

Minutes for November 14th and 15th 2013

The council meeting convened on November 14, 2013, at 9:00 a.m. This meeting was held in Room B 63 of the Herschler Building in Cheyenne WY. Council members personally present were David Searle, Tim Flitner, Megan Lally, Andy Schwartz, and David Bagley. Council members appearing by phone or video were Tom Coverdale and Rich Fairservis. On the second day of the meeting Mr. Flitner appeared via phone. Council Staff present are Jim Ruby, Joe Girardin, Tyffane Rowan and John Knepper.

The first item on the agenda was the final hearing in Docket #13-4804, Linc Energy Operations Inc. Present were Jeremiah Williamson, counsel for the DEQ, Shannon Anderson, counsel for the Powder River Basin Resource Council, the Petitioner and Bruce Salzburg, counsel for Linc Energy Operations Inc.

The first item for consideration was whether the Council had jurisdiction over the issue of the aquifer exemption. The parties filed briefs prior to the hearing and were provided 5 minutes each for oral argument. Upon the conclusion of the oral argument Mr. Flitner moved to rule that the council had subject matter jurisdiction. The motion was seconded by Mr. Coverdale. Voting aye: Flitner, Schwartz, Bagley, Searle and Lally. Voting Nay: Coverdale and Fairservis

The Council proceeded with final hearing in the appeal of the land quality permit issued by the Land Quality Division of Department of Environmental Quality. At the conclusion of the evidence and closing arguments the Council proceeded to convene its meeting to deliberate and consider motions.

Dr. Bagley moved to approve the land quality permit which includes the aquifer reclassification and the request for an aquifer exemption.

Councilwoman Lally seconded the motion. A roll call vote was taken. Voting Aye: Flitner, Coverdale, Lally, Bagley and Searle. Voting Nay: Schwartz.

At the conclusion of the deliberations the Council took up other business. Mr. Coverdale moved to approve the September minutes. Mr. Schwartz seconded the motion. The motion was approved unanimously.

Mr. Schwartz to approve the Bond Forfeiture in Docket #13-4503 Hettinger, LLC Permit 711(s). Seconded by Mr. Coverdale. The motion was approved unanimously. Mr. Fairservis and Mr. Flitner were absent.

Dr. Bagley moved to approve the NOV and Order in #13-3212 Glen and Terry Moore. Seconded by Ms. Lally. The motion was approved unanimously. Mr. Fairservis and Mr. Flitner were absent.

Mr. Schwartz moved to approve the Administrative Order on Consent, Docket # 13-5902 Town of Thermopolis. Mr. Bagley seconded the motion. The motion was approved unanimously. Mr. Fairservis and Mr. Flitner were absent.

Mr. Ruby provided a short report on possible travel of the council for calendar year 2014. The council wanted to remain flexible on location of the future meetings.

Vice Chairman David Searle adjourned the meeting.



~~Thomas Coverdale, Chairman~~

DAVE SEARLE vice



Rich Fairservis, Secretary