

DRAFT MINUTES
(verified with meeting transcript)

**CENTRAL INTERSTATE LLRW COMMISSION
EMERGENCY TELEPHONE MEETING
TUESDAY, February 17, 2004, 7:00 A.M.**

In compliance with Commission Bylaws and Rules, a meeting notice announcing the date, time, location and agenda availability was mailed to the interested parties February 11, 2004.

An Emergency Telephone Meeting of the Central Interstate LLRW Commission was held Tuesday, February 17, 2004, for the purpose of responding to the State of Nebraska's request that the Commission agree to a stay and to take action on two export applications.

Participating in the meeting via telephone were: Laura Gilson, Arkansas Commissioner; James O'Connell, Kansas Commissioner; Greg Hayden, Nebraska Commissioner; Michael Henry, Louisiana Commissioner; and Catherine Sharp, Oklahoma Commissioner and Commission Chairperson.

Shawn Renner, Commission legal counsel and Jody Fenner with the State of Nebraska's Attorney General's office also joined the teleconference.

Rita Houskie, Commission Administrator was present in the Commission office at 1033 'O' Street, Suite 530, Lincoln, Nebraska.

The meeting was called to order at approximately 7:10 a.m. and all but one commissioner responded to the roll call. Chairperson Commissioner Sharp was not available so Commissioner James O'Connell chaired the meeting. Commissioner Sharp joined later.

No requests by members of the public were made to speak during the general public comment period.

The Acting Chair asked for a motion to approve the Declaration of Emergency.

Motion by Louisiana, second by Arkansas, **to approve the Declaration of Emergency Telephone Meeting.**

Motion **passed** 5-0

The Acting Chair asked that the export applications be considered first.

Motion (Resolution 1) by Arkansas, second by Louisiana, **to approve the Application to Export Waste for:**

**Oklahoma State University Environmental Health and Safety, FY03-04
Northwestern Oklahoma State University, FY03-04**

Motion **passed** 5-0

At the request of the Acting Chair, outside legal counsel reported on the conference with the magistrate judge regarding the scheduling of preparations for the revocation of membership litigation. Counsel indicated that the State of Nebraska, prior to the meeting, had made a request of the Commission for a stay in that part of the litigation that awaits the 8th Circuit Court of Appeals decision. The Nebraska representative commented and responded to questions.

Motion by Arkansas, second by Louisiana, **to reject the State of Nebraska's request for a stay.**

Motion **passed** 4-1 (Nebraska voting no)

Motion by Oklahoma, second by Arkansas, **to adjourn the meeting.**

Motion **passed** 5-0.

The meeting was adjourned at approximately 7:29 a.m.