

WWAB - Water Quality Division

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WYOMING WATER AND WASTE ADVISORY BOARD

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 17th day of October, 2019, at the hour of 9:05 a.m., at the Oil and Gas Commission, 2211 King Boulevard, Casper, Wyoming before the Wyoming Water and Waste Advisory Board, Mr. Alan Kirkbride, Chairman, presiding, with Mr. Brian Deurloo, Ms. Lorie Cahn, and Ms. Marjorie Bedessem in attendance.

Mr. Andrew Kuhlmann, attorney for the Board; Ms. Gina Thompson, Water Quality Division; Mr. Bill Tillman, SRF Principal; Mr. Richard Cripe, Wastewater Program Manager; Ms. Lily Barkau, Groundwater Section Manager, and Mr. Dennis Lamb, Produced Water Treatment/Disposal Principal, were also in attendance.

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

2 (Meeting proceedings commenced
3 9:05 a.m., October 17, 2019.)

4 CHAIRMAN BEDESSEM: Thank you, Gina. I'd
5 like to call to order the fourth quarter 2019 meeting of
6 the Water and Waste Advisory Board.

7 I'd like our board members to introduce
8 themselves.

9 BOARD MEMBER KIRKBRIDE: I'm Alan
10 Kirkbride. I'm the representative of agriculture.

11 BOARD MEMBER CAHN: I'm Lorie Cahn,
12 representing the public at large.

13 CHAIRMAN BEDESSEM: Marge Bedessem,
14 representing public at large.

15 BOARD MEMBER DEURLOO: I'm Brian Deurloo,
16 representing industry.

17 MR. KUHLMANN: Andrew Kuhlmann, Wyoming
18 Attorney General's Office, here to advise the Board.

19 CHAIRMAN BEDESSEM: Thank you for attending
20 today.

21 The first item on our agenda is election of
22 officers, per Wyoming Statute 35-11-113(c). At the current
23 time I am chair, and I believe vice chair was Klaus Hanson,
24 our former member. And at this point in time, I prefer to
25 not continue to be chair. And so would like to open it up

1 for volunteers or nominations for the chair position of the
2 Water and Waste Advisory Board for the upcoming year,
3 because it's an annual election.

4 BOARD MEMBER DEURLOO: I'd like to -- I'd
5 like to nominate Board Member Kirkbride as chairman.

6 CHAIRMAN BEDESSEM: Do I hear a second?

7 BOARD MEMBER CAHN: I'll second.

8 CHAIRMAN BEDESSEM: Thank you.

9 I'm assuming that you are amenable to that
10 nomination.

11 BOARD MEMBER KIRKBRIDE: I would accept
12 that.

13 CHAIRMAN BEDESSEM: Thank you.

14 BOARD MEMBER KIRKBRIDE: I could have some
15 other cute comments, but I'll hold them back. No. I'm
16 happy. That's fine, Marge. Glad to do it.

17 CHAIRMAN BEDESSEM: Any other nominations
18 or volunteers? Then let's put the chair position to a
19 vote. All those in favor of Alan Kirkbride being the chair
20 for this upcoming 2020 -- well, starting with today's
21 meeting, say aye.

22 BOARD MEMBER CAHN: Aye.

23 BOARD MEMBER DEURLOO: Aye.

24 CHAIRMAN BEDESSEM: Aye. Abstentions?

25 BOARD MEMBER KIRKBRIDE: I'll take it.

1 It's okay.

2 CHAIRMAN BEDESSEM: So we now have a new
3 chair. We also need a vice chair, and Klaus Hanson is no
4 longer on the board. We still have a board position to
5 fill. Hopefully that will happen in -- we're opening by
6 the next quarterly meeting.

7 Do I have any volunteers or nominations for vice
8 chair position?

9 BOARD MEMBER CAHN: I would like to
10 nominate you, Marge, as the vice chair.

11 BOARD MEMBER KIRKBRIDE: Second.

12 CHAIRMAN BEDESSEM: That means I'm stepping
13 down in increments, apparently.

14 MS. THOMPSON: Baby steps.

15 CHAIRMAN BEDESSEM: Any other nominations,
16 volunteers?

17 Okay. So I would be fine with that to provide
18 support to Alan --

19 BOARD MEMBER KIRKBRIDE: Okay.

20 CHAIRMAN BEDESSEM: -- should he need that,
21 given your travel schedule.

22 All those in favor?

23 BOARD MEMBER DEURLOO: Aye.

24 BOARD MEMBER CAHN: Aye.

25 BOARD MEMBER KIRKBRIDE: Aye.

1 CHAIRMAN BEDESSEM: Abstentions? Me.

2 And no nays.

3 So we have a chair and vice chair. So as a
4 result of that, I am going to sort of -- I was thinking
5 whether we put microphone down there so -- no? You can
6 hear Alan?

7 And then, Alan, Chairman Kirkbride, will continue
8 down the agenda for this quarterly meeting.

9 Did you -- do you have a copy of the agenda?

10 CHAIRMAN KIRKBRIDE: Well, I did. If it
11 didn't change. I don't think it has.

12 BOARD MEMBER BEDESSEM: We're good.

13 BOARD MEMBER CAHN: Mr. Chair, may I ask a
14 question?

15 CHAIRMAN KIRKBRIDE: Yes.

16 BOARD MEMBER CAHN: I would love to hear
17 from DEQ what progress is being made on appointing another
18 board member.

19 MS. THOMPSON: Chairman Kirkbride.
20 Ms. Cahn, we have recently checked with the governor's
21 office. We do not have any new applicants for the vacancy.
22 And --

23 BOARD MEMBER CAHN: Do you have any
24 applicants?

25 MS. THOMPSON: We had one applicant, and

1 unfortunately the applicant is now deceased. So it was --
2 he was a very suitable applicant, and, unfortunately, he
3 passed away unexpectedly.

4 So we would -- we are working our internal
5 channels. We have been in contact with the governor's
6 office. It is, you know, voluntary. So if you have any
7 colleagues that you think would be interested, we would
8 encourage you to encourage them to apply. And we can
9 provide you with the contact information for the governor's
10 office.

11 BOARD MEMBER BEDESSEM: But they would have
12 to be an elected government official because that's the
13 slot that's open.

14 MS. THOMPSON: Yeah.

15 BOARD MEMBER CAHN: Elected or working for
16 municipality, right?

17 MS. THOMPSON: So the way it's worded --
18 it's kind of tricky, but it is worded as a representative
19 of political subdivisions, and then because -- because
20 there's a party split, they have to be either a Democrat or
21 an Independent.

22 I do believe that our Land Quality Division just
23 filled their political subdivision spot with -- with a
24 person who is -- represents a municipality.

25 Yes, ma'am.

1 BOARD MEMBER BEDESSEM: So my question is,
2 is that, you know, both Lorie and I in particular have a
3 long history on the board, and it used to be that our
4 political subdivision representative, you know, could be a
5 city manager. Didn't have to be somebody who was elected.
6 And the last governor's term, they interpreted it having to
7 be elected, which is harder to find.

8 MS. THOMPSON: Yes.

9 BOARD MEMBER BEDESSEM: And so I was just
10 wondering if -- if that person needed to be an elected
11 official.

12 MS. THOMPSON: So the current
13 administration, our attorney representatives and the
14 attorneys within the current governor's administration, are
15 interpreting it as it can be a representative, as Marge has
16 described, where you have to be -- you have to be like an
17 officer within the organization. So you have to be a
18 manager of some sort to be eligible to represent the
19 organization that you're with.

20 But our Land Quality Division just filled their
21 vacancy with someone who is either a city manager or like a
22 public works manager or something. I think they're with
23 county road and bridge, because they do a lot of mining
24 work.

25 BOARD MEMBER BEDESSEM: That's very

1 helpful.

2 MS. THOMPSON: Yeah.

3 BOARD MEMBER BEDESSEM: Because it was much
4 more limiting if the person had to be an elected official.

5 MS. THOMPSON: Correct.

6 BOARD MEMBER BEDESSEM: So I appreciate
7 hearing that we have a revised interpretation.

8 MS. THOMPSON: Yes. So that is the -- that
9 is the interpretation that I've been filled in on. And
10 like I said, our Land Quality Division just filled a spot,
11 so -- yeah.

12 CHAIRMAN KIRKBRIDE: So a little
13 clarification.

14 MS. THOMPSON: Yes.

15 CHAIRMAN KIRKBRIDE: Does it need to be a
16 member of an organization that's got -- governmental
17 organization, isn't it?

18 MS. THOMPSON: Yes. So it has to be a
19 political subdivision. So city and county conservation
20 district, water district, something of that nature. We
21 have -- we have some landfill districts that would be
22 eligible. But they have to be an officer within the
23 organization. So -- or an elected official. If you -- if
24 you know one of those five Democrats walking down the
25 street, and they would like to serve, we would encourage

1 them to apply. Or Independents. Independents are allowed
2 as well, so...

3 BOARD MEMBER BEDESSEM: Thank you very
4 much.

5 CHAIRMAN KIRKBRIDE: Is that covered on
6 elections? I would just say with regard to my new
7 position, that I'm happy to serve. I may not have all the
8 protocol very polished for a while, and so I will
9 appreciate all your support, and we'll try to get through
10 it. And let me know if -- where I stumble. Okay?

11 And so I think we can move on to the next item,
12 which I believe is the Water Quality Division.

13 You guys are up.

14 MR. TILLMAN: Yes. My name is Bill
15 Tillman. I'm with the Water Quality Division of the
16 Department of Environmental Quality. And what we have
17 before you today is modifications to Chapter 12, which is
18 the design and construction of standards for public water
19 supplies. There weren't -- the modifications that we made
20 were fairly minor in general. There was some numbering
21 corrections that were done in Section 4.

22 In Section 7, there was some organizational and
23 grammar corrections that were recommended by the attorney
24 general's office. And also in Section 9 we updated some
25 cross-references, as well as some grammar corrections there

1 as well.

2 There were two major changes -- or two changes to
3 the chapter or additions that we made for this
4 presentation. One of those was basically the use of acid
5 in stimulating or developing a current water well. And the
6 other was conditions to address the seal integrity of wells
7 to guard against contamination.

8 The Division basically thought that in -- in
9 stimulating a well, that the plans for the well
10 stimulation, any concerns about the geology where the well
11 was being drilled, detailed procedure on the well would be
12 stimulated or how it would be accomplished, any mitigation
13 procedures that were going to be involved to protect the
14 environment. All those things would be information that
15 should be submitted with the application to the Water
16 Quality Division to drill that well. And basically we were
17 seeing that we were lacking in those areas. We've had some
18 applications where acidizing was being proposed, and we
19 needed to kind of -- there was a lot of back and forth with
20 the engineering trying to make sure we had all the
21 information that we needed to make sure that it was done,
22 you know, in a proper fashion.

23 Those new requirements for acid stimulations are
24 basically in Section 7(f), lines 437 through 490. Like I
25 said, there were several conditions there. Didn't know if

1 you had any questions regarding that. I didn't want to go
2 through those individually. I think they're pretty
3 straightforward, as far as what we're asking in the
4 application.

5 BOARD MEMBER CAHN: Mr. Chairman.

6 CHAIRMAN KIRKBRIDE: Yes.

7 BOARD MEMBER CAHN: So I had a question on
8 line -- new line 471. I didn't really -- the English
9 doesn't make sense to me. It's item (iv). It's on page
10 12-12 of the new one.

11 BOARD MEMBER BEDESSEM: Yeah, the green
12 one.

13 BOARD MEMBER CAHN: That's the green one.

14 BOARD MEMBER BEDESSEM: I think you need to
15 delete "shall discuss."

16 BOARD MEMBER CAHN: It says "a description
17 of shall discuss the borehole drilling" --

18 BOARD MEMBER BEDESSEM: I think "shall
19 discuss" just needs to be gone.

20 MR. TILLMAN: We will make that correction.

21 BOARD MEMBER CAHN: Or take out "of."

22 BOARD MEMBER BEDESSEM: Yeah, "description
23 of the borehole," yeah, because that matches above it.

24 BOARD MEMBER CAHN: And also on line 464,
25 whether is misspelled. It's W-H-E-T-E-R, and it should

1 have an H in there. Above it. Thank you.

2 BOARD MEMBER DEURLOO: Mr. Chair, I have a
3 question, please.

4 CHAIRMAN KIRKBRIDE: Yeah.

5 BOARD MEMBER DEURLOO: Mr. Tillman,
6 anecdotally many years ago I was drilling monitoring wells
7 for an underground project, and we had hits of toluene in
8 our water. We kept finding it in parts per million or
9 parts per billion, and we had no idea where it was coming
10 from. And we spent lots of money to figure out where it
11 came from. We finally figured out the toluene came from
12 adhesive on this tape that joined the pigtail from the
13 elect -- like the pigtail from the electronics to the pump.
14 And so from that -- from that, it was a big lesson learned.
15 Never used the green tape again, because it has a lot of
16 toluene in it, which is a bad thing.

17 So when I look at -- I don't know. It's 6 --
18 it's 7(e), there's a list of all these really good things
19 you need to know as part of that. But I would -- I'd ask
20 you to consider maybe a material list that is in the hole.
21 Maybe -- is that included in here? I didn't see it. Like
22 a material list of what goes downhole.

23 MR. TILLMAN: I don't think we speak to an
24 actual material list as far as of metals or casing or
25 things like that. I think what we're asking for is a

1 description of the procedures, particularly, you know, the
 2 type of acid, you know, injection pressures, things that
 3 they have problems with geology that would dictate that
 4 they need to stimulate the well in this fashion. But I
 5 don't think we speak to, you know, particular materials, as
 6 you allude to the toluene or adhesive that's a part of a
 7 type of tape like that. We can definitely take that under
 8 advisement to see if there's something in that area. I
 9 don't think we've run across that, necessarily. Again, in
 10 our experience with wells that are being drilled, as far as
 11 having that -- that type of problem, but this is definitely
 12 something that can be considered, yes.

13 BOARD MEMBER DEURLOO: Mr. Chairman. And
 14 I'm not making a recommendation for change. I'm just
 15 telling you a story, something for your consideration.

16 MR. TILLMAN: Absolutely.

17 BOARD MEMBER DEURLOO: Thank you.

18 MR. TILLMAN: Continuing on. The other
 19 part of the changes was basically the seal integrity of the
 20 well casing as it's being drilled. We wanted to just guard
 21 against contamination, particularly when the well
 22 penetrates more than one aquifer, when there's multiple
 23 aquifers being penetrated. Those changes, as far as the
 24 case sealing and the requirements therefor, they're in
 25 Section 9(b)(ii)(C), lines 897 through 918.

1 BOARD MEMBER BEDESSEM: I have a question.

2 CHAIRMAN KIRKBRIDE: Yes.

3 BOARD MEMBER BEDESSEM: Sorry.

4 CHAIRMAN KIRKBRIDE: Go right ahead.

5 BOARD MEMBER BEDESSEM: Never mind paying
6 attention. You're going to have to teach me how not to
7 butt in. So keep me in line, Chairman Kirkbride.

8 On 899, how -- and this was brought -- sort of
9 came to my attention because we were also reading, you
10 know, SHWD rules for today. And in the SHWD rules every
11 time they have a Wyoming licensed professional engineer,
12 it's modified by "qualified." And yet here we have
13 "qualified" crossed out. So can you explain why?

14 MR. TILLMAN: That was a recommendation by
15 the attorney general's office. I'm not exactly sure why.

16 MR. CRIPE: Chairman Kirkbride.

17 CHAIRMAN KIRKBRIDE: Yes.

18 MR. CRIPE: Board Member Bedessem. I would
19 agree with Bill that it was a change per the AG's Office to
20 change it. The intent of what we put in there was -- I
21 actually suggested that be put in. The intent behind it
22 was when we ran across these types of situations -- I'm a
23 licensed PE, but I don't have qualifications to do this.
24 We were running into personnel that were kind of
25 circumventing that process. So I threw that in as a hope

1 of trying to get someone with experience doing that. And
 2 when the AG reviewed it, they crossed it out.

3 BOARD MEMBER BEDESSEM: And I guess from my
 4 perspective as an engineer, it's pretty important then that
 5 PEs are only practicing in their area of expertise. You
 6 can have it certified by an electrical engineer, who is a
 7 Wyoming licensed professional engineer, but clearly aren't
 8 qualified. So I don't know that the qualified means that
 9 you have to determine that they're qualified if they just
 10 have the certification, the license that is in that field
 11 that would be applicable, I think that would be sufficient.
 12 So it seems like maybe you're getting information from the
 13 AG's Office that's different from SHWD than it is from
 14 Water Quality. Because in all the SHWD documents, it says
 15 qualified. And I would support qualified just so that
 16 people are not practicing, even though it is an ethics
 17 violation if they do so.

18 MR. TILLMAN: Chairman Kirkbride. Board
 19 Member Bedessem.

20 Andrew, correct me if I'm wrong, but I believe
 21 that the attorney general's office one of their new charges
 22 is as rules are being presented for promulgation, that they
 23 were going -- being gone through in this fashion to address
 24 clarity, I guess grammar formatting, and things like that.
 25 And I think that's something that they did for us that they

1 may not have done for SHWD just yet. Or I'm not sure if
2 it's gone through that process. I don't know.

3 BOARD MEMBER BEDESSEM: I'd have to check,
4 because it was from material that I read for today that had
5 "qualified" in it in the SHWD package.

6 MS. THOMPSON: Sure. So I think there's a
7 couple of things going on in that it's different AGs
8 reviewing different rules. So the AG that reviews the
9 Water Quality rules is different from the AG that reviews
10 the SHWD rules. So there may be a disconnect there. And
11 I'm trying to find -- I'm trying to find the notes that
12 they gave me specifically, but it's taking a while for some
13 reason.

14 But Bill is correct, that the AGs have been
15 charged with doing additional more thorough reviews. So
16 potentially going forward the reviews -- or the proposed
17 revisions that come forward to you will have even more
18 formatting changes and grammar changes and wording, like
19 rephrasings.

20 For this particular rule, they did ask us to
21 remove qualified. I believe we had it in two different
22 places, and they asked us to take it out. And I believe it
23 had something to do with they felt it was redundant to the
24 passage that followed, because they are PEs.

25 We can take -- again, we can take the

1 conversation that we're having here, we can take it back to
2 them and deliberate with them further, because --

3 BOARD MEMBER BEDESSEM: I can understand --
4 if there weren't different disciplines that you can get
5 your PE in, I would agree to take out "qualified," because
6 you don't want to be making that judgment based on
7 someone's experience or, you know, expertise. But since
8 you can get licensed in different areas, I would think it
9 would still be applicable.

10 But more so than that, it's trying to make sure
11 that we're consistent among the divisions with how we're
12 handling stuff. So that maybe they -- the AG
13 representatives need to talk to each other or something
14 along that line. So that's just my feedback on that.

15 BOARD MEMBER CAHN: Yeah, and I would agree
16 with that. I think perhaps if the AG felt like -- I'm just
17 guessing -- maybe the AG felt like who could say whether
18 they were qualified or not. But if -- so if it's a
19 different word choice that would make the AG happy? I
20 feel -- I agree with Marge, that I think we need something
21 in there to make sure that they are trained in and
22 experienced in the discipline for which they are going to
23 be doing this, so...

24 BOARD MEMBER BEDESSEM: And experience --
25 getting your license means you have the experience.

1 BOARD MEMBER CAHN: Right. Right. Yeah.

2 BOARD MEMBER BEDESSEM: So perhaps the AG
3 doesn't know that the PE licensing is in different
4 disciplines, and that may be just a clarification.

5 BOARD MEMBER CAHN: I'm just wondering if
6 you can go back to the AGs -- or you can -- you know, with
7 a request that we find something that --

8 BOARD MEMBER BEDESSEM: Either that or --

9 BOARD MEMBER CAHN: -- that indicates that
10 there definitely needs to be some kind of qualification
11 other than a PE license, so...

12 MR. KUHLMANN: Yeah. I think that's a
13 appropriate request to go and take back to them.

14 And I'm sure, Gina, you can probably kind of
15 raise it up through Kelly and that.

16 I think the -- I just thought I'd offer. I'm not
17 aware of what the reasoning was or anything on that. What
18 I could see -- because I've seen this in other situations
19 of when we are dealing with professional licensure, is when
20 you put in some like "qualified," then that indicates that
21 maybe there needs to be a judgment made, possibly by DEQ,
22 as to what would be qualified or not. And does that mean
23 you have to provide certain materials, or you have to
24 provide certain like affidavit that you're qualified, or
25 something like that. And so instead of spelling that out,

1 if the practice act for the particular discipline requires
2 you to only provide the practice in an area that you're
3 competent and qualified to do, then leaving it to that for
4 the -- for the engineer board to deal with any kind of
5 malpractice related to that, and then it removes the
6 question of whether or not DEQ needs to have something more
7 and what that would be.

8 And so I think it's fair to raise that question
9 and have them take a look at it again and say, you know,
10 with these comments that you guys have provided. But I
11 will say that I'm fairly certain the attorneys who looked
12 at this do know there are different types of engineers.

13 BOARD MEMBER BEDESSEM: Right. Uh-huh.

14 MR. KUHLMANN: In fact, the engineer board
15 attorney --

16 BOARD MEMBER BEDESSEM: Is the one who read
17 it.

18 MR. KUHLMANN: Not necessarily, but he's
19 one of the supervisors in that area, that group of
20 attorneys. So I'm fairly confident that they knew about
21 that part.

22 BOARD MEMBER BEDESSEM: So the main issue
23 might just be making sure those corrections are consistent
24 with the SHWD documents as well.

25 MR. KUHLMANN: Yes. And I think that's an

1 important thing to make sure that we're doing that.

2 BOARD MEMBER CAHN: And perhaps a word such
3 as "appropriate." The report has been certified by an
4 appropriately licensed Wyoming -- you know, or something.
5 I don't know. Maybe we can find another word that would be
6 less objectionable, but would indicate that, you know,
7 their qualification has to match when they're doing.

8 MS. THOMPSON: Chairman Kirkbride, we have
9 a commenter who --

10 CHAIRMAN KIRKBRIDE: Sir.

11 MS. THOMPSON: Go ahead.

12 MR. DOYLE: Good morning. My name is David
13 Doyle. I'm a professional engineer. I'm registered as a
14 petroleum engineer in the state of Wyoming. And I wanted
15 to offer some perspective on the issue of qualified.

16 I have been in the oil and gas industry, oh, my
17 gosh, almost 40 years now. And I would say that I've had a
18 relatively diverse background in that. Anything involving
19 the industry, I probably have been involved with. And as a
20 result, I practice under -- under my determination that I
21 am qualified on the basis of my education -- my formal
22 education, my experience, and my training. And that goes
23 far afield sometimes. For example, I have a formal
24 education in geology. A lot of the work I do would
25 normally be considered the domain of a professional

1 geologist, but I am well qualified to do that. And I think
 2 having state organizations attempt to clarify that
 3 definition outside of the domain of the state boards is
 4 probably going to lead to a lot of confusion. I think that
 5 the state licensing boards are the appropriate organization
 6 to ensure that the registered members only practice in
 7 areas where they're qualified. And anyone -- anyone that
 8 submits documents stamped and sealed to the Wyoming
 9 Department of Environmental Quality that are obviously an
 10 attempt to skirt the rules should be referred to the board
 11 for discipline. And that's just what I -- that's all I
 12 wanted to add. Thank you.

13 BOARD MEMBER DEURLOO: Mr. Chairman.

14 CHAIRMAN KIRKBRIDE: Yes.

15 BOARD MEMBER DEURLOO: I have similar
 16 feelings, in not so many words. I'm not a professional
 17 engineer, but I'm a mining engineer. And I had several
 18 PEs work for me, and you have several as well, that they
 19 would -- most of the time an engineer will not risk their
 20 licensure on something like that, if they're not
 21 specialized within the domain.

22 So I think -- I think striking the word
 23 "qualified" is completely justifiable and just keeping it
 24 as professional engineer, professional geologist, because
 25 it's probably clear enough for these rules is my reco -- is

1 my opinion.

2 BOARD MEMBER BEDESSEM: Mr. Chairman. I
3 only brought it up, not because I was concerned about
4 deleting the qualified, but because it just shot out at me
5 when I read the SHWD rules that they were handled in two
6 different ways. So just wanted discussion to know which
7 way it should be handled, and so we try to make it
8 consistent.

9 MS. THOMPSON: Sure.

10 BOARD MEMBER BEDESSEM: So I expect we can
11 rely on the state board. And it might be if we have
12 appropriate -- I don't know that somebody was making a
13 judgment, so...

14 BOARD MEMBER CAHN: Mr. Chair.

15 CHAIRMAN KIRKBRIDE: Yes.

16 BOARD MEMBER CAHN: No. I'm fine with
17 whatever. This isn't a showstopper for me. It was just
18 for the discussion. And I'm fine with whatever you guys
19 agree with the AG's office on. So I just thought it was
20 worthy of discussion, so...

21 MR. TILLMAN: And I think as a division, we
22 would concur with Board Member Deurloo, that it's up to the
23 professional engineer or geologist to understand where
24 their area of expertise is, and that if they're entering an
25 area where they're not sure -- they don't have that

1 experience, that they should basically bow out themselves.
2 Because like you said, because you're risking your
3 licensure by stamping something you don't have experience
4 in, and that is our responsibility as professional
5 engineers.

6 Those were the -- the changes that we're
7 presenting today for Chapter 12. I didn't know if there
8 were any other questions from the Board.

9 BOARD MEMBER BEDESSEM: Chairman Kirkbride.

10 CHAIRMAN KIRKBRIDE: Marge, yes.

11 BOARD MEMBER BEDESSEM: I have some general
12 questions. First is, you know, these changes related to
13 acidizing, did this come about because of a particular
14 experience or something that's happened? What's the
15 background for the changes?

16 MR. TILLMAN: Basically, there were some
17 issues with wells that were being drilled up in the Madison
18 formation up around Gillette, where they were proposing
19 acidizing as a way to stimulate the well, the water
20 production, and there was some issues that came across --
21 came about because of that, and that's what we were
22 addressing because we didn't have anything in the rule
23 specifically speaking to acidizing and procedures and how
24 they would ensure environmental, you know, quality,
25 wouldn't be compromised.

1 And then there was some other issues that came up
2 with some neighboring wells that led us to making sure we
3 spoke to case integrity as well. Because as it turned out,
4 the acidizing that was going along in the Gillette Madison
5 area was more related to geological chemistry, more so than
6 an environmental problem. But it brought to light that we
7 didn't really speak to some of those issues in the rule,
8 and it kind of left it open. And that's why there was a
9 lot of back and forth with the engineer trying to get
10 information, what are you doing? How you doing this, so
11 on.

12 And then there was concerns from other ranchers
13 and I think well owners in the area like, hey, how come
14 we're seeing this, you know. And we couldn't speak to some
15 of the things of how the well was developed, namely the
16 case sealing met integrity. So that was some of the issues
17 that came about that made us look at it and say we really
18 didn't have anything codified in the rule that would help
19 that situation not be a case-by-case basis.

20 BOARD MEMBER BEDESSEM: Thank you for that
21 background. I appreciate that. I also had just another
22 question, and this is probably just for my edification too,
23 because I'm not as familiar with this. But in that -- this
24 Section 9(c), 899 through 918.

25 MR. TILLMAN: Uh-huh.

1 BOARD MEMBER BEDESSEM: There's two sets.
2 One -- the first one asks for a cement bond log report.
3 The second one just says a report. Is it a different
4 name --

5 MR. TILLMAN: No.

6 BOARD MEMBER BEDESSEM: -- or is it a bond
7 log report?

8 MR. TILLMAN: Pardon me, ma'am -- Chair
9 Member -- Board Member Bedessem.

10 Chairman Kirkbride, I'm going to stumble a bit
11 too.

12 CHAIRMAN KIRKBRIDE: It's all right.

13 BOARD MEMBER BEDESSEM: We're all going to
14 learn through today.

15 MR. TILLMAN: Basically, the first part is
16 for wells that penetrate more than one aquifer, and that's
17 where the cement bond log is required or being asked for to
18 ensure that we have sealing integrity for the length of the
19 casing.

20 The second one is you're still worried about seal
21 integrity, but it's typically on one that penetrates only a
22 single aquifer or has met some mineralized water, polluted
23 water. And that one we're not necessarily asking for that
24 cement bond log as a requirement. We're also asking the
25 engineer or geologist to give us, you know, what -- how are

1 you going to ensure that that case does have sealing
2 integrity to it, different than requiring the cement bond
3 log. So one's requiring cement bond log. The other one
4 isn't necessarily calling for that, but asking for what
5 measures you're doing to provide that same type of sealing
6 integrity.

7 BOARD MEMBER BEDESSEM: So more on the
8 order of a well construction report.

9 MR. TILLMAN: Yes.

10 CHAIRMAN KIRKBRIDE: Do you think -- do you
11 think it's clear enough for the user? I'm asking each of
12 you.

13 BOARD MEMBER CAHN: Do we need to add "well
14 construction report"? "Well construction log" or
15 something?

16 BOARD MEMBER BEDESSEM: Because it just
17 says "a report."

18 MR. TILLMAN: Yes, we can consider adding
19 another word to describe that. A well report or
20 construction report. We can definitely add that to that
21 wording to clarify different than the cement bond log
22 report.

23 BOARD MEMBER BEDESSEM: Because the
24 other -- the two items under it I think both fall under
25 well construction. Yeah, because when I was reading it, I

1 thought, you know, we spend so much darn time trying to
 2 figure out how to eliminate numbers of words. And these
 3 two sections had all the -- exactly the same stuff except
 4 for Item 1, in the first part, where it says, you know, the
 5 well construction is evaluated with appropriate geophysical
 6 tools, but the other two are exactly the same.

7 MR. TILLMAN: Board Member Bedessem, I had
 8 the same comment when I read through it. I questioned that
 9 myself, and I thought that this question might come up. So
 10 I had kind of prepared myself for that. But that is the
 11 difference, is one is calling for that cement bond log and
 12 other is not. But we can clarify a well construction
 13 report or -- clarify what type of report we're looking for
 14 in the second case. Because it tends to be the simpler
 15 well construction where you're not penetrating multiple
 16 aquifers and going down thousands of feet. It's, you know,
 17 the simpler wells. So, again, we still need the
 18 information regarding the integrity of the case sealing,
 19 but we should specify what that report should look like.

20 BOARD MEMBER BEDESSEM: So you already went
 21 down the path of trying to figure out a way to -- if you
 22 could lump those two together and just add the third one
 23 after, and this was easier, because -- okay. Thank you.

24 MR. TILLMAN: Yes.

25 BOARD MEMBER BEDESSEM: Hate to be

1 predictable, but...

2 MR. TILLMAN: I saw that one coming.

3 BOARD MEMBER BEDESSEM: All right. That's
4 all the questions I have.

5 BOARD MEMBER CAHN: I have a question about
6 report, though. Are we looking for something other than
7 the log, the well completion log? Are you looking for also
8 a narrative description, or are we just looking for a --

9 MR. TILLMAN: I don't think we -- we're
10 that prescriptive in what exactly that should look like.
11 We're leaving it to the engineer to basically tell us in
12 what form or what fashion can you ensure that sealing
13 integrity, be it, you know, through a report, through
14 narrative, through some other demonstration. But we did
15 not want to be that prescriptive as to tell them how that
16 needed to be presented to us.

17 BOARD MEMBER BEDESSEM: As long as you have
18 the information --

19 MR. TILLMAN: Correct.

20 BOARD MEMBER BEDESSEM: -- we're not
21 worried specific about format. So report is so much
22 narrower, I guess.

23 BOARD MEMBER CAHN: I think if I was having
24 to respond to this, I would give you the well completion,
25 you know, log -- the well completion -- and then I go, oh,

1 I have to write a report then I would tell you what was in
 2 my figure in words, which would seem really kind of silly
 3 and redundant. So I don't know. I mean --

4 MR. TILLMAN: Board Member Cahn, that might
 5 be part of the conversation in the back and forth when we
 6 get the application information. If they were to present
 7 it, as you suggested, it's in my completion report, when
 8 they looked at that, if they could not tell or did not see
 9 all the information that they were wanting, they might come
 10 back to you and say, hey, we see your report, but could you
 11 give us a little bit better description or additional
 12 narrative as to how that was done. That's the best I can
 13 offer as to how that transaction might go, that
 14 conversation might go.

15 BOARD MEMBER CAHN: Because I was thinking
 16 if we replaced report from information -- with information,
 17 or something, then that might -- then that leaves it open
 18 to if the -- you know, if a well completion log is all --
 19 is necessary, or -- well, diagram is all that's necessary,
 20 then you're done. But I don't see --

21 MR. TILLMAN: Board Member Cahn, I believe
 22 that the word "report" is probably used in there because in
 23 Chapter 2, when we get applications, we always referred to
 24 our engineering report as what they're submitting to us.
 25 So I think report is just a common jargon term that we use

1 to qualify the package or the stack of paper that we get.

2 BOARD MEMBER CAHN: Okay. Thank you.

3 CHAIRMAN KIRKBRIDE: Have we -- have you
4 spoken, Mr. Tillman, to everything?

5 MR. TILLMAN: I believe I've answered most
6 of the questions that have been presented. If there are no
7 other questions?

8 BOARD MEMBER BEDESSEM: Chairman Kirkbride,
9 I was just curious, are we taking public comments on this
10 today?

11 MR. TILLMAN: We did have -- it was open
12 for public comment, but we did not receive any public
13 comment. The water development office said that they did
14 not have any comments in regards to our changes in the
15 chapter. The state engineer's office also did not have any
16 comments to these changes to our chapter.

17 BOARD MEMBER BEDESSEM: I just meant
18 whether we needed to ask for public comment today.

19 MR. TILLMAN: Oh.

20 MS. THOMPSON: Yes, I would.

21 BOARD MEMBER BEDESSEM: Trying to help the
22 new chair.

23 MS. THOMPSON: Yes, I would open it up,
24 just to see if there is anyone in the room. But on our
25 side, on the written side, we have not received any today.

1 So if there are -- if there are any audience members, we
2 would ask you to open it up to them.

3 CHAIRMAN KIRKBRIDE: All right. And as has
4 been expressed, is there any public comment? You're very
5 welcome to express yourself, if so.

6 It looks like we're okay there.

7 MR. TILLMAN: Chairman Kirkbride, if there
8 are no other questions, we would like to ask maybe if we
9 could vote to move this forward to the EQC.

10 CHAIRMAN KIRKBRIDE: All right.

11 BOARD MEMBER BEDESSEM: I would make a
12 motion to move Chapter 12 forward to the EQC with the minor
13 corrections that were listed today.

14 BOARD MEMBER CAHN: I would second.

15 CHAIRMAN KIRKBRIDE: All right. Is there
16 discussion of the motion? If not, we'll proceed to vote.

17 All in favor of moving this forward say aye.

18 BOARD MEMBER DEURLOO: Aye.

19 BOARD MEMBER BEDESSEM: Aye.

20 BOARD MEMBER CAHN: Aye.

21 CHAIRMAN KIRKBRIDE: Opposed?

22 It carries.

23 MR. TILLMAN: Thank you.

24 BOARD MEMBER BEDESSEM: Congratulations on
25 Chapter 12.