

# OPENCUT STAKEHOLDERS GROUP

JULY 19, 2018

## MINUTES

The meeting started at 1:07 pm lead by Ed Coleman.

**In attendance:** Mark Carlstorm - CMG Consultants, Ed Coleman – DEQ, JJ Conner – DEQ, Chris Cronin – DEQ, Chris Dorrington - DEQ, Jana Gruber – DEQ, Ray Halsey - GMC Construction, Neil Harrington – Citizen, Cary Hegreberg – Montana Contractors Association, Stacy Hill – Riverside Contracting, Teresa Kinley– DNRC, Rob Koelzer – Schellinger Construction, Mark Lucas DEQ, Roni McBride – TMC Inc., Rod Samdahl – Samdahl Consulting, Nick Sovner– Tetra Tech, Joe Smith – KnifeRiver, Jennifer Skartveit – DEQ, Ken Stoeber – TMC Inc., Kenley Stone – DEQ and Mark Young – MDT.

**Via Telephone:** Mitch Callis – United Materials, Melody Smith – ACC and Mike Newton – Fisher Sand and Gravel

**Introduction of Participants** -Everyone in attendance introduced themselves.

**Air Quality Permit Streamlining** – Rebecca Harbage gave a short summary of streamlining the air quality permitting process.

**Opencut News: DNRC - Do You Need a Water right? Handout (See website)**

### Bond Issues

- **Pending Bond Releases** - Handout (See website)
- **Opencut Bonds Being Accepted as Electronic Images** – Ed Coleman explained that Opencut will need the original paper bond before a permit can be issued. Opencut will be notifying operators prior to all bond changes and will try to roll out all changes at once.
- **Administrative Costs on Bond Calculations** – Ed Coleman led the discussion. Stakeholders requested more discussions regarding the amount of administrative costs on the Opencut Spreadsheet. Opencut will review information brought forward and work with stakeholders on potential changes.
- **Minimum Bonding Requirements** - Ed Coleman and JJ Conner led the discussion. Stakeholders requested more discussions regarding the minimum amount required on bonding. Opencut will review information brought forward and work with stakeholders on potential changes.

### Recent and Upcoming Items

- **Processing applications without inspection due to bad weather** – Ed Coleman led the discussion. Opencut has lost the weather deferral option in the 2016 rule change. Chris Cronin explained how Opencut has been handling the weather deferral.
- **Term of Permit and Expired Reclamation Dates (Wagoner Ruling)** - Mark Lucas, DEQ staff attorney gave a short update on the Wagoner Ruling.
- **Fees/Annual Progress Reports** - Ed Coleman led the discussion. For the 2017 calendar year, Opencut received \$282,013.22, which is the second lowest amount of annual fees being collected since 2008, and well short of the \$470,000 projected revenue when the fee law went into effect in 2009.
- **Timing of Deficiencies** – Ed Coleman led the discussion. Clear and concise applications result in timely deficiency letters.
- **Billings Meeting** – Chris Dorrington led the discussion. There was an informal meeting about items Opencut could work on.
- **2019 Legislation**- Chris Dorrington led the discussion. There was active discussion about topics Opencut and Stakeholders should discuss in November or early December regarding the Opencut Act. DEQ would like more discussions regarding a fee associated with applications and a possible fee schedule. DEQ would like clear guidance in the Act for weather disapprovals and “term of permit”. DEQ would like to add into the Act that a SHPO report would be required for completeness.

**Federal Aeronautics Administration (FAA) and Airport Authorities** - Handout (See website)

**Field Inspection Report** – JJ led the discussion, Opencut has been using a new tool on smart devices to help assist in Inspection Reports in the field. Opencut is hoping to save time with the new technology.

**Operator Mapping Portal** - JJ led the discussion, Opencut is working on a new project for Boundary Coordinate Table submission. More to come in early 2019.

**Limited Opencut Operations** – Ed read email from DEQ Legal staff regarding the discussion for extension on Limited Opencut Operations.

**Drafting Revised Application Forms for 2019** – JJ led the discussion, Opencut is working on updating forms. New forms coming out in 2019.

- **Public Meetings**
- **Fuel Storage Guideline**
- **Groundwater Guideline**
- **Drafting Revised Application Forms for 2019**

**Other Stakeholder Issues** – none

**PLANNING FOR NEXT MEETING** - The group decided to also meet in late November or early December. Ed will be sending an email regarding the meeting.

**Next Meeting will be December 4 at 1 pm, Metcalf Room 111**