

ENVIRONMENTAL QUALITY COUNCIL
MINUTES OF THE
DECEMBER 5 AND 6, 2017 MEETING

The Council convened at 1:00 p.m. December 5, 2017. The meeting was held in room 1699 of the Herschler Building 122 west 25th St. Cheyenne WY. Present from the Council were Dr. Dave Bagley, Tim Flitner, Nick Agopian, Deb Baumer and Chair Meghan Lally. Staff present were Jim Ruby, Executive Officer, Joe Girardin, Business Office Coordinator and Ryan Schelhaus, Deputy Attorney General. Councilmember Rich Fairservis was absent.

The first order of business was a public hearing for Docket 17-3101 regarding Chapter 14 of the Water Quality Division rules. Dr. Bagley was the hearing officer. Present for DEQ were Kevin Frederick, Bill Tillman and Gina Thompson. No one appeared from the public.

Councilmember Agopian moved to approve the statement of principal reasons and the rule package as presented. The motion was seconded by Councilmember Baumer. Dr. Bagley, Nick Agopian, Deb Baumer, Meghan Lally and Tim Flitner voted aye. Councilmember Rich Fairservis was absent.

The gavel was returned by Dr. Bagley. Chair Lally was the hearing officer for two rulemaking packages from the Air Quality Division. The first one was Docket 17-2101 involving Chapter 4 Sections 3 and 5 and Chapter 14 of the Air Quality Division rules.

The representatives from DEQ were Nancy Vehr, Darien Donnelly and Aneen Nerkins. Patrick Day (Holland and Hart) appeared on behalf of Basin Electric in support of the rule package and explained the origins of the rule.

Councilmember Agopian moved to approve the statement of principal reasons and the rule package as presented. Councilmember Dr. Bagley seconded the motion. Councilmember Agopian, Baumer, Bagley, Lally and Flitner voted aye. Councilmember Fairservis was absent.

The next rule package was Docket 17-2102 involving Chapter 2, Section 12, Chapter 3, Section 9, Chapter 4, Section 6, Chapter 5, Section 4, Chapter 6, Section 14, Chapter 8, Sections 3 and 10, Chapter 11, Section 2. Chapter 8, Nonattainment Area Regulations, Section 3, of the Air Quality Division rules.

Representatives from DEQ were Nancy Vehr and Darrion Donnelly. Mr. Donnelly explained the origins of the rulepackage. No one appeared from the public.

Councilmember Baumer moved to approve the statement of principal reasons and the rule package as presented. Councilmember Flitner seconded the motion. Councilmember Baumer, Flitner, Lally, Bagley and Agopian voted aye. Councilmember Fairservis was absent.

Councilmember Bagley moved to approve of the minutes from August 1 and 2, 2017. Councilmember Baumer seconded the motion. Councilmember Baumer, Flitner, Lally, Bagley and Agopian voted aye. Councilmember Fairservis was absent.

Councilmember Flitner moved to approve of the minutes from September 27, 2017. Councilmember Bagley seconded the motion. Councilmember Baumer, Flitner, Lally, Bagley and Agopian voted aye. Councilmember Fairservis was absent.

Councilmember Bagley moved to approve the meeting dates for 2018. Councilmember Agopian seconded the motion. Councilmember Baumer, Flitner, Lally, Bagley and Agopian voted aye. Councilmember Fairservis was absent.

The meeting dates for 2018 will be Feb. 21 and 22, May 23 and 24, August 22 and 23 and December 4 and 5

After discussion regarding In Re Hopper Disposal, Dr. Bagley, the hearing officer, set December 15, 2017 at 2:00 p.m. for deliberations and possible vote in the matter.

The council recessed at 3:00 p.m.

The Council reconvened at 9:00 a.m. December 6, 2017 in room 1699 of the Herschler Building 122 west 25th st. Cheyenne WY. Present were Dr. Dave Bagley, Tim Flitner, Rich Fairservis, Nick Agopian, Deb Baumer and myself. Staff present is Jim Ruby, Executive Officer, Joe Girardin, Business Office Coordinator and Ryan Schelhaus, Deputy Attorney General.

Deb Baumer opened the hearing in Docket 17-4201A In Re Good Bentonnite LLC an appeal of the NOV and Order issued by the Land Quality Division of the DEQ.

The parties appeared and presented their opening statements, testimony and evidence and closing arguments.

Dr. Bagley and Councilman Fairservis appeared by teleconference via VOIP. The state internet connection had a problem with its upload speed and they were unable to continue to participate and disconnected from the hearing. Councilmember Agopian was present but left the hearing prior to the conclusion of the hearing.

Councilmen Flitner moved to go into executive session for legal advice. Seconded by Chair Lally. Councilmember Flitner, Lally, Baumer and Agopian voted aye. Councilmembers Fairservis and Bagley were absent. The Council went into executive session at 11:40 a.m.. The Council exited executive session at 12:05 p.m. and reconvened the hearing.

The hearing was closed at 2:00 p.m. there was not a quorum present and deliberations on the matter were scheduled for December 15, 2017 at 2:00 p.m. via teleconference in the Board of Equalization Board Room, 1st Floor West of the Herschler Building, 122 West 25th St. Cheyenne WY.

___ moved to adjourn.

The motion was seconded by _____. All members present voted aye. Councilmembers Bagley and Fairservis were absent. The Council adjourned at 2:15 p.m..

The minutes were approved the 21st day of February, 2018.

L. Laurieris
Secretary

Myham O'Leary
Chair