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DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

IN RE: LQD MEETING

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for hearing on the 27th day of October, 2014 at the hour of 10:03 p.m., at the office of Nancy Nuttbrock, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming, before the Land Quality Advisory Board, Chairman Jim Gampetro presiding, with Mr. Jay Collins also present, appearing by telephone. Also present were Craig Hults, Natural Resource Principal; Carol Bilbrough, Program Manager; and Mark Rogaczewski, Program Manager, appearing by telephone.

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P R O C E E D I N G S

(Meeting commenced 10:03 a.m.,
October 27, 2014.)

CHAIRMAN GAMPETRO: Let's consider the
meeting open. Who all do we have?

MR. HULTS: I haven't heard many beeps.

MS. BILBROUGH: It might be just you two,
and it's Carol Bilbrough, Craig Hultz and Eric here in
Cheyenne.

CHAIRMAN GAMPETRO: Okay. We'll skip over
the approval of the minutes unless and until we hear from
Mickey. And Craig, if you would like to go and tell
everybody about the Advisory Board vacancy, or whoever
wants to update us on that.

MR. HULTS: Yeah, absolutely. We've just
had a change within the Governor's Office. The woman that
used to just organize, getting those positions together,
has since left the Governor's Office. We have somebody
new. Her name is Leslie Arnett. And the last
communication from her that we've had was that they had two
candidates. She had completed her review of the
applications, the materials, and had put together summaries
for the Governor. The next step will be to meet with the
Governor, and her words were that it's been quite busy in
the Governor's Office, so they just haven't had the chance

1 to yet --

2 MR. ROGACZEWSKI: Hello. It's Mark
3 Rogaczewski from LQD District 3.

4 CHAIRMAN GAMPETRO: Hey, Mark.

5 MR. ROGACZEWSKI: How are you doing?

6 MS. BILBROUGH: We started the meeting, and
7 Craig is giving the first item. We don't have a quorum, so
8 we haven't done the minutes yet.

9 MR. HULTS: All right. Yes. So the next
10 step will be to meet with the Governor and hopefully, we'll
11 get a decision. She said she will give us a heads-up as
12 soon as she heard anything and got the chance to meet with
13 them. So hopefully, prior to our next February meeting, we
14 will have something in place or someone.

15 CHAIRMAN GAMPETRO: Okay. Sounds like
16 we're at least making progress. Did I hear another beep?
17 Is Mickey maybe there?

18 MR. HULTS: It was Mark Rogaczewski up in
19 District 3 just chimed in.

20 CHAIRMAN GAMPETRO: I heard that one, but I
21 thought I heard a beep before, but I guess he's not there
22 or he would have said something. Are we ready to talk
23 about the NRC agreements status update?

24 MS. BILBROUGH: Well, Nancy did not leave
25 us with an update. Pretty much all I know -- this is

1 Carol. Pretty much all I know is that it's in the
2 Legislative Services Office, and they are working on the
3 legislation right now. And that's -- I don't have much
4 more than that or any more than that.

5 CHAIRMAN GAMPETRO: Thank you. How about
6 the update on the rulemaking efforts?

7 MR. HULTS: Sure. This is Craig again. We
8 don't have currently any new rules that we're drafting or
9 pending packages. We do -- I shouldn't say there isn't any
10 going on right now. There is some work still in very
11 preliminary stages on our in situ coal rules and I would
12 suspect that won't be ready any time soon. My guess would
13 be probably mid summer or late fall that we would start
14 getting a package together for that one of next year.

15 And then our other ones that we had out, our most
16 recent rule package that we had to go through, the EQC had
17 approved, and that was the EQC meeting was back in July.
18 That one is now with OSM, and from what I understand, it's
19 actually made its way to the Solicitor's Office already.
20 So we should be looking for Federal Register posting on
21 that which will announce that they are taking comments on
22 those rules.

23 I've spoken with Howard, who is in the Denver
24 office, and he does our initial review and he forwards it
25 on to the Solicitor, and so far, we haven't had any

1 questions that couldn't be answered, and it looks like it
2 should go through pretty smoothly, I think. I haven't had
3 any issues so far, so got my fingers crossed on that one.

4 And then we're still waiting on a Federal
5 Register posting from a rule package that was done back
6 in -- it was submitted to the OSM in January of 2013. That
7 one is also with the Solicitor, and I've been assured that
8 that will be posted shortly. So not a lot going on in the
9 rules world.

10 CHAIRMAN GAMPETRO: Okay. Shall we move on
11 to public notice methods and lists?

12 MR. HULTS: Yeah. The issue has come up --
13 we're currently going through a -- they're creating a new
14 website for DEQ, and one of the things that they'll be
15 using that for is notice of public meetings. In our case,
16 that will help in some regards, and a lot of things, just
17 regular routine business that we do, people will be able to
18 sign up and just get these updates automatically through
19 their e-mail.

20 But in looking at our current system, we use what
21 we're calling the interested parties mailing list and
22 that's typically how we send out like the agendas for the
23 advisory boards or rules hearings, EQC hearings. That list
24 is somewhat outdated, I think, just based on the number of
25 ones that we get back in the mail, and what I'm going to be

1 trying to do is update that list and only use that list for
2 rulemaking efforts.

3 The statutes under the Administrative Procedures
4 Act require that we send out written notice to anyone who
5 has requested that prior notice of any rulemaking efforts.
6 So we'll still need to be using that, but I think using the
7 new website for other ones, if we don't have rules on the
8 agenda for like an Advisory Board, we'll be feeding it
9 through that system, and we'll still be updating our
10 website, of course, with the postings and things like that,
11 but as soon as we post something that goes into a public
12 notice folder, that will immediately kick out to everybody
13 that signed up for that.

14 My plan is to use the interested parties mailing
15 list to announce that so that people can -- that are
16 currently on that list can avail themselves to that as
17 well.

18 CHAIRMAN GAMPETRO: As long as it makes
19 everybody happy and it covers our legal responsibilities,
20 it sounds good to me.

21 MR. HULTS: Yeah. I think that seems to be
22 the way everybody is going nowadays. And I know I'm on
23 some lists like that and it is pretty nice, you just have
24 to sign up once. And you can clutter up your e-mail box
25 sometimes if you get on too many lists, but I find it

1 helpful. And then again we'll be using that interested
2 parties mailing list to satisfy the Administrative
3 Procedures Act.

4 CHAIRMAN GAMPETRO: The only problem I
5 could foresee is people living in the area of some of the
6 mines, especially in the event that the people move and
7 someone new moves in, then we won't have their e-mail or if
8 they don't have an e-mail.

9 MR. HULTS: Yeah. And that's why that
10 interested parties mailing list wouldn't be disappearing.
11 I would like to just confirm that people are still wanting
12 to receive information. I'm not familiar how the list was
13 originally generated, so there are coal and non-coal folks
14 on there, other agencies and various interested parties.

15 CHAIRMAN GAMPETRO: That would include
16 residents near a bentonite mine or a coal mine either way,
17 right?

18 MR. HULTS: Absolutely. Yep.

19 CHAIRMAN GAMPETRO: And that's snail mail
20 you're talking about.

21 MR. HULTS: It is, yeah.

22 CHAIRMAN GAMPETRO: Okay. Well, I think if
23 you can get that list updated, we'd definitely have it
24 covered.

25 MR. HULTS: Yeah, absolutely. That's why I

1 wanted to check through with people just to see. It's not
2 always clear how they got on the list. So what we'll be
3 doing is updating that to make sure that those that are on
4 the list are interested in the rulemakings.

5 CHAIRMAN GAMPETRO: Is that it?

6 MR. HULTS: That's it.

7 CHAIRMAN GAMPETRO: Okay. Any other
8 business?

9 MR. HULTS: Yeah. I just wanted to update
10 you guys. We have a tentative schedule for next year. And
11 so our next Advisory Board meeting won't be until February
12 23rd. It will be a while. And these will all be Monday
13 dates.

14 CHAIRMAN GAMPETRO: Are you going to e-mail
15 that tentative to us?

16 MR. HULTS: Yeah, absolutely. I just
17 wanted to get it out there now. The next one will be May
18 25, 2015, one more on August 24th and our final quarterly
19 meeting on October 26th.

20 CHAIRMAN GAMPETRO: That's so far in the
21 future, Craig, my mom told me when she was about my age,
22 she didn't even buy green bananas anymore.

23 MR. HULTS: Yeah. The only reason we jump
24 in quick is to schedule the room up in Casper in case we
25 need it for any rulemaking meetings.

1 CHAIRMAN GAMPETRO: The only thing about
2 those February meetings is the weather.

3 MR. HULTS: Yeah.

4 CHAIRMAN GAMPETRO: We could say that about
5 the May meetings, too, as far as that goes.

6 MR. HULTS: And we don't have any rules
7 packages scheduled. So in all likelihood, I would bet this
8 will be a teleconference again coming up in February.

9 CHAIRMAN GAMPETRO: Okay. Any other
10 business anyone would like to discuss?

11 Well, we can't really even vote on the meeting
12 adjournment really without a quorum. So I would just
13 suggest that we adjourn. I did not hear Mickey Shober come
14 on.

15 MR. HULTS: I did not either.

16 CHAIRMAN GAMPETRO: At least he did not say
17 something. I guess he's not there. So we'll have to
18 postpone the minutes until the next time we talk or can we
19 do that -- could you e-mail us -- well, we would have to
20 all get on the phone anyway.

21 MR. HULTS: Yeah. It would be fun to
22 probably just do it February 23rd.

23 CHAIRMAN GAMPETRO: Okay. Jay, is there
24 anything that you found in the minutes that you would like
25 to comment on or change or anything?

1 MR. COLLINS: No. I do not find anything
2 to.

3 CHAIRMAN GAMPETRO: Okay. Just to give
4 Craig a heads-up in case there's something that needs to be
5 different. I guess we're done unless somebody has
6 something else.

7 MR. HULTS: That was all I had.

8 CHAIRMAN GAMPETRO: Okay. I have.

9 MR. ROGACZEWSKI: I have nothing from
10 District 3 up in Sheridan.

11 CHAIRMAN GAMPETRO: I didn't hear that.

12 MR. ROGACZEWSKI: I'm just saying
13 Mr. Gampetro, I have nothing from the LQD District 3
14 office.

15 CHAIRMAN GAMPETRO: Okay. Thank you. And
16 thank you, everyone. I thank everyone for your attendance
17 and Craig for all your work.

18 MR. HULTS: Yeah. No problem.

19 CHAIRMAN GAMPETRO: I guess we're done.

20 (Meeting concluded 10:16 a.m.,
21 October 27, 2014.)

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C E R T I F I C A T E

I, ERIC D. NORDBERG, 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 27th day of October, 2014.

Eric D. Nordberg
ERIC D. NORDBERG
Registered Professional Reporter



