

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.

1 CHAIRMAN KIRKBRIDE: Now are we to 14?

2 MS. THOMPSON: That is correct,

3 Mr. Kirkbride. If we could have a moment, we're going to
4 switch out some of our staff and switch out Bill and bring
5 in --

6 CHAIRMAN KIRKBRIDE: All right.

7 MS. THOMPSON: -- Rich as the presenter.

8 CHAIRMAN KIRKBRIDE: Okay. Sure.

9 MS. THOMPSON: We'll go forward with
10 Chapter 14, which is our financial assurance chapter
11 for commercial oilfield -- or commercial oil waste disposal
12 facilities. And then our proposed new rule Chapter 28.

13 Oh, and I have changes for you, so I should have
14 thought of that, sorry.

15 BOARD MEMBER DEURLOO: Of course you do.

16 MS. THOMPSON: Of course I do.

17 MR. CRIPE: Chairman, can I have like a
18 five-minute --

19 CHAIRMAN KIRKBRIDE: Sure. Let's take five
20 minutes. Do what you've got to do.

21 (Meeting proceedings recessed

22 9:46 a.m. to 9:53 a.m.)

23 CHAIRMAN KIRKBRIDE: All right. Let's --
24 let's begin again. We'll turn it over to you, sir.

25 MR. CRIPE: Chairman Kirkbride, I'm here

1 today to present a new rule. Actually, two rules. They
2 both are going to kind of dovetail together.

3 BOARD MEMBER CAHN: Excuse me, Rich. Will
4 you introduce yourself.

5 MR. CRIPE: I'm sorry. My name is Rich
6 Cripe. I'm the wastewater program manager for DEQ.

7 We're here today to present Chapter 28 minimum
8 standards for design and construction of commercial oil
9 waste disposal facilities, as well as Chapter 14, which is
10 the financial assurance.

11 Earlier this year, we had some outreach with PAW,
12 PRBRC, WOC, and Environmental Defense Fund. From that
13 outreach, before we got the rule to where it is, we had
14 comments about -- my general understanding was PAW wanted
15 things to be fair, but they were in general agreement with
16 what we were doing. PRBC [sic] wanted the public
17 participation aspect, which you'll see in this rule. And
18 WOC and the Environmental Defense Fund, their comments were
19 leak detection requirements and setbacks.

20 And we've addressed those as well before we went
21 through. This rule is interesting in the sense that we had
22 had to use several rules, as well as a guidance document,
23 to navigate permitting of this, and so what we're trying to
24 do is pull all of this into one rule, make it better
25 organized and easier to go through the permitting process.

1 So I'll go through Chapter 14, which is the reminder, and
 2 then I'll go through Chapter 28. Chapter 28's got several
 3 sections, so after each section I'll ask, as we go through,
 4 if there's comments and things of that nature.

5 In Chapter 14, what we basically did in Section 1
 6 is we corrected some formatting errors. In Section 3, we
 7 corrected formatting errors in paragraph (d), we
 8 reorganized portions of the passage and added new language
 9 to the chapter at paragraph (d)(v), in order to establish
 10 consistency in paperwork submittals from permittees.

11 And Section 4, we corrected formatting and
 12 capitalization errors.

13 So page 14-1, you can see the edits that we did
 14 there on line 8.

15 BOARD MEMBER BEDESSEM: Which version are
 16 you looking at?

17 MS. THOMPSON: So Madam Chair -- Board
 18 Member Bedessem. I apologize. He's in Chapter 14, and we
 19 did not make any different -- we did not make any changes
 20 based on public comment, so the chapter -- the version that
 21 he's in, the strike and underline that was --

22 BOARD MEMBER BEDESSEM: That's the one he
 23 used, is the clean versus strike and underline.

24 MS. THOMPSON: Yeah. So strike and
 25 underline from August 26.

1 BOARD MEMBER BEDESSEM: Okay.

2 BOARD MEMBER CAHN: September 6.

3 BOARD MEMBER BEDESSEM: September 6.

4 MS. THOMPSON: That is the correct date.

5 MR. CRIPE: So line 8 shows those changes
6 in the strike and underline draft, 9/6/19. And Section 3,
7 which is page 14-6 in the strike version, you'll see from
8 line 241 to 276, the changes. Basically 250 to 263 is just
9 basically reformatting that striked-out version there that
10 you see in red. And then (v) and (A), (B) and (vi) are all
11 the added language that we put into this to help clarify in
12 process of permitting.

13 Are there questions?

14 CHAIRMAN KIRKBRIDE: Yes.

15 BOARD MEMBER CAHN: Just English.

16 MR. CRIPE: Okay.

17 BOARD MEMBER CAHN: So on line 258, the use
18 of the word "assure." You can -- you are really trying to
19 insure or ensure an outcome, rather than assuring a person.
20 So unless you want to add the person or entity you're
21 assuring, it should be insure or ensure. And I don't have
22 a preference either way, if it's I-N or E-N. And I know
23 it's confusing because it's the financial assurance
24 chapter, but the proper use is in or en in that sense.

25 MR. CRIPE: Chairman Kirkbride. Board

1 Member Cahn, we'll use the word "ensure."

2 CHAIRMAN KIRKBRIDE: Yes, sir.

3 MR. CRIPE: Are there more questions,
4 Chairman?

5 CHAIRMAN KIRKBRIDE: Are there other
6 things, folks?

7 BOARD MEMBER BEDESSEM: I just wanted to
8 make one comment. That this section, the financial
9 assurance, the re-wording and the outline is much more
10 readable than the previous version. So kudos to you for
11 that improvement.

12 MR. CRIPE: I would be happy to give the --
13 Board Member Bedessem, I have to give that to Gina. She
14 ensured we looked better in our presentation.

15 BOARD MEMBER DEURLOO: Mr. Chairman.

16 CHAIRMAN KIRKBRIDE: Yes.

17 BOARD MEMBER DEURLOO: I do have one
18 question. Not to get too far back into the qualified
19 engineer and all that stuff. But on line 267, does it
20 matter, do you want it to have a Wyoming registered
21 surveyor or any -- I guess does that matter or not?

22 MR. CRIPE: Board Member Deurloo.

23 BOARD MEMBER DEURLOO: Sure.

24 MR. CRIPE: Chairman Kirkbride. Board
25 Member Deurloo -- Deurloo. Yes, we can add that. That is

1 necessary to put in there.

2 BOARD MEMBER DEURLOO: Okay.

3 MR. CRIPE: Thank you.

4 BOARD MEMBER BEDESSEM: I don't have any
5 further comments on 14.

6 CHAIRMAN KIRKBRIDE: Okay. I think we're
7 okay then.

8 BOARD MEMBER BEDESSEM: Do we need public?

9 CHAIRMAN KIRKBRIDE: Pardon me?

10 BOARD MEMBER CAHN: Public. Public
11 comments.

12 CHAIRMAN KIRKBRIDE: Of course. Does the
13 public have any comments?

14 Yes, sir.

15 MR. DOYLE: I have a question. The
16 paragraph at 266 and 268, where it talks about financial
17 assurance, where it would cover all site reclamation on the
18 property that is designated in Exhibit A, which would be
19 the legal description. My employer has bonding with the
20 DEQ through the commercial oilfield water disposal facility
21 program, and we have bonding on the same property through
22 the UIC program. Is there -- would somebody please explain
23 how multiple bonds would be coordinated under a
24 one-property policy?

25 MS. THOMPSON: So, Mr. Chairman, Lily

1 Barkau of our groundwater program. She's the other party
2 that he's speaking of, so we have the commercial oilfield
3 waste disposal facility program under water and wastewater,
4 and underground water, and we do bond coordination within
5 our office.

6 MS. BARKAU: So as Gina mentioned, my name
7 is Lily Barkau. I'm the groundwater section manager. To
8 address the comment that of Mr. Doyle, we handle multiple
9 bonds within DEQ of designating a certain program that will
10 be holding the higher bond and coordinate with them. So my
11 program has a similar bonding situation where we work with
12 Land Quality Division to bond underground injection control
13 wells with their permitted mine facility, as their mine
14 carries a much larger bond in the millions of dollars under
15 the UIC program, holds a bond that's in the hundreds of
16 thousands. We allow them to serve as the lead to hold the
17 bond. And then we supply our financial assurance
18 information to that group to make sure that our information
19 is included. I would see something similar probably being
20 worked out between our group, having a Water Quality
21 Division bond where our two programs would then identify
22 our individual needs and require one bond from the
23 operator.

24 MR. DOYLE: Thank you.

25 CHAIRMAN KIRKBRIDE: Excuse me, but you

1 know, here's kind of a 30,000-foot question. Are there
2 other states that -- are we -- are we kind of -- did we
3 kind of go on our own when we make decisions like this on
4 how we deal with financial issues or is there a -- is there
5 a general approach that other states use not to -- just for
6 what it's worth? Anybody want to answer that?

7 MS. THOMPSON: Yeah, you can.

8 MS. BARKAU: I will try to attempt to
9 answer that, Chairman Kirkbride.

10 I believe that other states follow something
11 similar, where a lead program would set the -- be the
12 primary bond holder. Since both of our programs are under
13 the Water Quality Division, it would just be a Water
14 Quality Division bond. I know that when it comes to
15 federal agencies versus state agencies, they will hold
16 separate bonds. And so that -- that's probably the only
17 case that I'm aware of separate bonds being held, just
18 because of a federal versus a state regulatory agency. But
19 within a state -- if it's within its own agency, I'm not
20 sure how it would work if it were a different agency. They
21 may require their own bond to be held. I think we have a
22 little bit more flexibility being under the same division
23 of the DEQ.

24 CHAIRMAN KIRKBRIDE: I think so. Okay.
25 Just -- just curious.

1 Anything else from the public? Or anywhere else?

2 All right. That is all we have on 28, is this
3 correct?

4 BOARD MEMBER BEDESSEM: 14.

5 BOARD MEMBER DEURLOO: 14.

6 MR. CRIPE: 14.

7 CHAIRMAN KIRKBRIDE: 14, yeah.

8 Is that right?

9 MR. CRIPE: That is correct, Mr. Chairman.

10 Chairman, proceeding on. Chapter 28, as I had
11 clarified earlier, was several things being pulled
12 together. It was a Chapter 3, Chapter 8, portions of
13 Chapter 11 were used. 14 was used indirectly because of
14 the financial assurance. And Chapter 20 was also used for
15 the leak detection aspect of it.

16 The proposed regulation 28 is to streamline and
17 clarify the design, construction, and operation,
18 monitoring, and reporting requirements for COWDF into one
19 chapter.

20 Section 1 added a cross-reference for
21 applicability of rulemaking authority for Wyoming statutes.
22 Was there a question on Section 1?

23 CHAIRMAN KIRKBRIDE: Yes, Ms. Cahn.

24 BOARD MEMBER CAHN: Sorry. I wanted to go
25 back to 14 for just a second.

1 MR. CRIPE: Okay.

2 BOARD MEMBER CAHN: On page 6 of your
3 response to comments, for the outreach comment period
4 ending February 25th, there was a comment from the
5 Environmental Defense Fund. This is on page 6 of the
6 comment response and the Wyoming Outdoor Council. And your
7 response was "Comment noted." And in my mind, that's not
8 really a response. So I'm wondering -- I'd like a little
9 more discussion on why you didn't do anything to respond to
10 this comment.

11 MS. THOMPSON: So, Ms. Cahn, I'll go ahead
12 and read the comment out loud.

13 BOARD MEMBER CAHN: Okay.

14 MS. THOMPSON: So the comment states "The
15 current guidelines specify that financial assurance be
16 provided for closure and post-closure activities and for
17 corrective action if required under Section 3(e)(iii). It
18 further details methodology for determining financial
19 assurance requirements and documentation, providing
20 sufficient financial assurance is necessary to protect
21 against financial burdens for facility closure and cleanup,
22 if required, being borne by the public. Care must be
23 exercised to ensure any modification to this guidance
24 strengthens, not weakens, the financial assurance
25 provisions."

1 MR. CRIPE: So, Board Member Cahn, I think
2 our Chapter 14 does speak to that. We cover everything in
3 there. So we weren't trying to not make note that they had
4 mentioned it, but I guess we could change our answer, if
5 that would -- that it suited, and clarify that, if that
6 would help. But we felt Chapter 14 did address that.

7 BOARD MEMBER CAHN: Yeah, I think --

8 MS. THOMPSON: I think the agency feels
9 that we agree with the comment, but that that financial
10 assurance is already in place, and we weren't proposing any
11 additional financial assurance and we're not proposing to
12 remove any financial assurance.

13 BOARD MEMBER CAHN: And I just think in a
14 response like that, that DEQ agrees with Wyoming Outdoor
15 Council and Environmental Defense Fund, and we believe
16 these regulations have strengthened, not weakened, or
17 something a little more -- to me "comment noted" kind of
18 means, well, we don't agree with you and we're not going to
19 do anything about it and we're not going to respond, kind
20 of. So to me that would be better just to say you do agree
21 and you think you're doing it, or something along those
22 lines.

23 MR. CRIPE: Chairman Kirkbride. Board
24 Member Cahn, I would agree with that. We will make that
25 change. I would further go on that the intent of adding

1 the language in there was to strengthen that for a
2 facility, because in past, we used to do these with per --
3 permits, and you can imagine trying to keep track of this
4 money with this permit, and now it's associated with the
5 whole facility so that a lot of these facilities will
6 change ownership several times. And so we felt it
7 strengthened it. But we will take that and change -- make
8 that change and comment.

9 BOARD MEMBER CAHN: Thank you. I think
10 it's a good place to even toot your own horn, you know,
11 so -- thank you.

12 MR. CRIPE: Thank you.

13 CHAIRMAN KIRKBRIDE: All right. We will go
14 back to 28.

15 MR. CRIPE: Okay. So I think I -- Chairman
16 Kirkbride, I think I stopped at Section 1 and asked a
17 question -- if there were any questions on that --

18 CHAIRMAN KIRKBRIDE: Yes.

19 MR. CRIPE: -- for Section 1.

20 BOARD MEMBER BEDESSEM: I might just have a
21 question that's just for my knowledge, I guess. Not any
22 comment as to necessarily change anything.

23 But the -- so these facilities that are able to
24 accept exploration and production wastes, they accept
25 wastes that are only exempt from RCRA, except in

1 Section 2 (c)(i), where you can take nonexempt E&P wastes
2 that are considered nonhazardous. So are the drilling
3 fluids, drilling mud, and production wastes nonexempt E&P
4 wastes that are nonhazardous or are they separate?

5 I -- I wasn't -- I was trying to determine if
6 that was a list or if the following things were included in
7 that general category.

8 MS. THOMPSON: We'll weigh in with one of
9 our staff. He does the permitting for these facilities.
10 And --

11 BOARD MEMBER CAHN: I had the same
12 question. And if this would help, I have a quote from 40
13 CFR 261.4(b)(5), which is "Drilling fluids, produced
14 waters, and other wastes associated with the exploration,
15 development, or production of crude oil, natural gas,
16 geothermal energy." So I don't know if that -- it doesn't
17 talk about the nonexempt, but...

18 BOARD MEMBER BEDESSEM: Yeah. I'm still
19 confused about it, so...

20 BOARD MEMBER CAHN: So it's covered.

21 BOARD MEMBER BEDESSEM: We'll be
22 enlightened here.

23 CHAIRMAN KIRKBRIDE: Sir, do you have a
24 comment?

25 MR. LAMB: I'm -- I don't know that I heard

1 the question clearly. My name is Dennis Lamb. I'm with
2 DEQ, Water Quality Division.

3 Could you restate the question for me?

4 BOARD MEMBER BEDESSEM: I wanted some
5 clarification, and then Lorie, you can add if I don't get
6 the gist here. But in Section 2(c)(i), it says "Nonexempt
7 E&P wastes that are considered non-hazardous" and it's in a
8 list with drilling fluids, drilling mud, production waste,
9 "may approved on a case-by-case basis..."

10 So are the drilling fluids, drilling mud, and
11 that production wastes nonexempt E&P waste?

12 MR. LAMB: They can be. The exempt list by
13 EPA is very complex. Some of these can be -- depending on
14 how they use or what's been done with them -- can be
15 nonexempt.

16 BOARD MEMBER CAHN: So --

17 MR. LAMB: And then they would have to be
18 exempt -- sample tested and accepted on a case-by-case
19 basis.

20 BOARD MEMBER BEDESSEM: But you can have
21 production wastes that are exempt, and then it would fall
22 under -- well, no, (c)'s --

23 MR. LAMB: It would be allowed in the first
24 place, without having to be tested.

25 BOARD MEMBER CAHN: So do we need a "such

1 as"? Is this the drilling fluids, drilling mud, and
2 production wastes --

3 BOARD MEMBER BEDESSEM: It would be such as
4 some drilling fluid --

5 BOARD MEMBER CAHN: Yeah, some.

6 BOARD MEMBER BEDESSEM: It's confusing to
7 me that you have production waste with the category it
8 falls under.

9 MR. LAMB: Yeah.

10 MS. THOMPSON: I guess -- Mr. Chairman.
11 Marge and Lorie, I'm wondering if it would be appropriate
12 to add the drilling fluids, muds, and production wastes
13 first, and then say and nonE&P wastes that are considered
14 nonhazardous.

15 BOARD MEMBER CAHN: But you're not saying
16 all drilling fluids, all drilling mud, and all production
17 wastes. So you've got to be careful.

18 MS. THOMPSON: Right.

19 BOARD MEMBER BEDESSEM: Because then it
20 implies that any kind of drilling mud you have to get -- is
21 that -- is that the case here, is that what it's saying
22 here, if you have drilling muds, that you have to have it
23 approved on case-by-case basis to accept it?

24 MS. THOMPSON: I believe that's what it is
25 saying.

1 Dennis, do you agree?

2 BOARD MEMBER BEDESSEM: Such as --

3 MR. LAMB: Yeah. Most of the facilities
4 don't accept drilling muds. So in my opinion we could
5 probably strike all three of those and just leave it as
6 a nonhazardous as defined by the RCRA, nonE&P.

7 BOARD MEMBER BEDESSEM: And get rid of
8 those three so that it's not confusing?

9 MR. LAMB: Yeah. Don't start a list,
10 because it's very complex, to start a list. That may be
11 something that may be struck.

12 BOARD MEMBER BEDESSEM: Yeah, I would be
13 happier with that, because I find this really confusing,
14 because I don't know if "some" falls in that category or
15 some --

16 MR. LAMB: Yeah. It takes a lot of work to
17 decide what is and what is not. You know, it's not that
18 simple as three different things. So I -- it's -- my
19 suggestion would be that we do -- to resolve this, we take
20 these three out. We don't enumerate and list.

21 MS. THOMPSON: Mr. Kirkbride, I have a
22 nonrelated request.

23 I think we might have some cell phone
24 interference that might be interfering with the
25 microphones. So if you have -- if you have your phone and

1 it's a little close to the mic, if you could maybe set it
2 against the back wall or --

3 BOARD MEMBER BEDESSEM: Mine's turned off.

4 MS. THOMPSON: -- if you're radioactive or
5 some other scenario.

6 BOARD MEMBER DEURLOO: Is the battery low
7 on it?

8 MS. THOMPSON: I think it's just -- somehow
9 there's some interference, and it seems to have uptick and
10 goes back down. But I don't know -- that may have -- that
11 may help. We may have to turn the mics off and get shouty.

12 BOARD MEMBER BEDESSEM: Mine's off.

13 MS. THOMPSON: I apologize. I know we love
14 getting interrupted for very important things like cell
15 phone interference. So it seems to have died down a
16 little, so I appreciate your cooperation. And now we can
17 go back to talking about our nonexempt E&P wastes.

18 BOARD MEMBER BEDESSEM: Thank you for
19 clarifying. That makes it simple.

20 MR. LAMB: I think to simplify it, the best
21 way is to strike all three, because it's really hard to
22 decide what's E&P exempt and what's not when it comes to
23 drilling fluid. It's how have they been handled? Have
24 they been processed? Has something else been done with
25 them since they've come? So I think it would be simpler

1 just to leave it that way, take those out.

2 BOARD MEMBER CAHN: That sounds good.

3 BOARD MEMBER BEDESSEM: Thank you.

4 BOARD MEMBER CAHN: Thank you.

5 BOARD MEMBER BEDESSEM: Sorry I jumped
6 ahead. But only by three paragraphs.

7 MR. CRIPE: Chairman Kirkbride, I'd like to
8 continue, if that's okay.

9 CHAIRMAN KIRKBRIDE: Please do.

10 MR. CRIPE: Section 2, we added applicable
11 streamlining waste description from our guideline
12 commercial oilfield waste disposal facilities, revised as
13 of October 2013. We added clarification of noncommercial
14 pits from a memorandum of agreement between DEQ and Oil and
15 Gas. Is there more questions on Section 2?

16 BOARD MEMBER CAHN: I just was wondering if
17 "communitized" is defined in definition somewhere already,
18 or whether that's something that needs to be defined.

19 MR. CRIPE: Chairman Kirkbride. Board
20 Member Cahn, I'm not --

21 BOARD MEMBER BEDESSEM: Line 42.

22 BOARD MEMBER CAHN: Line 42 uses the word
23 "communitized area," and --

24 MR. LAMB: I believe that's directly from
25 the memorandum of agreement.

1 BOARD MEMBER CAHN: I was just wondering
2 whether we wanted to add "communitized" to the definitions,
3 because it's in the definitions.

4 MR. LAMB: Oh, okay.

5 BOARD MEMBER CAHN: I know what it is, but
6 it might not be -- I mean, maybe everybody using this
7 chapter knows it, but I had to look it up. So I don't
8 know.

9 MR. CRIPE: Chairman Kirkbride, Board
10 Member Cahn, we can certainly do that. We can add that as
11 the definition.

12 MS. THOMPSON: I think I'll go ahead and
13 add a qualifier to Rich's statement in that we'll verify
14 it's not already defined in the statutes or already defined
15 somewhere else, and then, you know, consult with our
16 attorney. And if we -- if we get no hits on any of those,
17 then we will -- we will put -- we can add a definition.
18 But we do have to -- we have to be particularly careful
19 with definitions these days. So we'll check the statutes
20 first, and we'll take this under advisement.

21 BOARD MEMBER CAHN: Thank you. That sounds
22 good.

23 MR. CRIPE: Chairman Kirkbride, continuing
24 on to Section 3. We added a passage explaining when the
25 regulation would apply to new and existing facilities. On

1 Section 3, are there any questions?

2 BOARD MEMBER DEURLOO: Yeah, Mr. Chairman,
3 I have a couple of questions, please.

4 CHAIRMAN KIRKBRIDE: Yes.

5 BOARD MEMBER DEURLOO: I had a few on here.
6 So basically it looks like your -- it's a grandfather
7 clause is what you're talking about here? Is that right?

8 MR. CRIPE: Chairman Kirkbride. Board
9 Member Deurloo, yes, basically the other facilities that
10 already have a permit in place stay in place. It's when
11 there is new construction or a modification to those
12 facilities that this would come into play.

13 BOARD MEMBER DEURLOO: Right.

14 MR. CRIPE: So if they already have
15 something, it's not retroactive to them.

16 BOARD MEMBER DEURLOO: I understand. And I
17 think that's good policy. There's a couple of questions I
18 have on this, though.

19 Any Chapter 3 individual permit issued for
20 facilities -- I'll just read it really quick. "Any
21 Chapter 3 individual permit issued for facilities subject
22 to this chapter prior to the effective date of these
23 regulations shall remain covered under those permits. New
24 construction or modification of existing permitted
25 facilities must obtain authorization under a new permit

1 after the effective date of this regulation."

2 So the things that stand out to me is individual
3 permit issued that is in good standing. You want to
4 make -- if there's -- say there's some issues with the
5 permit. You want to make sure the permit is in good
6 standing -- or the permittee is in good standing before
7 we -- before we grandfather, I suppose. It's just a
8 point -- a point I'd like to discuss a little bit.

9 But the word "modification" -- "new construction
10 or modification of existing permitted facilities,"
11 modifications seems pretty broad to me. If I had a
12 facility out there and I wanted to, I don't know, move a
13 gate from one corner to another corner, something like
14 that, that would be considered a modification. I mean --
15 or is it -- I mean, do we want to -- not to add more words,
16 but do we want to kind of add a high-level definition of
17 what you consider a modification, so people can still go
18 about their daily business and working around the site.

19 MS. THOMPSON: Sure. So we did actually
20 receive a comment with a similar tone during the written
21 comment period. And so the permitting chapter, Chapter 3,
22 explains what a modification will look like. And basically
23 it's -- if you're going to increase your capacity to do
24 what you're doing, we're going to -- we're going to expect
25 that that's a modification. Our idea is that if you're

1 doing an in-kind replacement, that kind of -- that kind of
2 work is not going to increase your capacity to do your job,
3 and so we aren't expecting that like if you moved a gate,
4 like you were saying, that it would necessarily be a
5 modification.

6 And so we were feeling like we were already
7 covered, because Chapter 3 does explain what a modification
8 is going to look like. Does that -- does that answer your
9 question?

10 BOARD MEMBER DEURLOO: No -- Chairman
11 Kirkbride -- that absolutely does answer my question.
12 Except for the clarification, do you want to reference back
13 new construction or modification as outlined in Chapter 3?

14 MS. THOMPSON: And we can certainly put in
15 a cross-reference.

16 BOARD MEMBER DEURLOO: Yeah, a cross-
17 reference.

18 So I think that would add a great amount of
19 clarity there, if I was running a permitted facility.

20 MS. THOMPSON: Okay.

21 MR. CRIPE: Chairman Kirkbride. Board
22 Member D --

23 BOARD MEMBER DEURLOO: Deurloo.

24 BOARD MEMBER CAHN: Deurloo.

25 MR. CRIPE: Deurloo. I apologize.

1 BOARD MEMBER DEURLOO: It's fine. Like
2 Roosevelt. Deurloo.

3 MR. CRIPE: We can definitely --

4 BOARD MEMBER CAHN: Like Roosevelt.

5 BOARD MEMBER DEURLOO: Like Roosevelt.

6 MR. CRIPE: We can definitely do that,
7 because the paragraph you referred to in Chapter 3 does
8 address that.

9 BOARD MEMBER DEURLOO: Perfect.

10 MR. CRIPE: I think that would add clarity.

11 BOARD MEMBER DEURLOO: I have one other
12 comment on that. And I'm kind of pulling a Lorie here
13 about the grammar here. Again, because I have struggled
14 over some permits, lots of them in the past, and you can
15 read what the definition of is is, right? But the
16 effective date of these regulations shall remain covered
17 under these permits. Is "covered" the right word? Or
18 compliant or -- covered doesn't -- I don't want to get too
19 much into semantics, but doesn't really seem like permittee
20 language.

21 You know what I mean, Lorie?

22 MS. THOMPSON: Internally -- Mr. Kirkbride.
23 Mr. Deurloo, we do use that word quite a bit internally.
24 We have notices of coverage for general permits, for
25 instance. So we use that term quite a bit.

1 BOARD MEMBER DEURLOO: Okay.

2 MS. THOMPSON: Is there another word that
3 would --

4 BOARD MEMBER DEURLOO: Like I said, I
5 couldn't come up with one. So if that's common usage, I'm
6 perfectly fine with that. Those are my only comments on
7 Section 3, Chairman Kirkbride.

8 BOARD MEMBER CAHN: Could say governed by,
9 but I don't know if that would be any better.

10 MS. THOMPSON: It's tricky.

11 BOARD MEMBER DEURLOO: Covered's fine.

12 MS. THOMPSON: It's okay.

13 BOARD MEMBER CAHN: Subject to those
14 permits. Subject to -- I don't think it --

15 MR. CRIPE: Okay. I will continue on.
16 Section 4, we added definitions for consistency with the
17 Wyoming rules and regulations and the memorandum of
18 agreement between DEQ and Oil and Gas and the Wyoming State
19 Engineer's Office.

20 Is there questions at this time? We may have to
21 come back to this if we find something in the text, but at
22 this point, are you okay with what we have in here, the
23 section, at this point?

24 BOARD MEMBER DEURLOO: Mr. Chairman, I have
25 a question, please.

1 On Section 4(a)(ii), it reads "A facility for
2 which none of its owners" -- facility meaning a commercial
3 oilfield waste disposal facility -- "for which none of its
4 owners is an owner or operator in any of the oil and gas
5 wells that produce water or other waste that will be
6 disposed into a said facility."

7 So basically it's saying that if I have a
8 commercial waste facility sitting right here, and I've
9 got -- and there's a hundred wells coming up over there, I
10 can't -- the owners, even if they have a minority interest,
11 the way I read this -- if you have a minority interest in
12 some of those wells, you cannot dispose water into that
13 facility. Is that how that reads?

14 MR. LAMB: That makes it -- a commercial
15 facility can take anybody's water. Okay? But oil and gas
16 permits ones that are just used by a single operator, and
17 that's what this is trying to define.

18 BOARD MEMBER DEURLOO: I'm sorry. I don't
19 understand.

20 MR. LAMB: Well, like ExxonMobil can have
21 its own disposal pit. Just like a commercial pit, right?

22 BOARD MEMBER DEURLOO: Okay.

23 MR. LAMB: Their water only goes into that
24 pit. Okay?

25 BOARD MEMBER DEURLOO: Right.

1 MR. LAMB: So they own -- have interest in
2 the wells that take the water. That's one of the
3 definitions. Because that --

4 BOARD MEMBER BEDESSEM: I understand what
5 he's saying, but I'm not sure that that says what he's
6 saying.

7 BOARD MEMBER DEURLOO: The way I read it is
8 if I have -- correct me if I'm wrong. If I own a 3 percent
9 stake in one of these wells out there that -- of the 100
10 wells going into this commercial facility, I can -- because
11 I own 3 percent stake in that, I can now no longer take
12 water into commercial -- to this commercial facility.

13 MR. LAMB: No. It can go in there. It can
14 go in there. It's limiting -- it's defining -- the
15 commercial facility can take anybody's water that -- that's
16 out there, and they can take their own water or they can
17 take somebody else's. And there are a few cases of those
18 in the state that exist.

19 But a single operator can permit, under Oil and
20 Gas Commission -- and that's where this comes from is the
21 memorandum agreement, and that's one of the definitions --
22 that to have a -- your own pit, you take in only your own
23 water. Okay? From -- ExxonMobil takes in only their own
24 water to the pit. Otherwise, if they take water from
25 another facility or another operator, then they need a

1 commercial permit.

2 BOARD MEMBER DEURLOO: Okay. All right.
3 Okay. I hear what you're saying. But -- okay. So say I
4 own the pit. Say I own the commercial water facility right
5 now. So a facility for which none of its owners -- none of
6 its owners is owner or operator in any of oil and gas wells
7 that produce the water or other wastes being disposed
8 there. So if I own this pit, or 50 percent of it, and I've
9 got a well sitting out there surrounded by ExxonMobil's
10 wells and they're bringing it all here, but if I own a
11 3 percent stake in that one oil well right there, I can't
12 bring the produced water back to that pit.

13 MR. LAMB: No, you can bring it back.

14 BOARD MEMBER DEURLOO: That's the way it
15 reads.

16 BOARD MEMBER BEDESSEM: That's not what it
17 says.

18 BOARD MEMBER CAHN: That's not what it
19 says.

20 BOARD MEMBER DEURLOO: That's not what it
21 says.

22 BOARD MEMBER BEDESSEM: Chairman Kirkbride.

23 CHAIRMAN KIRKBRIDE: Yes.

24 BOARD MEMBER BEDESSEM: I can totally
25 understand --

1 MR. LAMB: Yeah. I understand what you're
2 saying there.

3 BOARD MEMBER BEDESSEM: -- but the language
4 doesn't --

5 MR. LAMB: We did that in the memorandum,
6 and that is -- that is -- has got a conflict in the way it
7 reads. I understand what you're saying now. I've always
8 seen it, and it is just what it is. Anyway --

9 BOARD MEMBER DEURLOO: I don't know if
10 there's -- if there's -- this instance is out there, sir,
11 but, you know, it's a pretty small world, and the oil and
12 gas industry owns pieces of this, pieces of that.

13 MR. LAMB: Right.

14 BOARD MEMBER DEURLOO: So if I owned a
15 piece of the commercial water facility, because it's going
16 to save me money on my produced water, I would want to be
17 able to bring that -- some of that water. May not be the
18 whole stream, but a portion thereof would be coming to
19 the --

20 MR. LAMB: Yeah.

21 BOARD MEMBER DEURLOO: -- to the pit.

22 MR. LAMB: That's the -- yeah, I see what
23 you're saying there, but it's -- the second half of the
24 definition that's, you know, primarily operated for
25 disposal of produced water for profit.

1 BOARD MEMBER DEURLOO: Uh-huh.

2 MR. LAMB: But, yeah, I don't know exactly
3 how we would revise that. It's trying to separate from the
4 industry owned pits for single operator versus commercial
5 for anybody who can take in anybody's water, so...

6 BOARD MEMBER DEURLOO: At the moment --
7 Chairman Kirkbride -- I don't have a recommendation as to
8 that, but I would recommend that your staff look at that
9 carefully to see -- to make sure. And I'm sure there's
10 language in the MOU, as you say, that maybe there's --
11 creates some confusion there, but...

12 BOARD MEMBER BEDESSEM: And it's out of
13 context or something.

14 BOARD MEMBER DEURLOO: It's out of context,
15 or whatever. But I believe it needs to be clarified.

16 MS. THOMPSON: So -- Mr. Kirkbride.
17 Mr. Deurloo, we will look also at the oil and gas
18 regulations, the Oil and Gas Conservation Commission
19 regulations, because I think that the definition we
20 proposed today is a -- elements of it came from our
21 memorandum of agreement with them, and also elements came
22 from their own definitions and their own regulations. But
23 we can take a look and see if we can clarify that further
24 from those two documents.

25 BOARD MEMBER DEURLOO: Please do. Thank

1 you.

2 MS. THOMPSON: Okay.

3 BOARD MEMBER DEURLOO: Those are my only
4 comments on Section 4, Mr. Chairman.

5 CHAIRMAN KIRKBRIDE: It seemed like to me,
6 if (ii) is more clearly connected to (i), if it had three
7 dots at the front of it, for instance, that would -- that
8 would be both -- because both -- both kinds of producers
9 can use this facility, right? Just a suggestion, just as I
10 sit here.

11 BOARD MEMBER CAHN: I think it's the
12 wording that's confusing. So -- but I don't have a
13 suggestion off the top of my head on how to fix it.

14 BOARD MEMBER DEURLOO: Maybe you're right,
15 the word "or" right there, if that said "and," then we'd
16 have a problem. But it says "or" and maybe it's not a
17 problem.

18 CHAIRMAN KIRKBRIDE: Just (ii) standing
19 alone, that is confusing. Part of what -- standing
20 together with (i), together --

21 BOARD MEMBER CAHN: Can the sentence be
22 changed to be a facility for which its owners are and not
23 the none. Like could it somehow, as opposed to being the
24 negative, it can be the positive of what it is trying to
25 address?

1 BOARD MEMBER BEDESSEM: Like also or not --

2 THE REPORTER: I'm sorry. I can't hear
3 you.

4 BOARD MEMBER BEDESSEM: Oh, sorry. This
5 was just a grammatical issue, as opposed to not saying for
6 which none of its owners, but saying for which its owners
7 are not an owner/operator. But I don't think that changes
8 the issue with the meaning.

9 BOARD MEMBER CAHN: No.

10 BOARD MEMBER BEDESSEM: Just look at it.

11 MR. KUHLMANN: Mr. Chair, using the magic
12 of the Internet, I pulled the Oil and Gas Commission's
13 definitions chapter in their rules and it reads very
14 similar to this. And it's in Chapter 1, just for -- just
15 for DEQ staff to be able to -- catch it -- get to it
16 quickly. Chapter 1, Section 2(m), for the definition of
17 commercial disposal well or commercial water retention pit.
18 So it's very similar language.

19 BOARD MEMBER BEDESSEM: So does it rely on
20 the "or"?

21 MS. THOMPSON: Yes. Yes, ma'am.

22 MR. KUHLMANN: The "or" is in there.

23 MS. THOMPSON: So it's very similar. It's
24 commercial disposal well or commercial water retention pit.
25 A commercial disposal well or a commercial water retention

1 pit is one that is (i) operated primarily for profit from
2 the disposal of produced water and/or deleterious
3 substances for a fee; or, a disposal well or pit for which
4 none of its owners is an owner or operator in any of the
5 oil and gas wells which produce the water and/or other
6 deleterious substances, which will be disposed into said
7 disposal well or pit.

8 BOARD MEMBER CAHN: The which -- which
9 hunt.

10 MS. THOMPSON: I did take those out in our
11 version. I missed "assure" in that last one, but I got the
12 "which" on this side, so...

13 BOARD MEMBER CAHN: Thank you.

14 BOARD MEMBER BEDESSEM: Good job, Gina.

15 MS. THOMPSON: I can learn.

16 BOARD MEMBER BEDESSEM: So I think, you
17 know, we were probably reading that section that (ii)
18 without taking into account the "or," and maybe with the
19 "or" we're covered.

20 BOARD MEMBER DEURLOO: We're good.

21 BOARD MEMBER BEDESSEM: And maybe
22 consistent.

23 BOARD MEMBER DEURLOO: Yeah, it is
24 consistent.

25 MR. LAMB: It's two different situations.

1 So if you were operating for profit, you could take your
2 own water in.

3 BOARD MEMBER DEURLOO: Right.

4 MR. LAMB: That's -- and then the other one
5 is a facility that basically is operated by industry for
6 industry.

7 BOARD MEMBER DEURLOO: Okay. Thank you.
8 Sorry for the rabbit trail, apparently.

9 BOARD MEMBER CAHN: Well, it's -- so I'm
10 still confused. Can you give me an example of where they
11 could do (ii) and where they can't do (ii)? Maybe that
12 would help me. Where -- where one's a facility that is
13 what you're talking about and a facility that's not what
14 you're talking about.

15 MR. CRIPE: Chairman Kirkbride. Board
16 Member Cahn, I think one example might be, if I'm
17 understanding the conversation --

18 BOARD MEMBER CAHN: Can you get the
19 microphone closer?

20 MR. CRIPE: It's not on.

21 BOARD MEMBER DEURLOO: It's not working.

22 BOARD MEMBER CAHN: It's not on? Speak
23 louder. Thanks.

24 MR. CRIPE: The example I can think of
25 would be some of these facilities are permitted as a

1 commercial facility, even though they're just an operator,
2 because they want to have the ability to have that going
3 forward, but they're the only one using it. Is that --
4 that a fair example?

5 MR. LAMB: Yeah, there are very many of
6 those. And they do that, because at times in the past they
7 wanted to take their water to another company's place
8 because of transportation. In kind, they'll take the local
9 water to their facility. And BP is one of these, among
10 others. And so does ExxonMobil. They are permitted as
11 commercial facilities in case they want to do -- take some
12 other water in. Primarily they only take their own water
13 in. 99 percent of the time.

14 BOARD MEMBER CAHN: Okay.

15 MR. LAMB: And they're probably -- I think
16 there's probably 10 or 15 of them. They do not list their
17 names on -- on the COWDF-active facilities, because they
18 don't want people calling and saying, "Can I bring water
19 in?" But they work it out in the field. They say if
20 they're drilling way away from it where their disposal is,
21 and somebody else has a facility there, they swap out, take
22 the water out. It's not as common now as it used to be but
23 it is done and has been in the past. Does that help?

24 BOARD MEMBER CAHN: Yeah.

25 MR. LAMB: Hopefully.

1 BOARD MEMBER CAHN: So -- it's a very
2 confusing word. So it's kind of a facility that's operated
3 for convenience rather than for profit. Is that kind of
4 what -- I mean --

5 MR. LAMB: Well, it's operated for --

6 BOARD MEMBER CAHN: Yeah. I mean, it's for
7 convenience.

8 MR. LAMB: -- essentially for convenience,
9 correct. Which would be they're not charging each other to
10 come and go. Typically they're swapping out because the
11 expense -- a big part of disposal expense is trucking, and
12 so if they have to truck it a long way -- and I'll give you
13 an example in the Red Desert area. They go all the way
14 down to Baggs and drill. Their facilities are all the way
15 up north -- to the north edge of -- north of Wamsutter. So
16 that's a long haul, so they find somebody else down there
17 to dispose of it. And --

18 BOARD MEMBER CAHN: Okay.

19 MR. LAMB: -- the disposal fee is only part
20 of it. The trucking is the biggest cost.

21 BOARD MEMBER CAHN: I'm okay. Like Brian
22 says, I think the "or" really is --

23 MR. LAMB: Yeah.

24 BOARD MEMBER CAHN: -- critical there.

25 BOARD MEMBER BEDESSEM: Critical.

1 BOARD MEMBER CAHN: Thanks.

2 MR. CRIPE: Chairman Kirkbride, are there
3 more questions on Section 4 at this point?

4 BOARD MEMBER DEURLOO: No.

5 BOARD MEMBER BEDESSEM: I don't think so.

6 CHAIRMAN KIRKBRIDE: I think not.

7 MR. CRIPE: Okay. I will continue on.

8 Section 5 added prohibition requirements
9 similar to those in Water Quality Rules and Regulations in
10 Chapters 3 and 20 in order to forbid operational activity
11 outside the bounds of the issued permits.

12 Is there any questions on Section 5 at this time?

13 BOARD MEMBER BEDESSEM: I don't have any.

14 BOARD MEMBER DEURLOO: No, I don't.

15 CHAIRMAN KIRKBRIDE: I don't hear any.

16 MR. CRIPE: Okay. Continuing on. Section
17 6. In order to protect Waters of the State, we added the
18 site suitability requirements, as identified in the draft
19 rule. Are there questions on this at this time?

20 BOARD MEMBER BEDESSEM: Chairman Kirkbride.

21 CHAIRMAN KIRKBRIDE: Yes.

22 BOARD MEMBER BEDESSEM: I just have just
23 one grammar thing on line 105. Can we say "documentation
24 required by Water Quality Rules," as opposed to "at"?

25 MR. CRIPE: Yes, we can --

1 BOARD MEMBER BEDESSEM: Thanks.

2 MR. CRIPE: -- do that.

3 More questions?

4 CHAIRMAN KIRKBRIDE: I just had a question.
5 That seems like to me in (a), that that's pretty close to
6 the surface. Pretty close to a groundwater, isn't it, that
7 is allowable. And maybe that's okay, but, I mean, an awful
8 lot of -- well, a lot of Wyoming is a lot further to water
9 than five feet below on a site, but maybe -- I mean, if
10 that's an industry standard, that's an industry standard.

11 MR. LAMB: I reviewed it, and it is a
12 fairly conservative industry standard. Some of them allow
13 you to make modifications and be right on groundwater.
14 Some states. I went through the landfill regs for liners
15 and liner companies stuff. And five is a fairly consistent
16 one across the industry that I found.

17 MR. CRIPE: Chairman Kirkbride, I'd also --
18 as we go through, you'll see that we will be covering --

19 BOARD MEMBER CAHN: Rich, I can't hear you.

20 MR. CRIPE: Chairman Kirkbride, as I
21 indicated -- as we go through this, I will also cover leak
22 detection, which will have several -- it has two liners
23 that is protective of that as well. It is identified in
24 the regulation.

25 CHAIRMAN KIRKBRIDE: Okay. Anything? Yes.

1 BOARD MEMBER DEURLOO: Mr. Chairman, I --
2 so Section 6, Site Suitability, it says in line 98, "Ponds
3 shall not be located within the 100-year floodplain..." On
4 line 101, "Ponds shall not be located within established
5 drainages..." Are we talking about ponds or are we talking
6 about storage facilities here? A pond to me is where I go
7 fishing for bass and stuff, or whatever. Is that the
8 common terminology that you use, is ponds?

9 MR. LAMB: They are always called ponds.
10 Typically called ponds. That's just the way it goes, yeah.

11 BOARD MEMBER DEURLOO: Okay.

12 MR. LAMB: I call them pits, but they call
13 them ponds. And you can find that all the time. In permit
14 applications they call them Pond 1, Pond 2, Pond 3.

15 BOARD MEMBER DEURLOO: Okay. And does that
16 include the berms of the pond as well?

17 MR. LAMB: Yes.

18 BOARD MEMBER DEURLOO: Okay.

19 BOARD MEMBER CAHN: Back -- back to
20 Chairman Kirkbride's comment. It says "the bottom of the
21 liner surface." Do we want to specify the second -- the
22 lowest liner? And do we want it to be a foot below --
23 five feet below the primary liner maybe? Maybe not.

24 MR. LAMB: They're only about this far
25 apart (indicating).

1 BOARD MEMBER CAHN: Okay.

2 MR. LAMB: The liners are. But we can
3 easily put in bottom liner. We would be fine with that.

4 MR. CRIPE: Are there any more questions or
5 comments?

6 CHAIRMAN KIRKBRIDE: Okay.

7 MR. CRIPE: Section 7, added permit
8 application passages from the guidelines of commercial
9 oilfield waste disposal facilities and further
10 clarification requirements in order to streamline and
11 customize permit application requirements, specifically for
12 commercial waste facilities. Is there any questions or
13 comments on Section 7?

14 BOARD MEMBER CAHN: Gina, can we turn the
15 microphone back on?

16 MS. THOMPSON: I thought it was back on,
17 but I will look. Now hopefully this will behave.

18 MR. CRIPE: Are there any questions on
19 Section 7 at this time?

20 BOARD MEMBER BEDESSEM: Chairman -- go
21 ahead. You can go first.

22 CHAIRMAN KIRKBRIDE: Yes.

23 BOARD MEMBER CAHN: So on line 159, it uses
24 the term "its." "The owner-applicant shall maintain in its
25 records..." So are we talking about the owner's records

1 or the facility's records? So is this a -- is this --
2 should this be in their records, or in the facility's
3 records or -- I'm just not sure what it's referring to.

4 MS. THOMPSON: Mr. Kirkbride. Ms. Cahn, we
5 could change that to "their records."

6 BOARD MEMBER CAHN: Okay. That would be
7 the same thing on line 171, "The owner applicant shall also
8 maintain in" -- and it would be "their records." And again
9 on line 179, the owner-applicant shall maintain that it
10 would be in "their records" instead of "its." Thank you.

11 CHAIRMAN KIRKBRIDE: You can take "in its"
12 out. Those two words I would remove.

13 Yes.

14 MR. KUHLMANN: Mr. Chair. Just looking at
15 that (iv) paragraph. I think you guys may double-check and
16 make sure you're consistently hyphenating owner-applicant.

17 BOARD MEMBER BEDESSEM: Yeah, do a search.

18 MR. KUHLMANN: It's -- yeah.

19 MR. CRIPE: I'd be happy to. Thank you.

20 Are there any more comments?

21 BOARD MEMBER CAHN: Just another English
22 one. On (iv), line 171, there's the word "also." "The
23 owner-applicant shall also maintain," but then on 179, "The
24 owner-applicant shall maintain." I'm not sure the "also"
25 is necessary, so I would just take it out.

1 MS. THOMPSON: We can do that.

2 CHAIRMAN KIRKBRIDE: Yes.

3 BOARD MEMBER BEDESSEM: You can decide what
4 you want to do with this, but it's kind of a grammar thing,
5 just because I find (i) -- actually the one above it too --
6 like some of the longest sentences ever, and it's really
7 confusing to read it. And I was just wondering if it would
8 be helpful in the flow if we said the owner-applicant shall
9 also secure and maintain permission from the landowner,
10 instead of having permission stuck way after the landowner
11 whose -- upon whose property the facility is located, then
12 have the verb there. To me it just reads -- it's easier
13 for me to understand if the verb is secure and maintain
14 permission from the landowner.

15 MS. THOMPSON: Oh. I'm reading this -- I'm
16 reading this further. This is internal agency language.
17 That's why it looks funny, so...

18 BOARD MEMBER BEDESSEM: What's internal
19 agency language?

20 MS. THOMPSON: So the agency has an access
21 policy --

22 BOARD MEMBER BEDESSEM: Oh.

23 MS. THOMPSON: -- where we established
24 procedures for staff to secure permission for us to access
25 private property. And in addition to the policy, we have

1 been putting similar -- we've been putting these clauses in
2 our permits and also in --

3 BOARD MEMBER BEDESSEM: I remember that.

4 MS. THOMPSON: -- this rule. And this
5 might be the first rule where we dropped this in. So we
6 will visit our friends at the AG's Office and see if we can
7 make adjustments, because I do believe that the --
8 administrators, director, and various attorneys put the
9 passages in question together.

10 BOARD MEMBER BEDESSEM: That's why it reads
11 this way.

12 MS. THOMPSON: Right.

13 MR. KUHLMANN: That may have been an
14 attorney involved in preparing that long sentence.

15 MS. THOMPSON: Because I was wondering
16 why -- those are quite wordy. But we have -- we have some
17 new -- we have some new outline structure attention where
18 if -- within an outline structure, if we don't have a 2, we
19 can't have a 1. We can't have -- if we don't have a B, we
20 can't have an A. We're being a little more strict with our
21 outline structure. I think that there was some thought
22 that maybe we didn't have enough subpieces for some of
23 those. But we can -- we can recommend to the director's
24 office that we look at it and clarify.

25 BOARD MEMBER BEDESSEM: Just readability.

1 MS. THOMPSON: Add some hyphens.

2 BOARD MEMBER CAHN: Because a landowner is
3 going to be upon whose property the facility is located.
4 So that's sort of redundant. Whoever owns that land,
5 that's the facility, so...

6 MS. THOMPSON: And, again, I can't promise
7 to make any change, because it involved multiple divisions.
8 And I wasn't there, so -- but I can commit that we can take
9 this and see if there's any wiggle room for making the
10 adjustments that you're mentioning. But if -- if there is
11 not, because we've kind of put it throughout the agency, we
12 hope you would understand that we left it in place, so...
13 but we will check on that for you, per your request.

14 BOARD MEMBER BEDESSEM: Yeah, I think I've
15 seen this before. I've had to put this inside a permit,
16 but I don't know that I actually read the language very
17 well.

18 MR. KUHLMANN: Mr. Chair, I'll offer that
19 one of the other concerns that was part of the policy, the
20 considerations in putting together the access policy, had
21 to do with distinguishing between landowners of the
22 facility and also landowners of property needed to access
23 the facility.

24 BOARD MEMBER CAHN: Okay.

25 MR. KUHLMANN: So this might have been

1 taken from part of that where in the context of the policy,
2 pains were taken to make sure to distinguish between those
3 two types of landowners.

4 BOARD MEMBER CAHN: Okay. Thank you.

5 BOARD MEMBER BEDESSEM: I didn't have any
6 more comments on Section 7.

7 CHAIRMAN KIRKBRIDE: May I suggest we take
8 an eight-minute break. It's just been a little while. But
9 then right at 11:00, let's get going again.

10 MR. CRIPE: Okay.

11 (Meeting proceedings recessed
12 10:54 a.m. to 11:02 a.m.)

13 CHAIRMAN KIRKBRIDE: All right. We'll open
14 up again. I want to thank you all for being punctual so we
15 can take short breaks and -- because I think that's a
16 healthy thing to do.

17 And I just would ask our reporter, are we doing
18 all right? You can hear people?

19 THE REPORTER: Doing all right.

20 BOARD MEMBER CAHN: We don't speak too
21 fast?

22 CHAIRMAN KIRKBRIDE: All right. Mr. Cripe,
23 you may go ahead.

24 MR. CRIPE: Chairman, I will start with
25 Section 8, assuming we were done with all the comments in

1 Section 7.

2 CHAIRMAN KIRKBRIDE: I think we were.

3 MR. CRIPE: Section 8, added requirements
4 for annual report submittals from the guidelines commercial
5 oilfield waste disposal facility, and clarified to identify
6 reporting deadlines and required components that the Water
7 Quality Division needs to effectively evaluate commercial
8 waste disposal --

9 BOARD MEMBER CAHN: Rich.

10 MR. CRIPE: -- annually added closure and
11 post-closure corrective action submittal deadline
12 information in order to ensure consistency submittals from
13 permittees.

14 Is there any questions or comments on Section 8
15 on the annual reporting requirements?

16 BOARD MEMBER BEDESSEM: Chairman.

17 CHAIRMAN KIRKBRIDE: Yes.

18 BOARD MEMBER BEDESSEM: So in
19 Section 8(a)(iii), it says "...including a graph of the
20 last five years of data in a format approved by the
21 Administrator." And that makes perfect sense to me, if you
22 want to -- a specific kind of graph, and how you want that
23 to appear.

24 The next one where the edits were, "A discussion
25 and analysis of the leak detection monitoring results and

1 corrective action taken," it also says, "in format approved
2 by the Administrator." And I'm not sure that that is
3 necessary. Because there's a whole bunch of other things
4 that's listed that doesn't say a format approved. I don't
5 know that you need a format -- a specific format.

6 MR. LAMB: That's correct. You're right.

7 BOARD MEMBER BEDESSEM: So can we just
8 delete "in a format approved by the administrator" in (iv)?

9 And then so (v) is "Annual sampling results of
10 all ponds." And (vi) is a sentence that says you have to
11 add the annual reports. And since the whole thing is
12 listing what you're putting in that, can't we just end (vi)
13 with "Section 3 and 4." And don't need "shall accompany
14 the annual reporting information required in this section"?
15 Because there's just another thing you're going to add.

16 MR. CRIPE: Yes, Board Member Bedessem. I
17 would agree with that and make those changes.

18 BOARD MEMBER BEDESSEM: Thank you. That's
19 all I had for Section 8.

20 CHAIRMAN KIRKBRIDE: Anything else? Okay.

21 MR. CRIPE: Section 9, adding engineering
22 and design report passages from the guideline commercial
23 oilfield waste disposal facilities, and streamlined and
24 clarified the passages to eliminate redundancies.

25 Are there any questions on Engineering Design

1 Reports, Section 9?

2 BOARD MEMBER CAHN: Mr. Chair.

3 CHAIRMAN KIRKBRIDE: Yes.

4 BOARD MEMBER CAHN: On line 269, the
5 "assure" should be "ensure."

6 BOARD MEMBER BEDESSEM: Oh, which version
7 are you looking at?

8 BOARD MEMBER CAHN: Oh, I'm looking --
9 okay. I'm looking at not the green line version. I can
10 find -- it's (iii)(D), "Testing requirements to assure
11 materials and equipment meet design standards." Should be
12 "ensure."

13 MR. CRIFE: Chairman Kirkbride. Board
14 Member Cahn, we will make that change, correct.

15 BOARD MEMBER BEDESSEM: Do you have more?

16 CHAIRMAN KIRKBRIDE: Anything more?

17 Marge.

18 BOARD MEMBER BEDESSEM: This is in
19 Section 9. So I just -- I have some -- some questions,
20 because I probably don't know. But for the engineering
21 design report -- so this is for installing, you know, these
22 types of ponds. And so there's going to be a subsurface
23 investigation, and you want the data from the borings and
24 so forth for -- associated with that pond. So I'm not used
25 to seeing the geotechnical report I guess using the term

1 "exploration." When I think of exploration, I think of
2 exploration and production for the oil wells. And this
3 is -- you're talking about the borings. You're doing -- do
4 the subsurface geotech for the pond installation, correct?

5 MR. CRIPE: Uh-huh.

6 BOARD MEMBER BEDESSEM: So (F) (II), I
7 guess, and (VI), we have a summary of all subsurface
8 exploration data -- oh, and (IV) says "exploration logs,"
9 and then (VI) is "Interpretation and analysis of subsurface
10 data."

11 (II), aren't you saying -- a summary of what (II)
12 and (VI) could be combined to say summary interpretation
13 and analysis of all subsurface investigation data? I
14 just -- it just was unusual to me to use the term
15 "exploration" when we do a lot of geotech reports and if
16 we're not doing oil and gas, we don't usually call it that,
17 but...

18 MR. LAMB: Yeah, I'm not sure where that
19 came from. We get a lot of different kinds. They do a lot
20 of trench cuttings, as well as borings.

21 BOARD MEMBER BEDESSEM: Okay. So you're --
22 you're using exploration, so it includes trenches and --

23 MR. LAMB: Yeah, trenches are very --

24 BOARD MEMBER BEDESSEM: -- boring logs.

25 MR. LAMB: They do cuts, very common, to

1 see the -- for the geotech to see if they got the soil
2 to -- to build the proper soil.

3 BOARD MEMBER BEDESSEM: So that's why I was
4 asking this question, was for my edification.

5 MR. LAMB: And boring --

6 BOARD MEMBER BEDESSEM: I'm not used to
7 that, so...

8 MR. LAMB: Boring, you don't -- you can't
9 tell the extent from borings. You know what I'm talking
10 about?

11 BOARD MEMBER BEDESSEM: Right.

12 MR. LAMB: Where you can with a trench cut.

13 BOARD MEMBER BEDESSEM: Right. So we
14 usually just call it an investigation, subsurface
15 investigation. We call it SSI reports.

16 MR. LAMB: Yeah. Fine. Okay.

17 BOARD MEMBER BEDESSEM: Yeah, subsurface
18 investigation data. Just to me, I find it confusing
19 because I think of exploration related to oil and gas
20 exploration. So it's up to you if you want to change that,
21 but to me it's clear if it doesn't say exploration. It
22 says investigation.

23 MR. LAMB: Sure. We can make that change.

24 BOARD MEMBER BEDESSEM: And is that
25 different -- are you talking about different things in

1 (II), where we have summary of all subsurface investigation
2 data and the interpretation and analysis of subsurface
3 data, are we talking about the same data? Just one is
4 summary, one's interpretation and analysis?

5 MR. LAMB: Yeah. I think it's a simple way
6 of saying, well, what did you do? How many test pits did
7 you do? How many borings did you do? How many monitoring
8 wells did you put in? And then next one, giving me
9 interpretation and analysis of what you found (VI) is. If
10 that makes sense to you.

11 BOARD MEMBER BEDESSEM: Yeah. And the only
12 reason I bring it up is it just -- so you're just listing
13 all the data first and then the interpretation and
14 analysis.

15 MR. LAMB: Correct.

16 BOARD MEMBER CAHN: Or maybe the word
17 "data" shouldn't be there? Maybe a summary of all
18 subsurface investigations. You're just looking for numbers
19 of pits, numbers of trenches, that kind of thing?

20 MR. LAMB: Yeah, looking for a narrative of
21 what they did.

22 BOARD MEMBER CAHN: So maybe data just
23 doesn't belong there? A summary of all subsurface
24 investigations?

25 MR. LAMB: Yeah, we can make that change.

1 That would be fine.

2 BOARD MEMBER CAHN: Yeah.

3 BOARD MEMBER BEDESSEM: And the one that
4 says exploration logs, you're trying to cover trenches and
5 borings?

6 MR. LAMB: Yeah. Boring and well logs, I
7 guess.

8 BOARD MEMBER BEDESSEM: So exploration logs
9 is for trenches and borings. Did I miss that?

10 MR. LAMB: Okay.

11 BOARD MEMBER BEDESSEM: That's what I'm
12 asking. When you use the term "exploration" in (IV),
13 you're referring to both trenches and -- as a means of --

14 MR. LAMB: Correct.

15 BOARD MEMBER BEDESSEM: -- subsurface
16 investigation, as well as borings, which is why you're
17 calling it subsurface investigation or exploration logs.

18 Okay. Thank you for filling me in more on what
19 might be involved in subsurface investigation and putting
20 investigation in a couple of places that make me more
21 comfortable, that I understand what you're referring to. I
22 think that's the only questions I really had on 9. By the
23 way, thank you for clarifying for me.

24 CHAIRMAN KIRKBRIDE: Anyone else on 9?
25 Anything else?

1 I think you can proceed.

2 MR. CRIPE: On Section 10 we added minimum
3 design and construction and operations standards from the
4 guidelines commercial oilfield waste disposal facilities
5 and liner and leak detection system requirements from the
6 Water Quality Rules and Regulations Chapter 20 and
7 streamlined and clarified the passages to eliminate
8 redundancies.

9 Were there any questions on Section 10, Minimum
10 Design and Construction Standards?

11 BOARD MEMBER BEDESSEM: Sorry. I have one
12 more. In Section 10, you have deleted at least one of the
13 following components. It says for active wastewater
14 treatment facilities.

15 BOARD MEMBER DEURLOO: On line 358, right?

16 BOARD MEMBER BEDESSEM: Line 358. And it
17 has data obtained from a full scale, data obtained from a
18 pilot plant, data obtained from a theo -- you don't want
19 all those, right? Don't you want one of the following?

20 MR. LAMB: Well, in honesty, I'd like all
21 of them, but it is one of the following. Because
22 wastewater treatment is -- produced water being treated is
23 a -- I won't discuss it, but I get a lot of talk about
24 being able to treat wastewater on a weekly basis, probably.
25 Anyway, but, yeah, you're right, it is one of the

1 following. It should be one of the following.

2 BOARD MEMBER BEDESSEM: Okay. So you have
3 to unstrike that, "at least one of the following."

4 MR. LAMB: We just made that change last
5 week. Sorry about that.

6 MS. THOMPSON: So we'll restore that first
7 statement, and perhaps rearrange the two phrases. So we'll
8 start with "For active wastewater treatment facilities, at
9 least one of the following." Because we want this to
10 apply -- this following list -- like the comment that we
11 were trying to address was that you're asking for all this
12 information for facilities that we don't normally provide
13 this information. So we were trying to clarify that that
14 list that we're talking about, (A) through (E), that we
15 only want that stuff for the active wastewater treatment
16 facilities. So if I put that first and then say we want
17 one of the following items, I think that will make sense.

18 BOARD MEMBER BEDESSEM: But don't you still
19 want (D) and (E)? Isn't it just one of the "A," "B," and
20 "C"?

21 MS. THOMPSON: No, I think it's -- we
22 want -- we want them to look at (A) through (E).

23 Right, Dennis?

24 MR. LAMB: Right.

25 BOARD MEMBER BEDESSEM: Yeah, but the one

1 where you were choosing one of the following was the data
2 for (A), (B), and (C), right? When you were reinstating
3 "at least one of the following," it's just for (A), (B),
4 and (C). Because that's where you're talking about the
5 data, if you have theoretical, pilot, and full scale.

6 MR. LAMB: Right.

7 BOARD MEMBER BEDESSEM: Those are the ones
8 you're making choice between. Would be wonderful if you
9 had three, but you have to have at least one. But (D) and
10 (E) I thought you wanted regardless.

11 MR. LAMB: Yeah. You're right there. Need
12 to break that out.

13 MS. THOMPSON: So we need to make some
14 additional changes there?

15 MR. LAMB: Right.

16 BOARD MEMBER BEDESSEM: So that you can
17 pick from the (A), (B), and (C) menu, but always have to do
18 (D) and (E). Sometimes we make a change to accommodate a
19 comment and end up with another little problem, and we'll
20 get it correct.

21 So this is -- Section 10, I have another one.
22 And this, again, was something that was done in response to
23 most recent comments. And that was you had a commenter
24 that said they wanted you to add all rocks larger than half
25 inch in diameter that can damage the geomembrane be

1 removed. And I actually had talked with some staff that do
2 these designs, and they would prefer that you not put that
3 in there, because it could be misinterpreted as -- could be
4 onerous, because the way the requirements are here, your
5 geomembrane has to either be on one foot of clay or on a
6 GCL. Okay? So it's not directly on the soil that could
7 have these one-half-inch rocks in diameter. And the design
8 engineer can evaluate the puncture resistance, and that's
9 part of the design. And based on the loading in the pond
10 and so forth, whether what size rock they need to remove
11 down to, and that should be left to the design rather than
12 just say that -- you know, because this could be
13 interpreted to say that the subgrade under the GCL, or
14 whatever, would have to have this limitation, and it might
15 not really have to.

16 So I'm just giving input that not everyone agrees
17 with the particular commenter.

18 MR. LAMB: Yeah. I guess that's a
19 difference between engineers looking at it and what they
20 feel, right?

21 BOARD MEMBER BEDESSEM: Uh-huh.

22 MR. LAMB: And that's how it goes. This
23 came from somebody who has built a lot of these in a lot of
24 states.

25 BOARD MEMBER BEDESSEM: Right. And like I

1 said, I taught -- it's sort of like going to a doctor,
2 you're going to get four different opinions. I just don't
3 think you should be that specific in the rule, and then
4 look at your design package and make sure that providing
5 evidence by evaluating puncture resistance and so forth to
6 establish that they're going to install a liner on our
7 appropriate subgrade.

8 MR. LAMB: Yeah, I understand what you're
9 saying. A lot of it is spec'd out by the liner people.

10 BOARD MEMBER BEDESSEM: Yeah. So I don't
11 think you need it.

12 MR. LAMB: Huh?

13 BOARD MEMBER BEDESSEM: So I don't think
14 you need this sentence in here, and I think it's a little
15 limiting.

16 MR. LAMB: Okay. I think that we can
17 consider that.

18 I don't know what you feel on it, Rich, but it
19 would be fine with me if we -- I understand what you're
20 saying, and it should be there.

21 BOARD MEMBER BEDESSEM: I think it should
22 be left up to the design engineer.

23 MR. LAMB: I guess we could strike that
24 out, if you feel that's too limited.

25 MR. CRIPE: Chairman Kirkbride. Board

1 Member Bedessem, what would be your thoughts if we were to
 2 possibly generalize the statement a little bit and say --
 3 maybe strike out the first half of the sentence on the size
 4 of the rock, and if it had the potential to damage it, then
 5 it leaves that flexibility.

6 BOARD MEMBER BEDESSEM: Right. So that you
 7 know when you look at an application, they have to address
 8 that issue and establish to you whether, you know, they
 9 have some guidance that's going to protect the liner.

10 MS. THOMPSON: So we'll revise it to where
 11 it starts out with "any other material that could damage
 12 the geomembrane shall be removed from the surface to be
 13 covered with the geomembrane." So that they have to
 14 evaluate it. And if they determine that it's -- it could
 15 damage it, then they know that they need to evaluate the
 16 surface and remove it if it's going to pose a problem.
 17 Does that address the concern?

18 BOARD MEMBER CAHN: How about -- no,
 19 because you need rocks in there as well. So say all rocks
 20 or any -- and any other -- I don't know if it's and/or.

21 BOARD MEMBER BEDESSEM: Rocks or any other
 22 material that could damage the geomembrane. Because then
 23 that way it's only the rocks that can damage the
 24 geomembrane, and the design engineer can establish to you
 25 what size rock is going to damage the geomembrane.

1 MR. LAMB: No, that's fine.

2 MS. THOMPSON: Okay. Good.

3 BOARD MEMBER BEDESSEM: So the comment is
4 addressed without putting a particular spec in there.

5 MS. THOMPSON: Okay.

6 BOARD MEMBER BEDESSEM: Thank you.

7 BOARD MEMBER DEURLOO: May I make a
8 comment, as long as we're on that very same one, because I
9 had one as well, Mr. Chairman.

10 CHAIRMAN KIRKBRIDE: Yes, sir.

11 BOARD MEMBER DEURLOO: Starts out -- still
12 on line 408 -- "Rocks larger than 6 inches in length shall
13 not be placed in a" blah, blah, blah. Rocks are -- I don't
14 measure them in length. They're probably in diameter. So
15 I would restate that to rocks with diameter of 6 inches or
16 greater shall not be placed.

17 MR. CRIPE: Okay. We can make that change.

18 BOARD MEMBER DEURLOO: Thanks.

19 CHAIRMAN KIRKBRIDE: You know, Brian, there
20 are some pieces of shale that are not round at all, and
21 they're flat, maybe, you know, little slab like that.

22 BOARD MEMBER DEURLOO: Yeah.

23 CHAIRMAN KIRKBRIDE: Maybe there's a
24 diameter to them, but -- those can be sharp.

25 BOARD MEMBER DEURLOO: I agree with you.

1 There's plenty of crystals that just have a length as well,
2 but when it comes to sifting rock for this stuff, it goes
3 through a grizzly, where it determines on diameter. We can
4 discuss it at lunch, Mr. Chairman.

5 CHAIRMAN KIRKBRIDE: No, that's fine.
6 That's fine with me.

7 BOARD MEMBER CAHN: Don't even need to say
8 in length or diameter. We can just say or rocks larger
9 than 6 inches.

10 BOARD MEMBER DEURLOO: Whatever.

11 BOARD MEMBER CAHN: Whatever.

12 BOARD MEMBER DEURLOO: Those are my only
13 comments.

14 BOARD MEMBER BEDESSEM: I didn't have any
15 more.

16 BOARD MEMBER CAHN: Rich, could you go over
17 Paragon's comment on 10(b)(ii). So on the response to
18 comments, the new one, page 3. You left the passage as
19 written. Can you just kind of go over what it was Paragon
20 wanted and why you didn't make any changes?

21 MR. CRIPE: Board Member Cahn, I'm trying
22 to get to where you're referring to. I did not follow --

23 BOARD MEMBER CAHN: So line number -- so
24 I'm looking at Paragon Consulting Group, the new responses
25 to comments, page 3. Bottom of page 3. And it's Section

1 10(b)(ii) -- (ii). This was in regards to visible oil, and
2 they were saying that this may not be necessary, and a
3 demonstration of operational success will not occur until
4 the receiving headworks have been put into operation.

5 MR. LAMB: I'm not sure what the original
6 one was.

7 BOARD MEMBER CAHN: So it's the new
8 comments that we got today. It's bottom of page 3.

9 BOARD MEMBER DEURLOO: Is this it, Lorie?

10 BOARD MEMBER CAHN: Yeah.

11 BOARD MEMBER BEDESSEM: Yeah.

12 MR. LAMB: Yeah. Okay. That was -- that
13 was removed from (b), that was -- we had the phase
14 separation in there, instead of with wastewater -- active
15 wastewater treatment. We just reduced it all to active
16 wastewater treatment.

17 I believe that's what we struck out, correct?

18 BOARD MEMBER CAHN: No, nothing got
19 changed.

20 MR. LAMB: (b)(ii).

21 BOARD MEMBER CAHN: This is a comment that
22 just came in. I know it was in my inbox a couple days ago.

23 MR. LAMB: Okay. Yeah.

24 BOARD MEMBER CAHN: So I just --

25 MR. CRIPE: It's this right here.

1 MR. LAMB: Okay. Yeah, a lot of times,
 2 especially nowadays, people are very concerned about
 3 recovering all the oil. So I get very good designs that
 4 tell me that they can recover the oil. And I also get
 5 information where they've been used before, and I can call
 6 people and talk to them about it. So that's why it's not
 7 just visible oil. That is a fact in its own sense. But I
 8 also can get information in a permit application. I get it
 9 all the time now, about different kinds of gun barrels,
 10 different sands, tanks to remove solids, filters, all kinds
 11 of things for the phase separation. And 90 percent of the
 12 companies that give me that will also tell me where it's
 13 been installed, and I can go back and check it and talk to
 14 people about it. So that's why we didn't use that comment.

15 BOARD MEMBER CAHN: Okay.

16 BOARD MEMBER BEDESSEM: So I think in the
 17 response to comments, if it had said when DEQ reviews the
 18 permit application, we analyze -- because I wasn't clear
 19 when I read this as to whether you were saying you were
 20 going to look at this to determine whether the passage was
 21 going to get changed.

22 MR. LAMB: No. No.

23 BOARD MEMBER BEDESSEM: I kind of misread
 24 it.

25 BOARD MEMBER CAHN: Yeah. So I think just

1 a better -- I'm not questioning you not changing that. I'm
2 just questioning the response to --

3 MR. LAMB: Oh.

4 BOARD MEMBER CAHN: -- to Paragon that you
5 get these on a regular -- you know, you get these, and it's
6 helpful to have that information up front before something
7 happens and they need to scramble or find a way to deal
8 with it or something. So just a better explanation that
9 it's -- it's -- you know, it's information that you guys
10 want in advance.

11 BOARD MEMBER BEDESSEM: For this purpose.

12 BOARD MEMBER CAHN: For this purpose.

13 MR. LAMB: Yeah.

14 BOARD MEMBER CAHN: And, therefore, you're
15 not going to change it. That's --

16 MR. CRIPE: Board Member Cahn, we can
17 expand that explanation in the comments.

18 BOARD MEMBER CAHN: Thanks.

19 CHAIRMAN KIRKBRIDE: How we doing on 10?

20 BOARD MEMBER DEURLOO: Mr. Chairman, I have
21 a couple more comments on 10.

22 CHAIRMAN KIRKBRIDE: All right.

23 BOARD MEMBER DEURLOO: Pretty small. But
24 on line 460, coming back to our word "qualified" again.
25 It's there again. "Certification by a qualified Wyoming

1 registered PE." So I suggest we strike "qualified" again,
2 because we had a discussion on that.

3 And on -- starting on line 479, (C). Dennis, I
4 heard -- was that -- I heard you mention earlier that you
5 rely heavily on the liner manufacturer for guidance on how
6 to install these and so forth. But so it reads "Surface
7 erosion and abrasion protection provided shall be
8 acceptable to the liner manufacturer." And I'm not trying
9 to get in your business. I'm just trying -- do we -- the
10 liner manufacturer's trying to sell the liner. He's going
11 to say a lot of things, possibly. So do we want to depend
12 upon the liner manufacturing telling us what's right for
13 that or a professional engineer that's going to review --
14 an engineer that's going to be reviewing the design?

15 MR. LAMB: That's a good question. Yeah,
16 typically for the liners -- you know, they're very
17 conservative in what they do, but I guess we could be --
18 ask for it to be evaluated by an engineer too. It's --
19 most of the stuff I get, it comes through the Liner
20 Institute, has met their standards when they're looked at.
21 And that's what I ask for in the liner -- to come from the
22 liner material. How much had been used? What standards do
23 you use? And I think it's Geosynthetic Institute, or
24 something, that sets the standards for these and evaluation
25 for it.

1 MS. THOMPSON: We did reference them later
2 in the section. So we reference them as Geosynthetic
3 Research Institute, GRI-GM13 Standard Specifications. So
4 we could see if they -- we could reference -- we can change
5 our reference to something like that, where we're -- it's
6 in line with this -- those standards specifications.

7 BOARD MEMBER DEURLOO: And I'm not
8 making -- Mr. Chairman. I'm not making recommendation for
9 change. I think you should take it back and talk to your
10 team and see what you specifically want, because it sounds
11 to me, from what you're saying, is you're actually taking
12 the information from the liner manufacturer and you're
13 evaluating if it meets -- I mean, they're providing this
14 information to you and you're making determination, from
15 what I heard you say. Do you want that, or do you want
16 somebody else to provide you and say, yeah, it meets these
17 specs?

18 MR. LAMB: Yeah, that's probably true.
19 What I go by, like I say, they meet the Research
20 Institute's standards. Those are the industry standards,
21 and that's the best way I can evaluate a liner.

22 BOARD MEMBER DEURLOO: Sure.

23 BOARD MEMBER BEDESSEM: That's probably
24 also what the PE would do too. So I don't think that it
25 would be --

1 MR. LAMB: I don't know that anybody has
2 time or the expertise to go -- to go do that kind of liner
3 research.

4 BOARD MEMBER DEURLOO: Yeah. Sure. That's
5 why I'm saying I'm not making recommendation for change.
6 I'm making recommendation just talking about that sentence
7 with your team, please.

8 MR. LAMB: Thank you.

9 CHAIRMAN KIRKBRIDE: Did you have more,
10 Brian?

11 BOARD MEMBER DEURLOO: No, sir.

12 BOARD MEMBER BEDESSEM: So I have just a
13 question. The part about the leak detection system, where
14 you have sub cells with maximum area of two acres, is that
15 the same standard that's used for other pond systems?

16 MR. LAMB: That's where it came from. This
17 came from the hog farm.

18 BOARD MEMBER BEDESSEM: From hog farms.

19 MR. LAMB: Yeah. Which were lined with
20 this kind of liner. It was the first one in the first
21 chapter in DEQ, that used dual liner and leak detection
22 systems.

23 BOARD MEMBER BEDESSEM: So this is word for
24 word what's in that chapter, then?

25 MR. LAMB: I wouldn't say it's word for

1 word, but it's close. But the sizing and the spacing and
2 all that --

3 BOARD MEMBER BEDESSEM: Is the same as --

4 MR. LAMB: -- came from that.

5 BOARD MEMBER BEDESSEM: -- hog waste
6 facilities.

7 MR. LAMB: Yeah.

8 BOARD MEMBER BEDESSEM: Okay. That's what
9 I wanted to know.

10 MR. LAMB: That's where it all came from.

11 BOARD MEMBER BEDESSEM: Okay. Thank you.

12 BOARD MEMBER CAHN: I have two English
13 things. So now I'm going on the green version, line 389.
14 So as it reads, it says "The netting or screen shall be
15 constructed so it remains intact..." And I would just
16 change that to the netting or screen shall be constructed
17 to remain intact. And then it goes on about "...and above
18 the surface of the liquid in the tank even during winds up
19 to 80 miles per hour and/or weighted with snow, ice, or
20 rain." It doesn't really refer what's being -- to what's
21 being weighted with snow, ice, or rain. So maybe it
22 needs -- after the "and/or," it needs to say "when weighted
23 with snow, ice, or rain," so we know we're talking -- what
24 we're talking about.

25 So I would change, in the first part of that,

1 after constructed, that we change -- so it -- change that
2 to "to" and that -- I would change remains to remain. And
3 then on the last part of the sentence, after "and/or," I
4 would say "when weighted with" -- add "when" between and/or
5 and weighted.

6 MS. THOMPSON: Mr. Chairman. Ms. Cahn, per
7 the recommended changes, it would read "The netting or
8 screen shall be constructed to remain intact and above the
9 surface of the liquid in the tank even during winds up to
10 80 miles per hour and when weighted with snow, ice, or
11 rain."

12 BOARD MEMBER CAHN: Or and/or.

13 MS. THOMPSON: We're going to take out the
14 "or," per other recommendations that I didn't realize that
15 or was still in there.

16 BOARD MEMBER BEDESSEM: But why don't we
17 have the "or"? Because you're not -- during winds up to
18 80 and weighted with snow? Don't you want it for either
19 situation?

20 MS. THOMPSON: So we can have either "and,"
21 or we can have "or," but the AGs are recommending that we
22 cut "and hyphen" or "and/or" because it -- it's on the list
23 of things I'm not supposed to be putting in that way. So
24 it needs to be "either and" or it needs to be "or." So if
25 we put "or when weighted with snow, ice, or rain," I can do

1 that. But I can't do "and/or" because it's going to get
2 removed later.

3 BOARD MEMBER BEDESSEM: So "or" would be
4 better.

5 MS. THOMPSON: So "or" would be better.
6 Okay. Thank you.

7 BOARD MEMBER BEDESSEM: Because the "and"
8 would be the more unusual situation.

9 MS. THOMPSON: Okay. Thank you.

10 BOARD MEMBER DEURLOO: Don't you live in
11 Laramie?

12 BOARD MEMBER CAHN: Somebody's going to
13 say, well, it says, "or," and I had both, so I didn't have
14 to do anything.

15 Okay. On line 473. So it says "The geosynthetic
16 clay liner base manufacturer shall have more than ten
17 million square feet of its product installed." I know what
18 you're trying to say, I'm just not sure about the wording.
19 Maybe more than 10 million square feet of the geosynthetic
20 clay liner base manu -- blah -- the manufacturer's
21 geosynthetic clay liner has been installed or something.
22 It's a mouthful, the geosynthetic clay liner base
23 manufacturing. I'm just trying to --

24 BOARD MEMBER BEDESSEM: What line is that?

25 BOARD MEMBER DEURLOO: 473.

1 BOARD MEMBER CAHN: 473. It's a bunch of
2 things stacked together, stacked nonadjectives. I just
3 wonder, really, if the manufacturer shall have more than
4 10 million square feet of its geosynthetic clay liner base
5 installed, or something like that. I don't know.

6 BOARD MEMBER BEDESSEM: It's one of the few
7 things in here that we don't use an acronym for. Like we
8 usually use GCL. We don't use GCL. We've got geosynthetic
9 clay liner spelled out everywhere in here. We don't spell
10 out HDPE anymore, or GRI, ASTM. Is it possible to put a
11 little more GCL in there?

12 BOARD MEMBER CAHN: But I think it's also
13 the sentence construction. We've got that ugly "its" in
14 there, "its product installed." So what we're after is
15 that if you're going to use a GCL, that GCL, by that
16 manufacturer, should have been installed at least -- there
17 should be at least 10 million square feet of it already
18 installed somewhere. So it's -- it's not a brand-new --
19 you know, it's a tried and true, I think is what we're
20 trying to say. And it's just --

21 MR. LAMB: Can we use their product?

22 BOARD MEMBER CAHN: We can use their. I
23 think that's --

24 MR. LAMB: Because it refers to more than
25 just the GCL. It refers to the liners, the 60 and

1 40 mil HDPE too.

2 BOARD MEMBER CAHN: Yeah. Yeah.

3 BOARD MEMBER BEDESSEM: It's in multiple.

4 I mean, you've got parallel construction in line 539 or
5 whatever it is.

6 BOARD MEMBER CAHN: Yeah, no. I saw it in
7 other places. I just -- it was like ugh. The geosynthetic
8 clay liner product shall have been -- specific product
9 shall have been -- more than 10 million square feet of
10 this -- the specific GCL shall have been -- really, it has
11 nothing to do with that manufacturer. We're talking about
12 the specific GCL they want to use has to have -- has to be
13 at least 10 million square feet of the specific
14 geosynthetic clay liner.

15 BOARD MEMBER BEDESSEM: I hate to say it,
16 but having seen tons and tons of specifications that have
17 exactly that line in it.

18 BOARD MEMBER CAHN: Oh, really?

19 BOARD MEMBER BEDESSEM: Yeah.

20 BOARD MEMBER CAHN: I was trying to improve
21 the English, but if we can't, at least change the "its" to
22 there.

23 BOARD MEMBER BEDESSEM: When you go out for
24 bid, a lot of times they'll have that.

25 BOARD MEMBER CAHN: Can we at least start

1 with the manufacturer of the geosynthetic clay liner base
2 shall have more than 10 million square feet of their
3 product installed. That at least take -- then there's not
4 so many things stacked together.

5 Would that be okay, Marge?

6 BOARD MEMBER BEDESSEM: I don't care.

7 BOARD MEMBER CAHN: The manufacturer shall
8 have more than 10 million square feet of their geosynthetic
9 clay liner-based installed. How would that be? We don't
10 have the product --

11 BOARD MEMBER BEDESSEM: That sounds better.

12 BOARD MEMBER CAHN: Okay.

13 BOARD MEMBER BEDESSEM: Might want to
14 repeat it. Can you remember?

15 BOARD MEMBER CAHN: We might have to get
16 you to read it back.

17 But I think I said manufacturer shall have more
18 than 10 million square feet of their geosynthetic clay
19 liner base installed, or something, above -- or even --
20 yeah.

21 BOARD MEMBER DEURLOO: Mr. Chairman, may I
22 ask a question?

23 CHAIRMAN KIRKBRIDE: Yes.

24 BOARD MEMBER DEURLOO: Are there any people
25 in Wyoming -- Wyoming base companies that make geosynthetic

1 clay liners?

2 MR. LAMB: Not that I know of.

3 BOARD MEMBER DEURLOO: Because you kind of
4 have -- one thing that strikes me over and over here again
5 is -- and I understand your reasoning where we say must
6 have 10 million square feet installed, but kind of keeps
7 little guys out of the business, if they want to start
8 geosynthetic clay liner installation business, or something
9 like that --

10 BOARD MEMBER BEDESSEM: It's not the
11 installation. It's the product that has to be --

12 BOARD MEMBER DEURLOO: It's the product,
13 yeah.

14 BOARD MEMBER BEDESSEM: -- installed.

15 BOARD MEMBER DEURLOO: That's true.

16 BOARD MEMBER BEDESSEM: So they have to use
17 a reliable product.

18 BOARD MEMBER DEURLOO: That's true. I did
19 read that in there. So they can use a local installer --

20 BOARD MEMBER BEDESSEM: Yes.

21 BOARD MEMBER DEURLOO: -- but they'd have
22 to have a -- yeah.

23 BOARD MEMBER BEDESSEM: A tried and true --

24 BOARD MEMBER DEURLOO: Yeah.

25 BOARD MEMBER BEDESSEM: -- product.

1 MR. LAMB: You know, the installers have to
2 have a certain amount of experience or be recommended by
3 the manufacturers.

4 BOARD MEMBER DEURLOO: I saw that.

5 MR. LAMB: Yeah, so that's --

6 BOARD MEMBER DEURLOO: Yeah, that's good.
7 Thank you.

8 MR. LAMB: It's typical -- there's not any
9 companies that do it. There's been several out of Colorado
10 and Texas, but I don't know anybody that installs locally.

11 CHAIRMAN KIRKBRIDE: Sir, you have a
12 comment.

13 MR. DOYLE: My name is David Doyle. As a
14 way of maybe resolving this, applications that come in to
15 this group for -- to get approved for construction usually
16 include the finished bid package, which specifies all the
17 products that are going to be used for construction,
18 including the cut sheets for the proposed GCL. I think it
19 would be perfectly adequate to say the recommended GCL
20 product should be -- shall be previously installed, you
21 know, according to your language there. Because there's a
22 specific manufacturer and product name or number attached
23 to this application. So by reference, they ought to know
24 that the product they're recommending or that the engineer
25 is proposing in the -- in the application package is -- is

1 what this applies to. I don't think we need to -- you need
2 to wordsmith this -- that -- that -- this thoroughly.

3 CHAIRMAN KIRKBRIDE: Thank you.

4 BOARD MEMBER CAHN: I'm just trying to say
5 what you just said in plainer English is all.

6 MR. DOYLE: Yeah.

7 BOARD MEMBER DEURLOO: It's all good.

8 BOARD MEMBER CAHN: The specific GCL shall
9 have been installed more than 10 million square feet or
10 more than --

11 BOARD MEMBER BEDESSEM: Just take a look at
12 it.

13 MR. CRIPE: We will take a look at it.

14 BOARD MEMBER DEURLOO: I don't have any
15 more comments, Mr. Chairman.

16 BOARD MEMBER BEDESSEM: Get the perfect
17 language.

18 BOARD MEMBER DEURLOO: I don't have any
19 more comments.

20 CHAIRMAN KIRKBRIDE: Other comments?

21 MR. CRIPE: We'll move on to Section 11. I
22 think that's where we're at. We added monitoring --

23 THE REPORTER: I'm sorry. Can you say that
24 again? Just repeat what you just said?

25 MR. CRIPE: We're going to go to Section

1 11. We added Monitoring and Reporting Requirements from
2 guideline and commercial oilfield waste disposal facility,
3 streamlined and clarified the passages to eliminate
4 redundancy.

5 Are there comments or questions on Section 11?

6 BOARD MEMBER BEDESSEM: I don't have any
7 comments on Section 11. I don't have any comments on
8 Section 11.

9 BOARD MEMBER CAHN: I had some questions.
10 A couple of things. One is why -- why is the language only
11 for an unconfined aquifer in line -- I don't know on the
12 new --

13 BOARD MEMBER BEDESSEM: It's line 554.

14 BOARD MEMBER CAHN: 554.

15 MR. LAMB: Why is it only unconfined?

16 BOARD MEMBER CAHN: Yeah.

17 MR. LAMB: Because that's typically the
18 only ones we worry about. If you have a confined aquifer
19 there's an impermeable layer on top of it, and that means
20 that it's really hard for the water to get down to it. If
21 it leaks out of the pond, it would contaminate the
22 unconfined aquifer. And to go through the confining layer,
23 it would probably not be there. We don't go through
24 confining layers at these sites, typically.

25 BOARD MEMBER CAHN: Okay. So that's why

1 you're not using the language from USDW for uppermost
2 aquifer, and that kind of language? That why you're --
3 because it's not really the uppermost aquifer, if the
4 uppermost aquifer is confined, you're not concerned about
5 it?

6 MR. LAMB: Yeah. I guess so. We can use
7 uppermost aquifer -- no, we wouldn't use uppermost, because
8 could be confined. Excuse me.

9 BOARD MEMBER CAHN: Right. Okay. I just
10 needed clarification on that.

11 MR. LAMB: Because we many times said dry
12 wells, because there isn't -- here's an unconfined aquifer.
13 And we come down to a whole lot of claystone across the
14 whole side. And we set the wells on top of that claystone
15 as sentinel wells, and they're actually dry wells. And we
16 have had them show with water in the old -- in various
17 cases. So we don't necessarily monitor groundwater,
18 besides -- we use the groundwater wells as another method
19 of detecting leaks.

20 BOARD MEMBER CAHN: We've got Chapter 8
21 Table 1 here. I'm sorry. My notes are really cryptic, so
22 I need just a minute to read my own notes.

23 Okay. I'm good. Thank you.

24 BOARD MEMBER DEURLOO: I have a question,
25 Mr. Chairman.

1 CHAIRMAN KIRKBRIDE: Yes.

2 BOARD MEMBER DEURLOO: So say one of these
3 you reference in Section 11, leak detection system
4 monitoring starting on 580. You speak of if fluid is
5 found, then report to administrator within 24 hours.

6 So, basically, what I'm trying to understand,
7 Mr. Lamb, is that the water's coming up from the leak
8 detection system, it's coming out of a produced pit, right?
9 It's produced water pond?

10 MR. LAMB: Yeah. Can be.

11 BOARD MEMBER DEURLOO: Can be.

12 So if we come -- what does the system look like
13 downstream from these pipes that are collectors? Is it
14 just kind of daylight to ground, or does it come --

15 MR. LAMB: No.

16 BOARD MEMBER DEURLOO: -- into a collection
17 facility? What --

18 MR. LAMB: They come to a sump.

19 BOARD MEMBER DEURLOO: Uh-huh. Oh, right.

20 MR. LAMB: And then there's a pipe that
21 goes down to the sump, where they can put a pump down and
22 pump it back out. Comes up to the surface of the -- of the
23 berm.

24 BOARD MEMBER DEURLOO: Gotcha.

25 MR. LAMB: And sometimes they're straight

1 down, sometimes angled down. People prefer the straight-
2 down one, because it's easier for the pump --

3 BOARD MEMBER DEURLOO: Uh-huh.

4 MR. LAMB: -- not to be laying on
5 something, and it's easier to detect the water. So...

6 BOARD MEMBER DEURLOO: Do you have any
7 concern in that first -- because it's a monthly, they have
8 to sit -- inspect the leak detection system, what is it,
9 every week in the first month or something I read. Anyway,
10 there could be some time in between -- it's monthly after a
11 while here.

12 MR. LAMB: Right.

13 BOARD MEMBER DEURLOO: You're doing monthly
14 inspections.

15 So if you see water spilling in there and they
16 have to report within 24 hours, do you ever have a concern
17 of the lost water between the time it started -- say nobody
18 was out there over Christmas holiday or something like
19 that. Usually pumpers are working then. But do you have a
20 concern of losing some of that water between when it first
21 started and --

22 MR. LAMB: Not really. I mean, I have not
23 seen that as a case.

24 BOARD MEMBER DEURLOO: Okay.

25 MR. LAMB: And I've seen liners -- I've

1 seen liners taken up where there's been -- both liners and
2 leak detection system have been breached. And I've seen
3 what's come through, and it's very, very little, and then
4 it hits the clay and just sits there.

5 BOARD MEMBER DEURLOO: I suppose it would
6 be.

7 MR. LAMB: Yeah. I mean, you can see --
8 and in the old ones they used to have a single liner, and
9 they had sand and then they had a clay liner, right?

10 BOARD MEMBER DEURLOO: Uh-huh.

11 MR. LAMB: And I've seen several of those
12 where it went through -- sand was in the leak system as
13 media flow.

14 BOARD MEMBER DEURLOO: Uh-huh.

15 MR. LAMB: And you can see where they've
16 gone through, but it didn't go down into the clay any more
17 than this because the compacting clay just spread across it
18 in a broad way. So I don't have a great concern, no.

19 BOARD MEMBER DEURLOO: Okay. That's --
20 thank you.

21 MR. LAMB: Yeah.

22 BOARD MEMBER DEURLOO: That's my only
23 question.

24 CHAIRMAN KIRKBRIDE: Okay on 11?

25 BOARD MEMBER CAHN: What -- I'm interested

1 in this establishing baseline, groundwater quality from one
2 sample. But you're not going to be testing against that in
3 the future? It's awfully hard to establish baseline from
4 one sample. And so it's not something like going into
5 detection monitoring assessment, corrective action,
6 whatever, if you see something, you're just looking for
7 whether you see oil and grease?

8 MR. LAMB: No. We actually monitor -- leak
9 detection monitoring -- there's not really much oil on
10 these ponds. There's not supposed to be any on them,
11 right? So what we monitor for, after the baseline is done,
12 is pH, TDS -- total dissolved solids -- EC, chloride,
13 sulfates, and sometimes barium. And those are the -- those
14 are the constituents that are really large in produced
15 water. They're the major constituents. Chlorides are like
16 20,000 to 40,000. And TDS is up in those ranges too. So
17 those are things that do not get diluted when they flow
18 through the ground and would reach the wells first and give
19 us a signal that there is a problem.

20 And the order of magnitude between the background
21 samples and what's in the pond on those constituents is two
22 or three orders of magnitude. Does that make sense? So
23 those are like the things we watch for -- and if we see
24 that, then we do other sampling. We increase the sampling.
25 And it can go for the other stuff. Oil and grease we

1 rarely would see. There's not much in the ponds.

2 BOARD MEMBER CAHN: Okay.

3 MR. LAMB: And if it is, it's on the very
4 top.

5 BOARD MEMBER CAHN: I'm just wondering --
6 what you said totally makes sense to me. And I'm not sure
7 I'm seeing that you're looking -- or saying if that's
8 orders of magnitude greater than -- you know, you got
9 chloride at one level and it's slightly higher than the
10 next. You know, in your baseline --

11 MR. LAMB: Yeah.

12 BOARD MEMBER CAHN: -- you've got some
13 chloride, then all the sudden your chloride is just
14 slightly greater -- you only have one sample. So if you
15 got chloride or sulfate, you know, one PPM greater or
16 something, how --

17 MR. LAMB: We sample quarterly for all
18 those constituents and compare them to the baseline. Is
19 that --

20 BOARD MEMBER CAHN: So if somebody -- then
21 somebody has a 1 ppm increase instead of orders of
22 magnitude increase, then they're going to have to
23 demonstrate to you that that's --

24 MR. LAMB: No.

25 BOARD MEMBER CAHN: -- really part of

1 baseline? I mean --

2 MR. LAMB: If it's within reason, within
3 fluctuation -- I mean, we do it over time, and there's a
4 series of wells. So we have a bunch of samples after a
5 while to compare it to. And if it's not a major
6 fluctuation -- if it's something we might think
7 problematic, but, I mean, if it's 1 part per million
8 chloride jump, then that's not -- that's not a major
9 variation and not statistically important. We will go back
10 if we saw something, and have done this.

11 BOARD MEMBER CAHN: You just said the
12 statistically important and that's why I'm just wondering
13 about how does somebody show statistically if you have two
14 sample, one was based on and next one is your next one.

15 CHAIRMAN KIRKBRIDE: Do we have -- did you
16 have a -- go ahead.

17 MS. BARKAU: My name is Lily Barkau. I'm
18 the groundwater section manager.

19 And to get back to you on original question on
20 baseline sample. A baseline sample is collected in order
21 to establish the class of use based on water quality for
22 the formation, because then they're not allowed to degrade
23 the constituents that are for that particular class of use.

24 The detection monitoring is a permit requirement
25 or permit condition, so the types of constituents and the

1 frequency of detection of a sampling along with how those
2 analytes are evaluated is outlined in the permit --

3 BOARD MEMBER CAHN: Okay.

4 MS. BARKAU: -- and not set as part of the
5 rule.

6 BOARD MEMBER CAHN: Okay. That clarifies.
7 Thank you.

8 CHAIRMAN KIRKBRIDE: Are we okay on 11,
9 then?

10 BOARD MEMBER BEDESSEM: I wanted to say I
11 appreciated you explaining like typically if you were going
12 to be talking to someone who's developing an application
13 and they were going to have to submit a monitoring plan,
14 you know, right off the bat these are the kinds of things
15 we're looking for, and you should probably have those in
16 your sampling plan --

17 MR. LAMB: Right.

18 BOARD MEMBER BEDESSEM: -- and so forth.

19 But there's flexibility involved in the way this
20 is written so that based on what they're taking and -- and
21 prior knowledge waste streams and so forth you can figure
22 out what that is with the applicant.

23 MR. LAMB: Yeah. We write the permits that
24 we can always change the analytes and frequency of
25 monitoring. Department can at the time. And we have done

1 it at sites where we have -- think there's a problem.

2 BOARD MEMBER BEDESSEM: Thank you.

3 CHAIRMAN KIRKBRIDE: Rich, we can go on.

4 MR. CRIPE: We will proceed on Section 12,
5 Operation and Maintenance Plan. We added operation and
6 maintenance plan requirements and in cross-reference to the
7 components listed on Appendix A.

8 Are there any questions on Section 12 at this
9 time?

10 BOARD MEMBER CAHN: Are we going to talk
11 about Appendix A now, or are we going to wait until we're
12 done?

13 MR. CRIPE: We can talk both, if you like.

14 MS. THOMPSON: They're related, so...

15 BOARD MEMBER CAHN: Okay. I just found --
16 sorry.

17 CHAIRMAN KIRKBRIDE: Go ahead.

18 BOARD MEMBER CAHN: I found Appendix A
19 difficult to follow. It's how many pages long? It's nine
20 pages long. And it's not clear, the way it's written with,
21 you know, 1, 1.1, 1.1.1, without having indentations. It
22 was really difficult to follow what -- what was under what.
23 And it seems like if -- for one, if it can -- I can't even
24 understand it without having it in a format where things
25 are indented.

1 MR. LAMB: It was in an outline form. And
2 I'll let Gina explain this.

3 MS. THOMPSON: Sure. So the current
4 guidance outline form, it was bullets and dashes and
5 indents, in addition to Roman numerals and letters. And
6 the format that it's currently in, it's not in compliance
7 with the Secretary of State requirements. So I looked for
8 a similar appendix, which is the appendix that we used for
9 the risk matrix for the carbon sequestration rule, which
10 was much simpler, but seemed to provide a good starting
11 point as far as being numbered and whatnot.

12 So we went with that because it had been approved
13 by the Secretary of State. But definitely, you know, we
14 take your comment that it's difficult to navigate, we take
15 that seriously. So we can work to find a better way to
16 kind of preserve that outline format.

17 They're very strict about, you know, A's
18 following, you know, certain capitalized letters, following
19 Roman numerals, and when things are capitalized and when
20 they're not. So we were trying to go with it, and we
21 didn't quite hit the target, let's say, so...

22 BOARD MEMBER CAHN: I don't even feel like
23 I've reviewed it, because I couldn't follow it. I mean, I
24 got so confused trying to follow it. I was like blah. I
25 don't know.

1 MR. KUHLMANN: I think there might be
2 argument to be made to the Secretary of State's Office that
3 since it's an appendix, and what you're trying to do with
4 it is you're not trying to lay out substantive rule, like
5 terms, that you should be able to do whatever indentation
6 is -- you know, makes it sensible.

7 MS. THOMPSON: Sure.

8 MR. KUHLMANN: So I'd -- you can take that
9 run at it, if you guys can -- I don't know they'll agree,
10 though.

11 MS. THOMPSON: Who knows. We can
12 definitely go back over and see what we can do to make it
13 better.

14 BOARD MEMBER CAHN: I'll just give an
15 example. 5.2.2.3.3 on the bottom of page A-3 just says
16 "Allowable." And so what are we talking about? We're
17 really talking about allowable freeboard, but it takes you
18 a while. You have to read up -- one, two, tree, four,
19 five, six, seven -- you know, you have to read up many
20 lines before you figure out we talked about freeboard. So
21 that's just --

22 MS. THOMPSON: Sure.

23 BOARD MEMBER BEDESSEM: Can I go next?

24 BOARD MEMBER CAHN: We're on Section 11.

25 BOARD MEMBER BEDESSEM: We're on 12.

1 BOARD MEMBER CAHN: We're on 12. Sorry.

2 Now on 12.

3 CHAIRMAN KIRKBRIDE: That one's kind of
4 wiped out.

5 Do we still have a Section 12, though? Are we --
6 is that -- that doesn't go away?

7 MS. THOMPSON: So we still need them to
8 submit an O&M manual for each new or modified facility.
9 And we also need them to submit a draft at 50 percent of
10 completion of construction.

11 CHAIRMAN KIRKBRIDE: Okay.

12 MS. THOMPSON: So it's like a two-paragraph
13 section.

14 CHAIRMAN KIRKBRIDE: Well, that's sort of a
15 relief, isn't it?

16 MS. THOMPSON: It's compliant with the
17 outline rules. So there's two paragraphs, so I can have A
18 and B.

19 BOARD MEMBER BEDESSEM: Chairman Kirkbride,
20 may I comment?

21 CHAIRMAN KIRKBRIDE: Yes, please.

22 BOARD MEMBER BEDESSEM: Section 12, I
23 understand the stuff that was originally in there got
24 eliminated because -- based on good public comment, that it
25 didn't necessarily apply to this type of facility, and that

1 you needed kind of a different list for that. So then you
2 pulled info from the guideline and put it in the Appendix.
3 And so when I look at this, besides the fact that it's
4 really difficult to find Appendix A useful at all, I'm not
5 sure that level of outline needs to be in a rule. I mean,
6 that looks to me like something that's in a guideline to
7 help -- you know, like where it came from --

8 MS. THOMPSON: Right.

9 BOARD MEMBER BEDESSEM: -- to help somebody
10 figure out how they do that. And that I wouldn't want to
11 see you married to that outline until you do another rule
12 change. It seems like formatting and how you want that
13 arranged, you can deal with in a guideline. But that what
14 you originally had, although it wasn't on exactly the
15 correct topic, where you outlined the general things that
16 need to be in an O&M manual, would be in the rule. And the
17 detailed section this, section that, whatever, is in a
18 guideline, would make this rule a lot more readable and
19 give you the ability to alter exactly the format and the
20 guideline, you know what you want in that application, as
21 long as it covers the topics you think it needs to cover,
22 like you had originally explained in Section 12 for the
23 other set.

24 So from my perspective, I prefer that you just
25 take a hard look at what really needs to be in the O&M

1 manual for this type of facility, address it that way, and
2 then the minutia detail, you know, you can figure out in
3 the guideline and not have to attach an appendix that, you
4 know, with one-word titles is limited usefulness to most
5 permittees, I think. So that's my position. I would be
6 very thrilled if Appendix A just disappeared.

7 BOARD MEMBER DEURLOO: That's a good point.

8 MS. THOMPSON: Thank you. That's helpful.

9 BOARD MEMBER CAHN: I would agree.

10 BOARD MEMBER BEDESSEM: Then that way you
11 don't have to figure out what's acceptable on the outline
12 format with the Secretary of State.

13 MS. THOMPSON: And that would be, you know,
14 immeasurably helpful, I believe. I mean, not to
15 exaggerate.

16 BOARD MEMBER BEDESSEM: You can concentrate
17 more on content.

18 MS. THOMPSON: Right. So what I'm hearing
19 is that you'd like us to find elements of what we want and
20 not be so specific and detailed and -- okay. We will -- we
21 will take that back and --

22 BOARD MEMBER BEDESSEM: And that will give
23 you your flexibility, but make sure that the permittee
24 knows the types of things that need to be in the O&M.

25 That's the only comment I had on Section 12.

1 CHAIRMAN KIRKBRIDE: We can go to 13?

2 MR. CRIPE: Section 13, Public
3 Participation, Public Notice, and Public Hearing
4 Requirements. We added this section to be consistent with
5 the Water Quality Division regulations and practices in
6 order to provide a balanced opportunity for the public to
7 participate in a permitting process.

8 Are there any questions or comments on this
9 section?

10 BOARD MEMBER CAHN: Mr. Chair.

11 CHAIRMAN KIRKBRIDE: Yes.

12 BOARD MEMBER CAHN: So I have two English
13 ones. I'm going to have to try to find them on your green
14 version, so maybe somebody else can go ahead.

15 BOARD MEMBER DEURLOO: Mr. Chairman, I have
16 a small comment.

17 CHAIRMAN KIRKBRIDE: All right.

18 BOARD MEMBER DEURLOO: Gina, how married
19 are you to not using and/or?

20 MS. THOMPSON: Well, I personally --

21 BOARD MEMBER BEDESSEM: She doesn't have a
22 choice.

23 MS. THOMPSON: I don't have a preference.
24 I generally do what I'm told. But several attorneys -- so
25 it's not just one attorney who's just particularly against

1 it.

2 BOARD MEMBER DEURLOO: Okay.

3 MS. THOMPSON: It's that there's -- there's
4 a philosophy behind why it's a bad idea, apparently.

5 BOARD MEMBER DEURLOO: I understand.

6 MS. THOMPSON: And I don't have the skill
7 to explain that.

8 BOARD MEMBER DEURLOO: That's okay. I
9 don't need a whole explanation. There's one I found in
10 line 785.

11 MS. THOMPSON: Yeah, I will have to -- I
12 will get to go back and remove those and --

13 BOARD MEMBER DEURLOO: Okay.

14 MS. THOMPSON: So I would say on line 785,
15 it will probably be --

16 BOARD MEMBER DEURLOO: It's a funky one,
17 because you have two "ors" in a row.

18 MS. THOMPSON: I think it will probably be
19 an "or."

20 BOARD MEMBER DEURLOO: Yeah, I think so
21 too.

22 MS. THOMPSON: Okay. Thanks for catching
23 that.

24 BOARD MEMBER DEURLOO: That's my
25 contribution to Section 13.

1 BOARD MEMBER BEDESSEM: Yeah. Just looking
2 at that, it looks like you got to move -- that when you
3 take out your and/or, you end up with situations where
4 you've got to move the end of that sentence to the
5 beginning of the sentence, because otherwise it looks
6 like it's in a list and it's confusing. So you end up with
7 some --

8 MS. THOMPSON: I would like to just, on a
9 side note, note that this is going to be a fun challenge,
10 because I draw this passage from another chapter, which is
11 currently in place and is a primacy chapter.

12 BOARD MEMBER DEURLOO: Oh.

13 MS. THOMPSON: So I potentially made
14 several layers of work for myself. But I will -- we'll go
15 back and evaluate that. We may have to reconstruct it as
16 you're explaining. And then you may see that
17 reconstruction again later in other projects.

18 BOARD MEMBER DEURLOO: Oh, good.

19 MS. THOMPSON: So look forward to that, I'm
20 sure.

21 BOARD MEMBER BEDESSEM: So I have one
22 question. So is this the same public participation process
23 that works for other Water Quality Division permits?

24 MS. THOMPSON: So this is straight out of
25 Chapter 27, with a few customizations, because our current

1 Chapter 27 covers our UIC Class I and Class V permits, and
2 there's some nuances that they have that this particular
3 sector does not have. But -- so because it's in that
4 chapter, it's actually a federal outline that we've
5 incorporated, and so it's also similar to the carbon
6 sequestration Class VI chapter. So it's other programs as
7 well.

8 BOARD MEMBER BEDESSEM: I was just
9 checking, because sometimes -- I mean, I know we're all
10 trying to cut down on the amount of words in the rules. If
11 there's like one chapter that explains all the public
12 participation, public notice, and public hearing, but it
13 doesn't appear that's the case. You've got different
14 things in different programs. But this is --

15 MS. THOMPSON: No. So we have specific
16 requirements, because we -- because I pulled it from
17 primacy programs. And we also have some nuances that
18 aren't covered in the Department's rules of practice and
19 procedure. So we cross-referenced the rules of practice,
20 but some of the specific notice requirements and the
21 parties that we need to notify, those are specialized by
22 division and --

23 BOARD MEMBER BEDESSEM: Okay. Thank you.
24 I was just curious. So you answered why we have to have
25 that many words.

1 MS. THOMPSON: Yeah.

2 BOARD MEMBER BEDESSEM: So thank you.

3 MS. THOMPSON: You're welcome.

4 BOARD MEMBER CAHN: So do we know whether
5 we're using "and" or "or" in there?

6 MS. THOMPSON: We will be using "or," but
7 we will most likely be reconstructing that paragraph,
8 because --

9 BOARD MEMBER BEDESSEM: Doesn't read well.

10 MS. THOMPSON: Once we take that out, it's
11 going to be a little strange to look at. So that will be
12 revised.

13 BOARD MEMBER CAHN: All right. So my two
14 minor comments, one is on 8 -- line 815. And I would just
15 remove the first "the" after -- we don't have to say "after
16 the completion of the comment period." It can just be
17 "after completion of the comment period."

18 And then in line 825 and 826, I would change "all
19 comments voicing a regulatory concern." I don't really
20 like the comments are voicing. It would be better to say
21 all comments that voice a regulatory concern. And I would
22 take out "that is within the authority of the department to
23 regulate." So I still don't like voice, but it would be --

24 CHAIRMAN KIRKBRIDE: How about
25 "expressing"?

1 BOARD MEMBER CAHN: Yeah, yeah,
2 "expressing." But briefly describe and respond to all
3 comments that voice or express -- whatever, one of those
4 words -- a regulatory concern within the authority of the
5 Department to regulate.

6 CHAIRMAN KIRKBRIDE: How we doing, Board?

7 BOARD MEMBER CAHN: We can even say all
8 comments with a regulatory concern within -- I don't know.
9 Anyways, I just -- that needs a little work.

10 Okay. That's it for me. Thank you.

11 MS. THOMPSON: Okay.

12 BOARD MEMBER BEDESSEM: That's the last
13 section.

14 CHAIRMAN KIRKBRIDE: I think we might be
15 okay. So now do we take public comment?

16 Are there members of the public who would have
17 been so patiently waiting, would like to have something to
18 say with reference to this chapter?

19 All right. I see none. Are we -- is this
20 something we take action on? If so, are we at that point
21 with this chapter? Pardon me?

22 MR. CRIPE: So, Chairman, I guess we're at
23 a point of we take action or something here. But it
24 appears that we've got some work to do on this. So I guess
25 I would throw out as a suggestion two parts here. With

1 Chapter 14, we are going to make those minor edits, but I
2 would make a suggestion maybe that one get voted and just
3 tabled until this is complete, would be one option. And
4 that maybe we come back and readdress this chapter with you
5 guys on Chapter 28.

6 BOARD MEMBER CAHN: Is there a way that --
7 is your suggestion that, then, 14 -- or 12 -- I'm sorry if
8 I got number wrong --

9 BOARD MEMBER BEDESSEM: 14.

10 BOARD MEMBER CAHN: -- 14 not come back to
11 us in the next packet and we could act on it now, knowing
12 that you are not going to go forward with it until 28 is
13 finished?

14 MS. THOMPSON: Correct.

15 MR. CRIPE: That is correct.

16 BOARD MEMBER CAHN: Okay. That sounds
17 good. So we don't have to see -- we don't see it again.
18 We don't get to see it again. Not have to see it again.

19 BOARD MEMBER BEDESSEM: And you did a joint
20 SOPR. So we can be confident that they won't accidentally
21 send it forward.

22 MR. CRIPE: Correct.

23 BOARD MEMBER CAHN: That sounds right.

24 CHAIRMAN KIRKBRIDE: Is that your motion?

25 BOARD MEMBER BEDESSEM: I would like to

1 make a motion to approve Chapter 14 with whatever -- I
2 don't think we made any --

3 BOARD MEMBER DEURLOO: Yeah, we did.

4 MR. CRIPE: There were a couple minor
5 edits. There was ensure, and then there was comment about
6 Wyoming PE language be added. And we will make those
7 changes. But other than that, they were just --

8 BOARD MEMBER BEDESSEM: So with the changes
9 as recommended to move forward that Chapter 14 to the EQC.

10 CHAIRMAN KIRKBRIDE: Is there a second?

11 BOARD MEMBER DEURLOO: I'll second that.

12 CHAIRMAN KIRKBRIDE: Further discussion?

13 We've had a good bit.

14 All in favor say aye.

15 BOARD MEMBER DEURLOO: Aye.

16 BOARD MEMBER BEDESSEM: Aye.

17 BOARD MEMBER CAHN: Aye.

18 CHAIRMAN KIRKBRIDE: Opposed?

19 It carries.

20 MR. CRIPE: And then I don't know the
21 process that follows for 28. I just assume that --

22 MS. THOMPSON: So I think that if the Board
23 is recommending the Division bring -- make some edits and
24 bring it back -- and it sounds like we'll be making some
25 substantial edits, so we would re-notice it again, because

1 completely redoing the table again and redoing some of the
2 other bits throughout the chapter, those are pretty
3 substantial. So I don't think that you necessarily --
4 well, do they have to vote to tell us to come back?

5 MR. KUHLMANN: I don't think so. I think
6 the only thing required under the statute is to vote to
7 move forward rules. I don't think any action is necessary,
8 if that -- if the Board's under the understanding that
9 you're going to come back and you guys have an idea of
10 what -- what's been asked, then I don't think there needs
11 to be any action or even to table it or anything like that.

12 BOARD MEMBER BEDESSEM: I like having you
13 here to ask.

14 BOARD MEMBER CAHN: Do we need to go back
15 out for public comment?

16 BOARD MEMBER BEDESSEM: That's what she had
17 said.

18 BOARD MEMBER CAHN: Sorry. I'm still
19 having a hard time.

20 MS. THOMPSON: I think a lot of comments
21 are -- lot of changes are pretty substantial from what
22 we've done that it's probably a good idea to go back again.
23 So...

24 BOARD MEMBER CAHN: A 30-day --

25 BOARD MEMBER DEURLOO: So we make a motion

1 to not approve as --

2 MS. THOMPSON: I don't think you have to
3 make a motion to not approve.

4 BOARD MEMBER DEURLOO: Okay.

5 MS. THOMPSON: I think that --

6 BOARD MEMBER BEDESSEM: We never have.

7 MS. THOMPSON: We just recommend --

8 MR. KUHLMANN: No action was taken.

9 BOARD MEMBER CAHN: And do we have to make
10 a motion to request public comment for 30 days on this?
11 No? Okay. Good.

12 MR. KUHLMANN: No, I don't think so.

13 MS. THOMPSON: So I think that that
14 concludes our Water Quality presentation. We'll be coming
15 back with this one.

16 It's about 20 after 12:00, within a few minutes.
17 So it might be good idea to go ahead and take a lunch
18 break, and when we come back, we will get started with the
19 Solid and Hazardous Waste presentations. We have some fact
20 sheets, and then we have some solid waste guidelines and
21 rules.

22 So if I might ask for a lunch break,
23 Mr. Chairman.

24 CHAIRMAN KIRKBRIDE: Yes. I think that's a
25 good idea.

1 1:30? Can we be back at 1:30? Is that enough
2 time?

3 MS. THOMPSON: Yeah.

4 CHAIRMAN KIRKBRIDE: We'll recess until
5 that time.

6 MS. THOMPSON: Thank you.

7 (Meeting proceedings concluded
8 12:18 a.m., October 17, 2019.)

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C E R T I F I C A T E

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

Dated this 11th day of November, 2019.


KATHY J. KENDRICK
Registered Professional Reporter

