

IN RE: WATER QUALITY DIVISION

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WYOMING WATER AND WASTE ADVISORY BOARD

IN RE: WATER QUALITY DIVISION

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 25th day of July, 2014, at the hour of 9:16 a.m., at Casper Community College, University Union Building, Room 415, 125 College Drive, Casper, Wyoming before the Wyoming Water and Waste Advisory Board, Ms. Marjorie Bedessem, Chairwoman, presiding, with Ms. Lorie Cahn and Mr. David Applegate in attendance.

Mr. Kevin Frederick, Water Quality Division Administrator; and Ms. Gina Thompson, Water Quality Division; Mr. Bill Tillman, Water Quality Division, were also in attendance.

1 microphone so all the members of the Board can hear their
2 testimony. So if we -- if we might have 10 minutes to move
3 your tables back and adjust it to where the lectern would
4 be available to speakers.

5 CHAIRWOMAN BEDESSEM: So hold a 10-minute
6 recess.

7 (Meeting proceedings recessed
8 9:53 a.m. to 10:09 a.m.)

9 BOARD MEMBER APPELEGATE: Madam Chair, can I
10 make a process suggestion?

11 CHAIRWOMAN BEDESSEM: Are we back on the
12 record?

13 BOARD MEMBER APPELEGATE: Yes.

14 CHAIRWOMAN BEDESSEM: We're reconvening.

15 BOARD MEMBER APPELEGATE: So a process
16 suggestion I have is we -- this has been in front of us
17 multiple times in the last several years. Can you sort of
18 start off highlighting what's maybe changed since the last
19 time we've been together, because we have a redline that's
20 really --

21 MR. TILLMAN: It's okay.

22 BOARD MEMBER APPELEGATE: So if you could
23 highlight, maybe, any substantial changes since the last
24 Water Waste Advisory meeting, I think that would be
25 helpful.

1 MR. TILLMAN: Do I need to --
2 Mr. Applegate, basically from our last meeting there have
3 been no substantive changes, you know, to the chapter. We
4 have done something different on the table that's more --

5 THE REPORTER: I'm sorry. I can't hear.
6 It's just the people out there.

7 MR. FREDERICK: You might get closer to the
8 mic.

9 MR. TILLMAN: Again, in regards to Chapter
10 25 from the previous board meeting that was in April, 18th
11 of April, we have made changes as far as formatting and
12 grammar and things of that nature. We have condensed a few
13 tables, but there haven't been any substantive changes to
14 what was presented before.

15 BOARD MEMBER APPLGATE: Okay. So let
16 me -- let me follow up with another kind of question. Were
17 there any substantial or substantive comments that you
18 chose not to address, and if so, could you provide some
19 insight on -- on your thought process related to those?

20 MR. TILLMAN: Okay. I -- I believe that
21 we've addressed all the comments that were presented to us
22 before. In regards, there was a request by Ms. Cahn on
23 percolation tests. There's been a presentation that was
24 prepared that is quite detailed entering into calculations
25 and theory that we'd be more than happy to share with you

1 at another time. I don't think this is the venue to go
2 through that, because, like I said, it's quite extensive.

3 BOARD MEMBER APPELLEGATE: So could you at
4 least talk to the general --

5 MR. TILLMAN: Yes, basically --

6 BOARD MEMBER APPELLEGATE: -- conclusion of
7 that.

8 MR. TILLMAN: -- when we looked at that,
9 we -- the engineer southeast -- southeast district
10 engineer, he basically put together an analysis of looking
11 at the various hole sizes in comparison to the original
12 perc test that was proposed in New York, and came to the
13 conclusion that the 12-inch hole gives the best, more
14 consistent results as opposed to a 6-inch or 18-inch or any
15 other size hole, that the 12-inch gave better results. And
16 also that our sizing criteria, our loading rates, are as
17 conservative or slightly more conservative than what was
18 originally proposed in the New York, when they first
19 proposed percolation tests. So we feel that our -- our
20 percolation test and the results that we would get yield a
21 conservative answer that makes more likely to work for
22 long-term. And I think our history -- our records show
23 that I believe Wyoming has one of the lowest failure rates
24 for septic systems in the country, following those same
25 criteria.

1 BOARD MEMBER APPLGATE: So --

2 MR. DRINNON: Do you have any --

3 BOARD MEMBER APPLGATE: Were there any
4 substantial -- there will be a chance for the public to
5 comment.

6 MR. TILLMAN: We didn't receive any
7 comments. We haven't received any comments over the last
8 two presentations to the Board with regards to --

9 BOARD MEMBER APPLGATE: Okay. So the
10 primary technical issue that was discussed at the last
11 meeting, which you put together a technical presentation,
12 is related to this --

13 MR. TILLMAN: Yes.

14 BOARD MEMBER APPLGATE: -- kind of leach
15 field design concept?

16 MR. TILLMAN: And in regards to, I believe
17 Ms. Cahn was alluding to the use of soil texturing as -- as
18 an alternative to the percolation tests. And we had a
19 staff meeting here in Casper where we had an NCS soil
20 scientist come and give a presentation on soil texturing.
21 And basically his comments were that to do that soil
22 texturing takes months of practice with someone alongside
23 of you, working with you to make sure that you are
24 analyzing that soil correctly. And he would not recommend
25 that's something you would turn over to a homeowner with a

1 table that says it's this type of soil, so this is your
2 loading rate. He thinks that would not be a good thing to
3 do for average homeowner, that it takes several months of
4 training alongside someone that's already, you know,
5 trained in that, you know, to basically do that in some
6 sort of consistent manner. He also alluded to the fact
7 there's no certification for soil scientists currently,
8 even through the NCS. So, again, there's no way to certify
9 that someone is doing that correctly without someone
10 alongside of them at that time.

11 BOARD MEMBER APPLGATE: Thank you. I
12 appreciate that context for where we are.

13 And, again, just to back us up just a second. So
14 are we in the same position today, we're looking to try to
15 forward this to the Environmental Quality Council? Is
16 that --

17 MR. FREDERICK: Yes -- Madam Chairman --
18 that is correct. This is essentially I believe the fourth
19 time we've had this rule before the Advisory Board, and
20 it's been very beneficial to have your feedback and input
21 and perspectives as we've gone through the process.

22 Additional formatting changes have been made.
23 Since the last meeting we've corrected some confusing
24 phrases that we talked about at the last meeting. We think
25 the rule is -- is much improved, thanks in large part to

1 the Board's analysis.

2 It is our intent, I think, that the rule is ripe.
3 I think we're comfortable with the work that's been done
4 with establishing and looking at the soil textural analysis
5 questions that have been brought forth and things like
6 that, and so it would be our recommendation that the Board
7 consider the current regulation for approval and move it
8 before the Environmental Quality Council.

9 MR. TILLMAN: There was a comment. The
10 gentleman in the back there had a comment. I don't know
11 exactly procedurally.

12 CHAIRWOMAN BEDESSEM: Do you --

13 MR. DRINNON: I can wait for you guys to
14 deliberate or I can ask my questions.

15 BOARD MEMBER CAHN: We want to have Board
16 discussion first. Is that -- I didn't hear what you said.

17 MR. DRINNON: Sure. Go ahead. When -- if
18 you open it up for public comment, I'll --

19 CHAIRWOMAN BEDESSEM: We will.

20 BOARD MEMBER CAHN: Typically we open it up
21 for public comments first, and then we have Board
22 discussion, but --

23 CHAIRWOMAN BEDESSEM: I prefer that we have
24 public comment first, so that we can wrap it into our
25 discussion. So if you -- members of the public would like

1 to --

2 MR. DRINNON: Did you want me to come
3 forward?

4 MS. THOMPSON: It would be appropriate for
5 you to come to the microphone.

6 COMMISSIONER BAILIFF: These are just
7 questions. My name is John Drinnon. I'm with the
8 Casper-Natrona County Health Department.

9 THE REPORTER: I'm sorry. Can you repeat
10 your name?

11 MR. DRINNON: John Drinnon, D-R-I-N-N-O-N,
12 and I'm with the Casper-Natrona County Health Department.
13 And we maintain a delegation agreement to oversee the
14 wastewater systems here in Natrona County. And there was
15 mention of the lowest failure rate for wastewater systems.
16 Does Wyoming maintain a database for state and local --

17 MR. TILLMAN: That was based on EPA
18 publication that was presented, I believe -- I don't
19 remember the year, but it was from EPA publication. It
20 wasn't our data. It was the EPA's data.

21 MR. DRINNON: We've never been -- our
22 wastewater program has never been solicited for that
23 information, but, nevertheless, just kind of going through
24 some of this. We provided our comments on page 25-5, on
25 residential design flows.

1 BOARD MEMBER CAHN: Excuse me. Are you on
2 a strike/underlined version or a clean version?

3 MS. THOMPSON: It's blue and red, so strike
4 and underline.

5 BOARD MEMBER CAHN: Okay.

6 MR. DRINNON: Okay. Regarding the changes
7 you've made --

8 BOARD MEMBER CAHN: Excuse me. The page?

9 BOARD MEMBER APPELLEGATE: Yeah, it's easier
10 for us to follow you if you go page number and line number,
11 that way we'll be able to follow you.

12 MR. DRINNON: 25-5, Table 1, residential
13 design flows, in blue.

14 BOARD MEMBER CAHN: I don't have a table in
15 blue. Wait a minute. 25-5?

16 MS. THOMPSON: Line 191?

17 BOARD MEMBER APPELLEGATE: I'm in Chapter 25
18 right now.

19 BOARD MEMBER CAHN: Yeah, I'm in Chapter
20 25, and I don't have Table 1. I have a Table 4.

21 CHAIRWOMAN BEDESSEM: I have a Table 1.

22 BOARD MEMBER CAHN: I have a Table 4.

23 MS. THOMPSON: I think it's after the page
24 that you're on.

25 CHAIRWOMAN BEDESSEM: It's page 25-5.

1 BOARD MEMBER CAHN: Yeah, page 25-5, and
2 it's this table.

3 BOARD MEMBER APPLGATE: Are you in a
4 different version?

5 CHAIRWOMAN BEDESSEM: Are we in a different
6 section, because mine matches yours and you two don't match
7 me.

8 MR. DRINNON: We are looking at the draft,
9 correct?

10 MR. TILLMAN: Yes, I'm with you.

11 BOARD MEMBER CAHN: I'm in Chapter 25 --
12 Chapter 25, strike/underline, page 25-5, and I have a Table
13 4.

14 BOARD MEMBER APPLGATE: Mine is the same
15 as Lorie's.

16 CHAIRWOMAN BEDESSEM: I'm looking at --
17 yeah, Chapter 25, underline, and mine matches --

18 MS. THOMPSON: Oh, the -- there must be a
19 section problem. Do you see where the page numbers started
20 over?

21 BOARD MEMBER CAHN: Oh.

22 MS. THOMPSON: So everyone's will be not
23 great in the middle. I apologize.

24 CHAIRWOMAN BEDESSEM: Move to the very
25 front.

1 BOARD MEMBER CAHN: Okay, the first 25-5.

2 MS. THOMPSON: I apologize for that.

3 BOARD MEMBER CAHN: We're with you now.

4 Sorry.

5 MR. DRINNON: Leave it to me to find this
6 kind of situation here.

7 Anything in blue, are those the proposed changes?

8 MS. THOMPSON: That's correct, sir.

9 MR. TILLMAN: Yes.

10 MR. DRINNON: Okay. Because we base our
11 design criteria on 150 gallons per bedroom per day. It
12 seems like there's been a reduction, because if you look
13 at -- like perhaps just off the cuff here -- for four
14 bedrooms, it's 470. We -- at present time, that would
15 qualify for about a three-bedroom. It would be a fairly
16 significant reduction. Is this based on EPA design
17 criteria or --

18 MR. TILLMAN: No. Basically the -- I can't
19 recall the -- the wastewater engineering by Metcalf & Eddy.
20 The 20 -- the 2003 edition. They basically reduced some of
21 those flows based on more efficient use of toilets and
22 sinks and things like that. So those numbers have come
23 down little bit, and we basically concurred with that
24 reduction. And we picked the middle range. We didn't pick
25 the least. We didn't pick the maximum. We picked middle

1 in those reductions. So it's from that reference.

2 MR. DRINNON: I know there was some newer
3 technologies, low-volume showers --

4 MR. TILLMAN: Right.

5 MR. DRINNON: -- and toilets and things
6 like that. I was just kind of curious about --

7 MR. TILLMAN: Again, being a delegated
8 county, like you are, you would have the option to be more
9 stringent, so you can raise those if you'd like.

10 MR. DRINNON: Yes.

11 Let's see. Page 25-16, Table 4. Public water
12 supply well. It's 200 feet minimum from absorption system
13 to a well. Very problematic for us sometimes. We have
14 areas -- and I certainly understand what you're trying to
15 accomplish here, you know, protect the shallow aquifers,
16 and maintaining as much separation as you can from potable
17 water sources, but we have areas, strangely enough, right
18 across the wellhead protection area in Casper here that has
19 become very problematic. Those properties have been
20 subdivided so many times that what was once probably five-
21 acre parcels minimum are now half acre. And by the time
22 you consider the location of their dwelling and their
23 outbuildings and property lines and they're still on --
24 surprisingly still on wells, that's going to be very
25 difficult for us to maintain.

1 MR. TILLMAN: Okay. There is a caveat. If
2 you look at the subscript 2 that gives you a way to
3 propose, I guess, a deviation from that standard. If you
4 perform, you know, a test, basically, to see whether or not
5 what effect it has, you know, on that well. So there is --
6 there is a way maybe around that.

7 MR. DRINNON: Where is that at?

8 MS. THOMPSON: It's in the subscript table,
9 under the table --

10 MR. TILLMAN: The subscript under the
11 table.

12 MR. DRINNON: Okay. Like 411, 412, 413?

13 MS. THOMPSON: We're --

14 MR. TILLMAN: Yes.

15 THE REPORTER: One at a time.

16 MR. DRINNON: Got it.

17 MR. TILLMAN: Starting line 414, ending
18 line 442.

19 MR. DRINNON: Okay. Got it.

20 BOARD MEMBER CAHN: But they will be
21 required to obtain an individual permit to construct and
22 require PE?

23 MR. TILLMAN: Yes. Again, it's for source
24 water protection that we're trying to make sure we address
25 that.

1 MR. DRINNON: Well, we're very supportive
2 of that. It's just trying to make it --

3 MR. TILLMAN: Can present a problem, yes.

4 MR. DRINNON: Uh-huh. I think the other
5 property need a moratorium, but nobody wants to step up to
6 that political hotbed, so...

7 BOARD MEMBER APPLGATE: So let me ask a
8 clarifying questioning. They're a designated county, so
9 would they -- they have -- they issue the permit so they
10 wouldn't have to, by -- help me understand how that process
11 would work for a homeowner. Do they get that specialized
12 permit through the County?

13 MR. TILLMAN: Through Natrona County.

14 BOARD MEMBER APPLGATE: But this
15 regulation requires them, as a county that doesn't have to
16 follow this requirement. Is that -

17 MR. TILLMAN: To a minimum they can be more
18 stringent, but they cannot be less stringent.

19 MR. DRINNON: Right.

20 BOARD MEMBER APPLGATE: So the impact on
21 them is that they -- if they have houses that can't meet
22 this setback, they're going to have to require of that
23 local landowner this professional engineering certification
24 process.

25 MS. THOMPSON: And additional treatment.

1 The system will require additional treatment.

2 BOARD MEMBER CAHN: So you're saying the
3 houses are closer than 200 feet to the public water supply?

4 MR. DRINNON: To the wells.

5 BOARD MEMBER CAHN: To the wells.

6 MR. DRINNON: That's not public well.

7 MR. TILLMAN: Is that public well or
8 individual well? Because this one says that 200 foot
9 applies to a public well. If you look above it, that's an
10 individual well.

11 MR. DRINNON: No, these areas are -- we do
12 have some situations like that; however, the one I'm
13 referring to is private wells.

14 CHAIRWOMAN BEDESSEM: So this doesn't
15 apply.

16 MR. DRINNON: Well, actually some of them
17 are transient noncommunity, like our mobile home park out
18 there.

19 MR. TILLMAN: Okay.

20 MR. DRINNON: So it's a mixed bag of stuff
21 going out up there.

22 BOARD MEMBER APPLGATE: Just so we
23 understand, your interest as a -- as a citizen commenting,
24 are you commenting that you think this is overly rigorous
25 or just going to be a challenge? I mean, I'm assuming --

1 MR. DRINNON: Challenge.

2 BOARD MEMBER APPELEGATE: -- you want that
3 increased; is that a fair statement --

4 MR. TILLMAN: Yes.

5 BOARD MEMBER APPELEGATE: -- WDEQ?

6 MR. TILLMAN: Yes.

7 CHAIRWOMAN BEDESSEM: What were the
8 previous --

9 MR. DRINNON: 100 for us.

10 THE REPORTER: One at a time.

11 MR. DRINNON: 100 feet for us.

12 BOARD MEMBER CAHN: Okay. So let's walk
13 through two situations. One is with a 200-foot setback
14 that can't be met in a -- to a private well.

15 MR. TILLMAN: To a public well.

16 BOARD MEMBER CAHN: Okay.

17 MR. TILLMAN: To 200 foot for a public
18 well.

19 BOARD MEMBER CAHN: So in the table -- oh,
20 our public water supply. Okay.

21 CHAIRWOMAN BEDESSEM: Public water supply.

22 BOARD MEMBER CAHN: Okay. So do you have a
23 situation where you're less than 200 feet to a public water
24 supply well for domestic-based water?

25 MR. DRINNON: I think that certainly is

1 applicable, yes, we do.

2 BOARD MEMBER CAHN: Okay. So if --

3 MR. DRINNON: For transient noncommunity.

4 BOARD MEMBER APPLGATE: Okay. So then we
5 go to footnote 2. Would that then -- would they all be
6 within zone 2 attenuation or -- I mean, I don't know how to
7 read this footnote as determined by DEQ's source water
8 assessment project or guidance document. I mean, does that
9 automatically put them in this zone 2 or not?

10 MR. TILLMAN: I believe you have to go to
11 that document, and it tells what zones are around the
12 state. So you have to see where -- where they fall. I
13 don't know where they would fall, if they're automatically
14 zone 2 or not.

15 BOARD MEMBER CAHN: Okay.

16 MR. TILLMAN: But the reference is correct,
17 and can be -- is a direct link, so you can go right to that
18 if you were to put that into -- go to Google Search or to
19 the Internet. So it would pull up that table so you would
20 know where you are and what your -- what zone you are in.

21 MR. DRINNON: I think I know what you're
22 referring to, because we know that there are -- this
23 specific location that I'm talking about, we do know that
24 lower density, for example, they are in zone 1, you know,
25 as you get further away from that area, zone 2, zone 3.

1 BOARD MEMBER CAHN: So if they're in
2 zone --

3 MR. DRINNON: This is for potable -- this
4 is for potable systems.

5 BOARD MEMBER CAHN: So if they're in zone
6 1, this footnote doesn't apply, what happens?

7 CHAIRWOMAN BEDESSEM: It can't be zone 1.

8 BOARD MEMBER CAHN: What's that?

9 CHAIRWOMAN BEDESSEM: I thought they
10 weren't allowed to be in zone 1.

11 MR. FREDERICK: If they were in zone 1,
12 they would effectively be in zone 2. Zone 1 is, as I
13 recall, a radius of 100 feet around the public water supply
14 well.

15 BOARD MEMBER CAHN: Okay.

16 MR. FREDERICK: So there are no
17 extraordinary requirements if you're in zone 1. If you're
18 within zone 2, then these requirements apply.

19 BOARD MEMBER CAHN: That's not obvious to
20 me on that table. This table says you have to be within
21 200 feet of a public water --

22 CHAIRWOMAN BEDESSEM: Outside.

23 BOARD MEMBER CAHN: Has to be outside of
24 200 feet from a public water supply well. And the footnote
25 says small wastewater systems that discharge to the same

1 aquifer that supplies a public water supply well and are
2 located within zone 2 as determined by these documents. So
3 what happens if you're in zone 1?

4 MR. FREDERICK: Yeah, the regulation should
5 include zone 1 as well.

6 BOARD MEMBER CAHN: Okay. So that footnote
7 needs to change.

8 MR. FREDERICK: Right. Right.

9 MR. DRINNON: We concluded with that one?

10 Okay. Page 25-7. I guess I just need some
11 clarification a little bit.

12 BOARD MEMBER CAHN: Hold on -- hold on just
13 a second. Page 25-7.

14 MR. DRINNON: Uh-huh.

15 MS. THOMPSON: What section are you in,
16 sir? We've identified a numbering error, and --

17 BOARD MEMBER CAHN: The numbers repeat
18 themselves.

19 MS. THOMPSON: It gets confusing in the
20 middle. I apologize.

21 MR. DRINNON: I'm just thinking of the
22 pages --

23 MS. THOMPSON: Sure.

24 MR. DRINNON: Section 8.

25 MS. THOMPSON: Okay.

1 MR. DRINNON: Excuse me, Section 9.

2 BOARD MEMBER CAHN: So we're on the second
3 25-7?

4 MS. THOMPSON: Yeah.

5 BOARD MEMBER CAHN: And the line number?

6 MR. DRINNON: I'm just creating all kinds
7 of confusion here.

8 BOARD MEMBER CAHN: Yeah.

9 MR. DRINNON: If you look at line 819 to
10 823, holding tanks. This beast, you know, raises its ugly
11 head periodically for us, because we do have some places up
12 on Casper Mountain where individuals want to place the
13 holding tanks, but our criteria, generally, is that holding
14 tanks are really meant for temporary purposes, you know, a
15 drilling rig, drilling sites, and that sort of thing.

16 I guess what constitutes seasonal?

17 MR. TILLMAN: Like someone that has a
18 cabin, you know, up on the mountain where, you know, eight
19 months out of the year it's inaccessible due to winter,
20 drifting, and whatnot, so they can't be in there. So
21 there's a limited time frame that they're going to be
22 occupying that residency.

23 MR. DRINNON: Often they are there -- they
24 have snowmobiles and that sort of thing.

25 MR. TILLMAN: Right.

1 MR. DRINNON: And that, therein lies the
2 problem, I think. They can't get a vac truck back there,
3 and sometimes people do find creative ways of getting rid
4 of their wastewater, so --

5 MR. TILLMAN: True.

6 MR. DRINNON: -- we've pretty much tried to
7 limit the use of that. It was sort of forced upon us at
8 the cabin sites out at Alcovia, because over the years
9 things have evolved out there, and we had to kind of come
10 up with a workable solution for these people other than
11 just random greywater disposal and everything from
12 refrigerators to railroad ties. So we pretty much had them
13 deactivate the pit privies and even vaulted privies or
14 holding tanks. And, again, that would be seasonal, because
15 there is a defined period of time there. It's specified in
16 their leases.

17 MR. TILLMAN: Right.

18 MR. DRINNON: But, you know, for private
19 cabins and things like that, there isn't.

20 MR. TILLMAN: This was the best approach we
21 could come up with --

22 MR. DRINNON: Understood.

23 MR. TILLMAN: -- without being overly
24 restrictive. Because, again, for those people who do have
25 cabins that are truly seasonal, it gives them a way out to

1 handle their waste, and they can address it, you know, when
2 they're there in the spring or before they leave in the
3 fall.

4 MR. DRINNON: And I do know it's their
5 responsibility to get rid of it, but, you know, to get a
6 vac truck way back there on Casper Mountain sometimes is
7 very difficult. You know, especially when the snow starts
8 flying around October, November, and doesn't melt until
9 April or May. So I was thinking maybe define the seasonal
10 as like three-month period of time of periodic occupancy or
11 something, but it's up to you guys.

12 BOARD MEMBER CAHN: So, excuse me, can you
13 get closer to the microphone and explain what your -- what
14 you'd like to see, what change you'd like to see, what you
15 would propose here. Is it a definition of seasonal as
16 three months, or what --

17 MR. DRINNON: Well, whatever's decided
18 upon, I think if rules aren't more specific, it always
19 raises a question. While seasonal is six months, seven,
20 eight months, that sort of thing, I think if there were
21 some parameter that we would refer to, something more
22 concrete than just, you know, seasonality, it might be a
23 little bit more efficient for us to either prove or
24 disapprove of the use of a holding tank.

25 BOARD MEMBER CAHN: So do you have a

1 suggestion for how many months seasonal would be that would
2 work for -- what would work for you?

3 MR. DRINNON: Maybe perhaps a quarter or a
4 semester or something. Well, anywhere from maybe four --
5 three to four months or something.

6 BOARD MEMBER CAHN: So like a definition of
7 seasonal.

8 BOARD MEMBER APPLGATE: We're not making
9 that suggestion as a Board yet. You're taking that down as
10 a comment, right, Lorie?

11 BOARD MEMBER CAHN: Yeah.

12 MR. DRINNON: And lastly, page 25-19, that
13 would be Section 13, mounting systems. 25- -- 25-19.

14 BOARD MEMBER CAHN: Which line number are
15 you on?

16 MR. DRINNON: It would be paragraph small
17 I, 318 to 3 -- excuse me, 1318 to 1321, small I. A minimum
18 of 1 foot of vertical separation of native soil is required
19 between the bottom of the sand filter for a sand fill on
20 top of the high groundwater level or any restrictive layer.
21 It's pretty minimal, our experiences have been, with these
22 types of applications, excuse me.

23 MR. TILLMAN: I think I -- what I see reads
24 different. A minimum of 1 foot vertical separation from
25 the native soil and the bottom of the sand fill and the top

1 of high groundwater, okay.

2 MR. DRINNON: Sand fill, okay. Which would
3 be a mounded system, I'm assuming?

4 MR. TILLMAN: Yes.

5 MR. DRINNON: That 1-foot vertical
6 separation doesn't leave a whole lot of separation in my --
7 based on our experiences between variability and
8 groundwater levels and wicking and just the porosity of
9 sand filter, our concern is that it's going to interface
10 with the groundwater and eventually migrate through the
11 sides of the mounted system itself. We've had that
12 experience.

13 MR. TILLMAN: Okay.

14 MR. DRINNON: Currently, with the use of
15 advanced treatment, we allow 2-foot separate -- we're not
16 suggesting that you come in line with our rules and
17 regulations, but with advanced treatment. Even with
18 advanced treatment systems that are metered and pressure
19 dosed, we require a minimum of 2-foot separation. Just a
20 recommendation. It seems to have worked fairly good for
21 us.

22 MR. TILLMAN: Okay.

23 BOARD MEMBER APPLGATE: Madam Chair. So
24 what would be the -- what would be WDEQ's basis for the
25 1 foot that's currently in the proposed reg?

1 MR. FREDERICK: I guess it's -- Madam
2 Chairman -- not quite clear to me how an additional foot is
3 going to eliminate the problem of seepage from the -- from
4 the mound unit itself, if I understand correctly what
5 you're saying. The separation distance is between the
6 native soil and groundwater. I think the problem that
7 you're alluding to is more reflective of the inability of
8 that underlying interval between the sand layer to actually
9 absorb any of the infiltration from the sand unit as
10 opposed to the vertical separation to groundwater. So it's
11 not clear to me how --

12 MR. DRINNON: Increasing an additional foot
13 would make a lot of difference?

14 MR. FREDERICK: Right. Yeah.

15 MR. DRINNON: Okay. When you've got a
16 lot -- you have -- groundwater is not static often.
17 It's -- it rises, especially with irrigation practices and
18 things like that. I think -- you know, and there's going
19 to be a zone of saturation when you apply wastewater
20 continuously, you know, for domestic purposes. For
21 example, I think it's going to hydrate that foot layer, and
22 between that and the groundwater level, I think there's a
23 much more enhanced possibility of the interface between the
24 two when that happens, and that soil layer becomes more
25 saturated, and bio matting builds up, that sort of thing,

1 but then I think there's going to be more propensity for
2 water to start looking for other methods of distribution,
3 and typically that might -- could be through the sidewalls
4 of the sand mound itself, because we're talking about a
5 very porous soil.

6 BOARD MEMBER APPELEGATE: I can just say,
7 for someone who was not familiar with the design of these,
8 I'm struggling a bit with what we're describing. It's
9 different for me, maybe, because I'm a visual thinker.

10 BOARD MEMBER CAHN: You can draw a picture.

11 CHAIRWOMAN BEDESSEM: Yeah. There's a dry
12 erase board up there.

13 BOARD MEMBER APPELEGATE: Although -- I
14 guess I would say maybe -- maybe that's a level of
15 detail -- I don't know if I want to take us down that
16 rathole.

17 MR. DRINNON: Yes. Go ahead.

18 BOARD MEMBER CAHN: I think we should. A
19 picture is worth a thousand words.

20 CHAIRWOMAN BEDESSEM: They can show you.

21 MR. FREDERICK: Just -- Madam Chairman, for
22 Mr. Drinnon --

23 MR. DRINNON: Yes.

24 MR. FREDERICK: -- if I can refer you to
25 the following requirement in the regulation here that's on

1 line 1322.

2 MR. DRINNON: Of the same page?

3 MR. FREDERICK: Yes.

4 MR. DRINNON: Okay.

5 MR. FREDERICK: There's a requirement here
6 that the underlying native soil achieve a certain level of
7 infiltrative capacity. I think -- I think that's intended
8 to help ensure that we don't encounter the type of
9 situation you're describing. I was just curious as to
10 whether you're taking that into consideration.

11 MR. DRINNON: I have, indeed. And I don't
12 know if there's really an actual level of assurance with
13 any wastewater application, because there's lots of
14 unforeseen circumstances and variability in that, but I
15 would suggest that if you have a 50-minute per inch soil
16 type there, and with the poor distribution of wastewater
17 with a very tight restrictive soil, I think that this
18 possibility is going to be much more enhanced. You know, I
19 don't know if that it's going to really -- I mean, that --
20 1-foot layer will probably filter out some of the
21 wastewater, but ultimately what we're looking at is a
22 method of wastewater disposal that's not going to end up
23 perhaps surfacing or infiltrating through the sides of the
24 sand filter. We've had several experiences in areas that
25 actually have had 2 foot of separation between the two, and

1 they haven't been very successful.

2 BOARD MEMBER APPLGATE: So the figure begs
3 more questions to me than answers. So the minimum, is that
4 how -- is there no -- is the 1 foot -- could you show me
5 where the 1-foot distance is measured from in that design
6 picture? Minimum of 1 foot of vertical separation of the
7 native soil is required between the bottom of the sand fill
8 and the top of the high --

9 CHAIRWOMAN BEDESSEM: Yeah. The native
10 soil is down there where you have written earth. Yeah,
11 take that off the top.

12 MR. FREDERICK: Okay. This is essentially
13 the sand filter on top of the native soil. Regulation
14 requires a minimum of 1-foot separation between the high
15 groundwater table and essentially this 1 foot of native
16 soil. I think Mr. Drinnon's suggesting that that should be
17 increased to 2 feet.

18 BOARD MEMBER APPLGATE: So there is --
19 increased restriction would make it -- I mean, do we have
20 areas where we -- I guess this is sort of in river bottoms.
21 How many places do we have where the water's only that
22 close?

23 MR. TILLMAN: Up in the northwest part of
24 the state, they have high groundwater quite a bit.

25 MR. DRINNON: We do as well.

1 CHAIRWOMAN BEDESSEM: But you mound it.

2 MR. TILLMAN: That's why you mound it, just
3 to get our separation.

4 BOARD MEMBER APPLGATE: Okay.

5 BOARD MEMBER CAHN: And he's saying he's
6 seen failures when it's 2 feet.

7 BOARD MEMBER APPLGATE: Also, if you look
8 at the next ii.

9 MR. TILLMAN: Right.

10 BOARD MEMBER APPLGATE: ii is designed to
11 accommodate -- the failure situations that he's describing
12 would likely not occur if you could meet the second
13 criteria, which is the percolation rate that's in the
14 second criteria. I believe that's what we were told.

15 MR. DRINNON: I guess I would ask how? You
16 know, there's a whole range there. You know you've got
17 five minutes per inch and 60. I mean, that's a big range
18 of soil types there. You know, it would be -- the
19 argument, I think, would be better supported if you had
20 more narrower range, that, you know, under these
21 circumstances you can maintain a 1-foot separation, which I
22 still wouldn't think that would be enough, but --

23 BOARD MEMBER CAHN: So it was on the
24 60 minutes per inch end, then the --

25 MR. DRINNON: No, not good.

1 BOARD MEMBER CAHN: -- 1 foot might be
2 okay.

3 MR. DRINNON: Actually, I don't --

4 BOARD MEMBER CAHN: No.

5 MR. DRINNON: I don't think either would.
6 Because if you've got extremely permeable soils, that waste
7 flow is going to come from the bottom of this sand filter
8 and interact with the native soils much more rapidly. But
9 with clay-type soils, once they become more hydrated, they
10 don't distribute the effluent very efficiently. It's like
11 a sponge --

12 BOARD MEMBER CAHN: Right.

13 MR. DRINNON: -- just retains water.

14 You keep pumping more and more wastewater to it,
15 there's no place for it to go. There's some lateral
16 distribution of it, but I think you probably could
17 facilitate this, based on our experiences, with minimum of
18 2 foot of soil.

19 I guess what we can do is be more stringent and
20 we can maybe look at it from that avenue, because currently
21 we do require, with advanced treatment, a 2-foot
22 separation, otherwise it's 4 feet.

23 CHAIRWOMAN BEDESSEM: So I -- so the
24 results of requiring that 2 feet now is that if somebody's
25 trying to build a wastewater system on a site where the

1 high groundwater table is only a foot below the surface,
2 they can't put a mound -- even a mound system in.

3 MR. DRINNON: Based on our criteria, no,
4 not with a foot.

5 CHAIRWOMAN BEDESSEM: But the way these
6 rules are, if you only have groundwater a foot below the
7 surface, you could build a mound system --

8 MR. TILLMAN: A mound system.

9 CHAIRWOMAN BEDESSEM: -- and put in a
10 septic system.

11 MR. TILLMAN: Yes.

12 MR. DRINNON: The only accommodation we
13 made for extremely elevated groundwater is if you have
14 advanced treatment, like in the textile filter, where the
15 effluent, in theory, is cleaned up and applied to the land,
16 otherwise we require 4-foot separation.

17 BOARD MEMBER APPLGATE: So you present us
18 with an interesting comment, because it's not often we have
19 a municipality or somebody that's arguing for more
20 stringent requirement.

21 MR. DRINNON: Leave it to us, right? Yeah.

22 BOARD MEMBER APPLGATE: What you're
23 suggesting is your local experience suggests that this more
24 rigorous requirement is beneficial, but do I also
25 understand you have the ability to --

1 MR. TILLMAN: Delegate.

2 BOARD MEMBER APPELLEGATE: -- employ that
3 more rigorous requirement?

4 MR. DRINNON: We do.

5 BOARD MEMBER APPELLEGATE: And so I'm
6 questioning the need for a change, meaning here in this
7 community they have determined, through their application
8 of this set of rules, that they have a more rigorous
9 requirement. And if there was failures in another
10 community -- is this -- is it typical for most communities
11 in Wyoming to implement this through their own set of
12 rules, or is this just the bigger communities that do this,
13 like Casper and Cheyenne?

14 MR. TILLMAN: There are different delegated
15 counties with the state, and we have those delegation
16 agreements with those counties. And if you're a delegated
17 county, you have the option to be more stringent. Our
18 rules are a minimum requirement. They can elevate that to
19 whatever they deem is necessary, through their own
20 experience or just whatever they'd like to do. They can be
21 more stringent.

22 BOARD MEMBER APPELLEGATE: Okay. Thank you.

23 CHAIRWOMAN BEDESSEM: Okay. Any --

24 MR. DRINNON: That's all I have. Thanks
25 for your time.

1 CHAIRWOMAN BEDESSEM: No.

2 BOARD MEMBER APPLGATE: Thank you.

3 MR. TILLMAN: Thank you.

4 CHAIRWOMAN BEDESSEM: It was very
5 educational. Great.

6 MS. THOMPSON: Madam Chairman, I think we
7 have another commenter.

8 CHAIRWOMAN BEDESSEM: Please come forward.

9 MS. GINDULIS: I'm April Gindulis with the
10 Casper/Natrona County Health Department. I work with John.
11 And a couple of things that he didn't bring up that I would
12 like some clarification on is under your definitions, in
13 the first set of numbers 25-4, line 165, soil absorption
14 system, and it gives a definition of that. Is that what
15 you are defining as a small wastewater system?

16 MR. TILLMAN: Yes.

17 MS. GINDULIS: Okay. It has come up in
18 discussions about whether or not a small wastewater system
19 includes a pressure dose -- is pressure dosing system
20 included in that definition or a mound system?

21 MR. TILLMAN: Those are treatment options
22 for a small wastewater system. There are varieties of
23 small wastewater systems, stone and pipe, pressure dose,
24 and, as you alluded to --

25 MS. GINDULIS: It's come to our attention,

1 with our regulations and whether or not we would be able to
2 permit a pressure dose system because it does require the
3 PE design. However, I did just see in the regulations that
4 there's going to be a packet online --

5 MR. TILLMAN: Yes.

6 MS. GINDULIS: -- that the public can use.

7 MR. TILLMAN: Yes. Yes, ma'am.

8 MS. GINDULIS: So we would still be able,
9 as a delegated county, to permit these systems.

10 MR. TILLMAN: Yes, you would.

11 MS. GINDULIS: Okay. The only other
12 concern or question. I have two installers that make
13 concrete tanks here --

14 MR. TILLMAN: Uh-huh.

15 MS. GINDULIS: -- in Natrona County. And
16 under the second section of the page numbers, 25-4,
17 starting with 709, they changed the -- the minimum riser
18 size from 6 inches to 20 inches. And the way the two tanks
19 that are in Natrona County are designed, they have the
20 6-inch riser that comes to the surface over the -- one over
21 the outlet for the effluent filter, because they're single
22 compartment tanks, and another for cleanout when the tank
23 needs pumped out. And their concern is they're going to
24 have to change their forms in order to meet this
25 requirement.

1 MR. TILLMAN: We're aware of that.

2 MS. GINDULIS: Okay. All right. So, I
3 guess, is that something that's -- they want to keep in
4 place with the 20-inch minimum -- or -- yeah, minimum
5 riser, or is there going to be room for people who already
6 have tanks that have been approved?

7 MR. TILLMAN: Okay. If and when this gets
8 promulgated, there will be new listing of tanks that are
9 approved. So at that point they would have to comply with
10 the 20-inch minimum.

11 MS. GINDULIS: Okay.

12 BOARD MEMBER APPLGATE: And just for
13 clarification. There's been extensive discussion about
14 this in previous meetings. Help me. I'm not asking you to
15 describe sort of the rationale behind it, but there was a
16 rationale for the increase, I believe. Could you share
17 that with us?

18 MR. TILLMAN: Basically we looked at all
19 the states surrounding us, I believe Nebraska, Utah,
20 Colorado.

21 MS. THOMPSON: Is this the opening?

22 MR. TILLMAN: Yeah.

23 MS. THOMPSON: Yes. Where we started with
24 the EPA onsite wastewater manual, and they give a range.
25 And their range is 18 to 24. So that we -- we went down

1 the middle to start with and picked 20.

2 MR. TILLMAN: Yeah, as a minimum size.

3 BOARD MEMBER APPELATE: But the
4 practical -- or help me understand sort of the engineering
5 reason for the -- their suggestion and the proposal for the
6 larger size. I remember there was one. I just can't
7 remember it.

8 MR. TILLMAN: Okay. Basically the comment
9 was that a particular installer puts a person down through
10 that opening. And this was not designed for a person
11 access. This was an access to stick a tubing down or a
12 flashlight, something of that nature, to remove the
13 contents of the tank. That if someone were to want to go
14 inside to clean it, fix it or address problems in the tank,
15 they would uncover it, pull the lid and go inside. It was
16 not intended for a person, as a manway in like a pressure
17 vessel. I come from a refining background. Usually
18 manways are 36-inch, 48-inch openings for egress and ingress
19 of a person. This was not intended for that purpose.

20 MS. THOMPSON: So if I might, you know,
21 show a comparison, this comment is actually the opposite
22 end of the problem.

23 BOARD MEMBER APPELATE: Yeah, it is.

24 MS. THOMPSON: So previous comment was too
25 small.

1 CHAIRWOMAN BEDESSEM: I think what Dave is
2 asking is -- you said where you got the recommendation.

3 MS. THOMPSON: Uh-huh. Uh-huh.

4 CHAIRWOMAN BEDESSEM: He's asking why did
5 they make that recommendation.

6 MR. TILLMAN: It was --

7 CHAIRWOMAN BEDESSEM: Why the 6 inches to
8 18?

9 BOARD MEMBER CAHN: It went 18 to 24, EPA
10 manual.

11 BOARD MEMBER APPLGATE: I think I
12 understand my question -- or where I was trying to go with
13 this. So the idea was to make it small enough that a
14 person can't go in it, but they are using tanks that are --
15 have 6-inch openings, which -- help me understand why a
16 6-inch opening --

17 CHAIRWOMAN BEDESSEM: That's what I was
18 asking.

19 BOARD MEMBER CAHN: We're not saying --

20 BOARD MEMBER APPLGATE: We're not --

21 THE REPORTER: One at a time.

22 BOARD MEMBER APPLGATE: We're not meeting
23 the need, because no one is going to crawl through a 6-inch
24 opening, but yet you're going to require a change in forms.

25 MR. TILLMAN: There was comment that, you

1 know, 6-inch opening is rather small for different size of
2 hoses that have to access that tank for -- to remove the
3 contents. And a 20 gives them a little more latitude,
4 depending on the outfit what type of equipment that they
5 have. But a 20 is also, we figured, small enough that
6 really doesn't induce a person to go in there, because
7 there have been incidences in the northeast, up by the
8 Black Hills, where people have crawled in and died by going
9 in through that access opening.

10 BOARD MEMBER APPLGATE: Yeah, so I wanted
11 to suggest an idea that maybe would address both of these.
12 You can have the opening would be no larger than 20 inches,
13 and you still address this concern of no one getting in it,
14 but the smaller -- if they've been designing tanks that
15 have 6-inch opening, and those have worked, why would we
16 suggest that somehow you need a larger opening?

17 BOARD MEMBER CAHN: But let me get some
18 clarification. You say in these tanks there's two
19 openings. There's a 20-inch one and there's a 6-inch one.
20 What's the difference between what the 6-inch -- what you
21 do in the 6-inch one versus what you do in the 20-inch one?

22 MS. GINDULIS: The lids on the concrete
23 tanks have the manhole, and then in the middle there is the
24 hole for the 6-inch riser that comes to the surface and is
25 capped.

1 BOARD MEMBER CAHN: And what goes down the
2 riser versus what goes down the manhole?

3 MS. GINDULIS: The riser for the outlet,
4 often for the single-compartment tanks, have an effluent
5 filter, and that effluent filter does need to be accessed
6 so that they can pull it out and clean it. So that's that
7 riser.

8 The middle riser, on a single-compartment tank,
9 since there's two, is for hoses for vac trucks to use to
10 vacate the solids from the tank.

11 BOARD MEMBER CAHN: Okay. I'm just
12 wondering if we need to be more specific about -- because
13 this says a riser shall be provided to each compartment of
14 the septic tank for inspection and cleaning. You're
15 talking about something different than that. In that case
16 that's the manhole that's providing the access for
17 inspection and cleaning.

18 MS. GINDULIS: And that's below grade.
19 That's covered.

20 BOARD MEMBER CAHN: And you're just talking
21 about a second opening to the tank, that the only thing
22 that's in there is an effluent filter.

23 MS. GINDULIS: The outlet has -- in
24 single-compartment tanks, has an effluent filter in the T
25 baffle. And that has to be accessible for cleaning. And

1 like I said, it has the minimum 20-inch already on the
2 tanks, but bringing them to the surface was the concern of
3 the -- of the installers.

4 BOARD MEMBER CAHN: So if we say at least
5 one -- I mean, if we somehow distinguish between those two
6 different functions, that the 20-inch minimum is for the
7 manway, and if there is a second thing, it can be -- on
8 the -- on the effluent end, it can be 6 inches? I mean,
9 would that -- I don't know. I'd have to talk to Dwight.

10 BOARD MEMBER APPLGATE: We have the
11 same -- we're trying to understand what -- we need to
12 ask about. Their interpretation is somehow required to
13 change in design, which may not be necessary.

14 CHAIRWOMAN BEDESSEM: Well, I'm wondering
15 if --

16 BOARD MEMBER APPLGATE: If the rules --
17 they're being forced in that direction.

18 CHAIRWOMAN BEDESSEM: If you say at least
19 one riser in each compartment shall be 20 inches.

20 BOARD MEMBER CAHN: There you go. Would
21 that work?

22 CHAIRWOMAN BEDESSEM: Because you're a
23 one-compartment tank, and you've got one riser that's 20
24 inches.

25 MS. GINDULIS: Right.

1 CHAIRWOMAN BEDESSEM: The other is 6.

2 Right now this says the riser will be 20 inches.

3 MS. GINDULIS: And on single-compartment
4 tanks, you need to -- you can have the 20-inch. It has to
5 be on the outlet side of the tank, though, because you have
6 to be able to access that --

7 BOARD MEMBER CAHN: Right.

8 MS. GINDULIS: -- effluent filter.

9 BOARD MEMBER CAHN: So wouldn't her
10 suggestion work?

11 MS. GINDULIS: I think I'm following
12 correctly. I think so.

13 BOARD MEMBER APPLGATE: Suggestion --

14 THE REPORTER: I'm sorry. Can you repeat
15 that? Repeat that.

16 BOARD MEMBER APPLGATE: Madam Chair, make
17 your suggestion again for WDEQ's evaluation.

18 CHAIRWOMAN BEDESSEM: I was wondering
19 whether you might be able to say at least one riser per
20 compartment shall be minimum of 20 inches, so that they
21 have an additional riser that's a 6-inch riser. They don't
22 have to change that to 20 because they have another 20-inch
23 riser anyway. But in here it says "the" riser shall be a
24 minimum diameter of 20 inches.

25 MR. TILLMAN: We can -- that's --

1 CHAIRWOMAN BEDESSEM: I'm wondering if that
2 would take care of the issue.

3 MS. GINDULIS: So you're still saying that
4 the 20 inches would still have to come to the surface, one
5 20-inch riser would still have to come to the surface. And
6 the way their tanks are set up, they have -- the form
7 is there's the lid, and the lid has a 6-inch riser in the
8 top.

9 BOARD MEMBER CAHN: So where's the 20 --

10 MR. TILLMAN: The 20-inch is the diameter
11 of the cover?

12 MS. GINDULIS: Yes.

13 MR. TILLMAN: And then underneath the cover
14 is only 6-inch diameter going down?

15 MS. GINDULIS: So you have your 20-inch
16 manhole.

17 MR. TILLMAN: Right.

18 MS. GINDULIS: And in the center of that
19 20-inch manhole is the riser that comes to the surface.

20 BOARD MEMBER CAHN: So then you have --

21 CHAIRWOMAN BEDESSEM: What's the
22 difference?

23 BOARD MEMBER CAHN: You have a 20-inch
24 opening.

25 MS. GINDULIS: You do. Yeah.

1 BOARD MEMBER CAHN: Because nobody can go
2 down --

3 MR. TILLMAN: But it's --

4 BOARD MEMBER CAHN: -- it's a 6-inch riser.

5 THE REPORTER: One at a time.

6 MR. TILLMAN: But --

7 CHAIRWOMAN BEDESSEM: She keeps us in line.

8 THE REPORTER: Hardly.

9 MS. THOMPSON: We do need all the help we
10 can get, so...

11 BOARD MEMBER APPLGATE: So now I come back
12 to what I said originally, Lorie. That the riser that's
13 coming to the surface, that 6-inch riser, even though it
14 enters the tank through a 20-inch manhole --

15 MR. TILLMAN: Yeah.

16 BOARD MEMBER APPLGATE: -- the intent is
17 to be able to clean out the tanks, which they must be able
18 to do through this the 6-inch risers, if they have tanks
19 that are installed and they're using. The whole intent of
20 not going larger than 20 inches was to prevent human entry
21 into the tanks. So my question to WDEQ is if the tank --
22 if the entry point that comes to the surface is less than
23 20 inches, is that really a problem, if they've been able
24 to clean those tanks out with the smaller diameter riser?

25 MR. TILLMAN: No, I guess it wouldn't be a

1 problem.

2 BOARD MEMBER APPELLEGATE: And, therefore,
3 should it be rewritten such that instead of it saying
4 20-inch riser -- a minimum of 20 inches -- maybe it should
5 be a maximum of 20 inches.

6 BOARD MEMBER CAHN: No.

7 BOARD MEMBER APPELLEGATE: Well, a maximum of
8 20 inches is what prevents a person from entering.

9 MR. TILLMAN: For a person that would like
10 for someone to go in that way --

11 BOARD MEMBER CAHN: Our person does go into
12 tanks all the time.

13 MS. THOMPSON: Teton County, as a delegated
14 county, they adopted regulations which state that the --
15 the diameter must be a minimum of 24 inches.

16 BOARD MEMBER APPELLEGATE: So people can go
17 in it.

18 MR. TILLMAN: They can do it.

19 BOARD MEMBER CAHN: That's what he does for
20 his profession.

21 MS. THOMPSON: When Laramie County --

22 BOARD MEMBER APPELLEGATE: So why are we
23 putting any requirement on the diameter? What's it matter?
24 If some people are going to clean it out with not going
25 into the tank and --

1 CHAIRWOMAN BEDESSEM: The strike --

2 BOARD MEMBER APPLGATE: -- some people
3 want it to be big enough to go into it, why are we making a
4 requirement on the riser?

5 BOARD MEMBER CAHN: What I'm wondering is
6 whether it's a difference between a riser and a manway. So
7 that may be we're talking about some regulations for manway
8 and some for riser.

9 MR. TILLMAN: It's a terminology thing. We
10 purposely did not call it a manway, because we did not want
11 a person to go in there. We call it an access opening.

12 BOARD MEMBER CAHN: Okay.

13 MR. TILLMAN: Manways, from my background,
14 is what you use to get a pressure vessel, a much larger
15 opening, so you can in tanks and hoses and stretchers and
16 the whole works.

17 BOARD MEMBER CAHN: Is there a difference
18 between access opening and a riser?

19 MR. TILLMAN: (Shakes head.)

20 BOARD MEMBER CAHN: You're saying there is.
21 You're saying there's a riser inside --

22 MR. TILLMAN: Right.

23 CHAIRWOMAN BEDESSEM: Yes.

24 BOARD MEMBER CAHN: -- an access opening.

25 MS. GINDULIS: Yeah.

1 BOARD MEMBER CAHN: I'm picturing a riser
2 coming out of the middle of a 20-inch hole, access way.

3 MS. GINDULIS: I'm trying to picture the
4 two tanks that I'm thinking of, and I know that the one
5 tank has the lid on the end for the effluent filter, and
6 there is a 6-inch riser that comes to the top. The second
7 one is in the center of the tank, where there is not a lid,
8 now that I think about it, and it has a 6-inch riser coming
9 to the top for cleanout purposes for vaccing the truck --
10 the tank out.

11 And the second one, it, too, has two 6-inch
12 risers that come to the top, but whether or not they're
13 part of that lid, I can't -- I'm having a hard time
14 picturing, because it would just -- it was just -- the
15 second one is a Phillips-Sutton tank, and it was just now
16 reapproved, and we haven't had much experience with those,
17 so I apologize.

18 But they -- the installers brought the concern to
19 me and asked if I would discuss it. So, you know, their
20 concerns are -- and I can't say that I disagree with the
21 20-inch riser that comes to the surface; small children
22 falling in them in rural areas. The newer poly tanks have
23 the 20-inch risers, but they were riveted down. They have
24 protections with these concrete-like tanks, 20-inch riser.
25 I'm sure you can get a manhole cover that -- that a child

1 wouldn't be able to remove.

2 BOARD MEMBER CAHN: And there are
3 requirements in here, as I recall, that -- that preclude a
4 child opening these, make --

5 MR. TILLMAN: Yes.

6 MS. THOMPSON: Right. The line directly
7 under this diameter, line 718, if it's -- if the riser
8 cover terminates above grade, it shall have an approved
9 locking device.

10 BOARD MEMBER APPLGATE: Madam Chair. I'm
11 still trying to -- trying to come to the conclusion I
12 understand this issue. So you have an interest, Lorie,
13 because you have an interested party who wants to have a
14 larger opening because they have historically gotten into
15 the tank to do cleaning. There's also designed tanks that
16 have smaller openings that have been adequate for cleaning,
17 I guess, through some sort of pumping system. They've
18 chosen sort of this middle ground where they have an
19 opening that they think will prevent people going in, which
20 doesn't meet your party's interests. And it also doesn't
21 meet this party's interests, because they want to use
22 smaller diameter pipes. Have I described the problem?

23 MS. THOMPSON: Actually, if I might
24 clarify, Mr. Applegate. We're not preventing Mr. -- the
25 gentleman from Teton County. We state a minimum of

1 20 inches, and so by using a 24-inch opening, he's still
2 well within compliance.

3 BOARD MEMBER APPLGATE: Okay.

4 MS. THOMPSON: And he's in compliance with
5 the regulations within Teton County as well. So he's --
6 he's -- the compliance issue for him is less. We've -- if
7 we make it a minimum of 20, and they're having a 6-inch
8 opening, I think that seems more tricky.

9 BOARD MEMBER APPLGATE: So help me
10 understand why you would -- what your -- what's your
11 reasoning for not wanting the 6-inch openings?

12 MR. TILLMAN: There was no reason for not
13 wanting it. It was just to allow more options for the
14 cleanout companies, depending on the size of their hoses
15 and what they might want to stick in there. If they want
16 to stick a camera to look in there, as well as their hoses,
17 things like that.

18 BOARD MEMBER CAHN: Different pumps.

19 MR. TILLMAN: Right.

20 BOARD MEMBER APPLGATE: But we have a
21 manufacturer who is successful here in Casper. The smaller
22 opening, is it really a requirement from you guys to try to
23 dictate a design that you think will have more flexibility?
24 I mean, that seems like a -- do you have any reason why a
25 6-inch opening does not meet your regulatory intent?

1 MR. TILLMAN: No, I don't. I don't think
2 so.

3 BOARD MEMBER CAHN: But the EPA on-site
4 manual, wastewater manual -- on-site wastewater treatment
5 systems manual recommends 18 to 24. There are -- we were
6 hearing that there were larger diameter pipes, there's
7 pumps that people -- they're larger than 6 inches, there's
8 things that people are having a hard time getting down a
9 6-inch opening.

10 BOARD MEMBER APPLGATE: But we have
11 someone here in Casper, where they obviously are using
12 smaller openings and been able to install, and I assume
13 they've been able to clean out those tanks.

14 MS. GINDULIS: Yes. To my knowledge, yes.

15 BOARD MEMBER APPLGATE: So, therefore, why
16 are we trying to dictate some narrow regulatory requirement
17 when the market is showing us that 6-inch risers work as
18 well as larger 20- to 24-inch risers? Why -- why regulate
19 that?

20 BOARD MEMBER CAHN: If we're going to go
21 back -- if we're suggesting going back down to 6, then I
22 would like more time and go back and talk and refresh my
23 memories with the gentleman, Dwight Reppa, from Macy's
24 about all the issues that there were with 6 inches, because
25 he had a bunch.

1 BOARD MEMBER APPELEGATE: So his -- he
2 had -- he didn't want smaller openings because that doesn't
3 allow him to clean out --

4 BOARD MEMBER CAHN: But also equipment that
5 he has.

6 BOARD MEMBER APPELEGATE: I understand.

7 BOARD MEMBER CAHN: Changing out pumps
8 and --

9 BOARD MEMBER APPELEGATE: He's working up in
10 that area, and he's trying to have a tank designed that
11 meets his economic interests, and up here you have another
12 economic interest that are working with a smaller diameter
13 opening. So it seems like we're trying to regulate to
14 serve someone's economic interests, not the -- not the
15 requirement, which is simply to have a tank that you can
16 clean out.

17 BOARD MEMBER CAHN: I would like to go back
18 and look through the EPA on-site manual. I mean, I need --
19 I need more time, because it's one thing to be comfortable
20 with 20-inch and another thing to go back down to 6. So --
21 I mean, that, just for me as a Board member, that's what
22 I'm going to need. I need -- that was probably a year ago
23 we had this discussion, so I would need more time to look
24 at that, as a board member, so...

25 BOARD MEMBER APPELEGATE: So Kevin, can

1 you -- do you have a problem if there was a smaller
2 diameter -- I asked this question previously. Do you have
3 any regulatory issue with a smaller diameter opening? It
4 says 20-inch minimum. I'm trying to understand.

5 MR. FREDERICK: For the riser?

6 BOARD MEMBER APPLGATE: Yeah.

7 MR. FREDERICK: Absolutely not.

8 BOARD MEMBER CAHN: What about for the
9 manway?

10 CHAIRWOMAN BEDESSEM: Doesn't have to be a
11 manway. I mean, you aren't calling things a manway.

12 MS. THOMPSON: Right.

13 BOARD MEMBER CAHN: Okay. For the
14 access --

15 THE REPORTER: One at a time.

16 BOARD MEMBER CAHN: Access opening. Sorry.
17 Access opening.

18 MS. GINDULIS: The way I understood the
19 regulations was that they had to have a 20-inch diameter
20 hole on the tank to be able to access the tank and for
21 additional cleaning or change the baffles, if need be. And
22 then in addition to that, they had the risers, the 6-inch
23 risers that came to the surface.

24 BOARD MEMBER APPLGATE: So maybe if we
25 added some language that said the manway had to be at a

1 minimum of 20 inches, but no requirement on the riser
2 diameter that comes to the surface. Maybe that would cover
3 the range of things we're seeing? That would -- that would
4 be consistent with the design you've described, right?
5 They have a 20-inch manway into the tank, but a 6-inch
6 riser. The gentleman who's talked to you wants to make
7 sure that -- that hole into the tank itself is at least
8 20 inches. So maybe the change is to add to the language
9 here that says the manway -- the manway opening -- I don't
10 want to use the word manway, but the --

11 MS. THOMPSON: Access.

12 BOARD MEMBER APPLGATE: -- the access
13 opening into the tank is a minimum of 20 inches, but riser
14 height through that manway to the surface can be of smaller
15 diameter.

16 BOARD MEMBER CAHN: And you're not clear on
17 the design. You're a little bit fuzzy on that.

18 MS. GINDULIS: The one I know for certain
19 is the A.J. Vollmer tank.

20 MS. THOMPSON: Can I stop you --

21 MS. GINDULIS: Sure.

22 MS. THOMPSON: -- and ask you to draw
23 picture. I think we're getting some description issues,
24 and maybe a picture would help us to understand.

25 BOARD MEMBER CAHN: Sure.

1 MS. GINDULIS: Sure.

2 CHAIRWOMAN BEDESSEM: It worked on the
3 mound.

4 MS. GINDULIS: My drawing isn't the best
5 here. So this is your outlet, and their tank -- their
6 form -- this is the top of the tank. Right here, on top of
7 this is a lid, and it has a 6-inch coming to the surface
8 here for the -- to access the effluent filter. In the
9 center of this tank is also a 6-inch riser that comes to
10 the surface, and that's for vacating the tank.

11 BOARD MEMBER APPELEGATE: But that 6-inch
12 riser goes through a 20-inch --

13 MS. THOMPSON: So my question is, is this
14 above the lid 6 inches? Is that what you're -- you're
15 saying? Or the diameter of this access is 6 inches?

16 MS. GINDULIS: The diameter here is -- in
17 the hole of the tank, comes up to 6 inches. There's a lid
18 that goes on the whole thing, and then there's another lid
19 that comes -- that's 20 inches right here.

20 MS. THOMPSON: Sure.

21 MS. GINDULIS: And in the middle of that is
22 6-inch riser for the effluent, and then there's a 6-inch
23 hole in the middle of the tank to vacate for vac truck.

24 BOARD MEMBER APPELEGATE: If you -- can you
25 get into the tank if you remove that 20-inch --

1 MS. GINDULIS: Here.

2 BOARD MEMBER APPLGATE: So, again, if you
3 have at least one 20-inch opening into the tank by person
4 access, but your riser height -- or your riser diameter for
5 cleaning the tank out with some sort of vacuum system
6 wouldn't have to be 20 inches.

7 BOARD MEMBER CAHN: So the riser just goes
8 to the surface and stops when it gets to the --

9 MS. THOMPSON: Uh-huh.

10 MR. TILLMAN: Yes.

11 BOARD MEMBER CAHN: -- access opening?

12 MR. TILLMAN: A riser is just to get you to
13 the tank.

14 BOARD MEMBER CAHN: Okay. I mean, that --
15 then fits this definition, as Marge suggested, if line 715
16 said at least one -- instead of saying riser, at least one
17 opening shall have a minimum diameter of 20 inches, then.

18 BOARD MEMBER APPLGATE: That's consistent
19 with what I was trying to say.

20 BOARD MEMBER CAHN: Yeah, so...

21 MR. TILLMAN: That's --

22 CHAIRWOMAN BEDESSEM: Is that just -- it's
23 that just the riser doesn't come to the ground surface at
24 20 inches.

25 MR. TILLMAN: Right.

1 CHAIRWOMAN BEDESSEM: It's 6 inches.

2 MR. TILLMAN: Right.

3 CHAIRWOMAN BEDESSEM: But your hole in the
4 tank is 20 inches. So is it just -- I don't even know
5 where we say in here --

6 BOARD MEMBER CAHN: I think the confusion
7 came in from when the word "riser" replaced the word
8 "manway access," and it sounds to me like they're different
9 things. One was a larger opening for bigger pieces of
10 equipment and/or -- but you don't want to see a person --
11 but and/or a person. And the other one is just a small
12 riser that allows --

13 CHAIRWOMAN BEDESSEM: So maybe it's just a
14 change --

15 BOARD MEMBER APPLGATE: Don't go back to
16 the manway.

17 CHAIRWOMAN BEDESSEM: But don't say manway
18 so that -- you say the tank access shall have a minimum,
19 because then it's not implying that a person should go down
20 there.

21 MS. THOMPSON: I pulled up the tank access
22 information out of the on-site wastewater manual out of
23 EPA, and the way it reads --

24 BOARD MEMBER CAHN: Which section are you
25 in? I wonder if I have it.

1 MS. THOMPSON: Starting -- are you --
2 starting at page 4 --

3 CHAIRWOMAN BEDESSEM: She's got a copy.

4 MS. THOMPSON: -- 4-42, under Tank Access.

5 BOARD MEMBER CAHN: I didn't bring it with
6 me.

7 MS. THOMPSON: Okay. So I'll read it.
8 Manways are large openings 18 to 24 inches in diameter or
9 square, at least one that can provide access to the entire
10 tank for septage removal, if needed. If the system is
11 compartmentalized, each compartment requires a manway
12 located at the inlet/outlet or center of the tank.

13 Let's see. Inspection ports are 8 inches or
14 larger in diameter and are located over both the inlet and
15 the outlet, unless a manway is used. And both inspection
16 ports and manways are expected to be securely capped to
17 prevent children from getting in. So I'm wondering if that
18 would be more of an inspection port.

19 CHAIRWOMAN BEDESSEM: It just seems like
20 for some reason the -- we've changed it from manway access
21 to riser, and --

22 BOARD MEMBER APPLGATE: That's creating a
23 problem.

24 CHAIRWOMAN BEDESSEM: -- that's creating
25 the problem.

1 MR. TILLMAN: I think what's -- and just
2 speaking off the top of my head, I'm pretty sure that the
3 intent was to have the access opening and the riser the
4 same diameter that you don't let down as such to allow for
5 variability of equipment and hoses and things like that.
6 So it's probably intended to be one and the same. But what
7 you're proposing is that the riser diameter be different
8 than the access opening.

9 CHAIRWOMAN BEDESSEM: Uh-huh.

10 MR. TILLMAN: EPA manual says the access
11 opening and riser, I believe, is integral. So it's the
12 same diameter. The inspection port is smaller.

13 BOARD MEMBER APPLGATE: I didn't get that
14 from what she read, the fact that the riser has to be the
15 same.

16 BOARD MEMBER CAHN: I heard riser 8 inches,
17 at least 8 inches, and I heard manway access at least 20 --
18 18 to 24.

19 MS. THOMPSON: 18 to 24.

20 MR. TILLMAN: Okay.

21 CHAIRWOMAN BEDESSEM: Sorry we're spending
22 so much dang time on this. This is just -- I think Kevin
23 was getting some additional information, whether we want to
24 defer this until he returns with that and move on to the
25 next topic.

1 BOARD MEMBER CAHN: Here he comes.

2 MS. GINDULIS: I apologize.

3 CHAIRWOMAN BEDESSEM: It's a terminology
4 thing, and if we're confused, then chances are people
5 reading the rule will be confused.

6 MR. TILLMAN: The constructors. Nobody can
7 read this. Honestly, I mean, if you're a homeowner, you're
8 not going to read about the tank. You're going to order a
9 tank a certain size and they're going to worry about the
10 access opening and riser height.

11 CHAIRWOMAN BEDESSEM: We'll, I guess I'm
12 not concerned homeowners so much as the various companies
13 that are producing or, you know, trying to meet the
14 requirements, so whether it be, you know, the septage
15 pumper or the people that are producing the tanks.

16 MR. TILLMAN: Correct.

17 MR. FREDERICK: I think we -- I think we
18 may have some confusion in terminology here.

19 CHAIRWOMAN BEDESSEM: While you were out of
20 the room we discussed the fact that -- that it seems like
21 the crux of our problem is the distinction between manway
22 access and riser, and that term -- and that it's been
23 switched from manway access to riser.

24 MR. FREDERICK: Right.

25 CHAIRWOMAN BEDESSEM: And so if you want to

1 enlighten us a little bit more.

2 MR. FREDERICK: Well, if we go down to the
3 bottom of the page, on line 718, which should be paragraph
4 C, by the way.

5 CHAIRWOMAN BEDESSEM: Yeah, you're right.
6 It should be C.

7 MR. FREDERICK: The riser shall terminate
8 at a maximum of 6 inches below the ground surface. This is
9 not the type of riser that she is describing.

10 CHAIRWOMAN BEDESSEM: Uh-huh.

11 MR. FREDERICK: Perhaps a simple fix would
12 just simply be to rather than describe this as a riser,
13 describe it as an access.

14 CHAIRWOMAN BEDESSEM: Which was the way it
15 was before, but just take out the word "manway."

16 MR. FREDERICK: Exactly.

17 BOARD MEMBER APPLGATE: That would allow
18 her tank to be consistent with the requirements.

19 CHAIRWOMAN BEDESSEM: Can we just call it
20 tank access, like we said a couple minutes ago?

21 MR. TILLMAN: That's fine.

22 BOARD MEMBER APPLGATE: So the suggested
23 change would be tank access, delete riser in both line 709
24 and 714?

25 CHAIRWOMAN BEDESSEM: As well as in 718?

1 MR. FREDERICK: Right.

2 BOARD MEMBER CAHN: No. 718, now we're
3 talking about the riser. Leave riser as riser.

4 MR. TILLMAN: 718 is definitely a riser.

5 CHAIRWOMAN BEDESSEM: Right. 718 stays as
6 riser, excuse me. And just tank access back in 714 and
7 709.

8 MR. TILLMAN: Yes.

9 CHAIRWOMAN BEDESSEM: I'm glad that same
10 conclusion was reached in both parties, in the hallway and
11 in the room.

12 MR. FREDERICK: Thank you for your
13 patience.

14 MS. GINDULIS: Thank you. I appreciate you
15 listening.

16 MR. FREDERICK: Thank you.

17 CHAIRWOMAN BEDESSEM: Okay. Do we have any
18 additional comments on Chapter 25 in the audience? Hearing
19 none, we'll move to Lorie for Board comment.

20 I like the resolution of this last one.

21 BOARD MEMBER CAHN: I would first like to
22 say that I don't feel that my comments -- all of my
23 comments that I made at the last board meeting were not
24 substantive, and I'll just leave it at that.

25 I did ask -- well, I guess I will start with less

1 substantive. Back to pathogens definition on -- and I'm on
2 the clean copy, page 25-3, line 117. I thought E. coli was
3 an indicator organism, am I wrong on that, and not a -- we
4 had wanted pathogens --

5 CHAIRWOMAN BEDESSEM: Where is this?

6 BOARD MEMBER CAHN: I'm on the clean copy
7 in definitions, pathogens. I thought we were going to
8 remove E. coli. We removed the other indicator organisms.

9 BOARD MEMBER APPLGATE: I agree with you,
10 E. coli is an indication of pathogen, but not a pathogen
11 itself.

12 CHAIRWOMAN BEDESSEM: Well, it can be, but
13 it's a subset.

14 BOARD MEMBER CAHN: Yeah, it's a subset.

15 CHAIRWOMAN BEDESSEM: A sub subset, meaning
16 that -- yeah. What's your opinion on that?

17 MR. TILLMAN: I don't have an opinion. My
18 background's chemical engineering. I don't -- I'm not a
19 bacteria person. So from the people that -- our other
20 engineers, our civil engineers, licensed, and they thought
21 that E. coli was part of the pathogen, but if that's a
22 disagreement or if there's a definition that says
23 otherwise, we can entertain that.

24 BOARD MEMBER CAHN: Since it says pathogens
25 include, but are not limited to, I would remove E. coli,

1 because it's not saying -- so it then would have
2 cryptosporidia, giardia, hepatitis, Legionella, things that
3 are clearly a pathogen.

4 MS. THOMPSON: Madam Chair. I looked at
5 some previous responses to comments, and we have looked at
6 pathogens before. But it was at the September meeting
7 about a year ago, and the request was that we -- we look at
8 pathogens and that we remove coliform.

9 CHAIRWOMAN BEDESSEM: Uh-huh.

10 MS. THOMPSON: So we removed coliform
11 bacteria and fecal coliform from the definition, because we
12 agreed that the terms indicate possibility of pathogens
13 that are not necessarily pathogenic themselves. So that's
14 where we were before. So am I hearing you correctly that
15 E. coli would fit also into that category of it is -- it's
16 an indicator along with coliform bacteria is an indicator
17 and fecal coliform are indicators, but are not necessarily
18 pathogenic?

19 BOARD MEMBER CAHN: That's my
20 understanding, but --

21 CHAIRWOMAN BEDESSEM: Well, when I think
22 of -- I think of E. coli strains, you know, that are -- are
23 very nasty, and I'm used to, you know, looking at coliform
24 as being a major group, and then fecal coliform being a
25 subset that aren't necessarily all pathogenic, and E. coli

1 is subset of fecal coliform, and then the highly pathogenic
2 forms of subset of E. coli, but whether all strains of E.
3 coli are pathogenic --

4 BOARD MEMBER CAHN: That's my question.

5 CHAIRWOMAN BEDESSEM: Yeah.

6 BOARD MEMBER CAHN: So I'm thinking since
7 it says they're not limited to, we could -- unless we can
8 find out that every --

9 CHAIRWOMAN BEDESSEM: Or you know what
10 would be a good thing? If you want to make sure -- this is
11 a compromise, since I'm -- my micro biologist -- biological
12 background is rusty -- is that, for example, there's some
13 very nasty E. colis that have, you know, like a number
14 after them.

15 MS. THOMPSON: Uh-huh.

16 CHAIRWOMAN BEDESSEM: Okay? You can put
17 one of those in there. Okay?

18 MS. THOMPSON: Okay. Or I think I might
19 have found a broader, yet accurate, compromise. In Chapter
20 21, in the chapter we just looked at, we have a definition
21 of pathogenic organisms, and we define a pathogenic
22 organism as a disease-causing organism. These include but
23 are not limited to certain bacteria, protozoa, viruses and
24 viable helminth ova. That is a --

25 CHAIRWOMAN BEDESSEM: That's in Chapter 21.

1 MS. THOMPSON: 21 that is moving to 11.

2 CHAIRWOMAN BEDESSEM: And why are we not
3 using the --

4 MS. THOMPSON: I don't know.

5 CHAIRWOMAN BEDESSEM: Because otherwise you
6 could use like E. coli 256, which is a clear pathogen
7 without necessarily implicating anything.

8 MS. THOMPSON: If it pleases the Board, we
9 could use this pathogenic organisms definition for
10 consistency.

11 CHAIRWOMAN BEDESSEM: Yeah. I don't
12 understand why we would have different definitions of
13 pathogens in two different chapters of the Water Quality
14 Rules and Regulations.

15 MS. THOMPSON: I'm --

16 MR. TILLMAN: They were promulgated at
17 different times, different areas, different people.

18 MS. THOMPSON: Yeah. But at least --

19 CHAIRWOMAN BEDESSEM: It's not --

20 MR. TILLMAN: No, I'm just saying --

21 THE REPORTER: One at a time, please. I'm
22 sorry, but it gets out of hand.

23 MS. THOMPSON: We have a chance to fix
24 that, so we can make that substitution, if it pleases the
25 Board.

1 CHAIRWOMAN BEDESSEM: Every one of the --
2 of the Board is shaking their head yes.

3 MS. THOMPSON: Okay.

4 CHAIRWOMAN BEDESSEM: It would make things
5 more consistent throughout, and then we won't have to
6 discuss whether E. coli is pathogenic or not.

7 MS. THOMPSON: Okay.

8 CHAIRWOMAN BEDESSEM: And people will just
9 use the same definition. A wonderful opportunity to
10 streamline your rules.

11 MR. TILLMAN: So am I hearing the Board
12 would like us to change it to this more broad --

13 CHAIRWOMAN BEDESSEM: Yes.

14 MR. TILLMAN: Okay.

15 CHAIRWOMAN BEDESSEM: Yes. Thank you.

16 BOARD MEMBER CAHN: In Section 7, one of my
17 comments was for standard trenches. I didn't think we
18 should be including sidewalls. If I go -- if you go to the
19 EPA manual, they conclude, including sidewall as an active
20 infiltration surface and design should be avoided. If
21 sidewall areas are included, provisions should be made in
22 the design to enable the removal of the ponded system from
23 surface periodically to allow the system to drain and the
24 biomass to oxidize naturally. And I'd like to read this,
25 but it's going to be slow.

1 I'll read slowly for you.

2 Both the bottom and sidewall area of the SWIS
3 excavation can be infiltration surfaces; however, if the
4 sidewall is to be an active infiltration surface, the
5 bottom surface must pond. If continuous ponding of the
6 infiltration surface persists, the infiltration zone will
7 become anaerobic, resulting in loss of hydraulic capacity.
8 Loss of the bottom surface infiltration will cause the
9 ponding depth to increase over time as the sidewall also
10 clogs. And there's some references.

11 If allowed to continue, hydraulic failure of the
12 system is probable. And then that part I read before comes
13 in that, therefore, including sidewalls -- sidewall area as
14 an active infiltration surface and design should be
15 avoided. That's on page 4-10 in Section 4.4.5 of the EPA
16 on-site wastewater treatment systems manual.

17 And on page 4-17, under Sidewall Height, they say
18 because the sidewall is not included as an active
19 infiltration surface and sizing infiltration area, the
20 height of the sidewall can be minimized to keep the
21 infiltration surface high in the soil profile. A height of
22 6 inches is usually sufficient for most porous aggregate
23 applications. So I'm at a point again where I don't think
24 that sidewall should be counted in standard trenches.

25 BOARD MEMBER APPLGATE: Madam Chair. So

1 can I ask just a clarifying question. So -- two questions.
2 Have we traditionally included it?

3 MR. TILLMAN: Yes.

4 BOARD MEMBER APPLGATE: If we have, have
5 we seen failures?

6 MR. TILLMAN: It has been included in the
7 past, and we would like to continue to include it. And I
8 think our failure rate speaks to that, that it's successful
9 including that sidewall.

10 BOARD MEMBER APPLGATE: So by not
11 including it, it would result in an increase in the area
12 required for these type of designs, right? Is that -- is
13 that a significant increase in design footprint if one
14 doesn't include sidewalls.

15 MR. TILLMAN: It can be, especially in
16 areas where the lots are becoming smaller, and they don't
17 have amount of area. I think in her part of the country
18 that is an issue. So that definitely keeps the area -- the
19 footprint much more manageable.

20 CHAIRWOMAN BEDESSEM: Aren't we also
21 reducing the wastewater loading calculation? Didn't
22 we--

23 MR. TILLMAN: Yeah, we did --

24 CHAIRWOMAN BEDESSEM: Didn't we load --

25 THE REPORTER: One at a time.

1 MR. TILLMAN: Yes. The loading rate was
2 lower, yes.

3 MR. FREDERICK: Madam Chair. I'd like to
4 draw your attention to some additional requirements on the
5 sidewall in the context of the calculation of the total
6 infiltration area. And I'm looking on page 25-18 in the
7 strikeout version.

8 CHAIRWOMAN BEDESSEM: In the second set of
9 numbers or first set of numbers?

10 MS. THOMPSON: Probably the second set.

11 BOARD MEMBER CAHN: Second set.

12 MR. FREDERICK: First set.

13 CHAIRWOMAN BEDESSEM: First set.

14 MR. FREDERICK: And in particular, the
15 calculation for the total infiltration area on line 503
16 references the Factor S. And on 511 S is defined as a
17 sidewall height of 12 inches or less. So we see in there a
18 restriction on sidewall height to begin with. Following on
19 to line 513, the sidewall height is the depth below the
20 flow line of the pipe to the bottom of the trench. In
21 essence, we aren't calculating the entire sidewall of the
22 trench, only that portion that's below the flow line of the
23 pipe. And normally the pipe, as I suspect, is actually
24 installed some distance within the trench. So any of that
25 distance above the flow line or the center line of the

1 infiltration pipe, any of that sidewall height above that
2 would not be included in the analysis. So I think it
3 minimizes the factor -- the sidewall height factor in the
4 overall calculation.

5 BOARD MEMBER CAHN: What is it typically,
6 then?

7 MR. FREDERICK: Is it typically done?

8 BOARD MEMBER CAHN: What -- what -- how
9 many inches is that typically done?

10 MR. TILLMAN: Depends on the installer.

11 BOARD MEMBER CAHN: I mean, it can be 12
12 inches.

13 MR. TILLMAN: It could be up to 12 inches,
14 but below the flow line of the pipe, as Kevin's indicating.
15 Not the whole depth of the trench, it's just below the flow
16 line of the pipe.

17 BOARD MEMBER CAHN: Yeah.

18 MR. FREDERICK: So I just wanted to point
19 out there are some restrictions on the inclusion of the
20 sidewall.

21 BOARD MEMBER APPLGATE: I have a process
22 question here.

23 Lorie, you have a number of comments. How fast
24 are we going to move forward on this? Do you want to like
25 have -- are there comments you feel strongly enough to want

1 to vote on, or do you want to -- I mean, how are we going
2 to move forward with this? Because that's a technical
3 comment that, for example, I'd probably support it, you
4 probably don't. I don't know how we move forward.

5 BOARD MEMBER CAHN: Well, let me get
6 through a few more comments and then we can decide where we
7 want to go at that point.

8 BOARD MEMBER APPELEGATE: Okay.

9 BOARD MEMBER CAHN: So -- okay.

10 The other comment that I made, and I don't
11 remember which board meeting I made it at, about the
12 minimum spacing of trenches. Now it's 3 feet, and I said,
13 I think it was the last board meeting, that that was not
14 very conservative. If you do a survey of the states around
15 us, South Dakota, Idaho, Colorado, have 6 feet; Utah has 7;
16 Montana has 4; and Wyoming has 3. So I'm -- it's
17 difficult -- I couldn't find any other states that had 3.

18 And then -- I'm on page, I'm sorry, 25 -- of the
19 clean version, 25-19, line 759. And EPA recommends 6 feet.
20 Let me find that section.

21 BOARD MEMBER APPELEGATE: Madam Chair, I
22 have a comment.

23 Lorie, since you've done some research into that,
24 is there any empirical evidence to suggest why one is
25 better than the other, or do we have just a range of

1 differences?

2 BOARD MEMBER CAHN: Let me -- let
3 me finish. I'm just -- when I looked at our old
4 regulations -- or the current ones that are still in
5 effect, in Section 10(d), we had 3 feet or horizontal
6 distance equal to 1.25 times the vertical depth of the
7 trenches, whichever is greater, of undisturbed soil shall
8 be maintained between adjacent trench walls. And so it's
9 not clear to me why not only are we the least conservative
10 of all the states, but now we've also removed that 1.25,
11 which, if we had that 1.25 in there, we would at least be
12 up with Montana, and be the most conservative in our
13 region. So I don't understand why that got dropped, the
14 1.25.

15 MR. TILLMAN: We thought that that was very
16 confusing. We didn't calculate that width, so we just
17 figured we'd pick a width. Let me ask you again, was your
18 question the difference between trench walls is a minimum
19 of 3 feet, is that your concern?

20 BOARD MEMBER CAHN: The spacing between
21 trenches.

22 MR. TILLMAN: In line 1171?

23 BOARD MEMBER APPLGATE: 759 on the clean.

24 BOARD MEMBER CAHN: 759 on the clean
25 version.

1 MR. TILLMAN: Okay. I'm on the strike and
2 underlined version.

3 BOARD MEMBER CAHN: It's in Section 11.

4 MR. TILLMAN: It says --

5 BOARD MEMBER CAHN: (a)(vi)(F).

6 MR. TILLMAN: Minimum spacing is 3 foot.
7 It can be increased to 9. So basically we're saying a
8 minimum of 3. It can be larger.

9 BOARD MEMBER CAHN: I know, but I'm saying
10 nobody else in our region has a minimum of 3. They
11 typically have 6 or 7, except for Montana, which has 4.

12 MR. TILLMAN: And I think part of that
13 justification, again, trying to accommodate the smaller
14 plots that people have available to equip and install
15 wastewater system. I believe I recall somewhere in the EPA
16 on-site manual, or might have been in the other one --

17 MS. THOMPSON: Metcalf & Eddy.

18 MR. TILLMAN: -- I believe they said --
19 Metcalf & Eddy -- that a minimum of 18 inches was still
20 usable between outside of the trench as sidewall absorption
21 area. So if we give them 3 foot, that accommodates, you
22 know, each trench being able to use that sidewall as an
23 absorption surface. So that's why that minimum was set at
24 3 foot. But it can be larger than that.

25 BOARD MEMBER APPLGATE: So -- Madam Chair.

1 My comment would be the fact that -- I come to whether
2 there's evidence that failure of these given the design
3 criteria. So although I can appreciate the fact there's
4 all these other trenches, unless there's some evidence that
5 says 5 feet has worked and 3 feet has failed, to me they're
6 just sort of arbitrary data points.

7 BOARD MEMBER CAHN: What I'm hearing,
8 though, is Wyoming doesn't -- although Mr. Tillman assures
9 us that there aren't failure rates in Wyoming, what I'm
10 hearing from Casper is that Casper doesn't report those in
11 any way. There's no mechanism. So that doesn't do it for
12 me to say we don't have a high rate of failure in the
13 state, when I come from a county where there are high rates
14 of failures. So I -- it doesn't do it for me.

15 BOARD MEMBER APPLGATE: So have they
16 failed -- so the -- I mean, I appreciate the perspective.

17 BOARD MEMBER CAHN: Yeah.

18 BOARD MEMBER APPLGATE: Is there failures
19 in Teton County -- is there -- is there evidence -- do they
20 have a sense of why they failed, meaning are they under-
21 designed? Is that really where you're coming from, they're
22 underdesigned because they're too close together and they
23 include the sidewalls, or is there anything that they've
24 done to sort of understand why they've failed up in Teton
25 County?

1 BOARD MEMBER CAHN: I can't answer that
2 question, but I guess that's from my perspective, from
3 comments that I've heard from the public, interested
4 parties. My interest would be in being protective, and --

5 BOARD MEMBER APPLGATE: Yeah.

6 BOARD MEMBER CAHN: -- designing something
7 that can last for a long time and is less likely to fail,
8 so we can use it for a long time. So that's --

9 BOARD MEMBER APPLGATE: My only kind of
10 counter I say to that is I agree with you conceptually,
11 it's just whether or not the changes you're proposing
12 actually leads to the solution you want, which is if
13 there's failure up in Teton County, then we should be
14 examining why there's failure and reasons for those. It
15 may not have anything to do with sidewall size and trench
16 differences.

17 BOARD MEMBER CAHN: Well, I don't
18 understand why, other than -- why it was changed here,
19 other than it was less confusing, but it --

20 BOARD MEMBER APPLGATE: Yeah.

21 MR. TILLMAN: It was also changed to
22 accommodate the smaller lot sizes. Again, if you demand
23 that they have 9 foot or 8 foot, or whatever, between the
24 trench wall, now you've effectively spread that area, what,
25 threefold per trench? And some of these people just simply

1 don't have the room. And to accommodate those people,
2 we're setting that minimum. Again, it's a minimum
3 standard. They can be larger if they would like.

4 CHAIRWOMAN BEDESSEM: Teton County can make
5 it larger if they so choose.

6 MR. TILLMAN: Absolutely, ma'am.

7 BOARD MEMBER APPELEGATE: Also, just to
8 throw out how significant a change would it be if you went
9 to --

10 THE REPORTER: I'm sorry. Can you repeat
11 that?

12 BOARD MEMBER APPELEGATE: So if one were to
13 suggest a change to 4 feet, which would be somewhat
14 consistent with the previous requirement, consistent with
15 Montana, would that satisfy your desire at this point?

16 BOARD MEMBER CAHN: Well, I guess, you
17 know, I would prefer 6 feet, because 6 feet is what EPA's
18 recommending, and they've looked at all the states, so --
19 and that would put us in line more with, you know, other
20 states around us, South Dakota, Idaho, Colorado. Utah is
21 7; Montana is at 4.

22 BOARD MEMBER APPELEGATE: For the record, I
23 never really much care what EPA says, so you can put me on
24 the record for that.

25 MR. FREDERICK: Just one comment, Madam

1 Chair.

2 CHAIRWOMAN BEDESSEM: I like to have some
3 flexibility as well.

4 MR. FREDERICK: Madam Chairman. It's
5 important to keep in mind, too, Wyoming does require
6 additional space for --

7 CHAIRWOMAN BEDESSEM: Reserve.

8 MR. FREDERICK: -- essentially a
9 replacement system.

10 Now, whether or not that's considered in the
11 separation distances in other states, I can't speak to it.
12 It may or may not be. They may have the luxury of actually
13 providing or requiring some additional separation. If they
14 don't require the additional replacement area. However, we
15 do.

16 BOARD MEMBER APPLGATE: Help me understand
17 that. I'm not familiar with septic systems.

18 CHAIRWOMAN BEDESSEM: Let me just interject
19 here. I think what he's trying to say is that some other
20 states may expect that that distance between the trenches
21 will be reserve space to put in a replacement trench, as
22 opposed to a separate area for a whole new leach field.

23 BOARD MEMBER APPLGATE: Oh, okay.

24 CHAIRWOMAN BEDESSEM: So if that 6 feet or
25 7 feet or 9 feet is taking the replacement trench, that's

1 the reason for it to be that wide.

2 MR. TILLMAN: We do offer the caveat that
3 if you would like to have a reserve area, you can expand
4 that to 9, and then you have a reserve area between
5 trenches, but still maintains the spacing for sidewall
6 activity.

7 CHAIRWOMAN BEDESSEM: But some people would
8 choose to have the 3 feet --

9 MR. TILLMAN: Right.

10 CHAIRWOMAN BEDESSEM: -- and just pick
11 another spot on their lot, you know, to have replacement --
12 a space for a replacement system.

13 BOARD MEMBER APPLGATE: So -- Madam Chair.
14 Lorie, I would say that if Teton County has -- I keep
15 coming back to the idea that they have the ability in the
16 county to have more strict rules. And if Teton County has
17 seen failures, then they should be implementing more
18 rigorous design criteria based on whatever is causing their
19 failures in Teton County. We shouldn't necessarily apply
20 that more rigorous criteria to the whole state, if we
21 aren't seeing failures. That would be my perspective. So
22 I -- the reason I ask -- here's a question. We have this
23 process in Wyoming. To move these things forward today, do
24 we need all three of us to vote yes --

25 CHAIRWOMAN BEDESSEM: Yes.

1 BOARD MEMBER APPELEGATE: -- on something to
2 make a change? We need a quorum of the five.

3 CHAIRWOMAN BEDESSEM: Uh-huh.

4 MS. THOMPSON: That is correct.

5 BOARD MEMBER APPELEGATE: I just point that
6 out from a process perspective, because that's why I'm
7 working to try to reach agreement, because we have to reach
8 agreement amongst all three of us --

9 CHAIRWOMAN BEDESSEM: Thank you.

10 BOARD MEMBER APPELEGATE: -- to move this
11 forward. I'd like to move this forward. So what I'm
12 advocating, we maybe change it to 4 feet, give it some
13 additional distance, understanding Teton County can be more
14 rigid on this particular suggestion by --

15 CHAIRWOMAN BEDESSEM: Or does --

16 BOARD MEMBER APPELEGATE: -- my esteemed
17 colleague.

18 CHAIRWOMAN BEDESSEM: Does it matter to
19 make a difference from 3 feet to 4 feet?

20 BOARD MEMBER APPELEGATE: I'm guessing --
21 your opinion on 3 to 4 be a significant change, in your
22 opinion.

23 MR. FREDERICK: Madam Chair. I understand
24 the concern in trying to move the rule forward. Given the
25 minimum quorum that we have here -- or the quorum that we

1 have here, and we -- we certainly don't have any problem
2 bringing the rule back before the Advisory Board again for
3 consideration to move it before the Council. We can
4 certainly do that. If it appears that the chances of
5 moving the rule ahead today are nonexistent, then that's
6 fine. We'll take comments under consideration and go back
7 and plan before the next meeting of the Board.

8 You know, quite frankly, I don't think we're
9 plowing any new ground here. I think these are issues that
10 we feel we've looked at carefully enough. We've taken
11 comments into consideration. I think we've done a good job
12 at that. I don't know that there's really going to be much
13 to be gained for us to go back and try and revisit things
14 again. And that said, we're certainly interested in
15 hearing some new information that perhaps we aren't aware
16 of, take that into consideration, but I think we've got a
17 pretty good rule.

18 BOARD MEMBER APPLGATE: So there's also
19 been the process in the past, Madam Chair, where the rule
20 has moved forward, and then it's been caveated to the EQC
21 that, you know, the Advisory Board did not agree on this
22 point or this point. See, I would like -- we've seen this
23 three or four times. I really would like to come to the
24 next meeting and not see Chapter 25 again. So I'm sort of
25 trying to look for a way to move it forward, but also honor

1 the comments of my colleague on the board, who I respect
2 her comments, if I don't always agree with them. So what
3 we've done in the past --

4 BOARD MEMBER CAHN: I'm not even done with
5 my comments.

6 BOARD MEMBER APPLGATE: I know, but I'm
7 trying to get process in place, because I know you're going
8 to keep working through them.

9 What we've done in the past is we could -- we
10 could vote on like the rules with the following caveat of
11 items that there was a dissenting opinion on, and those
12 could be caveated in your report to the EQC; here's the
13 rule, but you can have footnotes, say, on these one, two,
14 three, four, five items there was not --

15 CHAIRWOMAN BEDESSEM: Consensus.

16 BOARD MEMBER APPLGATE: -- consensus by
17 the Board. We're not a decision-making board anyway, so in
18 the end the EQC would see we've moved the rule forward, but
19 there was not a quorum of approval on this set of
20 questions. So I'm just trying to throw out some ways we
21 can maybe move forward today and still honor your comments.

22 BOARD MEMBER CAHN: Or DEQ can choose to go
23 forward without us even voting on it --

24 BOARD MEMBER APPLGATE: Yeah.

25 BOARD MEMBER CAHN: -- and take it to EQC

1 and then see what they do. I mean, that's always a
2 possible -- that's been done before, not with a lot of
3 success, but it was tried before. So that's another
4 possibility.

5 BOARD MEMBER APPLGATE: Yeah.

6 BOARD MEMBER CAHN: I'm -- I'm -- I don't
7 see a lot of changes on greywater. And I still feel that
8 the beginning on page 25-26 of the clean version, line
9 1072, it says it is the intent of the section to encourage
10 and facilitate greywater from domestic -- reuse of
11 greywater from domestic wastewater. And I don't -- I still
12 feel like these are not very encouraging use of greywater,
13 that they're onerous, so...

14 MR. TILLMAN: I think the information we've
15 presented to the Board in the past, which you disagree
16 with, showed that we're trying to reach that middle ground
17 of regulating as opposed to completely nonregulating.
18 There's been instances where nonregulation has led to
19 significant problems. I think Natrona County is one of
20 those areas where they've got problems with greywater
21 systems that are unregulated, as well as Laramie County.
22 And so we were trying to reach that middle ground. And
23 there are some restrictions, there is no question about
24 that, but those restrictions are there for -- to keep
25 people safe, especially in the instance where they choose

1 to use greywater aboveground. Remember, if it's
2 subsurface, the restrictions are minimal. But above
3 surface -- greywater is a subset of wastewater, and there
4 are problems with that just letting it pool on the ground
5 and run across the surface of the ground.

6 So our regulations are trying to regulate that
7 from a health and safety standpoint, not to discourage
8 people from doing it. But if they're going to do it, they
9 need to do it in a safe manner. And you always have
10 individuals that will choose to do it as they would like
11 to, that won't get it a permit, that do it as they wish,
12 and they take that chance of health risk. So our position
13 is that we feel like our regulations are a middle ground to
14 all the information that is out there. If you call the
15 state of California, look at all 50 states, this is that
16 middle ground that we're trying to reach, and then some, I
17 believe.

18 BOARD MEMBER CAHN: I guess, you know, that
19 will just be something where we agree to disagree, or
20 whatever, on.

21 Let's -- the only other thing that I have,
22 basically, was I had questioned the percolation tests going
23 from 6 inches to 5 inches, and now I think we have
24 12 inches to 6 inches on the test procedure.

25 MR. TILLMAN: The diameter --

1 BOARD MEMBER CAHN: No. The diameter, I
2 think 12 inches is good. I'm happy with that. It's the
3 drop in head when you're running the test.

4 MR. TILLMAN: Okay.

5 BOARD MEMBER CAHN: The traditional test is
6 6 inches to 5 inches, and I think now we're at -- I think
7 it's 12 -- I'm not even sure where it's at. It's just
8 starting at 12 inches, continued to measure the incremental
9 water level drop for 10 minutes. So I'm not sure --

10 MR. TILLMAN: The reason why we changed it
11 is to try to look at a 1-inch drop in a hole for a
12 homeowner is difficult to. It is an impractical
13 application of the test in a field situation. If you're in
14 a lab or someone well trained, they may be able to do that.
15 But this is to accommodate a person that may not have any
16 scientific background or understand, you know, how to
17 perform a test. So it's for practical use in a field is
18 why we made that change.

19 BOARD MEMBER CAHN: Let's say we're going
20 from 12 inches to -- I don't know if you want to 1 inch or
21 6 inches, I don't know. But to me that change in head,
22 just thinking about Darcy's Law, all the other factors are
23 the same other than your head drop --

24 MR. TILLMAN: Okay.

25 BOARD MEMBER CAHN: -- that should be a

1 difference.

2 MR. TILLMAN: All of that is addressed in
3 our presentation. If you would like we can go through that
4 at length and detail at another time -- I don't think this
5 is the venue for that --

6 BOARD MEMBER CAHN: Okay.

7 MR. TILLMAN: -- where the engineer had
8 went through and -- and if you look through this, it goes
9 through the head loss --

10 BOARD MEMBER CAHN: Okay.

11 MR. TILLMAN: -- diameter of the hole, flux
12 through the sidewall, infinite detail theoreticallywise.
13 And it's practical to do it if you do it for a field, as
14 opposed to you're just looking at a 1-inch drop, that's
15 very difficult to do.

16 BOARD MEMBER CAHN: Okay. If this comes
17 back before us again, then let's do that for the benefit of
18 the whole Board.

19 BOARD MEMBER APPLGATE: I'd definitely
20 like to see a copy of the presentation, although I'm
21 comfortable -- if you've looked at it in detail, I'm
22 comfortable with the methodology.

23 MR. TILLMAN: I believe we have looked at
24 it in detail, and, like I say, believe me, the presentation
25 does demonstrate that.

1 BOARD MEMBER CAHN: And I would like to see
2 the calculations that you've done. I'm not going to make a
3 decision right here and now, but seeing it.

4 MR. TILLMAN: But you --

5 BOARD MEMBER CAHN: Not just a
6 presentation, but I assume you have some spreadsheet or
7 something?

8 MR. TILLMAN: Spreadsheets are in there as
9 well.

10 BOARD MEMBER CAHN: I'm not going to look
11 at it right now, but -- okay. That's all that I have.

12 CHAIRWOMAN BEDESSEM: So let me -- before
13 you go through that, I wanted to read into the record
14 Calvin's comments, okay? Our board member from --
15 representing the ag community. He had a number of
16 individuals contact him from the Big Horn Basin, and so I
17 want to relate those -- those remarks.

18 And then, you know, we've had this discussion
19 about the best way to approach this when, you know, we have
20 three out of five board members here. And, you know, we
21 can either -- I mean, I like -- in some respects I like the
22 approach of potentially putting this forward for a vote,
23 whereupon, you know, if it -- if it does not pass, it does
24 not pass, if it does pass -- but there's issues that are
25 outstanding that you can just have this list of things that

1 we didn't have a consensus on. Otherwise, then it would
2 have to go back to the -- to the Board again next time to
3 discuss the same issues that we've discussed four times,
4 and I'm not sure that's to any of our benefits.

5 The -- one thing I was concerned about a little
6 bit earlier was we agreed for some minor changes. You
7 know, we agreed on the pathogen definition change. We
8 agreed on changing the terminology on the riser. Those are
9 both good. I'm still a little uncertain about that one
10 change in the footnote, whether zone 1 part is applicable
11 or not. And so I guess I think, when we get to that point,
12 perhaps you might -- leave that to you to investigate to
13 see if that's appropriate, as opposed to specifying that
14 that's the language that we've agreed upon.

15 BOARD MEMBER CAHN: Also, the separation
16 distance to high groundwater in the native soil, whether it
17 should be 1 foot or 2 feet, was another issue.

18 CHAIRWOMAN BEDESSEM: Well, it was an
19 issue, but I -- you know, we have differing opinions on
20 that, where it's a minimum, just like there's a minimum
21 on -- with respect to the distance between trenches. Okay?

22 BOARD MEMBER APPLGATE: On the language
23 change, there was probably consensus that language needs to
24 be re-reviewed regarding the Zone 1 versus Zone 2.

25 CHAIRWOMAN BEDESSEM: Right. I just listed

1 a few things I thought we had consensus on, the pathogen
2 definition, the --

3 BOARD MEMBER APPLGATE: The tank --

4 CHAIRWOMAN BEDESSEM: Yeah, the tank access
5 versus riser, and that one item. But I want -- we want you
6 to make sure that that's the correct language and leave
7 that to your judgment. These other items are ones that we
8 may not all agree upon on the Board itself.

9 So let me move from there on to what Calvin's
10 remarks were that he forwarded with respect to, as I said,
11 people from the Basin.

12 BOARD MEMBER CAHN: Here?

13 CHAIRWOMAN BEDESSEM: He says I've had
14 calls of concerns from a couple of individuals from the Big
15 Horn Basin, and basically the concern is the new
16 regulations on greywater and making these regulations more
17 complicated than needed. Evidently the old regulations
18 were not as lengthy. Didn't the governor ask for reduction
19 in size, and the need for permitting if the effluent does
20 not leave the property came in question, more costly for
21 the consumer.

22 I think you addressed this remark.

23 One -- one concerned constituent suggested
24 figures suggested --

25 THE REPORTER: Slow down, please. Can you

1 start that paragraph over.

2 CHAIRWOMAN BEDESSEM: One concerned
3 constituent suggested the figures for suggested septic tank
4 size are not consistent with other states. As an example
5 he stated other states use 250 gallons per bedroom, while
6 Wyoming uses 150 gallons in calculating the size
7 requirements. I was shown data suggesting larger tanks
8 required less frequent cleaning and allowed for future
9 expansion of homes or times when guests visit. This
10 concept has a lot of merit. Some of the calculations for
11 tank size determinations and design are very complicated
12 and could be more easily stated.

13 I think you addressed most of those. I don't
14 know that those numbers agree with the previous discussion
15 we had of 150 gallons per -- as opposed to 100 gallons.
16 He's mentioning 250.

17 MR. TILLMAN: Those are -- I believe those
18 are loading rates coming from the households. So, again,
19 that harkens back to a much larger footprint for us for
20 wastewater system, as well as a much larger tank to
21 accommodate those additional volumes.

22 CHAIRWOMAN BEDESSEM: But is it correct
23 that -- I mean, the 250 is another state, not ours. Okay.

24 Then it says why do some of the data need a PE
25 sign-off, gain driving costs, when WDEQ has a PE review the

1 application?

2 MR. TILLMAN: Most of the systems that
3 we're proposing that we consider to be common would have a
4 package that has already been designed by a PE, so that the
5 homeowner would not have to go out and get a PE stamp to do
6 that design. They simply have to kind of follow through
7 the worksheet, fill in the blanks, and that would be
8 sufficient to start the application process.

9 BOARD MEMBER CAHN: Which ones need the PE?

10 MS. THOMPSON: It's the extreme perc rates.
11 The very slow rates. The very --

12 MR. TILLMAN: And the very fast ones.

13 MS. THOMPSON: Yeah.

14 CHAIRWOMAN BEDESSEM: So those are the
15 advanced treatment systems. So those are the unusual
16 circumstances. And basically, as a PE, there's the surface
17 responsibility for that design, and a DEQ representative
18 that reviews it does not incur that responsibility. So
19 that is why that PE is needed. So I'm answering his
20 question --

21 MR. TILLMAN: I'm agreeing with you.

22 CHAIRWOMAN BEDESSEM: -- if you don't mind.

23 But those are some of the comments that he
24 received from, as I said, kind of the agricultural
25 community with regard to those.

1 So I think that wraps up the Board comments,
2 so --

3 MR. FREDERICK: Madam Chair, perhaps given
4 the discussion that we've had, obviously there are a few
5 revisions I think that came out of the discussion today.
6 Some additional comments for consideration that one of the
7 absent board members brought -- brought before us here
8 through your comment, just now, Calvin?

9 CHAIRWOMAN BEDESSEM: Uh-huh, which --
10 which comment?

11 MR. FREDERICK: Were they Calvin's comments
12 that you read back to us?

13 CHAIRWOMAN BEDESSEM: Uh-huh.

14 MR. FREDERICK: Comments that he heard from
15 others, I guess.

16 CHAIRWOMAN BEDESSEM: But you said there
17 was something unresolved in there?

18 MR. FREDERICK: No. They're just -- just
19 new, I guess, in the context of some of the discussion that
20 we've heard before.

21 BOARD MEMBER APPLGATE: Madam Chair. I'm
22 going to throw out a suggestion, which will get us to the
23 point very quickly here. I'm going to suggest a motion.
24 If it doesn't get a second, then we're not going to be able
25 to move forward.

1 CHAIRWOMAN BEDESSEM: Okay.

2 BOARD MEMBER APPLGATE: Right?

3 So I'm going to make a motion we approve these
4 rules to go forward with EQC, with the caveat that we list
5 the four or five items in which there was not Board
6 consensus on. The motion is we approve these rules to move
7 forward with EQC, with the understanding there was not
8 Board consensus on inclusion of sidewall height, the
9 minimum spacing between trenches, the ease of permitting
10 under the greywater system, that percolation test and the
11 mounding height for mound design systems.

12 CHAIRWOMAN BEDESSEM: It's the separation,
13 not height.

14 BOARD MEMBER APPLGATE: Separation.
15 Sorry. As corrected. That's my motion.

16 CHAIRWOMAN BEDESSEM: Okay. I will second
17 that motion. So thanks.

18 BOARD MEMBER APPLGATE: Okay. So then if
19 there's any discussion, I'll let you carry forward with
20 that.

21 CHAIRWOMAN BEDESSEM: Any discussion on
22 those particular items? I guess I was wondering if
23 there -- if you were -- if any of the Board was
24 particularly concerned about the percolation test at this
25 point.

1 BOARD MEMBER CAHN: Yes.

2 CHAIRWOMAN BEDESSEM: Yes. So that's an
3 appropriate list --

4 BOARD MEMBER APPLGATE: Madam Chair. My
5 discussion that I would add is I think if we bring this
6 forth again, we're still going to have these same points of
7 sort of disagreement in that, from a process perspective,
8 it makes as much sense to move this forward to the EQC, so
9 they -- we would be highlighting to them the issues that we
10 were unable to reach consensus on, understanding we are an
11 advisory board, they would then have time to look at those
12 issues themselves, and we'd be highlighting those, and that
13 any Board member that wanted to provide additional detail
14 or commentary on those five items would have the ability
15 to, you know, either testify or submit in writing comments
16 to the EQC on those five points.

17 BOARD MEMBER CAHN: My concern is we don't
18 have a full board, so I'm uncomfortable forwarding it
19 without the full board here. So that's part of where I
20 stand.

21 BOARD MEMBER APPLGATE: I just want to
22 also say for the record, we -- we're on the board. We come
23 to these meetings. Not having the full board here is
24 frustration for me, because I've given half my day. So I
25 don't feel compelled to slow down for those that aren't

1 here, because it just makes us do rework. So they've
2 provided their comments. They've had their chance to
3 participate, and the process is going to get slowed down
4 because of that.

5 BOARD MEMBER CAHN: Go through your list
6 again, Dave. Make sure --

7 BOARD MEMBER APPELEGATE: So the five items
8 were sidewall height inclusion in the design --

9 BOARD MEMBER CAHN: Trench spacing.

10 BOARD MEMBER APPELEGATE: -- trench spacing,
11 the ease of permitting under the greywater program, the
12 percolation test protocol and the separation distance on --

13 CHAIRWOMAN BEDESSEM: For mound systems.

14 BOARD MEMBER APPELEGATE: -- for mound
15 systems.

16 BOARD MEMBER CAHN: And --

17 BOARD MEMBER APPELEGATE: And my intent
18 was --

19 BOARD MEMBER CAHN: -- counting sidewall is
20 an issue.

21 CHAIRWOMAN BEDESSEM: Yes, that was my
22 first.

23 BOARD MEMBER CAHN: That's different than
24 sidewall height.

25 BOARD MEMBER APPELEGATE: I meant capture it

1 the way that you -- which was the inclusion of sidewall --

2 CHAIRWOMAN BEDESSEM: Height.

3 BOARD MEMBER APPLGATE: -- in the area
4 calculation.

5 BOARD MEMBER CAHN: And I guess I would
6 feel better about that had the board meeting been scheduled
7 when all five board members could make it.

8 MS. THOMPSON: If I might interject. We
9 made quite an effort.

10 BOARD MEMBER CAHN: I know. I know.

11 MS. THOMPSON: And, again, between two
12 divisions and five board members, and everyone having
13 vacation and children and activities and professional
14 commitments on your behalves as well, this was the best
15 date, initially it -- the polling indicated that we would
16 have four of the five board members, and we were not aware,
17 until Monday, that we would only have three, so...

18 BOARD MEMBER CAHN: And also just a caveat
19 that in the past it's been very difficult for us to find a
20 July or August time to meet. It has been very difficult.

21 MS. THOMPSON: Yes, and we understand that,
22 but we're also under several commitments to Governor
23 Mead --

24 BOARD MEMBER CAHN: Yeah.

25 MS. THOMPSON: -- with time constraints,

1 and we're trying to -- we're trying to get --

2 BOARD MEMBER CAHN: Okay.

3 MS. THOMPSON: We're trying to meet our
4 commitments, so we need to have quarterly meetings, and we
5 had to bump that one from March until April, which also
6 this meeting --

7 CHAIRWOMAN BEDESSEM: That earlier one was
8 bumped due to a board member, actually.

9 BOARD MEMBER CAHN: I second your motion,
10 Dave.

11 CHAIRWOMAN BEDESSEM: We had a second.

12 BOARD MEMBER APPELEGATE: I think we had a
13 second.

14 BOARD MEMBER CAHN: Oh, you seconded.

15 CHAIRWOMAN BEDESSEM: We had a second.

16 Through our discussion here, I want to say that as I
17 mentioned before, I think we'd just be revisiting these
18 issues again if we discussed this at another board meeting.
19 I also feel that Calvin sent whatever comments he wanted to
20 send. We made a personal effort to contact Klaus and ask
21 if he had any comments that he wanted the Board to present
22 for him for today. He did not have anybody send comments
23 to him or ask for him to speak on their behalves. He did
24 not have any additional comments for today. So I feel that
25 they were both given the opportunity, through us, to be

1 able to have their remarks considered today, and don't feel
2 that we need to have another board meeting to include the
3 missing members' remarks today.

4 So with that, we have a motion and a second, and
5 so I'm going to call for a vote. And the vote is -- again,
6 the motion is to move it forward with a list of items that
7 we didn't reach complete consensus on.

8 And so all those in favor of the motion, say aye.
9 Aye.

10 BOARD MEMBER APPLGATE: Aye.

11 BOARD MEMBER CAHN: Aye.

12 CHAIRWOMAN BEDESSEM: Motion passes.

13 So we will leave it to the agency to craft the
14 appropriate letter to EQC to explain that this was passed
15 with these, you know, particular caveats to it.

16 BOARD MEMBER APPLGATE: Madam Chair, I
17 would ask, as just a request of WDEQ, to again honor
18 Lorie's questions and comments that you provide us a copy
19 of that before you send it on to EQC so that she can look
20 at it and see that her concerns with these five items are
21 appropriately represented.

22 BOARD MEMBER CAHN: Yeah.

23 BOARD MEMBER APPLGATE: Is that a fair
24 request?

25 MR. TILLMAN: That's fair.

1 BOARD MEMBER CAHN: Uh-huh. And I would
2 like to see the actual spreadsheets. There's no way I'm
3 going to be able to read this.

4 MR. TILLMAN: We can send you a copy.

5 BOARD MEMBER CAHN: But not in a PDF
6 version. In a version where I can click on a box and see
7 the calculations you've run.

8 MR. TILLMAN: That is no problem, ma'am.
9 With all due respect, the calculations have been done in
10 detail.

11 BOARD MEMBER CAHN: That would be great. I
12 would very much appreciate seeing that so that I can --

13 MR. TILLMAN: Not a problem. I will
14 actually schedule the engineer that did those. He can talk
15 to you in depth about the calculations and how they were
16 done.

17 BOARD MEMBER CAHN: Okay. Great.

18 CHAIRWOMAN BEDESSEM: We're -- considering
19 that what we have left on the agenda is regarding hazardous
20 waste rules, I'm assuming it is not extensive?

21 MR. THOMPSON: 45 minutes.

22 CHAIRWOMAN BEDESSEM: 45 minutes. If it's
23 45 minutes, you prefer to take five-minute break and
24 continue through so we get through the rulemaking and then
25 adjourn, okay? Five-minute recess.

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(Meeting proceedings concluded
12:10 p.m., July 25, 2014.)

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C E R T I F I C A T E

I, KATHY J. KENDRICK, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein, constituting a full, true and correct transcript.

Dated this 2nd day of September, 2014.


KATHY J. KENDRICK
Registered Professional Reporter

