

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Appeal of the)
WDEQ Director's Decision to a)
Request Variance for Sheridan)
Landfill SHWD File # 10.526)

Docket No.-11-5801

**CITY'S WITNESS DESIGNATION FOR
APPEAL OF D.E.Q.'S APPROVAL OF VARIANCE**

COMES NOW City of Sheridan, by and through their attorney, Greg Von Krosigk of Pence and MacMillan LLC and pursuant to the ENVIRONMENTAL QUALITY COUNCIL *Order* dated December 7, 2011 setting final hearing for May 10th, 2012 does hereby provide its witness list as set forth below:

WILL CALL WITNESS LIST:

1. **Brandy Kean, PE, LEED AP**, of Burns & McDonnell Engineering Co., 9785 Maroon Circle, Suite 400, Centennial, CO 80112. Phone number is 303.474.2291.

Ms. Kean has been designated as an expert witness for the City but her primary testimony will be as a fact witness due to her first-hand, intricate knowledge of the City's efforts in seeking the DEQ's approval of the variance which is subject to the neighbors' current appeal.

Ms. Kean is a civil engineer for the Environmental Engineering/Solid Waste practice at Burns & McDonnell. She has facilitated and designed a multitude of projects in the solid waste field. She has been the project manager on the landfill expansion, working closely with the City of Sheridan and the Wyoming D.E.Q. on the D.E.Q.'s approval of the landfill expansion which is subject to the pending dispute.

Ms. Kean will testify as to issues relating to the planning, design and construction of the City of Sheridan's landfill expansion which is the subject of the pending appeal, issues related to Protestants causes of action and damages, statements and conclusions set forth in the City's final Variance Request and D.E.Q.'s approval thereof, and any other relevant issues relevant falling within her knowledge of the process and her opinion, if needed, including but not limited to:

- Facility Planning, Design and Engineering and calculations;
- Requested Variances (see City's final Variance Request (Dec. 2010) at Chapter 3.0);
- Alternative Site Demonstration/Existing Permitting Facilities;
- Siting Considerations;
- Historical Planning Process (from the 2001 Solid Waste Management Plan through the 2009 Integrated Solid Waste Management Plan (ISWMP) to date);
- Public Outreach Process;

- Groundwater Quality and protection;
- Site Geology;
- City's Compliance with Wyoming Statutes and D.E.Q.'s Rules/Regulations relevant to the Variance Request;
- Costs associated with the landfill expansion versus the City's options for solid waste management; and tipping fee analysis

Ms. Kean's testimony will be based primarily upon the documents exchanged with Wyoming D.E.Q. as part of the City's request for, and the D.E.Q.'s approval of, the variance and all exhibits, appendices and documents referenced therein, as may have been supplemented and made available for the appellate hearing.

MAY-CALL LIST OF WITNESSES / REBUTTAL WITNESSES (IF NEEDED):

1. **(Wendell) Charles Martineau**, Solid Waste Superintendent for the City of Sheridan. City Hall, 55 Grinnell Street, Sheridan, WY 82801. Phone number at City Hall is 307.674.6483. Mr. Martineau may testify on matters relating to the City's operations of the landfill in the past, present and future plans for addressing the conditions set forth in the D.E.Q.'s approval of the variance request. To the extent Mr. Martineau has knowledge as the Superintendent of the City's landfill and/or of the plans, efforts and requirements to expand the same, Mr. Martineau may testify as to any matters set forth in the City's Variance Request (in its final December 2010 form) and/or the City's Exhibits exchanged with the parties up to this point.

Mr. Martineau may also testify as to the City's efforts to work with the neighbors to the landfill in accommodating their concerns and mitigating the issues of complaint by the neighbors.

It is anticipated that Mr. Martineau may also be utilized to provide rebuttal testimony to the Objectioners' case-in-chief as appellants of the D.E.Q.'s Approval of the Variance.

2. **Dan Roberts**. Utilities Director for the City of Sheridan. City Hall, 55 Grinnell Street, Sheridan, WY 82801. Phone number is 307.674.6483.

Mr. Roberts may testify on matters relating to the City's planning and procedural efforts in the past, present and future efforts relating to the City landfill and the expansion thereof. To the extent Mr. Roberts has knowledge, as the Utilities Director who supervises Mr. Martineau and the City's landfill and plans, efforts and needs to expand the same, Mr. Roberts may testify as to any matters set forth in the City's Variance Request (in its final December 2010 form) or the City's Exhibits exchanged with the parties up to this point.

Mr. Roberts may also testify as to the City's efforts to work with the neighbors to the landfill in accommodating their concerns and mitigating the issues of complaint by the neighbors.

It is anticipated that Mr. Roberts may also be utilized to provide rebuttal testimony to the Objectioners' case-in-chief as appellants of the D.E.Q.'s Approval of the Variance.

3. **Nic Bateson, P.E.** Public Works Director for the City of Sheridan. City Hall, 55 Grinnell Street, Sheridan, WY 82801. Phone number is 307.674.6483.

Mr. Bateson may testify on matters relating to the City's planning and procedural efforts in the past, present and future efforts relating to the City landfill and the expansion thereof. To the extent Mr. Bateson has knowledge, as the Public Works Director (who supervises the Superintendent and the Utilities Director) in the City's landfill and plans, efforts and needs to expand the same, Mr. Bateson may testify as to any matters set forth in the City's Variance Request (in its final December 2010 form) or the City's Exhibits exchanged with the parties up to this point.

Mr. Bateson may also testify as to the City's efforts to work with the neighbors to the landfill in accommodating their concerns and mitigating the issues of complaint by the neighbors.

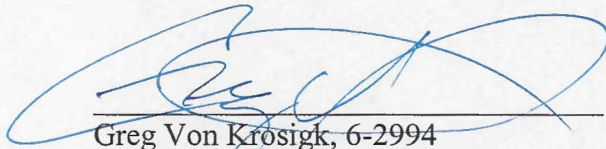
It is anticipated that Mr. Bateson may also be utilized to provide rebuttal testimony to the case that Objectors present as the appellants of the D.E.Q.'s Approval of the Variance.

4. If called to testify, any of the above-named Witnesses will discuss their understanding, observations and opinion of all matters set forth in the exchange of documents relating to this matter which have been made Exhibits for the appeal, specifically including but not limited to the City's Variance Request and the D.E.Q.'s review/approval documentation thereof. Each witness may also be called if necessary to lay foundation of any exhibit the City intends to introduce into evidence and which may not be stipulated to.

5. **Additional Rebuttal witness:** Any witness necessary to rebut the testimony presented by the other parties to this matter.

6. **Any witness of the other Parties:** The City may call any witness which has been identified or designated by the other Parties in their pretrial disclosure or otherwise at trial.

DATED this 7th day of May, 2012.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused a copy of the above and foregoing to be sent to Defendants, via ~~email~~ ^{FAX} on the 7th day of May, 2012.

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