

ENVIRONMENTAL QUALITY COUNCIL
Meeting Minutes
Greybull, WY
January 12, 2012

Members Present: Dennis Boal, Tim Flitner, Chairman; Rich Fairservis; John Morris; Tom Coverdale, Vice-Chairman, Dave Searle

Absent Members: Dr. Fred Ogden

Others Present: John Knepper, Sr. Asst. Attorney General; Joe Girardin, Paralegal/IT EQC Staff; Jim Ruby, Executive Secretary, EQC Staff; Kim Waring, Executive Assistant, EQC Staff; Nancy Vehr, Asst. Attorney General; Carl Anderson, DEQ/SHWD Administrator; Luke Esch, Asst. Attorney General; Mike Barrash, Asst. Attorney General; Nancy Nuttbrock, DEQ/LQD Administrator; Tina Anderson, DEQ/AQD Sheridan; Steve Dietrich, DEQ/AQD Administrator; Chad Schlichtemeir, DEQ/AQD Cheyenne; Diane Walker-Tompkins, DEQ/WQD, Cheyenne, John Wagner, DEQ/WQD, Administrator;

Tim Flitner, Chairman of the Council called the meeting to order at 9:00 A.M.

Chairman Flitner asked Mr. Coverdale, the presiding officer to begin the hearing In the Matter of the Appeal of the Notice of Violation and Order Issued to Good Mining Co., LLC, Docket No. 11-4201A.

After closing arguments, the hearing was adjourned. Chairman Flitner called for a motion to approve the NOV and Order as presented. Mr. Searle made a motion to approve the NOV and Order as presented by the DEQ. Mr. Coverdale seconded the motion. There was discussion among the Council. Chairman Flitner called for a roll call vote. Mr. Morris voted nay, Mr. Coverdale voted aye, Mr. Boal voted aye, Mr. Fairservis voted aye and Mr. Searle voted aye. Chairman Flitner abstained due to conflict of interest. The motion passed with four ayes, 1 nay and 1 abstention.

Mr. Searle called for an amendment to the previous motion and to withdraw the initial motion. The amendment stated to approve the NOV and Order without the finding that Mr. Good willingly and knowingly violated the act. Mr. Coverdale seconded the motion. There was discussion among the Council. A roll call vote was taken. The motion carried. Heather Jacobson was asked to draft the final order and Mr. Esch is to review it before the next EQC meeting in March for approval.

Mr. Coverdale made a motion to approve the November 16, 2011 meeting minutes. Mr. Boal seconded the motion. There was no discussion. Chairman Flitner called for the vote. The motion passed unanimously.

Mr. Searle made a motion to approve the Notice of Violation and Orders that were listed on the Consent Agenda.

1. Pure Petroleum – DEQ Docket No. 4917-11, EQC Docket No. 11-3209
2. 44 Mag Production, Inc. – DEQ Docket No. 4927-11, EQC Docket No. 11-3210
3. Pioneer Oil, LLC – DEQ Docket No. 4926-11, EQC Docket No. 11-3211

4. Trans-Western Petroleum, Ltd. – DEQ Docket No. 4925-11, EQC Docket No. 11-3212
5. Pinnacle Gas Resources – DEQ Docket No. 4924-11, EQC Docket No. 11-3213
6. Yellowstone RV and Auto Repair – DEQ Docket No. 4473-09, EQC Docket No. 11-5223

Mr. Fairservis seconded the motion. There being no discussion, Chairman Flitner called for a vote. The motion passed unanimously.

Mr. Boal made a motion to approve the Joint Stipulations to Modify Administrative Order on Consents for the following Administrative Order on Consents as presented on the Consent Agenda.

1. City of Douglas – DEQ Docket No. 4743-10, EQC Docket No. 10-5901
2. City of Rawlins – DEQ Docket No. 4815-11, EQC Docket No. 11-5901
3. Town of Wheatland – EQC Docket No. 10-5907

Mr. Searle seconded the motion. The Council asked Carl Anderson to brief them on the three AOC's. Chairman Flitner called for a vote on the motion. The motion passed unanimously.

Mr. Searle made a motion to approve the ORO Management Recommendation for Bond Forfeiture. Mr. Fairservis seconded the motion. There was discussion. Chairman Flitner called for a vote. The motion passed unanimously.

Mr. Coverdale made a motion to approve the EQC's Finding of Facts, Conclusions of Law and Order for GEGR, LLC. TFN 5 4/191, Docket No. 11-4804. Mr. Boal seconded the motion. The Council asked Mr. Ruby to review the changes compared to Mr. Bowers proposed order. There was also discussion among the Council regarding permission to re-draft orders by the staff and forward to the Council for review before the next scheduled meeting to approve. There was also discussion on who's responsibility is it to draft all final orders...the parties or the Environmental Quality Council staff. Chairman Flitner called for a vote on the motion. The motion passed with Mr. Searle abstaining.

Mr. Fairservis moved to approve the Findings of Fact, Conclusions of Law and Order for the Sand Draw Landfill hearing. Mr. Coverdale seconded the motion. There was discussion among the Council. There was an objection to the proposed Findings of Fact, Conclusions of Law and Order filed by the DEQ and a reply to the objection filed by Fremont County. The Council explained that they needed to time to review the objection and reply. Chairman Flitner suggested mailing the drafted new order to all the parties to review without comments and approve at the March meeting.

Mr. Ruby gave his report on the status of the Rules of Practice and Procedure. The Council asked that Mr. Corra provide his recommendations and/or changes by the March meeting.

Mr. Ruby discussed the letter received by the Mineral's Committee requesting the appearance of the Council at their scheduled meetings. Mr. Ruby was asked to prepare a response letter and present it to the Council for comments.

The next EQC meeting will be held on March 8-9, 2012 in Cheyenne. The May meeting will either be held in Sheridan or Worland, depending on availability of meeting location. The July meeting will be held in Sheridan.

The Council asked John Knepper, Sr. Asst. Attorney General, to review the Rules of Practice and Procedure.

January 13, 2012

The Rulemaking hearing for DEQ/AQD Chapters 3,5,6,11,14 – Docket No. 11-2101 was held at 8:30 A.M. After the DEQ's presentation of the rules, Mr. Coverdale moved to adopt the changes as discussed. Chairman Flitner seconded the motion. There was discussion among the Council. Chairman Flitner called for a roll call vote. Mr. Coverdale voted aye, Mr. Flitner voted aye, Mr. Boal voted aye, Mr. Fairservis voted aye and Mr. Searle voted aye. The motion passed unanimously.

The Rulemaking hearing for DEQ/WQD Chapters 3,5,11,12,16,20,21,23 with new Addit'l. Chapters 25 and 26, was held immediately following the DEQ/AQD rulemaking. The rules were presented by Diane Walker-Tompkins and John Wagner of the DEQ/WQD. After the rules were presented the Council delayed the approval because the LSO had not approved the rulemaking process as of the hearing date. The DEQ/WQD Chapter 5 rulemaking was also delayed in approval because of the LSO approval. The Council decided to schedule a conference call for the final vote and approval of rulemaking following the approval from the LSO.

Meeting was adjourned.


APPROVED BY:



Tim Flitner, Chairman

3/9/12

Date



Thomas Coverdale, Acting-Secretary