

Environmental Quality Council Meeting Minutes
January 28, 1987
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Randy Wood noted that he had discussed his presentation with Terri Lorenzon prior to the Council meeting. Ms. Lorenzon advised him that he should discuss only the general nature of the process.

Harold Bergman agreed that a general review would be appropriate.

AMAX COAL COMPANY - NOV 100809:

John Crow referred the Council members to his discussion in the last pages of the transcript of the hearing held on the NOV 100809 issued to Amax Coal Company. On the basis of his analysis in the transcript, Mr. Crow moved that the Council agree with Amax Coal Company's position and vacate the NOV. John Schiffer seconded the motion.

John Crow explained that this case was one in which the Federal regulators placed the Department in a position which is not supported by the regulations. The Department defended their position on the basis of broad statutory language. However, the regulations clearly did not condone such sanctions.

Jim Sutherland stated he agreed with the motion, and noted that he felt the case was based on a general lack of communication between the company and the Department. He felt it was important that there was no environmental degradation that took place in this case, in fact, this was a "paper" NOV. It was written merely on the procedure that Amax had followed. It was unfortunate that several factors coincided in this case. The Department had new and inexperienced inspectors, and there was a great deal of time that lapsed between the alleged violation and the actual issuance of the NOV. There was an apparent attempt by Amax to circumvent the Departmental policy. And, Mr. Sutherland agreed with Mr. Crow that the Land Quality Division was reluctant to issue the NOV. Mr. Sutherland believed if it had not been for the 10-day notice, an NOV would not have been issued.

Vince Lee stated he had nothing to add to the discussion, and Mr. Park stated he concurred with both Mr. Crow and Mr. Sutherland's comments.

There being no further discussion Harold Bergman called for the vote, and the motion carried unanimously.

PATHFINDER MINES CORPORATION - PETITION FOR RULEMAKING:

Bob Poyser, manager of Environmental Affairs with Pathfinder Mines Corporation, introduced himself and Mr. Lee Nugent, mine manager at Lucky Mc, and Mr. Bob Hoskins, mine manager at Shirley Basin. He