datebooks, worksheets, summaries, magnetic tapes, data files, other data compilations from which information can be obtained, electronic mail, disks, diskettes, disk packs, and other electronic media, microfilm, microfiche, and storage devices. It includes all material that relates or refers in whole or in part to the subjects referred to in any Interrogatory and also includes the file jackets, and any labels thereon, in which responsive documents are contained. If any documents contain attachments or appendices, describe the attachments or appendices.

5. "Identify" means:

- (a) When applied to an individual person, state the full name, present or last known business address, position with the state or other employer, job description, and telephone number;

(b) When applied to a document, state the title, date(s), author(s), signer(s), intended recipient(s), addressee(s), present location and custodian of the document, and current or last known address of the custodian of the document.

(c) When applied to oral communication, identify the speaker(s) and the person(s) addressed, state the date, place and medium of the communication and describe completely the content of the communication.

6. “Including” means “including, but not limited to.”

7. “Regarding,” “Related to,” and “Concerning” means concerning, referring to, alluding to, responding to, relating to, connected with, commenting upon, in respect of, about, establishing, analyzing, criticizing, touching upon, constituting, supporting, refuting and/or being.

9. “WDEQ” refers to the Wyoming Department of Environmental Quality or any agency, officer or employee of WDEQ. This includes the Wyoming Division of Land Quality (“Land Division”), the Division of Water Quality (“Water Division”), and any agency, officer or employee of the divisions.

10. “You” or “Your” means WDEQ or any agency, officer, or employee of WDEQ. This includes the Land and Water Divisions and any agency, officer or employee of the divisions.

INSTRUCTIONS

In responding to these Interrogatories and Requests for Production of Documents, please adhere to the following instructions:

1. Furnish all information that is available to you, known to you, or that can be known after reasonable inquiry, including information in the possession, custody, or control of

your attorneys, staff, agents, employees, officers, consultants, experts, or other representatives. In answering, you are required to make a reasonable inquiry to ascertain the information or knowledge necessary to respond in detail to such request. Answers must be specific and responsive.

2. If you do not or cannot answer any Interrogatory or Request for Production of Documents after exercising due diligence in attempting to secure the information, please state your answer to the extent possible and indicate your inability to answer the remainder. Include whatever information you may have concerning the unanswered portions and set forth in detail all efforts undertaken to ascertain the requested information.

3. If anything is deleted from a document produced in response to an Interrogatory or Request for Production, state the reason for the deletion, the subject matter of the deletion, and the name of the person or persons who decided to delete the information.

4. If any information in these Interrogatories or Requests for Production is withheld pursuant to an objection or claim of privilege, answer portions of the Interrogatory or Request for Production for which the privilege does not apply, identify the objection or privilege claimed, set forth a specific basis upon which the objection is raised or the privilege is claimed, and provide a privilege log and/or index of documents withheld that includes the following information: a statement identifying the nature of the information withheld, the date and subject matter of any communication containing that information, the names of all persons with knowledge of the information including the author, and the basis for withholding the information.

5. Answer all Interrogatories and Requests for Production under oath, and provide verification from appropriate representatives of WDEQ, to support these answers.

6. Provide answers to these Interrogatories and Requests for Production by November 11, 2013. If you cannot complete these answers within this time, provide immediate notice to the Resource Council's counsel so that an amicable resolution to the problem can be reached.

7. These Interrogatories and Requests for Production are to be deemed continuing in nature. Supplement all answers as required by Wyo. R. Civ. P. 26(e).

INTERROGATORIES

1. Identify and describe all persons at WDEQ who were involved in any aspect of the permit application review process for Linc's permit and aquifer reclassification/exemption and their role in the process.

2. Identify and describe each step of the application and review/approval process for Linc's permit and aquifer reclassification/exemption.

3. Please explain why WDEQ chose to permit Linc's facility with a Class III UIC Permit/aquifer exemption as opposed to a UIC Class V permit. Please cite any portions of WY or federal law relied upon in WDEQ's decision.

4. Please explain how the 35-11-406(k) written objections and hearing process complies with Safe Drinking Water Act requirements for public notice and comment for aquifer exemptions.

5. Identify and describe all other aquifer exemptions in the Fort Union Formation in Campbell and Johnson Counties and identify and describe the permit and/or project they pertain to.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Provide a copy of all documents relating to WDEQ's decision to permit Linc Energy's project with a Class III UIC permit as opposed to a Class V UIC permit.
2. Provide a copy of all documents relating to WDEQ's review and recommendation/approval of the aquifer reclassification/exemption for Linc Energy, including all completeness and technical comments from WDEQ or its agents.
3. Provide a copy of all correspondence between WDEQ and Environmental Protection Agency staff regarding Linc's permit application and specifically the request for aquifer reclassification/exemption.

Dated this 4th day of November, 2013.



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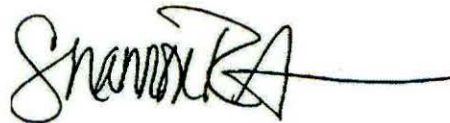
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of November, 2013, the foregoing SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS SERVED ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY was served on the following parties via electronic mail:

Thomas Coverdale
Chairman, Environmental Quality Council
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A handwritten signature in black ink, appearing to read "Shannon Anderson", with a long horizontal line extending to the right.

Shannon Anderson