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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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IN RE: LQD MEETING  
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TRANSCRIPT OF TELEPHONIC MEETING PROCEEDINGS

PURSUANT TO NOTICE duly given to all parties  
in interest, this matter came on for telephonic meeting on  
the 18th day of August, 2014, at the hour of 10:01 a.m.,  
at the Herschler Building, 122 West 25th Street, at the  
office of Nancy Nuttbrock, Cheyenne, Wyoming, before the  
Land Quality Advisory Board, Chairman Jim Gampetro,  
presiding, with Mr. Jim Skeen, Mr. Jay Collins and  
Mr. Kyle Wendtland, all present telephonically.

Ms. Nancy Nuttbrock, Land Quality Administrator;  
Mr. Craig Hults, Senior Environmental Analyst were also in  
attendance.

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A P P E A R A N C E S

ALSO PRESENT BY TELEPHONE: MS. SHANNON ANDERSON  
MS. LAURA ACKERMAN

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

2 (Telephonic meeting proceedings commenced  
3 10:01 a.m., August 18, 2014.)

4 CHAIRMAN GAMPETRO: Introductionwise, we've  
5 got Jay -- whoops, there's somebody.

6 MS. ACKERMAN: This is Laura from Cloud  
7 Peak.

8 CHAIRMAN GAMPETRO: We're going to get  
9 started. If anyone would just like to introduce  
10 themselves, we'll -- or do you want to do the  
11 introductions, Nancy?

12 MS. NUTTBROCK: Well, I can introduce --  
13 sure. I guess I can. I have a list here.

14 In my office here in Cheyenne we have Kathy with  
15 the court reporter services. Craig Hults. On the phone we  
16 have Jim Gampetro, Kyle Wendtland, Jim Skeen, Jay Collins,  
17 Shannon Anderson and Laura Ackerman.

18 Anybody else I didn't catch on the line?

19 CHAIRMAN GAMPETRO: Well, let's presume to  
20 have the meeting be begun. And I would ask for a motion  
21 for approval of the minutes from the May 19th meeting.

22 BOARD MEMBER SKEEN: I move for acceptance  
23 of the minutes of May 19th meeting.

24 BOARD MEMBER WENDTLAND: Let's speak our  
25 names. I'm not recognizing these voices.

1 BOARD MEMBER SKEEN: Jim Skeen. Jim Skeen.

2 CHAIRMAN GAMPETRO: Jim has made the  
3 motion. Do we have a second?

4 BOARD MEMBER COLLINS: This is Jay Collins.  
5 I'll second.

6 CHAIRMAN GAMPETRO: It's been moved and  
7 seconded.

8 Would all those in favor please indicate by  
9 saying aye.

10 BOARD MEMBER SKEEN: Aye.

11 BOARD MEMBER WENDTLAND: Aye.

12 BOARD MEMBER COLLINS: Aye.

13 CHAIRMAN GAMPETRO: Any opposed?

14 Seeing no opposed, the minutes from the meeting  
15 of May 19th are approved.

16 The next subject on our agenda here is the  
17 advisory board vacancy.

18 Nancy, do we have any names yet?

19 MS. NUTTBROCK: Mr. Gampetro, we don't.  
20 Not that I'm aware of. So Mr. Skeen's position expires on  
21 September 30th of this year. So the way this works is that  
22 that vacates a position for a Democrat representing the  
23 public. And this is a -- a slot that would be filled by  
24 the governor's office. The governor's Office of Boards and  
25 Commissions. And in the past we've been working with a gal

1 name Cheri Koehn. She's no longer there. And a gal named  
2 Leslie Arnett is now helping us from the Governor's Boards  
3 and Commissions Office.

4 So it's really by word of mouth. If there's  
5 anybody that is interested or you know of someone who might  
6 be interested in serving in this capacity on our board, you  
7 simply can contact me and I can get you Leslie's contact  
8 information and she'll really take it from there. She'll  
9 talk with the person and the governor's office will make  
10 that appointment. But they -- Leslie has contacted me and  
11 we've spoken on the phone a couple of times now, and they  
12 are seeking candidates for that position. So if you know  
13 of folks who might be interested, please let me know and  
14 we'll get them in contact with Leslie.

15 CHAIRMAN GAMPETRO: Okay. Who wants to  
16 honcho the NRC agreement state status update?

17 MS. NUTTBROCK: I would like to, if you  
18 don't mind.

19 CHAIRMAN GAMPETRO: Go right ahead.

20 MS. NUTTBROCK: So this is something that I  
21 think it's important to keep you all updated with its  
22 progress. We've talked about it a number of times over the  
23 past three quarters. The State of Wyoming is -- has been  
24 studying, for a long time now, for a decade now, what it  
25 would take to become what's referred to as an NRC agreement

1 state. And to just put it in real simple terms, it would  
2 be sort of like the State of Wyoming taking over the SMCRA  
3 program. But we would be taking over a program from the  
4 Nuclear Regulatory Commission that would allow us to  
5 regulate with some oversight the in-situ and traditional  
6 uranium recovery operations across the state.

7 Like I said, it's something the State's been  
8 looking into for a long time now. And we have -- two years  
9 ago, in the 2012 legislative session, if you recall, there  
10 was an appropriation given to DEQ to conduct a feasibility  
11 study, and we completed that in December of 2012. And I  
12 think it was December -- excuse me, December of 2013. And  
13 going into that -- the '14 legislative session, we were  
14 asked to study in more detail a couple of aspects relative  
15 to becoming an agreement state. And that was the -- the  
16 staffing plan and a fee program.

17 So the legislature was interested in knowing how  
18 many additional staff is it going to take for DEQ and a  
19 group within Land Quality's division, to run this program.  
20 And furthermore, how is this program going to be entirely  
21 self-sufficient from operators paying to -- paying on  
22 hourly rate or a combination of an hourly rate and an  
23 application fee or some other sorts of fees to keep the  
24 program full.

25 So we've been studying that to a great extent.

1 We briefed the Minerals Committee in June of this year,  
2 June 16th, and had a good discussion with them. And our  
3 briefing was followed by a presentation from a number of  
4 the industry representatives working with WMA. And at the  
5 end of that meeting in June, the Minerals Committee gave  
6 the Legislative Service Office the direction to draft some  
7 legislation that would enable Governor Mead to send the  
8 commissioner of the Nuclear Regulatory Commission a letter  
9 of intent, basically.

10 So really that's the first indicate -- that's the  
11 first solid indication I've seen that the State is  
12 intending to pursue this. So far we've been talking a lot  
13 about it, but I've -- so this is the first time I'll see  
14 some actual legislation and some direction from the  
15 Minerals Committee. I think that would probably lend  
16 itself to some more discussion at the 2015 legislative  
17 session, and we are -- we're being asked to brief again the  
18 Minerals Committee at their October meeting.

19 So I just wanted to keep you aware of how this is  
20 moving forward, because inevitably it's going to result in  
21 a lot of rules changes. And I can't tell you exactly  
22 when that sort of activity would start, but if the governor  
23 and the legislature chose to go forward with this at the  
24 end of the next legislative session, say, I think we could  
25 be looking at a much greater frequency of rules changes and

1 meetings probably by maybe the end of 2015, certainly into  
2 2016, we would be -- we would have our -- we would be going  
3 forward with rules and any modifications to guidelines.

4           It's a fairly heavy lift when you start looking  
5 at how we would either adopt in whole or in part the NRC's  
6 regulations, but it's a fairly heavy legal lift. And, of  
7 course, any time we change any rules, it starts with you  
8 all. So I know over the past --

9           CHAIRMAN GAMPETRO: Matt has sent that  
10 letter of intent, then?

11           MS. NUTTBROCK: No. No. There needs to  
12 be -- the sequence is -- the first step is for the  
13 legislature to enable legislation. It's enabling  
14 legislation that pretty much says it's very short, but it  
15 gives the governor the authority to pursue the NRC  
16 agreement state status. So it basically says, governor,  
17 you have the authority from the legislature to go forward  
18 and write this letter to the NRC that says we intend to  
19 proceed with becoming an agreement state. So that's the  
20 first step.

21           And then the second step would then be the  
22 governor actually sending that letter. So it's a -- again,  
23 I don't foresee the governor actually sending the letter  
24 until obviously the legislation is passed, so the end of  
25 the next legislative session, with that enabling

1 legislation, I would imagine that the governor would be  
2 sending a letter. Although I wouldn't even venture a guess  
3 when, but that's the sequence, anyways.

4 So then from there --

5 CHAIRMAN GAMPETRO: Is this on the agenda  
6 for the next legislative session?

7 MS. NUTTBROCK: I can't tell you for sure,  
8 but I suspect that it will be, just by way of the Minerals  
9 Committee asking the Legislative Service Office to draft  
10 the legislation for their consideration at the upcoming  
11 October meeting. I think -- the best I can see, that's the  
12 direction it's going, uh-huh. And then from there --

13 CHAIRMAN GAMPETRO: Okay.

14 MS. NUTTBROCK: From there, once the  
15 legislation is put in place and the governor sends a  
16 letter, then it's several years of hiring people and  
17 training people and modifying regulations and rules and  
18 guidelines to get everything in place before we're actually  
19 given the program. So this is a very long process. And  
20 it's not a simple process, but I'm just giving you advance  
21 notice of the steps that I can foresee happening here in  
22 the next three quarters, probably.

23 CHAIRMAN GAMPETRO: Okay. Anything more on  
24 that?

25 MS. NUTTBROCK: Nothing more at this time.

1 Like I said, we'll be in front of the Minerals Committee  
2 again in October, so perhaps our fourth-quarter meeting  
3 I'll have some more to update you on.

4 CHAIRMAN GAMPETRO: Can we move along to  
5 update on the Land Quality Division's rulemaking efforts?

6 MS. NUTTBROCK: Sure. I'll turn that over  
7 to Craig.

8 MR. HULTS: Good morning. Not a lot to  
9 report. The active rules that we have going right now  
10 are the coal rules. They're with the governor's office  
11 seeking approval and his signature. I think they have  
12 until the middle of September. I want to say  
13 September 18th. But what will happen in the interim,  
14 they've been put -- the LSO has recommended they be put  
15 on the consent list for approval, so our procedural steps  
16 have been taken care of, so we're just waiting on that  
17 signature currently. Following the signature by the  
18 governor's office, we will be sending them to the office  
19 of surface mining for their final approval. And that  
20 would end it, hopefully.

21 As you know, this was the last of our  
22 deficiencies that we had out there, so I know I have my  
23 fingers crossed that we'll be in complete compliance. And  
24 as far as any other draft rules we have, I've mentioned  
25 before the coal in-situ rules still, in the very early

1 draft stages. And I believe some of the work groups are  
2 also contemplating, related to the bond release, there may  
3 be possible changes there. But those are the only things I  
4 have in the pipeline currently.

5 CHAIRMAN GAMPETRO: Is that it, Craig?

6 MR. HULTS: That's it. Yeah, it's been  
7 fairly inactive for a change.

8 CHAIRMAN GAMPETRO: What about any other  
9 questions regarding anything we've discussed or issues that  
10 anyone would like to bring up? This sounds like a short  
11 meeting.

12 Well, if that's it, I don't have any questions  
13 and no issues.

14 Nancy, anything from you?

15 MS. NUTTBROCK: No I'll just remind you all  
16 that Mr. Skeen, again, will be leaving the group on  
17 September 30th of '14, which is virtually right around the  
18 corner. So, if you would, please give that some thought.  
19 And like I said, we can give some candidates or some names  
20 to Leslie for the governor to consider, but that's  
21 really -- it's a month away, so --

22 CHAIRMAN GAMPETRO: Yeah, it's getting  
23 pretty close. So I guess it would be appropriate to say  
24 good-bye to Jim.

25 MS. NUTTBROCK: Probably so. This is

1 probably our last meeting with him.

2 BOARD MEMBER SKEEN: Well, I've enjoyed  
3 it. And I hated to give you the notice, but it's very  
4 possible we might be moving, and so figured we better  
5 do it at the end of my term instead of in the middle  
6 of a term, so...

7 MS. NUTTBROCK: We wish you the best of  
8 luck.

9 BOARD MEMBER SKEEN: Thank you.

10 BOARD MEMBER COLLINS: Thank you, Jim.

11 CHAIRMAN GAMPETRO: Thank you for your  
12 service and all your contributions.

13 BOARD MEMBER SKEEN: I've enjoyed it. It  
14 was good meeting you all and -- well, if that's the end, if  
15 nobody has anything else, I would move for adjournment of  
16 the meeting. And this is Jim Skeen.

17 BOARD MEMBER COLLINS: Jay Collins. I'll  
18 second that.

19 CHAIRMAN GAMPETRO: All moved and seconded.  
20 All those approve, please signify by saying aye.

21 BOARD MEMBER SKEEN: Aye.

22 BOARD MEMBER COLLINS: Aye.

23 BOARD MEMBER WENDTLAND: Aye.

24 CHAIRMAN GAMPETRO: Any opposed? Meeting  
25 is adjourned.

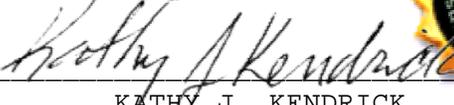
1 MS. NUTTBROCK: Okay. Thank you all.  
2 MR. HULTS: Thank you.  
3 (Telephonic meeting proceedings concluded  
4 10:16 a.m., August 18, 2014.)  
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C E R T I F I C A T E

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 8th day of September, 2014.

  
KATHY J. KENDRICK  
Registered Professional Reporter

