

LQD Meeting

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LAND QUALITY ADVISORY BOARD

IN RE: LQD MEETING

TRANSCRIPT OF MEETING PROCEEDINGS

PURSUANT TO NOTICE duly given to all parties in interest, this matter came on for telephonic meeting on the 22nd day of August, 2019, at the hour of 10:00 a.m., at the Oil and Gas Commission hearing room, 2211 King Boulevard, Casper, Wyoming, before the Land Quality Advisory Board, Chairman Jim Gampetro, presiding, with Mr. Phil Dinsmoor, Mr. John Hines, with Ms. Natalia Duncan-Macker present telephonically.

Mr. Craig Hults, Senior Environmental Analyst, and Mr. Muthu Kuchanur, LQD Program Manager, were also present.

1 P R O C E E D I N G S

2 (Meeting proceedings commenced
3 10:00 a.m., August 22, 2019.)

4 CHAIRMAN GAMPETRO: I'm Jim Gampetro,
5 public representative from Buffalo, Wyoming. And the
6 meeting is now in session. And I would like everyone --
7 let's start with Natalia and just introduce themselves.

8 BOARD MEMBER MACKER: Hi, Natalia Macker.
9 Thank you for letting me join remotely.

10 BOARD MEMBER DINSMOOR: I'm Phil Dinsmoor,
11 the industry representative from Devil's Tower.

12 BOARD MEMBER HINES: John Hines,
13 representing agriculture, Campbell County.

14 MR. HULTS: Craig Hults, I'm with the Land
15 Quality Division in Cheyenne.

16 MR. KUCHANUR: Muthu Kuchanur with Land
17 Quality Division.

18 CHAIRMAN GAMPETRO: I assume we've all got
19 the minutes. Any discussion about the minutes? We
20 would -- we would entertain a motion about the minutes.

21 BOARD MEMBER DINSMOOR: I'll move to
22 approve the minutes from the last meeting.

23 BOARD MEMBER HINES: Second.

24 CHAIRMAN GAMPETRO: All those who approve,
25 please signify by saying aye.

1 BOARD MEMBER HINES: Aye.

2 BOARD MEMBER DINSMOOR: Aye.

3 BOARD MEMBER MACKER: Aye.

4 CHAIRMAN GAMPETRO: Any opposed?

5 Seeing none, minutes are approved.

6 Presentation of discussion regarding the proposed
7 revisions nonCoal Chapter 10, limited mining operations for
8 15 acres or less of affected land.

9 The Land Quality Division will request the
10 advisory board vote on whether the proposed revisions
11 should proceed to the Environmental Quality Council for
12 formal rulemaking.

13 Craig, I guess you're up.

14 MR. HULTS: All right. Good morning
15 everyone. Just to give you a little bit of background on
16 this particular rule revision. We had brought this before
17 you during the March meeting originally, this chapter. You
18 had voted on to proceed for formal rulemaking. And part of
19 that process, my next step is that I take it to the
20 Attorney General's Office. They do a statutory authority
21 review.

22 With this new administration, that process has
23 changed a little bit. In the past, they were generally
24 just looking at the revisions we had proposed, not
25 necessarily rule language that may not have been touched.

1 The new procedure is they're going to take a look at the
2 entire chapter, whether we're proposing revisions or not.
3 And as part of that review for statutory authority, our
4 review came back that there were certain sections of our
5 chapter that were lacking statutory authority. So what
6 that means is there's not language that speaks to the rules
7 that we possibly propose. And when I go through these
8 changes, I'll point those out. But that's definitely a new
9 process for us, and was kind of a bit of a surprise,
10 actually.

11 That being said, for this chapter it wasn't super
12 onerous. This is a small chapter to begin with. We did
13 have some leeway, knowing that our limited mining
14 operations chapter we tried to make that a one-stop shop
15 for the operators, knowing that, you know, a lot of these
16 may be just ranch operations. They don't want to be
17 digging into their statutory books looking for other
18 resources, that type of thing. So there was some leeway
19 we've included language we were able to discuss with the AG
20 that we believed it was still necessary, still meets our
21 goals of ensuring that these sites get reclaimed. And
22 while there may not be specific language that addresses an
23 individual topic, we were still able to pull it in under
24 that general duty of the LQD to ensure reclamation.

25 So with that being said, I think I'll just go --

1 you have the proposed revisions in front of you.

2 Natalia, hopefully you have a version you're able
3 to pull up.

4 BOARD MEMBER MACKER: Yes.

5 MR. HULTS: Okay. So this Chapter 10, the
6 first change that we have, this wasn't proposed initially,
7 is in Section 1 regarding commencement. In this instance,
8 we're adding the language and the inspector of mines within
9 the Department of Workforce Services, the statutory --

10 BOARD MEMBER MACKER: I'm sorry to
11 interrupt. I have three documents. Can you tell me which
12 one you're referring to right now?

13 MR. HULTS: Sorry. I am on the statement
14 of reasons document.

15 BOARD MEMBER MACKER: Thank you.

16 MR. HULTS: Sure. So in Section 1, again,
17 the statute reads that we have to send the notice to the
18 administrator and the inspector of mines within the
19 Department of Workforce Services. This was a
20 recommendation from the AG to remain a little bit more
21 consistent with the language and call that out
22 specifically. I think that fits well with our intent of
23 having this chapter be a one-stop shop for potential
24 operators.

25 And, again, that's consistent with

1 35-11-401(e) (vi).

2 The second change in Section --

3 BOARD MEMBER HINES: Question,
4 Mr. Chairman.

5 MR. HULTS: Sure.

6 BOARD MEMBER HINES: Is the inspector of
7 mines, that's the state inspector?

8 MR. HULTS: That's correct.

9 BOARD MEMBER HINES: He's in the
10 Workforce -- we're not referring to two people in the
11 State?

12 MR. HULTS: Right.

13 BOARD MEMBER HINES: All right. I just
14 wanted to make sure I understood. Thank you.

15 MR. HULTS: The second change in Section 1,
16 this is another one that the AG had pointed out and asked
17 that we remove that for a lack of statutory authority. And
18 that was the requirement that a sworn statement that all
19 information contained in the notification is true and
20 correct to the best knowledge of the operator. Now, that
21 being said, the -- we can still include that on our
22 notification forms. The issue here was we couldn't
23 specifically call it out as a regulation. There's nothing
24 in Section 401(e) (vi) that deals with limited mining
25 operations that talks about that requirement. So we're

1 just pulling that out.

2 BOARD MEMBER DINSMOOR: Question,
3 Mr. Chairman.

4 Craig, with regard to the comments that came from
5 the Attorney General, what is the obligation of the
6 advisory board to accept or not those comments? And the
7 reason that I ask the question is that these -- these rules
8 have evolved over the years -- over 40 years or more. And
9 there's a fabric that's been established by the Department
10 for the purposes, as you mentioned earlier, of providing
11 for adequate and thorough reclamation of property in the
12 end. And essentially pulling something out right now might
13 begin to unravel those regulations.

14 And this one in particular, the Section (vii),
15 V-I-I, deletion concerns me a little bit, because the
16 question I have is how might that affect the applicability
17 of a bond if all the sudden the, for lack of a better word,
18 the attestation about the accuracy of the information is
19 questioned?

20 MR. HULTS: One, to kind of initiate that
21 discussion, when we are going to the EQC -- and now this is
22 in relationship of how we're required to kind of follow
23 that path of recommendations from the AG and your role in
24 that, I -- I believe you could comment that that is
25 problematic. Our problem is going to be that we won't be

1 able to move forward to formal rulemaking without that
2 recommendation from the AG. Further down in the process,
3 when we forward the rules to the governor's office, that
4 recommendation from the AG moves with it. So if there's an
5 issue that they don't believe we would have statutory
6 authority for, our -- kind of our options are, one, to try
7 to talk it through with the AG and stress how important
8 that is. And we did do that on quite a few sections
9 through his review. I think that's going to be our best
10 avenue.

11 The other alternative is that there could be a
12 legislative change. Those are kind of our options.

13 CHAIRMAN GAMPETRO: Question. Jim Gampetro
14 here.

15 What is to prevent the person applying for the
16 bond -- or the company applying for the bond to swear out
17 such a statement, which this illuminates in the verbiage
18 here, for the purposes of obtaining the bond and referring
19 to the fact that they're swearing to the accuracy of the
20 document? So it's not -- I'm just asking, it's not whether
21 or not it's part of the rules so much as it's a requirement
22 for that -- that entity that's applying for the bond to
23 swear out such a statement to get the bond.

24 BOARD MEMBER DINSMOOR: Are you asking me?

25 CHAIRMAN GAMPETRO: I'm asking anyone who

1 can answer that question.

2 MR. HULTS: And I can follow up on that a
3 little bit. To tie this to the bond and the reclamation of
4 the site, one, this isn't going to change our practice so
5 much. The form that -- we're not planning on changing that
6 form. That statement will still be on the form. The fact
7 is that we just can't have it in the rule. There are
8 procedures we can do, like on the form, have that sworn
9 statement there. The other thing I would say is on the
10 ground, you know, we're not approving these limited
11 operations without seeing maps, without seeing -- so we
12 have an ability to ensure that the number of acres that
13 we're bonding for. And particularly with limited mining
14 operations, those are set at a per acre basis. So it's
15 either 2,000 or \$3,000 per acre of disturbance. So we're
16 going to have a good handle on that bond amount.

17 But I guess too the big thing is we're not
18 changing our form. It's just that we called this out. And
19 from the AG's perspective, that requirement of a sworn
20 statement is something that we just couldn't call out in
21 the -- in the regulations. Procedurally, we can still ask
22 for that on the form, however.

23 BOARD MEMBER DINSMOOR: Thank you, Craig.
24 I think that answers my question, then. And my response to
25 especially the -- the first of my questions is that I think

1 that we rely on you and the Department, the administrator,
2 Muthu, and other experts, to give us advice about whether
3 some proposed rule or proposed changes to the rule is
4 appropriate or necessary. And we still got to do that. So
5 I think it's really important that if you're making a
6 change that is on the advice of the Attorney General, that
7 you include that in your message to us. But I would not
8 pretend to have a better knowledge than the collective
9 wisdom of the Department itself. So I appreciate that.

10 MR. HULTS: And, Phil, if I could just
11 follow-up on that too. For us moving forward, typically
12 the statutory authority review would have been post
13 advisory board. We're now, when we propose new rules,
14 we're going to take it to the AG before we come to the
15 advisory board, knowing that this type of review is coming.
16 That way we're not presenting rules that we think are
17 appropriate and find out we don't have authority for
18 further on down the road, which in this case we did have to
19 bring these rules back for a second visit. That's what
20 we're trying to avoid. We would also be able to
21 interchange discussions of those recommendations from the
22 AG.

23 BOARD MEMBER DINSMOOR: Thank you.

24 CHAIRMAN GAMPETRO: Jim Gampetro here. In
25 this particular instance, it would seem that the entity

1 that's applying for the bond would have to make such a
2 statement, whether it's on the form or not, if they want to
3 get the bond. So...

4 BOARD MEMBER DINSMOOR: In my opinion, the
5 ability of the Department to leave it on the form --

6 CHAIRMAN GAMPETRO: It's a good thing.

7 BOARD MEMBER DINSMOOR: -- satisfies my
8 concern that your bond -- that you can still rely on that
9 bond -- on the validity of that bond.

10 MR. HULTS: And if I may, the bonds for
11 limited mining operations, typically we don't have a lot of
12 sureties on these. A lot of them are cash, CDs, letters of
13 credit. The letters of credit would have their own unique
14 language that is developed by the bonding group, and it's
15 very specific and it does pledge that money to the
16 department. Those are the instances where there's a little
17 more involvement and the paperwork would be, you know,
18 pledging that amount of bond to the Department. Whereas
19 the cash, a CD, those are directly deposited with the
20 state. We always have availability of those funds.

21 I don't feel like this has a big impact on what
22 we're doing moving forward. Again, I think we're just
23 pulling it out of the rules. Our procedures will still be
24 the same prior to us, you know, removing this language.

25 BOARD MEMBER DINSMOOR: Okay. Thank you.

1 MR. HULTS: The next revision was in
2 Section 5. These were the rules that we were originally
3 proposing. These were based on the statutory changes. And
4 so in Section A, we don't have that requirement to notify
5 after 30 days of abandonment. Now it will be that
6 five-year window that we had talked about originally in
7 March.

8 They initially filed for the limited mining
9 operation. That will be valid for a five-year window. If
10 at the end of that five years, they would like to continue
11 that operation, they would be doing so moving forward.

12 So in Section (a), we're removing that
13 abandonment requirement. And then in subsection (i), and
14 the follow up (A), (B), (C), and (D), those were examples
15 of what was considered abandonment. So we won't be using
16 that anymore. Those changes you've seen before.

17 The same can be said about Section 6, the
18 renewals. That was the new language we had proposed. And
19 these limited mining operations can be renewed after five
20 years from the date that they initially commence
21 operations. And at that point, after the five years,
22 they'd be able to extend those operations by filing an
23 additional form with us. And it would be noted within the
24 annual report form. So there's no changes from the first
25 time you had seen this.

1 In Sections what will now be 7, 8, and 9, we had
2 just renumbered those for the addition of Section 6. You
3 had seen those before as well. And that brings us to what
4 will be Section 9. This one was another instance that the
5 AG called out. We're deleting subsection -- what was
6 subsection (ii) in Section 9. And I'll just read through
7 that. It was that an operator will not be allowed to
8 conduct one -- more than one operation of 15 acres or less
9 within any six-mile radius when the two operations are to
10 mine the same mineral.

11 This was pointed out that we do not have
12 statutory authority for that. And this particular section
13 had developed as a policy over the years in the department.
14 The six miles -- we, even looking into the history of that,
15 are not entirely sure how that six miles was picked. We
16 had been meeting with the Wyoming Contractors, and there
17 was some discussion too. Is that six miles as the crow
18 files? Is that six miles, okay, I've got to drive around
19 point of land to get around there? Does that mean six
20 miles and they just happen to be on the other side of a
21 river? There's a physical barrier there.

22 But this is a section that we're going to have to
23 remove from the rules without any kind of statutory
24 authority for it. And there are very few sections that
25 deal with limited mining operations within the statutes.

1 And this clearly isn't spoken to at all. We are able to
2 leave the language about conducting more than one operation
3 within adjacent areas when operations are to mine the same
4 minerals. In discussing this with the AG's office, there
5 was a feeling that's supported by the statutory language.
6 These limited mining operations were carved out for small
7 projects. The intent was that they wouldn't be real long
8 lasting. There was a realization that we don't want a
9 bunch of little pits right next to each other in order to
10 not apply safe or a small mine permit or a large mine, as
11 it was. Those options are available.

12 The other thing that was important here, adjacent
13 areas is defined in the statute. That was another reason
14 they were able to hang their hat on this one a little more.

15 So what will come out of this, I'm not sure that
16 we're going to try and move forward with some similar
17 language. But if we did try to do something like that, it
18 would require a legislative change to the statute. So in
19 the interim, we are going to have to remove this if we move
20 forward with the rule package.

21 BOARD MEMBER HINES: Mr. Chairman. A
22 question on that section, then. Is there anything that
23 defines "adjacent area"?

24 MR. HULTS: Yeah. In statute, in Section
25 103, it's defined as a half mile.

1 BOARD MEMBER HINES: A half mile?

2 MR. HULTS: Yeah.

3 CHAIRMAN GAMPETRO: That was my question,
4 otherwise you'll have arguments over what's adjacent.

5 BOARD MEMBER DINSMOOR: Mr. Chairman. So
6 regardless of what we do to the rules -- let's assume for a
7 moment that we take this out of the rule. It goes through
8 the Board. It goes through the Council. It's passed.
9 Signed by the secretary, all that. And now someone comes
10 in and proposes three or four or multiple operations more
11 than a half mile away, but within the former six-mile
12 radius, and it's very clear to the Department -- or it
13 would appear to the Department that it's an attempt to
14 circumvent the requirements of the act, the small mining
15 permit requirements. What options are available to the
16 Department, and how would you handle that?

17 MR. HULTS: Without Kyle here, I'll be
18 shooting from the hip a little bit. But I believe we'd
19 still be in a position to have that discussion, if it
20 became evident that, you know, these are within a half
21 mile. They're within the same mineral seam. You know, why
22 aren't you applying for a small mine?

23 I don't think there -- I don't think that's as
24 big of an issue as it used to be, but I think we would be
25 open to having that discussion with the potential operator.

1 We don't have a mechanism, though, that we could stop it
2 necessarily. I think the argument would be that, you know,
3 like you said, it's circumventing the intent of the
4 legislation. And I guess, if push came to shove, that
5 would be our argument to say the EQC, or something like
6 that. But there just isn't statutory support for us
7 carving out some sort of arbitrary distance right now. Our
8 other avenue would be to perhaps pursue that legislative
9 change if that became the real issue and it was something
10 we needed to deal with.

11 BOARD MEMBER DINSMOOR: I'm kind of
12 curious. Good for the Department for contacting the
13 contractor's association and getting some input. What was
14 their response to this? What kind of feedback did you get?

15 MR. HULTS: We did go through these rules
16 and there wasn't much discussion about this, which leads me
17 to believe they don't have a problem with this being
18 removed from the rules.

19 BOARD MEMBER DINSMOOR: Okay. Thank you.

20 MR. HULTS: And, Muthu, you were in those
21 meetings. I don't know if you had anything further on
22 that.

23 MR. KUCHANUR: No. I think you covered it
24 pretty good, Craig.

25 And I think Kyle -- when we discussed this with

1 Kyle, and his take was if we come to that situation, then
2 we can deny and take it to the Environmental Quality
3 Council, and then we will take it from there.

4 MR. HULTS: And that takes us to the end of
5 the proposed changes.

6 BOARD MEMBER HINES: Mr. Chairman. Then to
7 go back to that adjacent area. With this proposal, an
8 operator could have a permit every three-quarters of a
9 mile?

10 MR. HULTS: That is correct, yeah. But --
11 and, again, like Muthu just said, that, you know, if that
12 was the case, if we feel like they're just stacking these
13 up to avoid going through the small mine permitting
14 application, that could be a place where we just deny that
15 limited mining operation and take it up with the EQC.
16 That's kind of our avenue forward, if that became an issue.

17 BOARD MEMBER HINES: Then -- Mr. Chairman.
18 What -- like you said, you deny. What reasons would you
19 give for that denial when the statute's -- apparently the
20 rule says they can have one or more, you know, outside that
21 adjacent area?

22 MR. HULTS: My belief is we would be taking
23 the position that these limited mining operations were
24 carved out as an exception from the general permitting
25 requirements. With them moving them so close together,

1 that, in my mind, would be evidence that they're just
2 trying to avoid having that small mine permit application.
3 It's not a great argument necessarily. But I think the
4 intent would be that we would believe they're trying to
5 circumvent, again, the intent of the legislation for
6 limited mining operations.

7 These were originally intended to be small in
8 nature. Not around for a lot of years. You know, they're
9 responding to a road and a bridge project. They're -- you
10 know, small projects like that. So I think that will be
11 our argument.

12 BOARD MEMBER HINES: Mr. Chairman. I guess
13 my thoughts on this would be then if a road contractor, you
14 know, was going to gravel roads for several miles, that his
15 advantage would be to reduce trucking costs if it was
16 every -- you know, before right now, the way I interpret
17 it, they'd have to be six miles apart. With this proposed
18 change, they wouldn't have to be but a half mile apart.

19 MR. HULTS: And that is correct. Yep. And
20 we're moving forward, going to have to deal with that. I
21 would say I don't think this has been a big issue in the
22 past years.

23 BOARD MEMBER HINES: I think the
24 contractors then would have to take into consideration if
25 they got another mining permit, the cost of it versus the

1 cost for trucking your gravel a little further and that
2 kind of thing.

3 MR. HULTS: Sure.

4 BOARD MEMBER HINES: It would be up to them
5 to decide. Thank you.

6 CHAIRMAN GAMPETRO: Phil, anything else?

7 BOARD MEMBER DINSMOOR: Yeah, Mr. Chairman.
8 Just a comment, I think. Not really responding
9 to Mr. Hines' comments, but seems to me the legislature
10 created the one-off exemption of the small miner's permit
11 for a specific purpose. But by keeping this -- the -- I'm
12 sorry, the 15-acre exemption, whatever it's called -- the
13 small miner's permit was not stricken from the statute. So
14 it was the legislature's intent to keep small miner's
15 permit and the environmental protections associated with
16 that larger development in place. Irrespective of the
17 costs to the contractor, for example, in Mr. Hines'
18 example. And so I would encourage the Department to
19 diligently follow through on the intent of the statute,
20 which was significant develop requires a small miner's
21 permit, these one-off situations will get away with the
22 reduced requirements. I think that's a good option, but we
23 shouldn't allow ourselves to be opened up to just massive
24 development because it costs less. I got to have a better
25 reason than that, I would think.

1 MR. HULTS: I would agree with that, Phil.
2 And I would say too, with small mining operations there is
3 no limit on the size of those, ultimately. They are
4 limited only by annual disturbance. So as long as they're
5 disturbing less than 10 acres per year, these things can
6 get huge, to be honest. They're not huge in the scope of a
7 coal mine huge, but they can keep tacking on 10 acres each
8 year. Whereas these limited mine operations are limited to
9 life of mine of 15 acres. And plus we're adding in this
10 five-year renewal period too. So there isn't a disturbance
11 where they can do some work for that current project, and
12 just wanting to hang on to that limited mining operation,
13 not reclaim it, not do the work they need to within that
14 five-year window, in the hopes that we may use this 10
15 years from now.

16 What it would require is them to come in and
17 reclaim that limited mining operation if there isn't a need
18 for or they don't want to keep that open, that that area
19 would be reclaimed and then they would be required to come
20 in and either get a new LMO, or, you know, some other
21 avenue, small mine, whatever they would want. But that
22 five-year time frame gets some of these very inactive sites
23 off our books. And that was the large intent of this --
24 the statutory changes that were made during that 2018
25 legislative session -- or 2019.

1 BOARD MEMBER DINSMOOR: I think the other
2 thing that you haven't mentioned is that the bond on a
3 small mining permit is calculated on the basis of
4 disturbance at hand, and not on the basis of a standard
5 dollar per acre figure that the department maintains. And
6 it's been my experience that the greater the -- the
7 concentration of development or disturbance, the greater
8 the dollars per acre, generally, for reclamation. So
9 avoiding that small mining permit has some consequence to
10 the Department, to the State of Wyoming, to the citizens of
11 Wyoming. And the legislature recognized that and kept it
12 in place. I think that it's important to respect that.

13 MR. HULTS: I would agree.

14 BOARD MEMBER DINSMOOR: Okay. Thank you.
15 I've said my piece.

16 CHAIRMAN GAMPETRO: Anything else on this?

17 Apparently we need to have a vote. So entertain
18 a motion on what we're going to vote on.

19 BOARD MEMBER DINSMOOR: I would move that
20 we approve the package as presented and described by
21 Mr. Hults. And send it on to our -- recommend sending it
22 out to the Environmental Quality Council.

23 BOARD MEMBER HINES: Second.

24 CHAIRMAN GAMPETRO: It's been moved and
25 seconded that we approve this and send it on to the

1 Environmental Quality Council. All those in favor, please
2 signify by saying aye.

3 BOARD MEMBER MACKER: Aye.

4 BOARD MEMBER DINSMOOR: Aye.

5 BOARD MEMBER HINES: Aye.

6 CHAIRMAN GAMPETRO: Any opposed? Seeing no
7 opposed. It passes.

8 Next update on the advisory board roster. What
9 are we talking about there?

10 MR. HULTS: Just our membership. We
11 have -- as you're aware Micky's spot is currently vacant.
12 And I just wanted to update you on some of those. And
13 touch base with Natalia a little bit.

14 We do have an application in currently for
15 vacancy. The person applied, his name is Gene Legerski.
16 He is the public works director in Sweetwater County.
17 Currently we're trying to ferret out whether that person
18 that represents our political subdivisions needs to be
19 elected. I presented the question to the AG's Office. It
20 was my feeling -- I couldn't find anywhere that would
21 require that. However, in the Department there's always
22 been that presumption that they needed to be either, say, a
23 city council member or county commissioner who is an
24 elected position. I couldn't find anything to back that
25 current state of things up. I consulted with the AG. He

1 agreed that there probably isn't any requirement that
2 they be an elected official. I'm still trying to get a
3 confirmation of that from the boards and commissions
4 portion of the governor's office. They were the one
5 that -- the boards and commissions director, actually, was
6 the one that asked us if we had any reservations about the
7 application. In speaking with Kyle, he didn't believe so.
8 In fact, they thought that would be a good choice because
9 of their involvement with, again, sand and gravel, you
10 know, road and bridge-type operations. We thought that
11 would be a good fit with our advisory board. So hopefully
12 we'll get confirmation that that would be okay. And we
13 would move forward with that application and hopefully have
14 our new board member for -- the next meeting is
15 December 12th. So that's our hope.

16 John, I know -- I believe you're still planning
17 on submitting that application. So that would be for
18 re-upping.

19 And then, Natalia, I don't know if you heard
20 anything from the governor's office beyond your initial
21 communications? Natalia?

22 BOARD MEMBER MACKER: I have not heard
23 anything about this board from them.

24 MR. HULTS: Okay. I will touch base with
25 them again. And your intent was still to re-up? Natalia?

1 BOARD MEMBER MACKER: Sorry. Can you say
2 that again?

3 MR. HULTS: I just wanted to confirm you
4 were still applying for the advisory board as well? I
5 think that was what you had told me.

6 BOARD MEMBER MACKER: I did, yeah. I did.
7 And I -- it sounds like a great fit with the applicant from
8 Sweetwater County, but would just share that in the absence
9 of others, I could also fill the political subdivision
10 category if it was a requirement for it to be an elected
11 official.

12 MR. HULTS: That's good to know.

13 CHAIRMAN GAMPETRO: Question. If it comes
14 back that it's not required to be an elected official, what
15 will be --

16 BOARD MEMBER MACKER: Apply back at the
17 beginning of the year.

18 CHAIRMAN GAMPETRO: What would be the
19 requirements, then? If it's not elected official, how
20 would we define what kind of person or position that person
21 must be in?

22 MR. HULTS: So the way the statute is
23 written, it says a representative of the political
24 subdivisions, taking kind of a statutory construction or
25 review. You look at the plain language it of. The

1 political subdivisions can go all way down to sanitation
2 district. Or, you know, there's very small sections of
3 what can be considered a political subdivision.

4 That being said, I think if we're opening it up
5 to applications, I think we also still want to have a fit
6 with this advisory board that makes sense. I don't believe
7 we would be required to take somebody on in a role that,
8 say, they were with sanitation department, does that really
9 apply to mining or the things that we're usually dealing
10 with. Would they have valuable input into this process?
11 We still have some say about the applicants. So if it is
12 opened up to a broad interpretation of that, to me that's
13 good. I think that gets more people applying. And we
14 would be able to weigh those options of those applicants
15 that we think would be the best fit.

16 CHAIRMAN GAMPETRO: Thank you.

17 BOARD MEMBER DINSMOOR: Mr. Chairman.
18 Without suggesting that we resort to playing games here,
19 the absence of applications is troubling. But sounds like
20 we might have somebody that could be a valuable fit.
21 And -- and if we could encourage Natalia to apply as the
22 political subdivision and then have this person apply as
23 the at large, I believe that Natalia is now -- we could
24 avoid the argument today, make it simpler. So it sounds
25 like we do have some options there -- or could have some

1 options.

2 CHAIRMAN GAMPETRO: That would depend on
3 who's what party. I think we're still --

4 BOARD MEMBER DINSMOOR: We got -- that's
5 right.

6 CHAIRMAN GAMPETRO: -- still limited to
7 certain representation of each party.

8 BOARD MEMBER MACKER: I'm still a Democrat.

9 MR. HULTS: And, Phil -- Chairman
10 Gampetro -- that has been part of the issue for the
11 Department, is party affixations and elected officials in
12 Wyoming. Not so much with our board, but the Air Quality,
13 Solid and Hazardous Waste. My feeling is if we can go
14 forward with a person that isn't an elected official,
15 that's going to alleviate some of the pressure on those
16 other advisory boards to get qualified candidates as well.
17 So that's why I'm kind of pushing forward with this, to
18 make sure that's the case. And like I said, that's been
19 kind of engrained into the Department without -- it's kind
20 of we've always done it this way, and I was looking at it a
21 little bit differently and hopefully we can get some
22 clarification on that.

23 CHAIRMAN GAMPETRO: John, anything else?

24 Other items for discussion?

25 MR. HULTS: I do not have anything, unless

1 the Board has any topics?

2 I know, Jim, you had brought up about the waste.
3 And I will check in with that and give you some kind of
4 report.

5 BOARD MEMBER HINES: I think just for the
6 record, we had talked about simply arming this Board with
7 information about any efforts on the state level to go
8 forward with hazardous -- or --

9 CHAIRMAN GAMPETRO: Nuclear waste.

10 BOARD MEMBER DINSMOOR: -- nuclear disposal
11 within the state.

12 And while it may or may not fall within our
13 purview, the Land Quality's purview, it's close enough --
14 and Chairman Gampetro mentioned he's getting a lot of
15 questions, that arming us with some information would be
16 valuable so we can get a presentation at the next meeting,
17 that would be super.

18 CHAIRMAN GAMPETRO: That would be super.
19 That was for you, John.

20 BOARD MEMBER HINES: Talking about that
21 issue. I went through it 15, 20 years ago. And the same
22 proposal brought to the legislature. And at that time, any
23 time I was in the legislature -- any time nuclear was
24 mentioned, there was just an uprising. People didn't know
25 what was proposed, but just set them apart. I don't know

1 whether the general feelings have changed since then or
2 not. Maybe we're out of money and they have to raise taxes
3 like they did, but...

4 BOARD MEMBER DINSMOOR: But awareness of
5 the efforts, nevertheless, is still important.

6 BOARD MEMBER HINES: Yeah. Uh-huh.

7 CHAIRMAN GAMPETRO: Nothing else?

8 Then we would entertain a motion to adjourn.

9 BOARD MEMBER HINES: So moved.

10 BOARD MEMBER DINSMOOR: Second.

11 CHAIRMAN GAMPETRO: All those in favor,
12 please say aye.

13 BOARD MEMBER HINES: Aye.

14 BOARD MEMBER DINSMOOR: Aye.

15 BOARD MEMBER MACKER: Aye.

16 CHAIRMAN GAMPETRO: Opposed?

17 Therefore, our meeting is adjourned. Thank you.

18 (Meeting proceedings concluded

19 10:47 a.m., August 22, 2019.)

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C E R T I F I C A T E

I, KATHY J. KENDRICK, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein, constituting a full, true and correct transcript.

Dated this 3rd day of September, 2019.


KATHY J. KENDRICK
Registered Professional Reporter

