

TRANSCRIPT OF FREMONT COUNTY COMMISSIONER'S MEETING  
JANUARY 15, 2002

Selected excerpts from the discussion on placing on the May 2002 ballot a  
proposition for a 1% capital facilities tax to fund the Integrated  
Solid Waste Management Plan

Bill Urbigkit

. . . Well I really think that you guys are in a position that you can't lose. You directed us to move forward, go to the cities and we have done that, uh, you said you wanted to let the voters decide and that is what we are asking you to do now. We have more than a hundred meetings scheduled in the next four months. We have a well documented educational plan. We need to discuss and debate the details, down to where every last little rebar goes, by the time we ever get to the point turning a spade of dirt. You got to let us take it to the voters. Let the voters decide. Now, more or less the indication we got when we came here the last time is that you said let's let the voters decide whether the vehicle that we take is the capital facilities tax or the user's fee or whether we got to Cheyenne through Laramie or Casper, you know we'll get all those details worked out, but we are just asking to let the voters decide. I think there are several mayors and council men here, there are quite a few people here that are obviously going to want to comment on this so I won't take anymore of your time. I promised to be brief. I would be willing to answer any questions.

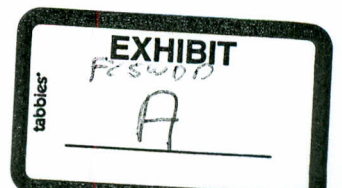
Comm. Satterfield: Mr. Chairman

Chairman Luther: Commissioner Satterfield

Comm. Satterfield: Mr. Urbigkit, one of the things that you did not mention in the meeting with DEQ, that I just wanted to touch briefly on that was that Dave Finley talked about the process for giving waivers for the lining of landfills. One of the things that were offered at that particular point was having the county board and member, someone from the county also at the table when this process is developed and I think that is a real positive step forward because we have not been able to be involved in that before and he talked about doing that fairly quickly and um, doing it as a pilot project for Fremont County and the team would be using existing data and using the site specific data and then deciding whether or not linings were required with the data that was inputted into that project. And I think that was a real positive offer and I wanted to mention that as what came out of that meeting. Because that was not generally known.

Bill Urbigkit:

Mr. Chairman, and if I can just real frank about this, I mean from at least my own personal standpoint, I can't speak for every member of the board. I think this still remains a two prong approach, we have to move forward



responsibly and be prepared to do whatever, but we also need to work through our elected officials with the DEQ to try to get maybe that element of reasonableness that we are looking for in the interpretation and it does sound like we are getting some movement there, by working both sides of this issue. That would be great. If it could save us some money, if we could get away from a liner at sand draw, there's two million dollars that we've just saved, that would be wonderful. It would make my day. But we still need to be responsible and plan for the eventuality that that may not happen.

Chairman Luther: I know too, that at that meeting the other day from what I got out of it the other day, wasn't look at seriously at the vertical expansion, it was pretty much that they were going to have the go ahead on the vertical expansion.

Bill Urbigit: Mr. Chairman, with all due respect, it has been our experience with the DEQ until we get it in writing we don't believe it.

Chairman Luther: Well, I know Commissioner Satterfield and Commissioner Allen were there and the governor sent a representative from the State and I think they were pretty serious about resolving the issue and that's kinda the way I took it, so anyway, you wouldn't think that they would try to dupe three elected officials from the county.

Bill Urbigit: Well, we thought we had quite a bit of expansion area out there at sand draw at one point in time and it was the same thing, well just drill a couple more wells over here and you'll be alright. And it wasn't, so.

Chairman Luther: Well, okay, thank you very much. Okay since we've had the Board give their part. I'd like to open it up to the people in the audience for their public comment. Get some more information, so, what I'd like you to do before you speak come up to the microphone, if you could just make a brief comment, not take a whole lot of time up there because I want to give everybody about a half an hour and just state you name, where you're from for the record on the microphone and we'll go from there. So, go ahead.

Patrick Troxel: Yes, my name is Patrick Troxel and as most of you know I do work for the DEQ, I also live here in Lander. I'd like to make two quick comments as a member of DEQ but my main purpose today is comments as a resident of the county. And Scott, you touched on it, there was a commitment by the department to vertical expansion at Sand Draw and I hope you came away with the understanding that you did, which is, David Finley was there. For those of you who don't know, the administrator of Solid Waste. At this point it is not a matter of is there going to be vertical expansion, its more of an issue of how far are we going to go, because it has been the department's recommendation to the board that we maximize that vertical



expansion as best we can now, and there have been some engineering considerations, some other things taken into consideration on the design aspect that Inberg Miller is working on. So there is a commitment to do that. I don't think that's a question. Related to that I think some of the time frames that we hear in the paper and people are using I think that you'll find that in the near future, those numbers are going, there are going to be a greater life expectancy in the county for solid waste disposal without, then without the vertical expansion. So I think that the numbers definitely are on their way up and is it a matter of 10 to 14 year gain. So it is not as grim as it has been reported from the scene.

As a member of this community, my biggest concerns I will tell you is that the proposal that is put before you is a very expensive proposal. What I haven't seen and what I would like to see is a detailed economic analysis and cost/benefit analysis of the different options that are available for solid waste disposal, because there are several options, some of them exist as loose haul, some are bailing. I think there is agreement that incineration is so incredibly expensive that it is really not a viable option. But there are some others and before this goes to the voter, I think that it is important for those to be detailed and lined out, and compared to show that whatever option is going forward is in fact the best option from an economic and a cost/benefit standpoint, because as a member of the public, I agree, in the future there's going to need to be something done. My concern would be that if you go with the wrong thing, and you haven't done the homework up front, if it fails, the chance of it ever passing again would be even more grim. And I think that it is imperative to go through all of those issues now to support the single option. I understand that information has been gathered, and they have done that. But I have not seen any representations of costs, other than costs in the one option. I have made some phone calls around the state and have talked to people about the cost of bailers and the cost of some of the things they've done and the costs estimates that I've gotten don't seem to jive with the one option that was been put out. I got my options at the City of Lander meeting. The numbers don't seem to coincide with each other as far as cost. So I think that there is a lot of information on here that they've put out there, that talks about Shoshoni and Dubois, the cost is very high, but I don't think there is a detailed analysis that shows why it is so high and what it is that is causing it to be so high and when I look at it compared to some of the other information in the State that people have done, it is extremely expensive compared to those. And so I think that before this goes forward, before this goes on the ballot. I think there should be a detailed analysis of all the different options to justify a final option prior to going. Because I think if, at this point, if you go forward, the option is to either pass or fail it and if it fails a recurrence to go back with a different option is even harder. Once the voters vote no on it, I'm not sure that you can do anything that is going to



change their mind to vote yes a second time. Thank you very much.

Chairman Luther: Next. Mr. Gerber.

(Mr. Gerber then speaks as an engineer and former DEQ employee against the Wyoming law concerning degradation of water. Urged the commissioners to fight to change the law because it is a bad law. If the law is changed then we can put our landfill wherever we want to put it without a liner. Solution to the problem is to change the law.)

Chairman Luther: Thanks Steve. Mr. Hermansky.

Jeff Hermansky: I'm Jeff Hermansky and I work for the DEQ in the Water Quality Division. I also served for six years as a member of the Fremont County Solid Waste District. And I am here as a member of the community as well. I just wanted to clarify some of the things that Mr. Gerber was just talking about. What he is talking about is a risk based assessment. Ground water standards being based on what risk is there to the health and to the environment based on the contamination that could occur from a landfill in this particular case. And has Gerber, Mr. Gerber, has said, we do not have the ability to do a risk based assessment. To put that in real simple terms, what risk is there to people if there is a little bit of contamination occurring to the groundwater at the sand draw landfill site for instance. Are there any users immediately in the area that could be affected by that contamination. And I think most of us can look around out there and see that it is all empty. So, well what Mr. Gerber is suggesting is that maybe the law should allow us to evaluate based on risk and it currently doesn't. Maybe we can get the law changed if the county commissioners and our county representatives go to the legislative session with that concept in mind and say our law needs to allow us to do this. The other thing I wanted to say is that something does need to be done, but the question is what needs to be done. The one thing that I see, and I have not gone to any of the meetings, I've been off the board for, I believe, for over five years now, and I have not been attending meetings, but any project of a large scope should have proposals made and I what I recommend that you do, and I am an engineer also, you have different consultants, different engineers, being allowed to make proposals. And in doing that, and by the way I am not suggesting that the engineering firm that is currently working for the board is not a good firm, they are an excellent firm, and I highly respect Inberg Miller and Howard Johnson. He's done a marvelous job. But as an engineer, I also realize that not one us has all the answers, all of the ideas, all the foresight, so what you normally do, is that you request proposals from different consulting firms, where they may come up with something that might be a better proposal, it might tweak a proposal. So, that's just the other thing I might want to suggest and I don't know when it would be appropriate to do that, before or after the election. I don't want

to make a comment on that. But I do want to see at some point the involvement of potentially more engineering ideas.

Chairman Luther: Just for the record, I'd like to apologize to Commissioner Applegate. He was at that meeting the other day and he brought up a point, kinda on the same line as you are, about that in Fremont County, we have a lot of land, and out in the middle of nowhere, Sand Draw, seems like a logical place, but we have a lot of places that could be a good place for a landfill, what these other counties are running up against that are a heck of a lot smaller than Fremont County, we can't find one in a county this size, what they are doing. You know, So. Commissioner Applegate.

Comm. Applegate: Mr. Chairman the question I guess. Is this the appropriate time to ask any questions back to any of the speakers or do you want to hold that for a later point.

Chairman Luther: Yeah, if you have one, go ahead.

Comm. Applegate: Actually, its to two people and to whichever one wants to answer it that's okay. Mr. Gerber made this comment with reference to his prior experience with DEQ and I've heard it from both now from Mr. Troxel and Mr. Hermansky, both, all three of them involved in DEQ. And it sounds like they are very much opposed to this law the way it exists today and hearing that, if DEQ is so bound that they are opposed to the law and I am led to believe that either in previous years, Steve eight years ago worked for them and it was a problem, I would guess that in the last eight years that the DEQ has went to the legislation and asked them to do an interim study, or are they opposed to this or whatever. You're coming here today asking for us for our help. But if this has been such a problem with the DEQ, I suspect that has already has been taken care of and visited in previous years. Is that true?

Jeff Hermansky: Well, I don't work in Cheyenne, so I'm not sure if there has been any focus on changing this law. I don't know the answer to that question, but I would hope that.

Comm. Applegate: Well, that's what I'm hearing from you folks that are here today is, this is a terrible law. So if it was a terrible law eight years ago, surely in eight years we've done something about it through the DEQ.

Jeff Hermansky: Right, it's not a terrible law in its entirety. It's a portion of the law that does not allow us flexibility. What I'm speaking about is flexibility.

Steve Gerber: Can I address that?



Comm. Applegate: You bet.

Steve Gerber: There is, as you find in any government agency, some of the workforce does not necessarily agree with the chiefs and I think, higher up the ladder, some of the administrators are not necessarily in the same opinion that we are, as far as this law goes. They like it. I think especially in the groundwater section, some of them do like this law. To my knowledge, there has never been an effort to change the law. We did receive that law. The EPA did fund about 5 or 6 years ago an opportunity to industry, to many entities, including the environmental groups and so forth, probably a group of 30 people together to look at this risk based program based on the leaking underground storage tank program. I sat on that committee. I represented one of the oil companies and we were moving forward until we hit this groundwater issue. Everyone's willing to buy off on this risk based for soil contamination, but when it hits groundwater, DEQ takes the line that the law says non degradation, there is no sense in going forward with this and it died. And so, DEQ administrators are not necessarily in favor of, at the administrative level, a change in the law. That's why I believe it has got to come from our administrators to force that issue and there are many, that are in the DEQ, in the lower ranks that regulate, that have to regulate that, that are in favor of that change, that have very little ability to do so from within.

Comm. Applegate: Okay, thank you both.

Chairman Luther: You guys might not like it, but you're stuck enforcing it is basically what it is. Okay next.