

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 13th day of December, 2017, at the hour of 12:53 p.m., at Laramie County Library, Willow Room, 2200 Pioneer Avenue, Cheyenne, Wyoming before the Wyoming Water and Waste Advisory Board, Ms. Marjorie Bedessem, Chairwoman, presiding, with Ms. Lorie Cahn, Mr. Klaus Hanson, Mr. Alan Kirkbride and Mr. Brian Deurloo in attendance.

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

1 P R O C E E D I N G S

2 (Meeting proceedings reconvened
3 12:53 p.m., December 13, 2017.)

4 CHAIRMAN BEDESSEM: We are reconvening the
5 fourth quarter Water and Waste Advisory meeting.

6 Now, according to the agenda, the first order of
7 business this morning would have been election of officers,
8 and we moved that down in the agenda in order that we would
9 have all of our members here. So we are going to take care
10 of that right now prior to turning it over to the Water
11 Quality Division to discuss the rule packet.

12 So, you know, to make sure everyone's on the same
13 page here, it's an annual requirement that we reelect chair
14 and vice chair of the advisory boards.

15 Now, Gina, does the -- the chair/vice chair, does
16 that go into effect starting January? Is it calendar year
17 or fiscal year?

18 MS. THOMPSON: I would think so, since
19 we're at the end of this -- it wouldn't go into effect
20 today, I believe. I believe it would go into effect at the
21 next meeting, especially since you've already conducted
22 business.

23 CHAIRMAN BEDESSEM: Business. Right.
24 Right.

25 MS. THOMPSON: So first quarter meeting the

1 chair would be the new chair and vice chair would be the
2 new vice chair.

3 CHAIRMAN BEDESSEM: So since, obviously,
4 there's a requirement for annual election or reelection.
5 The term for the chair and vice chair is one year.

6 MS. THOMPSON: That's correct.

7 CHAIRMAN BEDESSEM: Okay. So currently I,
8 Marge Bedessem, am the chair, and the vice chair is Klaus
9 Hanson.

10 And so we'll start off with the position of
11 chair. Do we have any nominees for -- starting in 2018 for
12 chair of the Water and Waste Advisory Board?

13 BOARD MEMBER CAHN: I would like --

14 BOARD MEMBER DEURLOO: I --

15 BOARD MEMBER CAHN: I would like to
16 nominate Marge Bedessem as the chair.

17 BOARD MEMBER HANSON: Second.

18 BOARD MEMBER DEURLOO: That's what I was
19 going to say.

20 CHAIRMAN BEDESSEM: Oh, okay.

21 Any other nominees? Discussion?

22 So then I guess we'll put it forward for a vote.

23 All those in favor?

24 BOARD MEMBER DEURLOO: Aye.

25 BOARD MEMBER CAHN: Aye.

1 BOARD MEMBER KIRKBRIDE: Aye.

2 BOARD MEMBER HANSON: Aye.

3 CHAIRMAN BEDESSEM: Opposed?

4 I abstain.

5 Okay. Vote carries.

6 Now, with respect to vice chair, do we have any
7 nominees for vice chair?

8 BOARD MEMBER CAHN: I would like to
9 nominate Klaus for vice chair.

10 BOARD MEMBER KIRKBRIDE: I second that.

11 BOARD MEMBER HANSON: All right. If you --
12 I'm not opposed or I'm not for it.

13 CHAIRMAN BEDESSEM: Okay. But you would
14 accept the position?

15 BOARD MEMBER HANSON: I would accept the
16 position, yes. Thank you.

17 CHAIRMAN BEDESSEM: If elected.

18 Do we have any other nominees?

19 So all those in favor?

20 BOARD MEMBER DEURLOO: Aye.

21 BOARD MEMBER CAHN: Aye.

22 BOARD MEMBER KIRKBRIDE: Aye.

23 CHAIRMAN BEDESSEM: Aye.

24 Opposed? Any abstentions?

25 You abstain?

1 BOARD MEMBER HANSON: I abstain, yes. Or
2 did you abstain too? I'm sorry. I'm sorry. I didn't know
3 what the rule was. We can vote for all of us on council.

4 CHAIRMAN BEDESSEM: Really?

5 BOARD MEMBER HANSON: Yeah. Yeah.

6 CHAIRMAN BEDESSEM: Thank you.

7 So we are going to keep the same officers for
8 2018, and then we will revisit this again the fourth
9 quarter advisory board meeting in 2018.

10 MS. THOMPSON: Yes, ma'am.

11 CHAIRMAN BEDESSEM: All right. Thank you.

12 And thank you to the board for the vote of
13 confidence for me and for Klaus for the next year.

14 BOARD MEMBER HANSON: Thank you.

15 CHAIRMAN BEDESSEM: However, I would like
16 to mention that we have several board members who are
17 relatively new that, you know, may like the full experience
18 to consider stepping up, perhaps, in 2018.

19 BOARD MEMBER HANSON: Please.

20 Anyway, thank you.

21 CHAIRMAN BEDESSEM: So now that
22 administrative work is done, let's move on to the Water
23 Quality Division presentation.

24 MR. FREDERICK: Thank you, Madam Chair,
25 members of the board. I'm Kevin Frederick, Water Quality

1 Division Administrator. And I have here with me today
2 Ms. Gina Thompson, who is our rules coordinator. She does
3 such a fine job at that.

4 Congratulations on your continuing officer
5 responsibilities, and we certainly appreciate all the work
6 that you've done for us this year as members of the
7 advisory board. And we certainly want to express our
8 gratitude for your help and assistance in ideally making
9 our rules and regulations more effective and efficient. So
10 thank you all very much for that. That's a fair amount of
11 work.

12 So today we're back before the board with a
13 series of regulations that we've revisited over the past
14 year and a half or so to try and make some corrections to
15 them, certainly with respect to areas where reference to an
16 existing regulation has changed because it's been updated,
17 et cetera, where there's been an obvious typographical
18 error that we've recognized. We've done some formatting
19 changes as well.

20 We first brought these before you at the
21 March 24th meeting?

22 MS. THOMPSON: That is correct.

23 MR. FREDERICK: And took a series of
24 comments and recommendations from you all at that meeting,
25 which we've given due and serious consideration to, and we

1 appreciate your input then. I think with that I'll let
2 Gina take it from here and essentially try and recap for
3 you a little bit of what we have done and why we're back
4 before you today. Thank you.

5 MS. THOMPSON: Well, as Administrator
6 Frederick noted, we brought these -- this packet of changes
7 for Water Quality Rules and Regulations Chapters 3, 8, 9,
8 11, 20, 25 and 26 before the board at your first quarter
9 2017 meeting in March. The scope of the formatting was, as
10 he noted, a cross-reference of corrections of grammar
11 errors and formatting inconsistency corrections. As you
12 recall, we discussed these at length in the -- at the March
13 meeting and the board recommended some additional changes.

14 We have taken some time and reviewed those
15 recommendations and we've made a number of edits. We
16 brought these to you at your meeting today, and per the
17 memo we sent accompanying the package, the changes --
18 because it's such a large package -- and I will note that
19 for the record it is a very large package. Due to the
20 volume we wanted to make sure that we called out the
21 changes that we had made since our last discussion. So
22 the -- the drafts that I will be referring to today are the
23 green strike and underline. So anything in the green font
24 is -- are the changes that we made since our previous
25 discussion.

1 I would like to note for the record that we
2 received no additional comments from the public on this
3 proposed package, and we did conduct a public comment
4 period concurrent with our Solid and Hazardous Waste
5 Division.

6 Okay. So if we go ahead and start in Chapter 3
7 of the green strike and underline version, page 3-3, we've
8 corrected outfall. It was originally spelled out as two
9 words, and now we've made it one word. It's --

10 BOARD MEMBER HANSON: What page did you
11 say?

12 MS. THOMPSON: Chapter 3, page 3-3.

13 CHAIRMAN BEDESSEM: Do you mean blue?

14 BOARD MEMBER DEURLOO: No. Green. Right
15 there, that's green.

16 BOARD MEMBER CAHN: That was changed to
17 that. It was in red.

18 BOARD MEMBER DEURLOO: You got blue.

19 CHAIRMAN BEDESSEM: Mine's completely blue.
20 You've got to be on green to be -- okay. That's where it
21 is. Gotcha.

22 (Off-the-record discussion.)

23 BOARD MEMBER CAHN: Gina, explain when was
24 the "which" in red crossed out and that in blue underlined?
25 When was that changed?

1 CHAIRMAN BEDESSEM: Okay. Now I got my
2 green. Thank you.

3 MS. THOMPSON: I'm going to quickly verify,
4 but I believe it was in time for our March meeting.

5 BOARD MEMBER CAHN: Okay. So since we've
6 seen this -- go ahead and verify that.

7 MS. THOMPSON: Okay.

8 CHAIRMAN BEDESSEM: So while the blue is
9 the first round, green is the second round. In the last
10 March meeting --

11 BOARD MEMBER CAHN: We haven't seen the red
12 and the blue or the green, so that's why I'm confused about
13 the three colors, when none of this we saw before, I think.

14 BOARD MEMBER DEURLOO: No. Didn't we cover
15 some of this in Casper this summer?

16 BOARD MEMBER CAHN: I think we talked about
17 changing the "which" to the "that," but first time I think
18 we've seen it changed.

19 MS. THOMPSON: So, ma'am, I will note that
20 the change on line 64, changing "which" to "that" was in
21 the draft that we presented to you in March.

22 BOARD MEMBER CAHN: Oh, okay. I stand
23 corrected. Or sit corrected.

24 MS. THOMPSON: So if we change -- if we
25 move to page 3-5, we have some capitalization corrections

1 between lines 164 and 166. As you may recall at the March
2 meeting, we had -- we had inconsistencies of a number of
3 terms such as administrator, director, department and terms
4 of that nature. In some of the chapters we presented they
5 were lower case, some they were upper case. And because we
6 are adhering to the Legal Bluebook as one of our style
7 guides, this capitalization of these terms is consistent
8 with recommendations of that style guide.

9 So we have gone through the chapters in this
10 packet and we will be consistently capitalizing those, and
11 in revisions going forward as well.

12 Do you have a question?

13 CHAIRMAN BEDESSEM: Well, is the Solid and
14 Hazardous Waste Division going to treat the style the same
15 way?

16 MS. THOMPSON: Okay. This is a good time
17 to discuss style for the agency. Director Parfitt at this
18 time is not requiring all of the programs and divisions to
19 use the same style guide. He's leaving it up to individual
20 divisions and programs. And Water Quality Division, the
21 changes and the style notes that we have presented in our
22 responses to comments, that is what we will be following
23 going forward.

24 I will note that you will probably, as we saw
25 this morning, receive different style presentations within

1 the Solid and Hazardous Waste Division. They have three
2 sets of rule programs, and so there is a chance that you
3 will receive three different, you know, stylistically
4 formatted packages when they present to you going forward.

5 CHAIRMAN BEDESSEM: Okay. But as far as
6 Water Quality, are we going to assume that it's the Chicago
7 Manual of Style and things will go along that route?

8 MS. THOMPSON: So for the Water Quality
9 Division, we are relying primarily on the Chicago Manual,
10 but because we do -- we are presenting regulatory
11 documents, when we get into uncertainties, in the Chicago
12 Manual it redirects us over to the Legal Bluebook. The
13 Legal Bluebook is what the attorneys primarily use when
14 they're drafting legal documents, and it's a style guide
15 that the Legislative Services Office and the Environmental
16 Quality Council use. But in specific very narrative
17 paragraphs, we do rely on the Chicago Manual.

18 CHAIRMAN BEDESSEM: Gotcha. Okay. Sounds
19 good. Thank you.

20 MS. THOMPSON: Thank you.

21 MR. FREDERICK: So, Madam Chair,
22 recognizing that you're all very busy individuals and we
23 have a lot to go through here today, you'll see that a lot
24 of these edits that we've made, corrections of typos and
25 things like that, are very similar from one chapter to the

1 next. So just for your consideration, rather than having
2 us step through each one for you, perhaps we might want to
3 give you a little bit of time to peruse the individual
4 chapters one by one, and if you have any comments or
5 questions with respect to any of the changes we're
6 proposing to make here, we'll certainly stand to answer any
7 questions you might have.

8 BOARD MEMBER HANSON: You want to do it
9 that way? I only have one comment to make, and that is
10 that as far as measurements are concerned, I think
11 centimeters and millimeters are still kind of confused in
12 this document. And I'll give you an example. And I went
13 by the previous version, and if in Chapter -- this is --
14 well, which chapter is this?

15 MR. FREDERICK: 11.

16 BOARD MEMBER HANSON: It's 11. Chapter 11,
17 in the -- in the previous version, on page 46 and 47. 46
18 there was .6 inches, line 2035 was listed as
19 1.5 millimeters and crossed out to be 15.12 centimeters.
20 That's incorrect. It is 1.5 centimeters -- or that one has
21 been corrected. However, if you go to the next page, there
22 is -- let me find it on the next page. In the middle, line
23 2080. 2080, it says .006 inches -- oh, it's .06 inches.
24 That is correct.

25 CHAIRMAN BEDESSEM: That is correct.

1 BOARD MEMBER HANSON: So that has been
2 corrected. Okay. I went to the previous version. I just
3 recommend that somebody just takes millimeter and
4 centimeter and sees what -- what they are. A millimeter is
5 one-tenth of a centimeter, and a centimeter -- a hundred
6 centimeters makes a meter, and it seems to be somewhat
7 confusing. But I get this now. Okay. Thank you.

8 MS. THOMPSON: Madam Chairman, if I might
9 speak to this a little bit. This comment came up at our
10 March meeting, and we went back and looked at this chapter
11 in detail. And this chapter is largely based on I believe
12 it's the 1980 version of the 10-state standards for
13 wastewater. And when we were researching this, we realized
14 it's just not 10 American states that are in the 10 states.
15 It's also Ontario. And so they put the metric throughout,
16 and incorrectly so, in that early draft.

17 We have the same problem in our drinking water
18 design standards, Chapter 12. And so going forward, we
19 will be removing the metric because Wyoming still relies on
20 the English system for measurements. And we've noted in --
21 we are in the very early draft stages of Chapter 12
22 revisions, and we've noted when we take out all those
23 metrics in parentheses, that largely alleviates a lot of
24 that visual clutter that the board noted at our March
25 discussion. So we are making efforts in that manner to be

1 both consistent because there were a number of areas in
2 Chapter 11 where the metric conversion was not correct. I
3 don't have an explanation why it wasn't correct, but
4 we've -- we've made those corrections.

5 And then as we go forward and we do a major
6 overhaul to this chapter several years down the road, we
7 will take out those metric conversions in the side and it
8 does really clean up the text and makes it a lot more
9 clear.

10 BOARD MEMBER CAHN: Why not take out the
11 metric now, since --

12 BOARD MEMBER HANSON: Well, I would argue
13 the opposite side. Namely, that eventually I think America
14 may get adjusted to the rest of the world and use the
15 metric system. And, therefore, if it is correctly listed,
16 it might be internationally more understandable. So that
17 would be the other side of the argument, you know. We
18 can't remain insular from the rest of human existence.

19 BOARD MEMBER CAHN: We're America.

20 BOARD MEMBER HANSON: I know. I know.
21 Well, I don't care. After I'm dead I don't have to read
22 this damn thing anymore. But my argument would be to just
23 have it listed correctly and be in both. But I defer to
24 you taking it out.

25 BOARD MEMBER CAHN: The whole board, not

1 just me. I would prefer to have it uncluttered as much as
2 possible.

3 BOARD MEMBER HANSON: Yeah.

4 BOARD MEMBER CAHN: I don't know what
5 others think.

6 BOARD MEMBER DEURLOO: What does Kevin
7 want?

8 CHAIRMAN BEDESSEM: I imagine your
9 preference at this point would be -- but, you know, correct
10 me if I'm wrong -- would be to just go with this and not do
11 further edits until you're doing something, you know,
12 substantive in here. Is that correct?

13 MR. FREDERICK: Yes, that would certainly
14 be the least work intensive for us. And keep in mind that
15 very few of the Water Quality Division rules and
16 regulations chapters have metrics. They're, for the most
17 part, the English standard units, so we do have some
18 inconsistencies, even within Water Quality Division, not to
19 mention through all the other divisions.

20 I'm sympathetic to Klaus's point. However, I do
21 believe that if and when the time arrives where the United
22 States does adopt the metric system, we would essentially,
23 I think, be compelled to update our rules and regulations
24 to recognize that. But for the time being, my
25 recommendation would be to leave it as is.

1 CHAIRMAN BEDESSEM: I personally have no
2 problem leaving it as is when I think of people that work
3 in the United States that are from other countries that use
4 the metric system, even though they may be buying things in
5 the English units, their concept of how big things are is
6 related to their understanding of metrics, and so then it
7 makes it easier for them to figure out the English units.

8 Because I know when we had -- for example, when I
9 was at the university, we had students coming from Germany
10 think that the class -- you know, they do fine in
11 engineering because it's all numbers, right? But they took
12 surveying and were completely lost because everything was
13 in English units. And just the concept of how big things
14 are, there wasn't a good connection with the metric units.
15 So if you're from another country and you're in the United
16 States and you're reading these, it gives you at least
17 some -- some concept of how large something is, even if
18 they have to rely on the English unit for actually
19 purchasing or designing or whatever.

20 So my personal opinion is it's okay to leave both
21 in, but...

22 MR. FREDERICK: It's important to know --
23 to my knowledge anyway, I don't think any federal rules or
24 regulations -- for instance, those at Solid and Hazardous
25 Waste wants to incorporate by reference, I think those are

1 all in English standard units.

2 CHAIRMAN BEDESSEM: Probably. So do we
3 have anybody that feels strongly this needs to be fixed
4 now?

5 BOARD MEMBER KIRKBRIDE: I wouldn't change
6 it.

7 BOARD MEMBER CAHN: I'm fine with leaving
8 it, in the path of least resistance. Next time I'd love to
9 see them gone.

10 CHAIRMAN BEDESSEM: Yeah. We haven't made
11 any more progress towards the metric system. We can write
12 it off and we're done. Okay.

13 MR. FREDERICK: So, Madam Chair, would we
14 like to return to Chapter 3 and just spend a few minutes
15 reviewing the --

16 CHAIRMAN BEDESSEM: So really the only
17 thing that's different in each of these chapters is what
18 you have in green.

19 MS. THOMPSON: Correct. And I apologize
20 the green is not showing up that well on paper.

21 CHAIRMAN BEDESSEM: It's fine. It's fine.

22 MS. THOMPSON: In the PDF it's very nice
23 and bright.

24 CHAIRMAN BEDESSEM: It's fine.

25 BOARD MEMBER CAHN: It's fine.

1 CHAIRMAN BEDESSEM: No, it looks just fine.
2 I think originally I was looking at the nongreen version.

3 MS. THOMPSON: Oh, okay.

4 CHAIRMAN BEDESSEM: So now it looks like
5 I'm not seeing anything in Chapter 3 that needs to be
6 discussed.

7 MS. THOMPSON: Did we have any points for
8 discussion in Chapter 8, then?

9 CHAIRMAN BEDESSEM: I am amazed how many
10 "which/thats" there are.

11 MS. THOMPSON: As I noted offline, I
12 believe it was to Klaus, the staff who were writing these
13 rules in the '80s and early '90s really did have a
14 preference for "which," so it's very pervasive. And it is
15 an item that, since coming on board five years ago, I have
16 to look for it every time we start a new revision because
17 it's everywhere, so...

18 BOARD MEMBER HANSON: I know there's one
19 correction on 15. Administrator is capitalized. That
20 shows up.

21 CHAIRMAN BEDESSEM: Uh-huh.

22 BOARD MEMBER CAHN: And they're doing that
23 to be consistent.

24 BOARD MEMBER HANSON: No, I just -- since
25 you were looking for greens, there's one, 15. That's all I

1 can find.

2 MS. THOMPSON: I believe most of the
3 corrections were pretty minor. We did take one back to the
4 staff on page 8-11, on line 313. We have two -- two items
5 there, hydrosulfide and sulfide. And we had our
6 superscripts incorrect in the previous version. So we've
7 double-checked those with our technical staff to make sure
8 that we are citing hydrosulfide and sulfide correctly.

9 BOARD MEMBER HANSON: What line was that
10 again?

11 MS. THOMPSON: It's 313.

12 CHAIRMAN BEDESSEM: It's correct now. H2
13 minus or S2 minus looks good.

14 BOARD MEMBER DEURLOO: No, that's not --

15 CHAIRMAN BEDESSEM: It should be 2 minus --

16 BOARD MEMBER HANSON: I didn't move that
17 fast.

18 BOARD MEMBER CAHN: Shouldn't it be
19 hydrogen sulfide?

20 CHAIRMAN BEDESSEM: So -- yeah. So the
21 only, I guess, question I have is that when you're talking
22 about subscripts and superscripts.

23 MS. THOMPSON: Uh-huh.

24 CHAIRMAN BEDESSEM: Ionized ammonia, which
25 is ammonium, right? So why isn't the plus a superscript?

1 BOARD MEMBER CAHN: It should be.

2 CHAIRMAN BEDESSEM: You've got the 4 as a
3 subscript and the plus should be a superscript.

4 BOARD MEMBER CAHN: Yes.

5 MR. FREDERICK: That's correct. We can
6 make that correction.

7 CHAIRMAN BEDESSEM: Make that minor change.

8 MR. FREDERICK: That plus should be a
9 superscript.

10 CHAIRMAN BEDESSEM: Uh-huh.

11 BOARD MEMBER CAHN: It should be in each
12 subscript 4, superscript plus.

13 CHAIRMAN BEDESSEM: Uh-huh. Doesn't look
14 like it's 4 plus. And is it just me or you can correct me
15 here, but I'm used to writing -- so like sulfide, S₂ minus,
16 not minus 2 in the superscript.

17 BOARD MEMBER CAHN: Yeah. Yes.

18 CHAIRMAN BEDESSEM: So -- and you have
19 sulfur in the superscript, it's 2 minus, and you've got
20 minus 2. It's usually --

21 BOARD MEMBER CAHN: Yes.

22 BOARD MEMBER HANSON: Oh.

23 MR. FREDERICK: Yeah, right.

24 CHAIRMAN BEDESSEM: Okay. So that should
25 be 2 minus. And then to me everything reads right.

1 MS. THOMPSON: Okay.

2 CHAIRMAN BEDESSEM: Yeah, the rest looks
3 good. Thank you.

4 MR. FREDERICK: Thank you.

5 MS. THOMPSON: Do we have any other
6 questions in Chapter 8 before I move forward?

7 CHAIRMAN BEDESSEM: Rest of it looks good
8 to me.

9 BOARD MEMBER DEURLOO: It's been a while
10 since chemistry.

11 MS. THOMPSON: We'll go on and move to
12 Chapter 9. We had fewer corrections to make in 9. Mostly
13 capitalization errors that we had been -- mostly
14 capitalization of Groundwaters of the State, since it's a
15 proper concept. So I believe that that capitalization --
16 you know consistently capitalizing Groundwaters of the
17 State is the bulk of the corrections made to Chapter 9.

18 BOARD MEMBER HANSON: On page 12, for
19 example.

20 MS. THOMPSON: Yes.

21 BOARD MEMBER CAHN: And on page 16.

22 MS. THOMPSON: Yes. We use that term
23 throughout the chapter.

24 BOARD MEMBER DEURLOO: Yeah.

25 BOARD MEMBER HANSON: 16. Twice on 16.

1 And 17, yeah.

2 CHAIRMAN BEDESSEM: Thank you for making
3 the green copy.

4 MS. THOMPSON: You're welcome.

5 CHAIRMAN BEDESSEM: So are we moving now to
6 11?

7 MS. THOMPSON: If we don't have any
8 additional questions or --

9 CHAIRMAN BEDESSEM: Anything else?

10 MS. THOMPSON: -- or suggestions.

11 BOARD MEMBER DEURLOO: I'm good.

12 CHAIRMAN BEDESSEM: Okay.

13 MS. THOMPSON: So Chapter 11, we had quite
14 a bit of conversation on this one at the last meeting. And
15 this chapter and Chapter 20 were the -- were the bulk of
16 our focus in consistency. So there are changes sprinkled
17 throughout this chapter. This chapter seems to have all of
18 the inconsistencies that we discussed, capitalization
19 errors, metric conversion errors, the "whiches" that are
20 used improperly.

21 There's some strange -- there are some strange
22 formatting issues with this one. When we're revising
23 these, we revised them based on what is the official copy
24 at the Secretary of State's Office. And their copy had
25 strange question marks sprinkled throughout that we've

1 taken out. So this one's just -- it's very large. It had
2 a lot of problems. And hopefully we've, you know, found
3 them all. When I went back through I ran out of flags,
4 there were so many changes in this one in 20, so I just
5 wrote them down.

6 So this was the chapter where we were discussing
7 the style of using numbers in parentheses, and when -- you
8 know, when I started to take the numbers out, the AGs took
9 my work and were saying, "Why are you taking all these
10 numbers out? That's a legal document. Put them back in."
11 So I put them back in, but we constructed some rules about
12 how we are going to do those going forward. And I kind of
13 listed those in our responses to comments document. So --
14 but, obviously, when you have those metric conversions, it
15 does start to look a little cluttered.

16 But going forward, what we would prefer to do --
17 our style choices going forward -- will be to use the
18 combination of spelled numbers and Arabic numbers in
19 parentheses for numbers less than a hundred, which is
20 Chicago Manual Style Number 2 -- Rule Number 2 for cap --
21 for spelling numbers, excuse me. We will use that
22 combination for numbers that contain fractions, but we will
23 not use it when we have decimals, because that can get very
24 cluttered, and we don't want to add to confusion there.

25 BOARD MEMBER DEURLOO: Yeah.

1 MS. THOMPSON: And when we have numbers
2 that modify a noun, such as 25-year or 30-day, we'll just
3 leave the number with the hyphen.

4 BOARD MEMBER HANSON: Hyphen, yeah.

5 MS. THOMPSON: So those -- we have those
6 rules kind of set out for ourselves so we can go forward we
7 can be consistent with the work that we're presenting to
8 you today. So this Chapter we've made edits or not made
9 edits based on these rules that we've kind of outlined for
10 ourselves.

11 BOARD MEMBER CAHN: I have a question.

12 MS. THOMPSON: Yes, ma'am.

13 BOARD MEMBER CAHN: On the green version,
14 page 11-1, line 27, talks about Waters of the State and
15 previous chapters we are talking about Groundwaters of the
16 State. So can you go over for me what the difference is --

17 MR. FREDERICK: Sure.

18 BOARD MEMBER CAHN: -- between Waters of
19 the State and Groundwaters? I'm assuming that Waters of
20 the State includes groundwaters.

21 MR. FREDERICK: That's correct.

22 BOARD MEMBER CAHN: Whereas Groundwaters of
23 the State does not include all water, not surface water.
24 So Waters of the State is everything, groundwater is just
25 groundwater, correct?

1 MR. FREDERICK: That's correct. Yes.

2 BOARD MEMBER CAHN: Okay.

3 MS. THOMPSON: So this Chapter 11, the
4 applicability is to prevent both surface water and
5 groundwater pollution from the facilities listed in that
6 long title.

7 BOARD MEMBER CAHN: Okay.

8 MS. THOMPSON: So we -- rather than having
9 a long statement that said Surface Waters and Groundwaters
10 of the State, we just said Waters of the State.

11 BOARD MEMBER HANSON: I don't have much.
12 Again, just an observation on the conversion. Page 11-26,
13 other capacity, it says there in the last line of the --
14 1134, 15 cubic feet per -- wouldn't that be
15 1 million gallons? It probably should be 1 million
16 gallons, because million is not defined. I think it should
17 be 1 -- I think you mean 1 million gallons. And I'm not
18 quite sure whether that corresponds to 10,000 cubic meters.
19 I have no idea. I'd have to find the conversion. I have
20 no idea. But million gallons, I just suggest the word one
21 here, because --

22 MR. FREDERICK: So I understand your
23 comment, Klaus.

24 BOARD MEMBER HANSON: Uh-huh.

25 MR. FREDERICK: You would suggest

1 clarifying that it's per 1 --

2 BOARD MEMBER HANSON: 1 million gallons.

3 Because million could be millions, right?

4 MR. FREDERICK: Yes. We can certainly make
5 that clarification.

6 BOARD MEMBER HANSON: Probably should be
7 1 million gallons, and somebody might want to check whether
8 that really corresponds to 10,000 cubic meters. Because in
9 the European system, you would not use that for volume.
10 You would use liters for volume. So I'm -- I'm -- I'm sort
11 of unfamiliar with the conversion to cubic meters. It says
12 that it corresponds 1.2 cubic meters, which refers to
13 15 cubic feet, to 10,000 cubic meters. And somebody may
14 just want to check that. I have no idea. As I say, I
15 would be more used to liters.

16 MR. FREDERICK: Yes, Klaus. Just for
17 clarification, the parallel analysis is cubic feet --

18 BOARD MEMBER HANSON: To --

19 MR. FREDERICK: -- per gallons.

20 BOARD MEMBER HANSON: I understand that.

21 I just don't know whether 1 million gallons refers to
22 10,000 --

23 BOARD MEMBER CAHN: It doesn't. It's going
24 to be 3.785 at -- some -- some multiple of 3.785, so...

25 BOARD MEMBER HANSON: Yeah.

1 BOARD MEMBER CAHN: Let's see.

2 BOARD MEMBER HANSON: Well, 15 cubic feet
3 could be 1.21 -- 1.12 cubic meters. I have no idea.

4 BOARD MEMBER CAHN: It's going to be 3,785
5 cubic meters.

6 BOARD MEMBER HANSON: Yeah, instead of
7 10,000.

8 BOARD MEMBER CAHN: It's not 10,000,
9 because meters -- I mean, gallons and meters are not
10 multiples of 10 of each other.

11 BOARD MEMBER HANSON: No, cubic meter is --

12 BOARD MEMBER CAHN: Yeah, there's 3. --
13 3. -- as I recall 3.785 cubic meters per gallons.

14 BOARD MEMBER HANSON: If you want to keep
15 it just to check these things. My geometric knowledge or
16 mathematical knowledge is minimal. I was a flunky in these
17 things in school, but...

18 MR. FREDERICK: We'll make the correction.

19 BOARD MEMBER CAHN: But it could be,
20 though, 15 cubic feet is not 1.12 cubic meters.

21 BOARD MEMBER HANSON: That could be.

22 BOARD MEMBER CAHN: Then it's just a
23 conversion that has making per million gallons how much it
24 would be -- how much cubic meters it would be per --

25 BOARD MEMBER HANSON: Correct.

1 BOARD MEMBER CAHN: -- that we're --

2 BOARD MEMBER HANSON: 1 million -- is
3 really 10,000.

4 BOARD MEMBER CAHN: That's not equivalent.
5 But a 15 cubic feet --

6 BOARD MEMBER HANSON: Could be --

7 BOARD MEMBER CAHN: -- is different 1.1
8 cubic meters by same amount that million gallons is
9 different. So it's --

10 BOARD MEMBER HANSON: Then I don't --

11 BOARD MEMBER CAHN: It's not an exact
12 conversion.

13 MR. FREDERICK: We'll check it. We'll
14 check it.

15 CHAIRMAN BEDESSEM: So I have a question.

16 MS. THOMPSON: Yes, ma'am.

17 CHAIRMAN BEDESSEM: So there's a bunch of
18 places where there was this question mark that -- a lot of
19 where this question mark is is next to BOD. And my
20 question is is that -- were those all supposed to be BOD5s?
21 Because there's -- so like if we look at the -- so
22 Chapter 11 green, say page 11-32, and we look at line 1391,
23 it says "...requirement of two times the average design day
24 BOD? to the aeration basin shall be used." And -- 1391.
25 And then when you look at 1397, you see "...two times the

1 average design day BOD5..."

2 So my question is, were a lot of those question
3 marks supposed to be the 5s? Because when I'm looking at
4 these, you know, there's a design loading that's BOD. When
5 I see that I say is that BOD Ultimate or BOD5? And it
6 doesn't say. So maybe in a conversion, like depending on
7 what -- what, you know, word processing program it was in,
8 maybe those 5s ended up as question marks and they really
9 should be 5s. So I would be hesitant to just be deleting
10 them --

11 MS. THOMPSON: Sure.

12 CHAIRMAN BEDESSEM: -- if they actually
13 should be 5s.

14 So is that something that you can check on prior
15 to deleting all of these question marks? Because when I
16 see BOD, I typically expect either to see a subscript U for
17 ultimate, meaning, you know, the maximum value or the 20-
18 day plus, you know, oxygen demand versus the BOD5. And so
19 when it's just BOD, I'm not positive what that means. So
20 some of these may be that.

21 MR. FREDERICK: We don't have the original
22 Chapter 11.

23 MS. THOMPSON: I don't have one that was
24 hand typed. I don't have one of those -- all I have is the
25 current version that's on the Secretary of State's, which

1 is --

2 CHAIRMAN BEDESSEM: Has got the question
3 marks.

4 MS. THOMPSON: It's got the problems in it.
5 So -- but that is something we can check with our water and
6 wastewater staff. They have an original --

7 CHAIRMAN BEDESSEM: Archived copy.

8 MS. THOMPSON: -- very tattered version and
9 we'll look at that.

10 CHAIRMAN BEDESSEM: I'm concerned the
11 assumption they're just extraneous things may not be a
12 correct assumption. I bet a lot of those need to be 5s.

13 BOARD MEMBER CAHN: To go back to page
14 11-26. So 15 cubic feet is not 1.12 cubic meters. It's
15 .42 cubic meters. So it's off -- but I think it could be
16 relational, so...

17 BOARD MEMBER HANSON: This is the right
18 relationship.

19 BOARD MEMBER CAHN: Relationship might be
20 right. Somebody just needs to check that.

21 MS. THOMPSON: So I will run this past our
22 engineering staff in the water and wastewater section as
23 well, because they will have a better understanding of that
24 relational conversion.

25 BOARD MEMBER HANSON: Yeah. I only know

1 the one. You know the other one. We don't know how to
2 communicate with these things.

3 CHAIRMAN BEDESSEM: And if you're going to
4 ask them also about the BOD5 issue, just do a search good
5 through the whole thing to see BOD and add where you need
6 subscripts and where you don't.

7 BOARD MEMBER CAHN: Maybe rather than --
8 talk to your cognizant staff who know about BODU, BOD5s,
9 ask them which one is it supposed to be, U or 5s.

10 MR. FREDERICK: We will be going --

11 BOARD MEMBER CAHN: Could be an error in
12 the original that was done -- tattered copy that was done
13 years ago.

14 MS. THOMPSON: That's correct.

15 BOARD MEMBER DEURLOO: Madam Chair, on that
16 same page, Gina, 11-33, it's very minor here, but line
17 1460, there should be the word "in" between inches and
18 diameter.

19 BOARD MEMBER HANSON: In diameter.

20 BOARD MEMBER DEURLOO: In diameter.

21 BOARD MEMBER HANSON: Line 1450. Line
22 1450.

23 BOARD MEMBER DEURLOO: 1460.

24 MS. THOMPSON: Mr. Deurloo, I will note we
25 have not had proper grammarians writing this chapter and

1 that -- the missing "in" will be throughout, because I can
2 see in the previous paragraph that it doesn't say "in
3 diameter."

4 CHAIRMAN BEDESSEM: Doesn't need to in the
5 one above it. Ones above it don't need it.

6 BOARD MEMBER DEURLOO: Uh-huh.

7 CHAIRMAN BEDESSEM: "Shall be 3 inches
8 minimum diameter." Doesn't need to say minimum in
9 diameter. That's just minimum diameter. It's just the
10 case Brian brought up that needs the "in."

11 BOARD MEMBER CAHN: It's only the second
12 diameter in 1460, not the first diameter.

13 BOARD MEMBER DEURLOO: Yes, yes. I should
14 have --

15 CHAIRMAN BEDESSEM: Uh-huh. So there's
16 like three diameters on that page. Only one that needs the
17 "in" is the very last one.

18 BOARD MEMBER DEURLOO: Correct.

19 BOARD MEMBER HANSON: Being sludge piping
20 shall be 4 inches in diameter.

21 CHAIRMAN BEDESSEM: Uh-huh.

22 BOARD MEMBER HANSON: Yeah.

23 CHAIRMAN BEDESSEM: When it has the word
24 "minimum" in front of it it doesn't need the "in."

25 BOARD MEMBER DEURLOO: Maybe it doesn't

1 need it. Following these rules and regulations. I would
2 know what it means.

3 MS. THOMPSON: Okay.

4 BOARD MEMBER HANSON: I'll tell you what I
5 finally did at home. I have a tape measure. One in
6 centimeters and one in inches. I laid them out next to one
7 another, and then read as I went along and I found most of
8 the conversions are correct. But I can't do the same thing
9 for liters and cubic meters.

10 MS. THOMPSON: That's correct, when there's
11 a volume there and a rate, it's very --

12 BOARD MEMBER CAHN: I'll loan you mine.
13 It's got metric on one side and English units on the other.

14 BOARD MEMBER HANSON: That's even better.
15 That's even better, yeah.

16 BOARD MEMBER CAHN: Those are hard to come
17 by.

18 BOARD MEMBER HANSON: Yeah.

19 BOARD MEMBER CAHN: It's not in --

20 BOARD MEMBER HANSON: I have both.

21 MS. THOMPSON: Did the board have any other
22 discussion on Chapter 11 that are --

23 BOARD MEMBER HANSON: Doesn't Chapter 11
24 usually refer to bankruptcy? I think it does, doesn't it?

25 CHAIRMAN BEDESSEM: I don't have any

1 more --

2 BOARD MEMBER DEURLOO: Me either.

3 BOARD MEMBER CAHN: I don't.

4 BOARD MEMBER HANSON: What -- radiological
5 is another green one, but that's fine.

6 CHAIRMAN BEDESSEM: So not hearing any
7 others, we can move to Chapter 20.

8 MS. THOMPSON: So as any other chapters, we
9 went through carefully and made ourselves consistent with
10 capitalization. This particular chapter Mr. Deurloo had
11 pointed out there were a lot of funny spaces, and when we
12 were looking at it with the formatting marks on, that --
13 that did have a number of added spaces between letters and
14 words. So we've gone through and run some replace scripts,
15 and so that -- in my opinion, that looks a lot cleaner.
16 It's not so spacious as it was previously.

17 But that particular change is hard to note.
18 It's -- you know, it's space. So a lot of this will be
19 capitalization of terms such as "division" and
20 "administrator." This particular chapter didn't have
21 the metric conversion issues that we had experienced in
22 Chapter 11. It looks like it's primarily capitalization.
23 And Ms. Cahn noted especially in Section 49 that we were
24 using "assure" instead of "ensure" when we were discussing
25 final assurance. So we made those corrections as well. So

1 I'm talking Section 49 on page 20-55.

2 BOARD MEMBER KIRKBRIDE: 20-11 has that
3 too.

4 BOARD MEMBER DEURLOO: Yeah. There's
5 several of them in here.

6 MS. THOMPSON: So do we have any items to
7 discuss on Chapter 20?

8 Okay. Chapter 25, we had very few additional
9 corrections. I believe there are only two. We had a
10 switch from "which" to "that" on page 25-17 on line 637.
11 And that change was recommended by Ms. Cahn.

12 And then also on page 25-29, we had our
13 Groundwaters and Surface Waters of the State that they were
14 not consistently capitalized. So we've corrected that
15 here. But other than the corrections that we originally
16 proposed, those were the only two additional fixes for
17 Chapter 25.

18 CHAIRMAN BEDESSEM: Thank you.

19 MS. THOMPSON: So Chapter 26, our last
20 chapter in this proposed package, also very few additional
21 corrections. Mostly capitalization. And on line 194 on
22 page 26-5, Mr. Deurloo had pointed out we didn't have
23 parentheses or -- no, we were missing parentheses and we
24 had misused i.e. versus e.g. So we've made that
25 correction.

1 BOARD MEMBER HANSON: What page are you on?

2 MS. THOMPSON: I'm on page 26-5.

3 BOARD MEMBER HANSON: -5.

4 MS. THOMPSON: On line 194.

5 BOARD MEMBER HANSON: Yeah, yeah.

6 MS. THOMPSON: On 26-9 on page [sic] 367,

7 we've changed "his" to "their" to be more gender neutral.

8 CHAIRMAN BEDESSEM: I don't have

9 anything --

10 BOARD MEMBER CAHN: I don't either.

11 CHAIRMAN BEDESSEM: -- on that chapter.

12 BOARD MEMBER KIRKBRIDE: 26-9, 367?

13 BOARD MEMBER HANSON: Their. Okay. I
14 guess that's grammatically acceptable in English these
15 days.

16 MS. THOMPSON: It is. I believe it's a
17 compromise we made to go to gender neutral word because we
18 don't really have one in our language unless it's plural,
19 so...

20 BOARD MEMBER HANSON: I still prefer his/
21 her or her/his. Their/theirs are grammatically wrong.

22 MS. THOMPSON: It's accepted now, yes.
23 It's different now.

24 So did the board have any other questions or
25 comments that they wanted us to consider on this proposed

1 package? No?

2 CHAIRMAN BEDESSEM: Huh-uh.

3 MS. THOMPSON: As we discussed on
4 Chapter 11, we'll take the BOD and that -- especially the
5 metric volume conversions back to our technical staff to
6 verify for correctness. And other -- other than --

7 CHAIRMAN BEDESSEM: I think that's the only
8 thing we've asked for.

9 MS. THOMPSON: That's really the only
10 thing.

11 CHAIRMAN BEDESSEM: And there was --

12 MS. THOMPSON: And there was some scripts
13 in Chapter 8.

14 CHAIRMAN BEDESSEM: Two corrections on the
15 chemical superscripts.

16 MS. THOMPSON: Correct.

17 So I guess what we would ask for you to do is to
18 make a motion to recommend to the council the adoption of
19 the proposed revisions to these chapters, with the
20 additional revisions that we discussed today. That would
21 be -- that would be our request.

22 BOARD MEMBER HANSON: So moved.

23 BOARD MEMBER KIRKBRIDE: I would second
24 that.

25 CHAIRMAN BEDESSEM: Discussion? Hearing

1 none, we will vote on the motion to move this package
2 forward with the changes to EQC.

3 All those in favor.

4 BOARD MEMBER DEURLOO: Aye.

5 CHAIRMAN BEDESSEM: Aye.

6 BOARD MEMBER HANSON: Aye.

7 BOARD MEMBER KIRKBRIDE: Aye.

8 CHAIRMAN BEDESSEM: Opposed?

9 Motion carries.

10 MS. THOMPSON: Thank you, Madam Chair.

11 We'll continue through our promulgation process,
12 and we will send these off to the governor to get
13 permission to proceed, and we will present them to the
14 council.

15 I believe there is an item left on the agenda
16 where we would request the board to consider preliminary
17 scheduling for the next meeting, which will be your first
18 quarter 2018 meeting. And I do realize that's a few months
19 out, but if anyone has leave or conferences that they're
20 well aware of at this point, we could poll around those
21 dates so as to not --

22 CHAIRMAN BEDESSEM: When are you thinking?

23 MS. THOMPSON: We have been meeting at the
24 last month of each quarter, so I believe March would be our
25 first consideration. I do note that our friends from Solid