

ENVIRONMENTAL QUALITY COUNCIL
MINUTES OF AUGUST 1ST AND 2ND 2017

Chair Meghan Lally called the meeting to order at 3:00 p.m. on August 1, 2017. Rich Fairservis and Megan Degenfelder were both absent from the meeting. After introduction of the Council members and staff, Dave Bagley moved to go into executive session to receive legal advice. Deb Baumer seconded the motion and all members voted aye. The executive session began at 3:02 p.m.

The Council exited executive session at 3:50 p.m. Councilmember Bagley opened the hearing in 17-4802, In Re Brook Mine LLC. All the members acknowledged they had reviewed the testimony and evidence from the hearing and were ready to make a decision in the matter. Councilmember Bagley acting as the hearing officer sustained the motions to strike by Brook, DEQ, Big Horn Coal, Powder River Basin Resource Council and the Fishers.

Councilmember Agopian moved to affirm DEQ's decision that the Brook Mine LLC application was complete and suitable for publication and not deficient under 35-1-406(h) and (j). Chair Lally seconded the motion. The members discussed the motion and a vote was held. Voting Aye was Agopian. Voting Nay were Bagley, Lally, Flitner, and Baumer. Fairservis and Degenfelder were recused. The motion failed.

Councilmember Baumer then moved to remand the permit back to DEQ for consideration of the deficiencies outlined in the Order, the Administrator shall complete his responsibilities under 35-11-406(n). Flitner seconded the motion.

Discussion was held. The motion was withdrawn.

Councilmember Flitner then moved to remand the permit back to DEQ with direction as outlined in the Order. Chair Lally seconded the motion. Voting Aye were Flitner, Bagley, Lally and Baumer. Voting Nay was Agopian. Fairservis and Degenfelder were recused. The motion was passed.

The hearing was closed at 4:55 p.m.

At 5:03 p.m., Councilmember Agopian moved to go into executive session to discuss personnel matters. Councilmember Flitner seconded the motion. Councilmember Degenfelder was absent. All members present voted aye. The Council entered executive session for personnel matters.

The Council exited executive session at 5:40 p.m. and the meeting was recessed until 9:00 a.m. on August 2, 2017.

Chair Lally called the meeting to order at 9:00 a.m. on August 2, 2017. Councilmember Baumer arrived at 9:05 a.m.

Chair Lally gave the gavel to Councilmember Bagley as the hearing officer in Docket 17-4101 Rules for the Uranium Recovery Program Chapters 1-9. Hearing officer Bagley opened the public hearing on the rule package. Members from the DEQ, Ryan Scharman, and Craig Hultz and from the Attorney General's office Kelly Shaw provided an opening statement on the rule

package. No one appeared to testify on the rule package. Hearing officer Bagley closed the public hearing and Councilmember Fairservis moved to approve the statement of principal reasons and chapters 1-9 of the Uranium Recovery Program. Councilmember Agopian seconded the motion. Voting Aye were Fairservis, Agopian, Baumer, Bagley, Flitner and Lally.

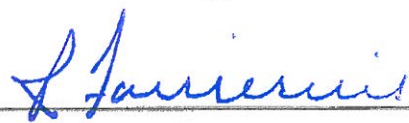
The gavel was returned to Chair Lally.

Agopian moved to approve the minutes from the May 24 2017 meeting. Flitner seconded the motion. Councilmember Degenfelder was absent. All members present voted aye.

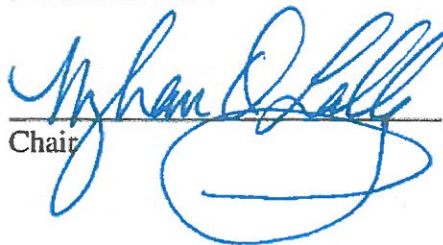
Councilmember Baumer moved to adjourn. Councilmember Bagley seconded the motion. All members present voted aye.

The meeting was adjourned at 9:40 a.m.

These minutes are approved on this 5th day of December 2017.



Secretary



Chair


ENVIRONMENTAL QUALITY COUNCIL
MINUTES OF SEPTEMBER 27 2017

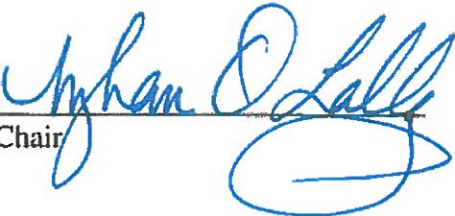
Dr. Dave Bagley called the meeting to order at 12:33 p.m. on September 27, 2017. Rich Fairservis was absent from the meeting. After introduction of the Council members and staff, Dr. Bagley called for a motion to approve the Findings of Facts, Conclusions of Law and Order in docket 17-4802, In Re Brook Mine LLC. Meghan Lally made the motion and Deb Baumer seconded it. Voting Aye was Bagley, Lally, Flitner and Baumer. Nick Agopian voted nay. Councilman Fairservis was recused from the case. The Order was approved and signed by Dr. Bagley as the hearing officer in the case.

Councilmember Agopian moved to adjourn. Councilmember Lally seconded the motion. All members present voted aye.

The meeting was adjourned at 12:55 p.m.

These minutes are approved on this 5th day of December 2017.


Secretary


Chair