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WYOMING WATER AND WASTE ADVISORY BOARD

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IN RE: WATER QUALITY DIVISION

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TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 23rd day of June, 2017, at the hour of 9:12 a.m., at the DEQ Field Office, 152 North Durbin Street, Suite 100, Casper, Wyoming before the Wyoming Water and Waste Advisory Board, Mr. Klaus D. Hanson, presiding, with Mr. Alan Kirkbride and Mr. Brian Deurloo in attendance, and Ms. Lorie Cahn attending by phone and videoconference.

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

1                   BOARD MEMBER CAHN: I'm done. Thank you,  
2 Mr. Chair.

3                   BOARD MEMBER HANSON: Okay. Thank you. I  
4 have one comment. It's just a word comment. Page 11,  
5 "departmental response" at the bottom. The second line  
6 from the bottom and what constituents -- no, what  
7 constitutes, I think, a sufficient comprehensive  
8 alternative.

9                   MR. FREDERICK: Sure.

10                  BOARD MEMBER HANSON: Okay? It's just got  
11 the wrong word in there.

12                  MR. FREDERICK: Sure. Thank you. Okay.

13                  BOARD MEMBER KIRKBRIDE: Spellcheck, maybe.

14                  MS. THOMPSON: It was spelled correctly.

15 It just wasn't --

16                  BOARD MEMBER DEURLOO: It was spelled  
17 right.

18                  BOARD MEMBER HANSON: And I don't catch all  
19 these things, but sometimes it goes whoops.

20                  MR. FREDERICK: Thank you, Mr. Chairman.

21                  At this time, I'd like to introduce Mr. Rich  
22 Cripe, here at the table with me. Rich is the manager of  
23 the water and wastewater section at DEQ, and he's managing  
24 the group responsible for essentially permitting and  
25 oversight associated with commercial oil field disposal

1 facilities, including rules and regulations in Chapter 14  
2 that we're here to discuss with you today.

3 I just wanted to point out for a little  
4 background -- and I believe you've received a copy of the  
5 TREK, Incorporated Engineering and Environmental Management  
6 Report from November 2014 that DEQ commissioned in order to  
7 identify closure/postclosure potential costs associated  
8 with the closure and any necessary remediation of  
9 grandfathered commercial oil field waste disposal  
10 facilities were those that were in existence prior to the  
11 promulgation of our regulation, Chapter 14, in 1993.

12 And specifically on page 5-2 of that report is a  
13 breakdown of the 12 grandfathered facilities and the  
14 associated engineering cost estimates associated with  
15 closure and postclosure of these facilities. And the total  
16 estimated costs range roughly between 7.2 million and  
17 9.2 million.

18 Since then one of the facilities on the table on  
19 page 5-2 has been transferred in ownership, which did  
20 trigger a requirement that the new owner provide financial  
21 assurance. So we're down to essentially 11 grandfathered  
22 facilities rather than 12 identified here. And the one  
23 that has transferred ownership is the Tierney facility,  
24 which is the second to the last listed on page 5-2.

25 BOARD MEMBER HANSON: Kevin, I think you

1 lost me.

2 BOARD MEMBER KIRKBRIDE: Do we have this?

3 BOARD MEMBER HANSON: Do we have this or --

4 MS. THOMPSON: I think we sent you an  
5 electronic copy. I don't --

6 MR. FREDERICK: Yeah, you were sent --

7 BOARD MEMBER HANSON: You're not referring  
8 to --

9 MS. THOMPSON: No.

10 BOARD MEMBER HANSON: -- what we -- because  
11 I've been looking high and low. Thank you.

12 MR. FREDERICK: No. It's this report.

13 BOARD MEMBER HANSON: This report.

14 BOARD MEMBER CAHN: I didn't receive an  
15 electronic copy, but you can -- I downloaded it from the  
16 website. The Water and Waste Advisory Board website.

17 MR. FREDERICK: The report was developed to  
18 provide us with an estimate of costs for which the State of  
19 Wyoming might be responsible for in the event of operator  
20 default and has prompted us to bring forth modifications to  
21 the regulations that will remove the exemption for  
22 providing financial assurance for closure/postclosure costs  
23 from these 12 facilities or 11 -- 11 facilities.

24 The regulation will essentially hold them to the  
25 same standards and requirements to bond up or provide

1 financial assurance to the State of Wyoming similar to all  
2 the remaining commercial oil field waste disposal  
3 facilities that we've permitted since 1993, placing all  
4 operators on a level playing field with respect to  
5 provisions of financial assurance regardless if they were  
6 in existence at the time the regulation was developed or  
7 not -- or subsequent to the regulation.

8 Our Attorneys General agree that we have the  
9 statutory authority to extend the financial assurance  
10 requirements to these grandfathered facilities, and we are  
11 here before you to propose essentially modifications that  
12 will allow us to begin to do that.

13 Regulations, as drafted and proposed to you,  
14 would require these facilities to provide financial  
15 assurance to the state within 90 days, essentially, of  
16 promulgation or finalization of this rule, that being when  
17 the governor signs off on it.

18 So with that, Rich, if you have anything else  
19 you'd like to add or go over.

20 MR. CRIPE: As the administrator said, my  
21 name is Rich Cripe. I'm the water and wastewater program  
22 manager for the water and wastewater section. We're here  
23 today to cover the proposed revisions of Chapter 14. I  
24 would like to clarify one thing. That promulgation in  
25 Chapter 14 was done in 1991, and these provisions -- these

1 revisions were sent out to all of the commercial waste  
2 disposal facilities, all 35 of them. We have not received  
3 comments from any of them. The proposed revisions correct  
4 cross-reference errors. They correct formatting  
5 inconsistencies, correct capitalization errors, correct  
6 grammar, correct paragraph numbering errors and removes  
7 sections that are already stated in the act.

8           It's my understanding as well that this has been  
9 brought in front of the joint minerals committee, and  
10 they're in agreement with minimizing our liability here as  
11 well. We've also received support through the PRBRC and  
12 PAW. I'll cover these proposed changes. They're pretty  
13 straightforward. And then take questions and comments at  
14 the end.

15           BOARD MEMBER HANSON: Before you continue,  
16 since I represent the public entities, there is a  
17 statement -- and I just want to clarify that that's what  
18 you mean. In the paragraph B at the general section, it  
19 says, the last sentence, "This chapter does not apply to  
20 publicly owned facilities." Is that correct -- that's  
21 exactly correct, right? Only refers to private facilities,  
22 then.

23           BOARD MEMBER CAHN: It's on line 16 and 17  
24 on page 14-1.

25           BOARD MEMBER HANSON: Yeah.

1                   MR. FREDERICK: Isn't it taken out of --  
2 wasn't that moved from --

3                   MS. THOMPSON: It was moved from somewhere  
4 else in the chapter. And I can -- while you all are  
5 discussing, I can look quickly and see where we moved that,  
6 because that isn't a new concept. But I will double-check  
7 that. And I did want to point out for the record that we  
8 had sent you an email with revised proposed amendments. I  
9 found some errors in my strike and underline copy that I  
10 wanted to take the opportunity to correct those before we  
11 met with you.

12                  And, additionally, our Attorney General helped us  
13 correct a cross-reference to one of the statutes in the  
14 back, in Section 4, and we wanted to make sure that was  
15 correct before we brought it to you today. But I will look  
16 at that line on 16 and find where at in the chapter it used  
17 to be so that you have that for your reference.

18                  MR. FREDERICK: I can answer that.

19                  MS. THOMPSON: Okay.

20                  BOARD MEMBER HANSON: Yeah.

21                  MR. FREDERICK: In the redline, strike out  
22 version, if you look on line 26.

23                  MS. THOMPSON: Okay.

24                  MR. CRIPE: Yep.

25                  MR. FREDERICK: That language has

1 essentially been moved into the language beginning on line  
2 10. Okay?

3                   So that -- it's not new language. It had been in  
4 regulation all along. We just simply moved it where we  
5 felt it was more appropriate for the regulation.

6                   BOARD MEMBER HANSON: But my folks at home,  
7 they want to know whether this applies to them publicly or  
8 not. And it does not, right?

9                   MS. THOMPSON: Does not.

10                  MR. FREDERICK: Correct.

11                  BOARD MEMBER HANSON: Okay. I just want to  
12 be sure, because they'll be interested in that. Thank you.

13                  MR. CRIPE: Mr. Chairman, with that I will  
14 start going through. In Section 1(a), we corrected a  
15 cross-reference to the act and streamlined the passage.

16                  In (1)(b), we removed the passage allowing for  
17 the exemptions of the grandfathered facilities, combined  
18 paragraphs 1 and 2 and renumbered the paragraph previously  
19 located in paragraph 3 and corrected the cross-references  
20 within the paragraph, which we kind of discussed a little  
21 bit here.

22                  BOARD MEMBER HANSON: Sure.

23                  MR. CRIPE: In (c) we corrected a cross-  
24 reference.

25                  In (e), we added a cross-reference and



1 capitalized -- corrected the capitalization errors,  
2 formatting and spelling errors.

3 In Section 2, we removed the reference which --  
4 in 2(a), removed the reference which allowed exemptions of  
5 grandfathered facilities, corrected formatting errors.

6 And then in --

7 BOARD MEMBER HANSON: Go back to what page  
8 you're on right now.

9 MR. CRIPE: Okay.

10 BOARD MEMBER HANSON: Still on 14?

11 BOARD MEMBER DEURLOO: 14-4.

12 BOARD MEMBER HANSON: 14-4. There. Okay.

13 Got it.

14 MR. CRIPE: And then in (b), we corrected a  
15 cross-reference.

16 In Section 3, in (b), (c), (d), (e), (f), (g)  
17 and -- we corrected capitalization, formatting errors,  
18 punctuation, things of that nature.

19 BOARD MEMBER HANSON: Yep.

20 MR. CRIPE: On page -- on the strikeout one  
21 that I'm looking at, it's page 14-11. We moved this  
22 passage, (h), from Section 6. And later on, you'll  
23 understand why we moved it, and I will cover that.

24 Under -- it was under -- it was moved from  
25 Section 6 to Section 3, and it pertains to other provisions

1 in Section 3 is why we placed that in Section 3.

2 In Section 4, we corrected formatting and  
3 punctuation errors. In addition, there was as -- in  
4 (a)(ii)(C)(IV)(2), the passage was updated to correct an  
5 obsolete cross-reference and removed language that was  
6 redundant to the statutes and removed language that would  
7 put burdensome work flow on the Department of Environmental  
8 Quality accounting staff.

9 In Section 4(b), we corrected formatting,  
10 punctuation, cross-reference errors. Again, we did the  
11 same thing with (c), (d) and (e), correcting formatting  
12 errors.

13 And then when you turn to Section 5, which is --

14 BOARD MEMBER HANSON: Give us the page  
15 number again, please.

16 MR. CRIPE: When I get there, I will.  
17 Section 5 in the strikeout one is 14-22. We removed the  
18 passage located in Section 5 as it restated -- it is a  
19 restatement of the provisions of the act. So we removed  
20 the section. There was not a need for that.

21 Like I stated previously, Section 6, we removed  
22 that section and moved it to Section 3, as I described  
23 above.

24 Okay. And then Section 7, we removed the passage  
25 as it is a restatement of the provisions of the act, and we

1 reserved that section as we did with Section 6.

2 With that, that was kind of the straight-  
3 forwardness of what we did. And restating what Kevin had  
4 said, this is to put all COWDFs on a level playing field.  
5 And in that, I forgot to mention, but the administrator did  
6 address that, we did add that 90-day clause in there. And  
7 that was under Section 2(a), which was 14-4. And the  
8 clause was "Compliance with these financial assurance rules  
9 and regulations will be required to all existing facilities  
10 no later than 90 days after promulgation of this chapter."

11 BOARD MEMBER HANSON: Oh, yeah.

12 MR. CRIPE: So with that, do you have any  
13 questions?

14 MR. FREDERICK: Mr. Chairman. Let me add  
15 that, again, as Mr. Cripe mentioned, we haven't received  
16 any written comments when the proposed regulation was out  
17 for review and comment.

18 BOARD MEMBER HANSON: The way I understand  
19 it, the gist of these changes is editorial, rather than  
20 substantial, in most instances. Is that right?

21 MR. FREDERICK: Mr. Chairman. The  
22 substantive change is that all commercial oil field waste  
23 disposal facilities, not just those permitted since --

24 BOARD MEMBER HANSON: After, right.

25 MR. FREDERICK: -- yeah -- will be required

1 to provide financial assurance.

2 BOARD MEMBER HANSON: They all fall under  
3 the regulation now.

4 MR. FREDERICK: Yes.

5 BOARD MEMBER HANSON: That's correct.

6 But as far as what is being regulated, really  
7 there is not a change as such. It's just the ones before  
8 are now included.

9 MR. FREDERICK: That's correct.

10 BOARD MEMBER HANSON: Correct.

11 BOARD MEMBER DEURLOO: Mr. Chairman.

12 BOARD MEMBER HANSON: Yes.

13 BOARD MEMBER DEURLOO: Mr. Frederick, so no  
14 public comment whatsoever on these changes and were the  
15 operators of the existing facilities notified that this  
16 change was coming?

17 MS. THOMPSON: Mr. Chairman. Yes. We  
18 notified the existing operators. We have an active list of  
19 operators that we notified at the same time that we issued  
20 our public notice in the Casper Star-Tribune and sent out  
21 our listserv notification to our interested parties and  
22 also mailed our packages out to the advisory board. So all  
23 of the operators, interested parties, general public and  
24 yourselves, we notified you all at the same time. So we  
25 included them on that same date of notification.

1                   BOARD MEMBER DEURLOO: Thank you for the  
2 clarification.

3                   MS. THOMPSON: Yeah. Also, to clarify, as  
4 of a few minutes ago, we have not yet received any written  
5 comments pertaining to this chapter. So no new comments to  
6 share with you at this time through the -- from the written  
7 side, at least, so...

8                   BOARD MEMBER HANSON: The important issue,  
9 of course, would be to notify the prior operators, because  
10 they were included in this. So that's specifically stated  
11 by you --

12                   MS. THOMPSON: Yes.

13                   BOARD MEMBER HANSON: -- they were all  
14 included.

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

16                   BOARD MEMBER KIRKBRIDE: Mr. Chairman. My  
17 question is not exactly on -- on what's being proposed to  
18 change, but I was curious what the process is for change in  
19 the financial requirements. You know, bonding -- bonding  
20 process is -- is difficult. How -- how capriciously could  
21 they change all the sudden say, well, you need to be at  
22 60 percent instead of 30 percent. Something like that? Is  
23 my question -- do you understand what I'm asking?

24                   MR. FREDERICK: Mr. Chairman. We haven't  
25 made any changes to the process that's laid out in the

1 regulations.

2 BOARD MEMBER KIRKBRIDE: Right.

3 MR. FREDERICK: The process remains the  
4 same it has since the rule was developed.

5 BOARD MEMBER KIRKBRIDE: And I don't  
6 understand what that was. Can you very briefly summarize  
7 what that is?

8 MR. FREDERICK: I have someone here that  
9 can, Mr. Chairman.

10 Dennis, could you give us a little -- this is  
11 Dennis Lamb.

12 MR. LAMB: Hi.

13 MR. FREDERICK: Dennis works with Rich  
14 Cripe and essentially manages and oversees the permitting  
15 inspections and compliance of these commercial oil field  
16 waste disposal facilities.

17 MR. LAMB: And on the bonding, I'll give  
18 you a quick summary. When a new facility comes in, the  
19 permit requires that they give us closure --

20 BOARD MEMBER HANSON: Hang on a second.

21 Lorie, can you hear?

22 BOARD MEMBER CAHN: Yes, I can. Thank you.

23 BOARD MEMBER HANSON: Go ahead. Thank you.

24 MR. LAMB: -- closure/postclosure cost,  
25 corrective action costs. We review and say yes or no.

1 Prior to getting a permit we say your costs have been  
2 approved. You need to get the bond in. Once the bond is  
3 in and accepted by DEQ and the AG's office, then we issue a  
4 permit.

5           And we do an annual update of all bonds. They  
6 have to submit in an annual report revised closure/  
7 postclosure cost, and we have to review upon an annual  
8 basis. We say yes or no to that. And then they have to  
9 either give a -- sometimes there's a decrease, sometimes  
10 there's an increase in the bond, and they have to give us a  
11 rider on that. So that's the short of it.

12           BOARD MEMBER KIRKBRIDE: What kind of  
13 factors will affect the change? Briefly.

14           MR. LAMB: Well, real simply, a real good  
15 example is the downturn. When everybody was building and  
16 they were doing all kinds of drilling and they were  
17 building paths and stuff like that, costs to move a cubic  
18 yard of dirt was probably about 2.50, and now it's down to  
19 1.10. So that's a pretty big deal when you're dealing with  
20 hundreds of thousands yards of dirt in these things. And  
21 to reclaim it, you have to move it again. So that's a big  
22 change, and some of them got decreases on that.

23           Other factors include the price of the disposal  
24 for waste. Those kind of things can fluctuate very  
25 differently or can fluctuate from, say, in the Pinedale

1 area, in Anticline, the cost to do something out there can  
2 be greatly different than the cost to do something in the  
3 Wamsutter area or up in the Powder. So there's a lot of  
4 factors. It's difficult to keep track. And we have to  
5 kind of double-check to make sure that the bids coming in  
6 are valid, and that takes a bit of work. Or -- and we are  
7 looking at standardizing, and that's our policy right now.  
8 But we have a pretty good form that most people follow and  
9 use, and we include the same things in just about  
10 everybody's bid.

11 BOARD MEMBER KIRKBRIDE: How difficult is  
12 it for a company to respond to a change in -- to like an  
13 increase in their bonding? Can they get that done in a  
14 month or two?

15 MR. LAMB: Typically, they can. Depends on  
16 the company. There's a variety of different types of sites  
17 and owners of this stuff. Some are large companies. Some  
18 are small companies. Some are family owned. Typically,  
19 they can respond fairly quickly to the riders and some --  
20 that's the way it goes. We have a six-month requirement  
21 for them to respond. This is during the permit process.  
22 And they can request a one-to-six-month extension to get  
23 the bond in.

24 Typically, companies who come in and are  
25 permitting a new facility are ready to bond. And as for



1 the other ones, the riders, almost always we get pretty  
2 quick response. Not always, but usually.

3 BOARD MEMBER KIRKBRIDE: Thank you.

4 MR. LAMB: Okay.

5 MR. FREDERICK: Thanks, Dennis.

6 BOARD MEMBER HANSON: Any other questions,  
7 comments?

8 Lorie?

9 BOARD MEMBER CAHN: Yeah. First question I  
10 have is just whether there's anybody there -- maybe,  
11 Mr. Chairman, you can see if there's anybody there in  
12 person that wants to make public comment, and then I can  
13 proceed with my comments. Thank you.

14 BOARD MEMBER HANSON: Yes, we do.  
15 Somebody's coming forward.

16 MR. ROBITAILLE: Thank you, Mr. Chairman.  
17 John Robitaille, Petroleum Association of Wyoming.

18 First, let me be clear that we support this rule.  
19 We don't -- we don't think unbonded private entities should  
20 remain unbonded. We think they should be sufficiently  
21 bonded, so, therefore, we support this rule.

22 In addressing the 90 days, I contacted several  
23 bonding companies specific to oil and gas. The only one  
24 that returned my call yesterday, in fact, was Argo  
25 Security. They're a big outfit. They bond a lot of our

1 wells in Wyoming through the Oil & Gas Commission. I  
2 specifically asked them if this 90-day requirement was  
3 sufficient. They assured me that most of the time that  
4 would not be a problem. 90 days should be completely  
5 sufficient, enough time to get these things bonded and have  
6 absolutely no problem whatsoever. So according to that  
7 company, I would say we're probably in a pretty good time  
8 frame.

9 Any questions?

10 BOARD MEMBER HANSON: So you wouldn't say  
11 we need a word like "normally 90 days" or something like  
12 that? Not -- not needed.

13 MR. ROBITAILLE: You know, I like the no  
14 later than.

15 BOARD MEMBER HANSON: Uh-huh. No later  
16 than?

17 MR. ROBITAILLE: I would prefer you leave  
18 the language as is.

19 BOARD MEMBER HANSON: Uh-huh. Makes sense.  
20 Yeah. Good.

21 MR. ROBITAILLE: Okay?

22 BOARD MEMBER HANSON: Thanks.

23 BOARD MEMBER KIRKBRIDE: Might I ask why  
24 you support it?

25 MR. ROBITAILLE: These are -- these are

1 private facilities, and we don't believe that public money  
2 should be used to reclaim private facilities. If I can  
3 draw a parallel to -- to oil wells, we have a system in  
4 place in the Oil & Gas Commission where producers pay a  
5 percentage of a tax. It's called a conservation tax. And  
6 that money that's brought into that fund is not only used  
7 to run the Oil & Gas Commission itself, but also used to  
8 plug abandoned wells. And so the industry is paying for  
9 its own abandonment issues. We think that the same -- same  
10 should be applied here.

11 BOARD MEMBER HANSON: Makes sense.

12 BOARD MEMBER KIRKBRIDE: Thank you.

13 MR. ROBITAILLE: You bet.

14 BOARD MEMBER HANSON: Thank you.

15 MR. ROBITAILLE: Thank you.

16 MR. FREDERICK: Okay.

17 BOARD MEMBER HANSON: Please, go ahead.

18 Lorie, we have another person coming forward.

19 Thank you.

20 MS. TAYLOR: Mr. Chairman, members of the  
21 board. My name is Megan Taylor, and I'm here from Powder  
22 River Basin Resource Council. And we would like to begin  
23 by saying that we applaud the Water Quality Division's  
24 efforts to secure financial assurance for the 11  
25 grandfathered commercial oil field waste disposal

1 facilities currently operating in the state.

2 We believe that financial assurance is necessary  
3 because some of these older grandfathered facilities  
4 have faced a string of violations, ranging from groundwater  
5 contamination to endangering wildlife.

6 THE REPORTER: You're going to have to slow  
7 down.

8 MS. TAYLOR: Okay. Thanks.

9 Our members believe that obtaining legitimate  
10 financial bonds to fully cover the cost of closing and  
11 reclaiming these facilities is the only way to ensure  
12 Wyoming taxpayers do not eventually foot the bill for  
13 cleanup.

14 We do have one concern regarding the inclusion of  
15 self-bonding as an acceptable financial assurance  
16 mechanism. Wyoming Statute 306(g) provides that  
17 self-bonding may be used only if such a program will  
18 provide protection consistent with the objectives and  
19 purposes of Article 3 of the act. This means self-bonding  
20 should be used sparingly and the rules must ensure that  
21 only operators with a proven history of financial fitness  
22 and no risk of forfeiture should self-bond.

23 Unfortunately over the past few years, with  
24 self-bonded coal companies, we have learned that even the  
25 largest companies are not too big to fail and the state's

1 rules did not adequately prevent risk to the public.

2           Where COWDFs are concerned, in 2010 the state  
3 spent close to 1 million to remediate and reclaim a  
4 facility in Sublette County. The corporation who owned the  
5 COWDF in question had become defunct with no assets to  
6 offer except the property that was valued at approximately  
7 \$40,000.

8           Additionally, the acquisition of properties like  
9 these may actually prove to be a liability given --

10           BOARD MEMBER CAHN: Megan, excuse me.

11 Megan, could I ask you also to slow down, please. It's  
12 hard to follow and take notes when you're going so fast.

13           MS. TAYLOR: Yes. Sorry.

14           BOARD MEMBER CAHN: Thank you.

15           MS. TAYLOR: I'm southern, so I talk fast.

16           BOARD MEMBER HANSON: Half speed, please.

17 Thank you.

18           MS. TAYLOR: So additionally, the  
19 acquisition of properties like these may actually prove to  
20 be a liability, given significant concerns over surface and  
21 groundwater contamination.

22           We believe that legitimate cash-backed bonds  
23 would have prevented the state from having to take on this  
24 responsibility of reclaiming the site. Whereas in this  
25 instance, self-bonding would not have.

1           We are also concerned that some COWDF operators  
2 may not meet the financial health requirements outlined for  
3 self-bonding, and given that DEQ does not currently accept  
4 or consider public comment before issuing COWDF permits,  
5 the public does not have an opportunity to comment on the  
6 adequacy of these bonds.

7           The Land Quality Division is about to embark on a  
8 comprehensive review of the self-bonding process for mines,  
9 and we encourage the Water Quality Division and the  
10 advisory board to follow that process and incorporate any  
11 lessons learned into this rulemaking.

12           So thank you again for moving forward with this  
13 much needed rule revision, and we appreciate the  
14 Department's efforts.

15           BOARD MEMBER HANSON: Thank you.

16           Questions?

17           THE REPORTER: Can I get your statement?

18           MS. TAYLOR: Mr. Chairman, I can email  
19 these to the board, if that would be helpful.

20           BOARD MEMBER HANSON: Sure. Yeah.

21           BOARD MEMBER CAHN: Megan, can I ask a  
22 question? You went so fast I really couldn't follow  
23 everything that you said. So I guess my question is do you  
24 believe that you have comments that you're submitting today  
25 that DEQ needs to respond to and you'd like to see changes

1 to the proposed regulation, or are you saying that the  
2 proposed -- a stack -- the proposed changes are good and  
3 you'd like to see this go forward without a response to  
4 your comment, but --

5 MS. TAYLOR: Mr. Chairman. Lorie, we feel  
6 that the proposed changes to Chapter 14 are great. We have  
7 advocated for financial assurance for these grandfathered  
8 COWDFs for many years now. We also understand that the  
9 self-bonding portion was not open under this revision, but  
10 we would like DEQ and the Advisory Board to at least take  
11 that into consideration, considering that the Land Quality  
12 Division is also undergoing a similar process of reviewing  
13 self-bonding requirements. So a response to those comments  
14 would be much appreciated, but we do understand that that  
15 is outside the scope of this current revision.

16 BOARD MEMBER CAHN: Thank you for  
17 clarifying that.

18 BOARD MEMBER HANSON: Anything else?

19 MR. LAMB: I'm not quite sure what she  
20 means by self-bonding. We do not allow --

21 BOARD MEMBER HANSON: You've got to come  
22 forward.

23 MR. LAMB: Oh, I'm sorry. My apologies.

24 We do not allow -- well, if we self-bond, it has  
25 to be cash or shared CDs that we hold. And we -- and that

1 is our rule. We don't take letters of credit and those  
2 kind of things. And so it -- the bond comes to us and it's  
3 held in our name in this one. It's different than some  
4 other aspects, but in the COWDFs, it's stated that way,  
5 that we hold the cash.

6 And I don't know if that's what you're talking  
7 about or not, but we hold that, and the release is  
8 contingent upon reclamation being approved and finalized.

9 If that clarifies anything, it may help, but I'm  
10 not sure. Thank you.

11 BOARD MEMBER HANSON: Does that clarify it  
12 for you?

13 MS. TAYLOR: Mr. Chairman. It does. Thank  
14 you so much.

15 BOARD MEMBER HANSON: Thank you.

16 MR. FREDERICK: Mr. Chairman. Let me  
17 direct your attention to line 267 on page 14-7. This is  
18 the section that describes the types of financial assurance  
19 that DEQ may accept. And as you can see, beginning on line  
20 271, that includes self-bond, surety bond, a federally  
21 ensured --

22 BOARD MEMBER CAHN: Kevin. Kevin, excuse  
23 me. Are you on page 14-7?

24 MR. FREDERICK: Of the redline/strikeout.

25 BOARD MEMBER CAHN: Okay. I'm looking at



1 the wrong version. Okay. Let me catch up to you.

2 BOARD MEMBER HANSON: Lorie, it's in the  
3 middle of the page.

4 BOARD MEMBER CAHN: Thank you. Yep. Thank  
5 you.

6 MR. FREDERICK: Okay. Including federally  
7 insured CDs, government-backed securities or cash.  
8 Beginning on line 277, the Department may reject a proposed  
9 form of assurance of financial responsibility. And as  
10 you've heard from Mr. Lamb with our agency, we don't  
11 currently have any facilities that are, I believe,  
12 Ms. Taylor refers to as self-bonded.

13 So at this time, I really see no reason to make  
14 any modifications to eliminate self-bonding from the  
15 regulation. That's merely an opportunity or a possibility.  
16 It's not a requirement that we accept it.

17 BOARD MEMBER HANSON: Everything clarified?

18 MR. FREDERICK: With respect to another  
19 suggestion that I believe Ms. Taylor made regarding public  
20 comment. Is it -- is it -- it's my understanding that what  
21 the recommendation is is that public be allowed an  
22 opportunity to review and comment on a permit or a proposed  
23 permit for one of these facilities.

24 MS. TAYLOR: Mr. Chairman. Kevin  
25 Frederick. Yes, that is our recommendation, that like any

1 other permit that goes out under Chapter 3 in the Water  
2 Quality Rules, that COWDF will be subject to that public  
3 comment and public participation period.

4 MR. FREDERICK: Okay. Mr. Chairman. For  
5 clarification and in reference to Ms. Taylor's suggestion  
6 to modify essentially Chapter 3, not Chapter 14. Chapter 3  
7 establishes the requirements for permits issued by the  
8 Department for these types of facilities and other types of  
9 facilities. It contains, essentially, requirements for  
10 individual permits, which are the types of permits that we  
11 authorize for these types of facilities or also provisions  
12 for general permits that are more broadly authorized by DEQ  
13 for facilities that are similar in nature and essentially  
14 owned by the -- similar nature, I should say.

15 There is a provision in Chapter 3 for public  
16 notice of facilities that have been authorized by general  
17 permits. There's no similar requirement for those  
18 facilities authorized by individual permits such as these  
19 facilities. We issue individual Chapter 3 permits for a  
20 whole variety of facilities. It may be municipal water  
21 systems, public drinking water systems. They may be  
22 municipal public wastewater treatment systems, POTWs. They  
23 may be septic systems, both small capacity on-lot  
24 individual homeowners' septic systems or large capacity  
25 septic systems associated with campgrounds or churches, the

1 ski lodge, facilities like that. So when we talk about  
2 changing the requirements -- the public notice requirements  
3 for Chapter 3 individual permitted facilities, we're  
4 talking about a very wide range of different types of  
5 facilities and a very broad range in terms of the numbers  
6 of permits that we issue yearly.

7           The public notice portion of issuing a permit  
8 essentially involves DEQ drafts a permit that it's  
9 suggesting it will issue. There is then a public notice  
10 run in normally the Casper Star-Tribune. Oftentimes may be  
11 a local paper that's a facility of interest in part of the  
12 state. The public notice essentially announces that  
13 there's a draft permit. The public is afforded an  
14 opportunity to review and comment on it. And it  
15 essentially directs the reader to a website or a contact at  
16 DEQ, if they want to get a copy of the draft permit to see  
17 what it's like. Normally we post those on our website.  
18 These public notices can run anywhere from a few hundred to  
19 over thousands of dollars. They're one of the expenses  
20 that depending on the size, the newspaper, et cetera.

21           Oftentimes the cheapest way -- or I should say  
22 the most economical way for us to public notice these draft  
23 permits is to put it in the legal section of the Want Ads  
24 or some newspapers have a public notice section in the Want  
25 Ads sections as well. We've been criticized for that

1 because people oftentimes --

2 BOARD MEMBER HANSON: Don't read them.

3 MR. FREDERICK: -- have trouble reading the  
4 very fine print. That's why it's relatively inexpensive.  
5 So when we go to a display type of ad, then it becomes much  
6 more expensive. So there is definitely a cost involved in  
7 public noticing that needs to be considered.

8 In addition, when comments are made by the public  
9 on a draft permit, be they substantive or nonsubstantive,  
10 the Department has a responsibility to develop written  
11 responses to those comments, just like we do on comments on  
12 proposed regulations, et cetera. That takes time. That  
13 takes staff time. And it also means that the Department's  
14 decision will not be made until those comments have been  
15 essentially responded to.

16 So it extends the permitting process. It extends  
17 the period of time that the agency normally has to make a  
18 decision. And so there definitely may be some costs  
19 associated with that with respect to businesses that want  
20 to get on with construction of a facility. We've seen  
21 instances where sometimes there's not -- very poor planning  
22 on behalf of an applicant or when the public comment period  
23 generates a lot of responses that we have to spend time  
24 developing -- excuse me, a lot of comments that we have to  
25 spend a lot of time developing responses to. Suddenly, by

1 the time that process is completed, you may find yourself  
2 at the end of the construction season in October and  
3 November. So you've missed an opportunity, perhaps. So  
4 there are some direct consequences and indirect  
5 consequences of doing the public notice and the public  
6 comment part of that.

7 Normally, I believe these facilities are well  
8 understood with respect to who operates them and where  
9 they're located. In fact, we have a map on our website  
10 that shows where all of these facilities are located and  
11 who the owner is. I think more often than not, given the  
12 folks that work at these facilities and tend to the  
13 operations are local residents. And if there are plans for  
14 expansion or new facilities, they become aware of that.  
15 And I think that word is -- is most -- more likely than not  
16 carried throughout the community, just like other types of  
17 business activities that are going on around -- around our  
18 communities.

19 So I am not really familiar with any instance  
20 where we've been criticized for issuing permits on these  
21 types of facilities that had caused a lot of public  
22 concern, I guess. And so I question, you know, the benefit  
23 that would be obtained by providing public comment  
24 opportunities that can definitely have some unintended  
25 consequences, I guess.

1                   BOARD MEMBER HANSON: I think we started  
2 the consideration, of course, about bonding process. You  
3 know, the same bonding process applies to these other  
4 facilities as the one we just discussed?

5                   MR. FREDERICK: Mr. Chairman. No, they did  
6 not.

7                   BOARD MEMBER HANSON: They do not.

8                   MR. FREDERICK: Right.

9                   BOARD MEMBER HANSON: Okay.

10                  MR. FREDERICK: The water quality bonding  
11 authorities from the legislature extend to these commercial  
12 oil field waste disposal facilities. They extend to  
13 hazardous waste injection wells. Those are -- those are  
14 primarily the --

15                  BOARD MEMBER HANSON: That was --

16                  MR. FREDERICK: -- major type of facilities  
17 we bond.

18                  BOARD MEMBER DEURLOO: Mr. Chairman.

19                  BOARD MEMBER HANSON: Sorry. Just -- I  
20 wanted to clarify.

21                  BOARD MEMBER DEURLOO: Mr. Chairman, I need  
22 to step out for a little bit.

23                  BOARD MEMBER HANSON: Sure, you mentioned  
24 that before. Thank you.

25                  BOARD MEMBER DEURLOO: I'll be back before

1 the next -- after the lunch hour.

2 BOARD MEMBER HANSON: We'll wind down for  
3 lunch, right?

4 MR. FREDERICK: Mr. Chairman. Mr. Deurloo,  
5 thank you for attending. And I understand you have to  
6 leave.

7 If the board moves to move the regulation before  
8 the Environmental Quality Council from today's meeting,  
9 does Mr. Deurloo need a proxy or --

10 MS. THOMPSON: I believe he was going to  
11 come back after his meeting so --

12 BOARD MEMBER HANSON: He'll be back, right?

13 MR. FREDERICK: Okay. Okay. Sorry.

14 BOARD MEMBER DEURLOO: That's okay.

15 BOARD MEMBER HANSON: We're going to return  
16 and come back at 1:00. Thank you. Then we'll -- in order  
17 for everybody to be present for the whole meeting, we'll  
18 adjourn at this point. It is 11:46 and come back at about  
19 1:00?

20 MS. THOMPSON: Yeah.

21 BOARD MEMBER HANSON: Not about 1:00. At  
22 1:00.

23 MS. THOMPSON: Yes.

24 BOARD MEMBER HANSON: Thank you very much.

25 (Meeting proceedings recessed)

1 11:46 a.m. to 1:02 p.m.)

2 BOARD MEMBER HANSON: Everybody is here.

3 Let's call this meeting back in session. It is

4 three minutes after 1:00.

5 Lorie, you can hear everything?

6 BOARD MEMBER CAHN: I can. Thank you. I

7 was just waving hi to Kevin.

8 MR. FREDERICK: Hi, Lorie. Good to see

9 you.

10 BOARD MEMBER HANSON: Go ahead. I think we

11 have public comments. No. We have Lorie's comments,

12 right, to start with. Yeah.

13 BOARD MEMBER CAHN: Yeah. Thank you,

14 Mr. Chair.

15 I just wanted to commend DEQ and Rich Cripe and

16 his team, because I think this really is timely that this

17 is being done. And I think the fact that he had support

18 from the -- that you contacted the 35 facilities and have

19 no comments from them and have support from PRBC [sic], and

20 also John Robitaille's group, so I think I'd really like to

21 see this go forward. And because of that, I hope you'll

22 bear with me. I would like to do the editorials so that we

23 can hopefully move this forward with editorials. If that's

24 okay with everybody. I don't have any significant comments

25 whatsoever. So they're all editorials.



1 BOARD MEMBER HANSON: Okay.

2 BOARD MEMBER CAHN: I don't know if Rich  
3 was there when I brought up my comment on Chapter 1 about  
4 consistencies between Chapter 1 and Chapter 14. In the  
5 past it seems like the proposed calculations we looked at  
6 at our board, it seems like it's been the trend to go to  
7 lower case D for department and lower case for the waters  
8 of the state, and state lower case, and administrative  
9 below -- it sounds on that issue my only concern would be  
10 consistency with that Chapter 1, where everything is --  
11 everything's been changed from lower case to upper case.  
12 So personally I don't care which way it is. I just ask the  
13 Department to be consistent with what the previous  
14 regulations have been.

15 I don't know what the trend is towards. Either  
16 way is fine with me. I don't know if, Kevin, you have any  
17 opinion on that. Or Gina. What's your --

18 MR. FREDERICK: We can certainly make sure  
19 that the changes that we make for those particular  
20 modifications, be it large cap or small cap for  
21 Administrator, Department, waters of the U.S., et cetera,  
22 are consistent between Chapter 14 and Chapter 1 that we  
23 brought today.

24 BOARD MEMBER CAHN: Another thing that has  
25 been changed, and we talked about this at the last meeting,

1 was adding both numerals and spelling out numbers, and we  
2 talked about before as being really unnecessary. Nobody  
3 unders -- so, for example, on line 15, on page 14-1, it  
4 says all new -- sorry. The management of more than ten  
5 (10) tons of dried wastewater. I feel like that -- I mean,  
6 this is part of Chicago Manual Style. It's not necessary  
7 to both spell out 10 as a number and T-E-N as a number --  
8 spell it out both numerals and -- letters and numbers. And  
9 I think it makes it less easy to read when -- I mean,  
10 nobody mis -- nobody will confuse 10 or T-E-N. So I would  
11 like to see that just because it's greater than 9, it would  
12 just be more than 1-0 tons of dried wastewater treatment,  
13 and get rid of the parentheses and get rid of the T-E-N.  
14 And that would be throughout.

15 MR. FREDERICK: Yeah. That -- we consulted  
16 with -- and Gina, certainly, has had quite a bit of  
17 conversation both with me and the AG regarding some of the  
18 conventional use of this particular example. And there  
19 are, you know, quite honestly, many style guides out there.

20 DEQ, to my knowledge, doesn't use any one in  
21 particular in developing rules and regulations. And we  
22 certainly acknowledge that there's inconsistencies not only  
23 within Water Quality Division regulations, but within Water  
24 Quality as compared to Land Quality as compared to Air  
25 Quality, et cetera.

1           This particular technique or convention actually  
2 is one that the Attorney General's Office encourages and  
3 supports and we've essentially used this for quite a long  
4 time in our rules and regulations. And I believe  
5 there's -- it's my understanding it's based upon more of a  
6 contractual type of style, if I'm not mistaken.

7           Gina?

8           MS. THOMPSON: That's correct. And since  
9 it's a legal document, the attorneys, you know, they --  
10 they get nervous when you change -- make, you know, major  
11 style changes that they are used to seeing in legal  
12 documents. If this was a narrative or more -- you know,  
13 less formal document, then that readability would be our  
14 primary focus. But because at the end of the day this is  
15 our legal document that gives us the tools by which we  
16 regulate entities, and if entities do not agree with us and  
17 we end up before the council or before a judge, this is our  
18 legal document. And so we've been encouraged to keep that  
19 number formatting in place and to not remove it from all of  
20 our rules.

21           BOARD MEMBER CAHN: Okay. I'll leave it at  
22 that. I was just -- I'll just make one final comment about  
23 it, which is I think -- I don't think any court of law is  
24 going to disagree with T-E-N is 1-0. I can't imagine  
25 there's going to be any disagreement on that.

1           And the other thing would be that I think with  
2 Governor Mead asking us to make regulations simpler, more  
3 readable and stuff. But, you know, I'm not going to argue  
4 with the Attorney General. So I'll leave it with that.  
5 That's fine. If that's what you guys have been instructed  
6 to do, that's fine.

7           Okay. On page 14-5, line 210 and 212, department  
8 is lower case in line 212 and upper case in line 210. So,  
9 again, just do some checks for consistently.

10           MS. THOMPSON: Thank you. I'm not sure why  
11 we missed -- why we missed that one because I went over it  
12 with such a fine -- in such a fine way. But I will  
13 double-check that we don't have any remaining.

14           BOARD MEMBER CAHN: And then on 14-6, line  
15 237 in redline/strikeout. Waters of the state are in blue  
16 or should be underlined and not crossed out. So we're  
17 still seeming to be having a problem where the redline/  
18 strikeout that we get does not match the clean copy that we  
19 have. And we talked about that before. There is a trick  
20 in Word that you can fix that so you don't have to do  
21 each -- I mean, that's a lot of work to go in and make  
22 changes in two places. And so if you want to call me, we  
23 can do it. We can do it in one place and have it include  
24 comments or, you know, show a clean copy or show comments.  
25 You won't have to do it twice. Because I find errors like

1 that. And you caught one of them, so, anyways, just give  
2 me a call.

3 MS. THOMPSON: Yeah, we can discuss that  
4 offline, definitely.

5 BOARD MEMBER CAHN: On page 14-12 -- oh,  
6 no. Actually, we've already talked about -- that was  
7 just -- yeah, sorry.

8 BOARD MEMBER DEURLOO: Line 487 is the  
9 comma -- there's a space and comma on line 487. No big  
10 deal.

11 MS. THOMPSON: I see that.

12 BOARD MEMBER CAHN: The comma, yeah. On  
13 line -- on page 14-14, line 558, after "registered office  
14 that may be," there should be a comma. So it would read "A  
15 registered office that may be, but not need be, the same as  
16 the operator's place of business."

17 BOARD MEMBER DEURLOO: At the end of that  
18 sentence should be a period, not a comma.

19 BOARD MEMBER CAHN: Yep.

20 MS. THOMPSON: Well, actually --

21 BOARD MEMBER CAHN: Oh, no. Actually,  
22 yeah, because it's a list.

23 MS. THOMPSON: Yeah. That is a list. So  
24 on page -- the previous page, line 555, there's a colon.  
25 And so then we need them to do everything in line 557, and

1 then on line 560 we start that next subparagraph. And so I  
2 believe the last group of requirements for that list starts  
3 on page -- line 582 and so I think that -- why do we have a  
4 comma?

5 BOARD MEMBER DEURLOO: So then you need to  
6 fix all of them one way or the other, then.

7 MS. THOMPSON: Right.

8 BOARD MEMBER DEURLOO: It should be  
9 semicolons, I think, at the end, shouldn't they?

10 MS. THOMPSON: I can look at the guidance  
11 and see what we can find there. But, yeah, I see where  
12 you're going now.

13 BOARD MEMBER CAHN: I agree they should be  
14 semicolons.

15 BOARD MEMBER HANSON: Yeah, should be.

16 MR. FREDERICK: We will look through the  
17 chapter to be consistent. It looks like similar citations  
18 end in periods through the rest of the chapter, at least  
19 majority at least. So I think we'll go with a period  
20 there.

21 BOARD MEMBER DEURLOO: And there's just a  
22 lot of spacing issues and hyphens and everything like that  
23 I'm noticing. It's like somebody needs to read through it  
24 very, very slowly, backwards or something.

25 BOARD MEMBER CAHN: On page 14-17, the

1 bottom of the page, on line 726, the word "he" is used.  
2 "He must meet the financial criteria." And I would prefer  
3 to see that as gender neutral. So "he" should be replaced  
4 with "the operator." So the sentence would read, "In  
5 addition to submitting the above information, that the  
6 operator offers personal property as collateral to support  
7 a self-bond, the operator must meet the financial  
8 criterias."

9 MR. FREDERICK: Okay. Good.

10 BOARD MEMBER CAHN: On page 14-18 -- and  
11 for the rest of the board, please feel free to jump in if  
12 I'm missing something. On line 733, an "S" was incorrectly  
13 added to appears. Because it's referring to the costs. So  
14 the operator may deduct the costs that appear on the  
15 balance sheets, if you take out the remaining words.

16 MR. FREDERICK: Okay.

17 BOARD MEMBER CAHN: And the same thing  
18 happens on line 741, which is talking about costs. Should  
19 be "that appear" rather than "that appears." And then  
20 "appear" appears twice, and so one of the appears needs to  
21 disappear.

22 MR. FREDERICK: Right. Good.

23 BOARD MEMBER HANSON: That's right.

24 BOARD MEMBER CAHN: I believe that that is  
25 everything that I have. Thank you. Sorry about bringing

1 up editorials, but I appreciate it, because I'd love to see  
2 this move forward.

3 Did I just mute my microphone?

4 MS. THOMPSON: No. We can hear you.

5 BOARD MEMBER CAHN: Okay. I'll try to mute  
6 it.

7 MS. THOMPSON: There you go.

8 BOARD MEMBER HANSON: All right. What do  
9 we do next?

10 MR. FREDERICK: Mr. Chairman, again, Gina  
11 mentioned earlier that she had provided also, I think, a  
12 list of some additional corrections.

13 BOARD MEMBER HANSON: Is that what you have  
14 here?

15 BOARD MEMBER KIRKBRIDE: Short list.

16 MS. THOMPSON: Yes.

17 MR. FREDERICK: Yes.

18 So, Mr. Chairman, in addition to our proposed  
19 revisions here, the suggested modifications that Ms. Cahn  
20 has provided and our acknowledgment that we will bring  
21 consistency regarding capitalization of words like  
22 department, administrator and so forth, between Chapter 14  
23 here and Chapter 1 that we talked about earlier today,  
24 unless the board has further questions for comments, I  
25 would like to ask the board to vote to move the rule before



1 the Environmental Quality Council.

2 BOARD MEMBER HANSON: Let me just ask the  
3 one question. On your proposed sheet there, the last one,  
4 page 14 -- it says page 14 through 19.

5 MS. THOMPSON: No. The pages -- the page  
6 number is 14-19, because it's page 19 of Chapter 14.

7 BOARD MEMBER HANSON: Oh. Oh. Sorry. In  
8 the document.

9 MS. THOMPSON: Yeah.

10 BOARD MEMBER HANSON: Sorry. Sorry. I got  
11 it. Thank you.

12 BOARD MEMBER CAHN: Mr. Chair, I would like  
13 to move that we forward these on as amended by Gina and  
14 Mr. Kirkbride and myself, and the changes that would be  
15 made as a result of that, editorial changes. I would like  
16 to move that we move these forward to the EQC.

17 BOARD MEMBER HANSON: Is there any --

18 BOARD MEMBER CAHN: Sorry. That was a  
19 rough -- rough motion.

20 BOARD MEMBER KIRKBRIDE: I would second.

21 BOARD MEMBER HANSON: We have a second on  
22 that. Any further discussion?

23 BOARD MEMBER DEURLOO: Besides the whiches  
24 and thes and therefores and administrator and department,  
25 there are a number that I just didn't call out. I think

1 somebody reading through it -- there's some spaces and  
2 commas that somebody just go through it very slowly, two or  
3 three pairs of eyes at the Department, that I don't think  
4 require our supervision by any stretch of the imagination,  
5 but I just ask for further review before it goes to the  
6 EQC, please, so it looks clean and tidy.

7 MR. FREDERICK: Mr. Chairman. We can  
8 certainly do that.

9 BOARD MEMBER DEURLOO: Thank you.

10 BOARD MEMBER CAHN: That's fine.

11 BOARD MEMBER HANSON: Lorie, you heard all  
12 that.

13 BOARD MEMBER CAHN: You can send those on  
14 to Gina. Just let her know where those are.

15 BOARD MEMBER DEURLOO: Okay.

16 BOARD MEMBER CAHN: Any further discussion?  
17 Shall we proceed to vote?

18 All in favor, please say aye.

19 BOARD MEMBER KIRKBRIDE: Aye.

20 BOARD MEMBER DEURLOO: Aye.

21 BOARD MEMBER CAHN: Aye.

22 BOARD MEMBER HANSON: Opposed? It has  
23 passed.

24 MR. FREDERICK: Thank you, Mr. Chairman,  
25 members of the board.

1 BOARD MEMBER HANSON: Thank you.

2 MR. FREDERICK: So, Mr. Chairman, we may --  
3 we can move on in the agenda --

4 BOARD MEMBER HANSON: Okay.

5 MR. FREDERICK: -- and provide you with a  
6 briefing on the rules of practice and procedure and  
7 incorporation by reference of DEQ -- Department of  
8 Administration & Information uniformed public records  
9 rules, and Gina will provide that briefing for us.

10 BOARD MEMBER CAHN: Hello. Okay.

11 BOARD MEMBER HANSON: Lorie, we are on item  
12 number 7 on the agenda.

13 MR. FREDERICK: 6. Excuse me,  
14 Mr. Chairman.

15 BOARD MEMBER HANSON: 6. Sorry. 6.

16 MR. FREDERICK: Thank you.

17 MS. THOMPSON: So we have a couple of new  
18 board members. So I'll give you a little background, and  
19 then this will perhaps refresh Klaus and Lorie as well.  
20 About a year ago, DEQ started a major revision to the  
21 agency's rules of practice and procedure. And we had a  
22 joint Advisory Board meeting where we gathered all the  
23 advisory boards that the DEQ works with. There were three  
24 boards: Yourselves, Land Quality Advisory Board and also  
25 Air Quality Advisory Board. We brought a very large