

WWAB Meeting - SHW

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1 WYOMING WATER AND WASTE ADVISORY BOARD

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4 RE: WYOMING SOLID AND HAZARDOUS WASTE DIVISION:
5 SOLID WASTE RULES AND REGULATIONS CHAPTERS 3 AND 18

6

AND

7

8 WATER QUALITY DIVISION: RULEMAKING WQRR CHAPTER 3

9 -----

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11 TRANSCRIPT OF MEETING PROCEEDINGS

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13 Pursuant to notice duly given to all parties

14 in interest, this matter came on for meeting

15 on the 25th day of June, 2019, at the hour of

16 9:10 a.m., at the Oil and Gas Commission, 2211 King

17 Boulevard, Casper, Wyoming before the Wyoming Water

18 and Waste Advisory Board. Ms. Marjorie Bedessem,

19 Chairwoman, presiding, with Mr. Brian Deurloo and

20 Mr. Alan Kirkbride also in attendance.

21 Mr. Luke Esch, Solid and Hazardous Waste

22 Administrator; Mr. Kevin Frederick, Water Quality

23 Administrator; Ms. Jody Weikart, Acting Solid Waste

24 Program Manager; Ms. Lily Barkau, Groundwater Section

25 Manager; and Ms. Gina Thompson, Water Quality Division,

were also in attendance.

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1 CHAIRMAN BEDESSEM: We'll do that, and then
2 we'll take a break.

3 So now we're moving to Chapter 3, Water Quality
4 Rules.

5 MR. FREDERICK: So Chapter 3 is a
6 regulation and requires a permit from Water Quality
7 Division to essentially construct, install, operate any
8 treatment facility or other facility capable of causing or
9 contributing to pollution. And over the years, other
10 Divisions have developed permitting systems that have
11 precluded the environment for Water Quality Division permit
12 because now the other division is requiring essentially a
13 permit. And it also has precluded requiring permits on
14 facilities that actually fall under the jurisdiction of
15 other agencies, such as the Oil and Gas Conservation
16 Commission. And the exceptions to the permit requirements
17 are identified on page 3-2, beginning line 58. And I'll
18 draw your attention to line 59.

19 BOARD MEMBER DEURLOO: On the strike and
20 underline, Kevin?

21 MR. FREDERICK: The --

22 BOARD MEMBER DEURLOO: Chapter 3, strike --

23 CHAIRMAN BEDESSEM: Yeah. I see red over
24 there.

25 BOARD MEMBER DEURLOO: I see red over there

1 too. Yeah.

2 CHAIRMAN BEDESSEM: Yeah.

3 MR. FREDERICK: And on line 59 it makes it
4 very clear that the regulations, i.e. this regulation for
5 requiring permit for Water Quality Division doesn't apply
6 to facilities that are authorized by permit-issued
7 provisions of the Environmental Quality Act, which is the
8 case, as Luke described, with the new regulation on coal
9 combustion residual impoundments in the landfills.

10 So what we've done, on line 63 and 64, which did
11 identify certain types of facilities that Water Quality
12 Division doesn't require permit for that are permitted by
13 Solid and Hazardous Waste, we simply inserted the words
14 "and coal combustion residual surface impoundments" to
15 clarify that those now were excluded -- or would be
16 excluded from Water Quality Division permitting on surface
17 impoundments, because the permitting requirements would be
18 covered under the new Solid and Hazardous Waste Division
19 permit, and there's no need for dual permitting on any type
20 of facility.

21 So it's essentially cleaning up a permit
22 requirement that would no longer be needed.

23 And, finally, turning your attention on line 305.
24 It's on page 3-8. And this particular paragraph that
25 begins on line 304 talks about applications for permits

1 from Water Quality Division, and it goes on to talk about
2 how the application must be accompanied by three copies of
3 plans, specifications, et cetera, et cetera, et cetera.

4 So this is a historic artifact that's been in
5 Water Quality Rules and Regulations for a long time. And
6 the language is kind of outliving its purpose when we talk
7 about requiring three, essentially, hard copies, or three
8 paper copies of all of this material be submitted with an
9 application. And we're working very hard to move into a
10 more paperless type of an agency. We commonly accept
11 electronic documents for permit applications now. We don't
12 require three hard copies of that information to be
13 provided to us. So this is just a way to start to begin to
14 clean up our rules and regulations.

15 I've been encouraged to undertake this particular
16 cleanup on Chapter 3 while we have it before you, because
17 as we come forward with new revisions to existing rules and
18 regulations that contain similar type of language, we're
19 going to be cleaning that up as well. So that's
20 essentially the intent here.

21 There's a similar change on line 378 on page 3-9.
22 And I believe that's all we have on this chapter.

23 CHAIRMAN BEDESSEM: Okay. Any questions on
24 Water Quality Chapter 3?

25 BOARD MEMBER DEURLOO: I don't have

1 anything.

2 BOARD MEMBER KIRKBRIDE: No.

3 MR. FREDERICK: Thank you.

4 CHAIRMAN BEDESSEM: Now, reading through
5 the agenda and so forth, both Water Quality Division and
6 the Solid and Hazardous Waste Division have put this forth
7 to the Board with their request to move on to the
8 Environmental Quality Council. And is that what you're
9 requesting at this point?

10 MR. ESCH: Madam Chair, that's correct.
11 We're seeking the recommendation for approval of these
12 regulations so we can move forward to the Environmental
13 Quality Council.

14 CHAIRMAN BEDESSEM: Uh-huh. Discussion
15 from the Board?

16 BOARD MEMBER DEURLOO: I recommend we
17 approve and move to the Environmental Quality Council.

18 CHAIRMAN BEDESSEM: That was a motion.

19 BOARD MEMBER DEURLOO: No, I didn't say
20 "move to." That's just my discussion. I don't have any
21 problems with that.

22 CHAIRMAN BEDESSEM: Okay. I guess I have a
23 concern that -- particularly in response to PacifiCorp
24 comment -- that there's quite a few changes since the first
25 draft. And, admittedly, PacifiCorp's the only one that

1 commented, but they did do a good -- a very excellent job
2 commenting. And they did say in their testimony that they
3 hadn't had the opportunity to digest what the changes were,
4 since they were just kind of looking at this today, to see
5 if -- you know, certainly they're supportive and -- and
6 support -- I'm sure we'll be really supportive. It's
7 important to not have a regulated community have to answer
8 to both the federal government and the state government.
9 It's very nice to have it just under the State of Wyoming
10 Rules and Regulations.

11 But I'm concerned that -- that when we have
12 this -- you know, this level of changes, and also this
13 complicated, actually, of a rule, we don't usually move
14 that forward the first -- out of the box with those changes
15 on the first time, and also without a -- well, we have a
16 quorum, but not a full board. I guess I'd personally like
17 to see that kind of flexibility in addressing how you will
18 handle facilities that come in with multiple waste types so
19 that there's some more clarify as far as what applies to
20 what, and to make sure that if things were regulated under
21 CCR, that you have the flexibility to cover these other
22 small amounts of waste and be able to ask for the right
23 groundwater constituents and so forth, as opposed to still
24 having to do different permits or what you have to do with
25 respect to that.

1 So I'm concerned that we need to do -- have you
2 look at some of those changes and then come back, and the
3 hopefully we'd be able to move forward at the next meeting,
4 and then not have -- what -- I guess I would like to ask,
5 what do you -- in order for -- you know, Pacific Power may
6 not comment again, but give them an opportunity to digest
7 what changes you have accepted and what changes you have
8 not accepted from their suggestions. But it's nice to,
9 perhaps, not have comment period go all the way to the next
10 meeting or -- or do -- are we always required to do that?
11 Maybe you can answer that in order so that people can say
12 something at the meeting.

13 MS. THOMPSON: Madam Chair, I believe that
14 in general we handle the written comments similar to how we
15 did it this time. We show a preference for comments
16 submitted in advance of the board meeting so that we can
17 answer them.

18 CHAIRMAN BEDESSEM: Uh-huh.

19 MS. THOMPSON: And then in general, you
20 know, if the Board wishes to take oral comments again, then
21 you would need to leave the hard end date for the comment
22 period until the close of the meeting. So that -- so -- so
23 I guess it depends on your preference as a Board. If you
24 want that opportunity for people to come to you, then the
25 comment period needs to close at the end of the meeting.

1 CHAIRMAN BEDESSEM: But we're not required
2 to. So you can have a public comment period. If you
3 publish your new revision with what you proposed today,
4 that we have seen here, and put that out for public comment
5 and gave it 30 days, by the time the next meeting you would
6 have wrapped everything up and be able to present at that
7 meeting and there wouldn't be any new comments coming in on
8 that date. So that is an option to have the public comment
9 period end before the date of that meeting.

10 MR. FREDERICK: Madam Chair, that's
11 correct. I think the requirement is that we simply make
12 the revisions available for public comment for 30 days --

13 CHAIRMAN BEDESSEM: I think it's 30 days.

14 MR. FREDERICK: -- if I'm not mistaken.

15 And there's no requirement that we hold that
16 comment period open to the next board meeting. You have
17 that ability to decide.

18 CHAIRMAN BEDESSEM: So we could do 30 days
19 based on our revised version that includes all these new
20 things, so that also if Pacific Power had any comments
21 related to what was accepted and what wasn't, they'd be
22 able to let you know in that 30-day period and you wouldn't
23 get anything at the end.

24 MR. FREDERICK: That's my understanding.

25 CHAIRMAN BEDESSEM: Okay. Well, thank you

1 for answering that question.

2 So I kind of stated my opinion. But thoughts
3 from the other members.

4 BOARD MEMBER KIRKBRIDE: Do we have other
5 potential public commenters? Are there power companies
6 that might be --

7 CHAIRMAN BEDESSEM: There are other than
8 Pacific Power.

9 BOARD MEMBER KIRKBRIDE: Yeah.

10 MR. ESCH: Madam Chair, yes. We're in
11 contact with the other potential impacted parties, and I
12 think we've sent some the -- outreach. We conducted some
13 outreach with them, and let them know the rules were out
14 there and moving forward in this direction. So we've been
15 in contact.

16 BOARD MEMBER KIRKBRIDE: How many of them
17 are there?

18 MR. ESCH: I think -- Madam Chair.
19 Councilman Kirkbride, I think there's potentially three
20 affected entities. PacifiCorp's, obviously, I believe the
21 most impacted. Black Hills, I believe, has a facility.
22 And I want to say -- oh, Basin Electric.

23 CHAIRMAN BEDESSEM: Okay. So if you had a
24 30-day comment, you can conceivably get other comments.
25 But you've done public outreach, so this is not going to be

1 a huge level of -- likely a huge level of comment. But I
2 think it's important, when we have this many changes at the
3 end, to be able to put that back out there in case there
4 are any concerns. So...

5 MR. FREDERICK: So just for clarification,
6 Madam Chair. The rule then would go -- the revised rule
7 would go out for public comment --

8 CHAIRMAN BEDESSEM: Uh-huh.

9 MR. FREDERICK: -- for the required
10 30 days. And then the Department would compile its
11 responses to those comments.

12 CHAIRMAN BEDESSEM: Which should be minor
13 at that point.

14 MR. FREDERICK: And would bring those back
15 to the advisory board, and the Board then would, again, be
16 asked to take an action to either move the rule forward or
17 not.

18 CHAIRMAN BEDESSEM: That's what I'm
19 suggesting. I'd like to hear from the rest of the Board.

20 BOARD MEMBER KIRKBRIDE: You're suggesting
21 some more consideration, though. It isn't just the rules
22 that are in the green here, right?

23 CHAIRMAN BEDESSEM: Well, you're going to
24 look at the flexibility for -- with the commingling --

25 BOARD MEMBER KIRKBRIDE: The commingling

1 thing.

2 MR. ESCH: Madam Chair, it was kind of
3 our understanding that flexibility was already built in.
4 Any -- moving forward, we can certainly look at including
5 additional language to draw that out further, but that
6 provision, as I mentioned, it's already -- we're already
7 allowing that as it is with our landfills. So if we need
8 to draw that clarification out, we can certainly can.

9 CHAIRMAN BEDESSEM: Yeah, I'm concerned
10 about the very specific set of analytes. And I guess if
11 you could look in the rule and say where it allows that
12 flexibility to change that list of analytes if you add
13 other components in a CCR landfill, that would be great.
14 But --

15 MR. ESCH: And, Madam Chair, we can refer
16 to Chapter 3, which allows us for the flexibility to look
17 at a different list of constituents based on a waste that's
18 being deposited of.

19 CHAIRMAN BEDESSEM: Well, I don't feel like
20 it's clear right now, so -- I think if I was an applicant,
21 I'd be very confused as far as -- because, you know, you've
22 got industrial landfills, CCR landfills, municipal
23 landfills. If you've got a cross between them, what does
24 that mean? You've got C&D landfills. So I think you sort
25 of address it with municipal solid waste when you have C&D

1 and special wastes that are not -- you know, that are
2 incorporated in that, but I'm not sure that it's clear
3 here. At least I'm not -- I'm not seeing that from a
4 perspective of the applicant.

5 And when you -- Pacific Power's comments were
6 fantastic, but they didn't require you to do a number of
7 changes. And when those changes are in the last four days
8 of, you know, a public comment period, those changes
9 haven't been out to the other affected parties, the two --
10 Black Hills, whatever. And you said you've been in
11 contact -- I mean, did this list of changes go to the other
12 affected parties?

13 MR. ESCH: No, Madam Chair, they didn't.
14 We --

15 CHAIRMAN BEDESSEM: Right. Unless they
16 were here --

17 MR. ESCH: -- I mean, clearly put the
18 changes together based on their comments.

19 CHAIRMAN BEDESSEM: Right. Which is --
20 which is a perfectly viable way to do it. And if they only
21 had two little comments, then it probably wouldn't be a big
22 deal. But considering that there's that many changes and
23 they had such a lengthy list of comments, that it seems
24 like the other affected parties should get to see that
25 before a final ruling to the EQC. That's just my opinion.

1 And also having been on this Board for probably too long --
2 10 years -- very rarely -- unless it's, you know, like the
3 Chapter 3 -- the first time out of the box, it doesn't get
4 moved forward to the EQC unless we have a phenomenal
5 deadline, for some reason, statutory deadline or something
6 like that.

7 And, typically, if it rule has this many changes
8 in it, it's a whole new chapter, then certainly would like
9 the opportunity to have those affected parties see what
10 those changes are before it gets moved on to the EQC, and
11 to make sure we have a board that has an opportunity to
12 look at that, so...

13 But I'm only one vote too, so...

14 BOARD MEMBER DEURLOO: Madam Chair, I see
15 your point on that, because at first I was thinking that,
16 you know, the rules and regulations are you do a public
17 comment. You incorporate. The DEQ reviews those and takes
18 some on, board rejects -- just exactly what happened here.
19 And if the other two or three parties didn't want to make a
20 comment, then that's their fault, or they didn't have any
21 comments.

22 CHAIRMAN BEDESSEM: Uh-huh.

23 BOARD MEMBER DEURLOO: But if we're
24 creating a whole new rule and we just go through one time
25 and then, you know, a couple hours before a major industry

1 has only few minutes to review it, I -- I do get your
2 point. And I think it may be worth just taking this back
3 and rewriting those and going out for 30 days public
4 comment.

5 CHAIRMAN BEDESSEM: Yeah.

6 BOARD MEMBER DEURLOO: I think it's
7 probably a good idea.

8 CHAIRMAN BEDESSEM: It may not result in
9 significant changes to the rule, but I think it's due
10 diligence to do that. And then you will not have, you
11 know, any complaints or issues that this got moved forward
12 without them having an opportunity to comment on changes.

13 BOARD MEMBER DEURLOO: Yes. Yes.

14 And, secondly, is they will see -- industry will
15 see that they know they've got -- from the time this --
16 this regulation's enacted, they have 12 months to comply
17 with that. They know it's coming down the pipe right now,
18 so it really gives them another three months to start the
19 work they've got to do to be in compliance with the
20 regulation.

21 CHAIRMAN BEDESSEM: There may be more
22 additional time in there anyway, based on -- because you
23 still have to get approved by EPA, correct?

24 MR. ESCH: Madam Chair, that's correct.

25 There's an additional public comment period before the EQC.

1 After the EQC approves it, then it goes to the EPA. We
2 hope to have all the issues with -- basically the
3 conversations with EPA well before that time, so they're
4 aware of what's being approved. So, therefore, they don't
5 come back last minute and say, oh, yeah, by the way, you
6 just got rules approved, but I need to make these changes
7 for us to get final approval. So we're going to try to do
8 that ahead of the game.

9 BOARD MEMBER DEURLOO: And that was --
10 sorry. Go head.

11 That was my -- that was one question that was
12 rattling around in my head too, whether we keep the public
13 comment on a Water and Waste Advisory Board, or there's got
14 to be another public comment before these go to the EQC,
15 right?

16 MR. ESCH: That's correct.

17 BOARD MEMBER DEURLOO: So are we just doing
18 double --

19 CHAIRMAN BEDESSEM: The EQC --

20 BOARD MEMBER DEURLOO: -- duty here by
21 creating another public comment here at our level?

22 CHAIRMAN BEDESSEM: I don't believe so,
23 because when we go to the EQC and the EQC has public
24 comment on the final rule --

25 BOARD MEMBER DEURLOO: Yeah.

1 CHAIRMAN BEDESSEM: -- they typically don't
2 want to get into the minutia of the rule. They want that
3 all taken care of this at this board level.

4 And it's -- like I said, we may have -- you know,
5 another board member is a hydrogeologist that may want to
6 comment in the second [sic] quarter meeting as well. And
7 that -- that level of comment does not typically happen at
8 the -- at the EQC.

9 BOARD MEMBER DEURLOO: Okay.

10 CHAIRMAN BEDESSEM: If all is good, you
11 don't get any comments at the EQC.

12 My feeling for due diligence is to just have a
13 30-day comment on your final revision. And then by the
14 time you schedule the second quarter meeting, that will
15 have passed, you know, the month before that, and there
16 won't be any major changes and the Board can feel
17 comfortable moving it forward. And that the other affected
18 parties will have had the opportunity to look at it. But I
19 don't -- I don't know if that requires a motion.

20 MR. FREDERICK: Madam Chair, I would.

21 BOARD MEMBER DEURLOO: Yeah.

22 CHAIRMAN BEDESSEM: A motion to extend the
23 public comment period on the revised version based --

24 BOARD MEMBER DEURLOO: Not extend. So it
25 wouldn't be an extension of the public comment.

1 CHAIRMAN BEDESSEM: A new public comment.

2 BOARD MEMBER DEURLOO: It would be a new
3 public comment.

4 CHAIRMAN BEDESSEM: Correct.

5 BOARD MEMBER DEURLOO: So we're -- what
6 we're looking for is not a motion. We're looking for --
7 we're looking for a motion to incorporate the changes as
8 discussed in today's meeting and to Section 3 and Section
9 18 and perform another public comment period -- 30-day
10 public comment period?

11 CHAIRMAN BEDESSEM: For 30 days. Uh-huh.
12 The minimum required public comment period.

13 BOARD MEMBER DEURLOO: And review
14 Section 3 and Section 18 at the next board meeting.

15 CHAIRMAN BEDESSEM: Uh-huh. Yeah, table --
16 table that decision as far as approve or disapprove to
17 forward to EQC to the second quarter meeting.

18 BOARD MEMBER DEURLOO: Third quarter.

19 CHAIRMAN BEDESSEM: Excuse me. Third
20 quarter meeting. This is the second quarter.

21 BOARD MEMBER DEURLOO: Right.

22 CHAIRMAN BEDESSEM: We didn't have a first
23 quarter meeting.

24 BOARD MEMBER DEURLOO: No. Yeah, I think
25 that's fair.

1 MR. FREDERICK: Madam Chair, if I may,
2 you're talking specifically now on Solid and Hazardous
3 Waste Chapter 18?

4 CHAIRMAN BEDESSEM: Right. I don't believe
5 there were -- so in -- so I guess the question I have, in
6 Chapter 3, if -- the reason I'm asking this question.
7 Chapter 3 in Water Quality, the changes are consistent.
8 There's nothing likely to be changed in there. In Chapter
9 3 of the industrial waste rules, it kind of depends on if
10 you were going to clarify when you do need a permit under
11 CCR, whether that would incorporate a change in Chapter 3
12 or only Chapter 18. I guess I'd leave that to you to look
13 at the possibilities.

14 MR. ESCH: Madam Chair, could you clarify
15 that? Within Chapter 3 of our Solid and Hazardous Waste
16 rules?

17 CHAIRMAN BEDESSEM: Right. So my concern
18 was figuring out the applicability when you have both types
19 of waste, and whether you were going to do a clarification,
20 whether you would incorporate the language only in 18 or
21 whether you would incorporate it into 3.

22 MR. ESCH: Madam Chair, I believe we've
23 been doing it in 18.

24 CHAIRMAN BEDESSEM: Okay.

25 MS. WEIKART: Yes, Madam Chair. That's

1 what I would envision.

2 CHAIRMAN BEDESSEM: So then you would just
3 be required to put Chapter 18 out for additional public
4 comment.

5 BOARD MEMBER DEURLOO: Yeah, we don't need
6 to do 3.

7 CHAIRMAN BEDESSEM: So both 3s, you can
8 just leave alone and just put Chapter 18 forward, the one
9 that really has the substantive changes in it. The other
10 two chapters are just support for Chapter 18.

11 MR. ESCH: Madam Chair, before we leave
12 that subject, I'd like to get some clarification on the --
13 the issues that you'd like the Department to look at. It's
14 my understanding you want us to look at incorporating
15 additional flexibilities for nonCCR waste to be disposed of
16 in CCR units, as well as the consideration of additional
17 constituents that may be analyzed for those cells that
18 receive nonCCR-type wastes. Am I missing anything else?

19 CHAIRMAN BEDESSEM: No. Just trying to
20 look for consistency to make sure that it's clear when a
21 CCR permit applies.

22 MR. ESCH: All right. Thank you.

23 CHAIRMAN BEDESSEM: So hopefully that will
24 be a minor task. But then you'll incorporate all of the
25 changes that you made in response to Pacific Power and put

1 that out for public comment in Chapter 18 for 30 days. And
2 then we'll get to hopefully move it forward in third
3 quarter.

4 So my question is, did you make a motion?

5 BOARD MEMBER DEURLOO: No, I didn't.

6 CHAIRMAN BEDESSEM: Okay.

7 BOARD MEMBER DEURLOO: I did not make a
8 motion. I'm still trying to discuss how to do this,
9 because it might be two motions, Madam Chair. Because
10 Section -- or Chapter 3, we seem to be okay with. There's
11 just three or four minor modifications there, correct?

12 CHAIRMAN BEDESSEM: But we can't move
13 anything -- they need to be moved forward as a package.

14 BOARD MEMBER DEURLOO: As a package.

15 CHAIRMAN BEDESSEM: Right, because we can't
16 approve and send to EQC these two rules because they don't
17 make any sense without the third rule, because they all --
18 they have to be together to basically set it up so that
19 Chapter 18 is covered and all the -- the --

20 BOARD MEMBER DEURLOO: I understand.

21 CHAIRMAN BEDESSEM: -- citations in the
22 other two are supported.

23 BOARD MEMBER DEURLOO: I understand.

24 MR. ESCH: Madam Chair, I believe the Board
25 could move on the Chapter 3s, and the package wouldn't be

1 moved to the EQC until everything was brought as a package,
2 as you indicated. But if the Board's prepared to make a
3 decision on those other chapters, then it could.

4 CHAIRMAN BEDESSEM: I think it makes sense
5 to do it as a package, but I think you only have to do
6 public comment on 18.

7 BOARD MEMBER DEURLOO: Well, what if we --
8 this is a recommendation. This is not a motion.

9 CHAIRMAN BEDESSEM: Uh-huh.

10 BOARD MEMBER DEURLOO: If we move to
11 approve Chapter 3 as discussed, and second -- and it to be
12 held off to presentation to the EQC until Chapter 18 is
13 approved through this Board.

14 CHAIRMAN BEDESSEM: So can we make it --
15 we can do that contingent upon approval of Chapter 18,
16 because --

17 BOARD MEMBER DEURLOO: Yes.

18 CHAIRMAN BEDESSEM: -- if we approve it,
19 that means it gets moved to the EQC. So we'd have to say
20 contingent upon --

21 BOARD MEMBER DEURLOO: Yes.

22 CHAIRMAN BEDESSEM: -- approval of Chapter
23 18. We can do that?

24 MR. ESCH: Madam Chair, the Board can
25 certainly do that.

1 BOARD MEMBER DEURLOO: Sure.

2 CHAIRMAN BEDESSEM: We can do that, if
3 that's one less item on your plate so you don't have to
4 discuss that.

5 MR. ESCH: Chapter 3 is pretty easy, so
6 whatever the Board wants to do.

7 CHAIRMAN BEDESSEM: But it would be both
8 Chapter 3s.

9 MR. ESCH: Yes.

10 CHAIRMAN BEDESSEM: I don't know that we've
11 ever done that before, where we've approved but held it
12 back saying it's -- it's not to be moved forward to the EQC
13 because it's contingent upon approval of 18 of the -- of
14 the chapter. But we can. I don't think that there's any
15 legal reason we can't do that.

16 MR. FREDERICK: Madam Chair, it's fair to
17 ask the administrators to hold those two rules until such
18 time as --

19 CHAIRMAN BEDESSEM: Chapter 18 is approved.

20 MR. FREDERICK: -- it is ready to go to the
21 Council. We're certainly fine with that.

22 CHAIRMAN BEDESSEM: Okay. All right. That
23 means you can do several motions.

24 BOARD MEMBER DEURLOO: Two, right?

25 CHAIRMAN BEDESSEM: Yeah.

1 BOARD MEMBER DEURLOO: I'll go ahead and
2 start my motion. I move to approve Chapter 3 as discussed
3 in today's board meeting.

4 CHAIRMAN BEDESSEM: The Solid and Hazardous
5 Waste Chapter 3.

6 BOARD MEMBER DEURLOO: Solid and Hazardous
7 Waste Chapter 3. Move to approve. And it will not be
8 forwarded to the Environmental Quality Council until
9 Section -- or Chapter 18 of the industrial solid waste
10 chapter is approved by this Board as well. Is that fair?

11 CHAIRMAN BEDESSEM: Yeah, Solid and
12 Hazardous Waste chapter.

13 BOARD MEMBER KIRKBRIDE: I would second
14 that.

15 CHAIRMAN BEDESSEM: All those in favor.

16 BOARD MEMBER DEURLOO: Aye.

17 BOARD MEMBER KIRKBRIDE: Aye.

18 CHAIRMAN BEDESSEM: Opposed? Abstentions?

19 Motion passes.

20 MR. FREDERICK: Madam Chair, did I hear
21 approval for the Water Quality Chapter --

22 CHAIRMAN BEDESSEM: No. That's a second
23 motion.

24 BOARD MEMBER DEURLOO: Say -- try to say
25 the same thing with Water Quality?

1 CHAIRMAN BEDESSEM: But with Water Quality
2 Division.

3 BOARD MEMBER DEURLOO: Okay. I move to
4 approve Chapter 3 of the Water Quality Rules and
5 Regulations as discussed in today's board meeting. And
6 that it not be presented to the Environmental Quality
7 Council until Chapter 18 of the Water Quality Rules and
8 Regulations as --

9 CHAIRMAN BEDESSEM: Solid and Hazardous
10 Waste, right.

11 BOARD MEMBER DEURLOO: Chapter 18 of the
12 Solid and Hazardous Waste Rules and Regulations be approved
13 by this Board.

14 CHAIRMAN BEDESSEM: Second?

15 BOARD MEMBER KIRKBRIDE: Second.

16 CHAIRMAN BEDESSEM: All those in favor?

17 BOARD MEMBER KIRKBRIDE: Aye.

18 BOARD MEMBER DEURLOO: Aye.

19 CHAIRMAN BEDESSEM: Aye.

20 Okay. So we have -- motion passes. There were
21 no -- everyone voted, so there were no abstentions and no
22 opposition.

23 We need a third motion on Chapter 18 as far as
24 extending the comment period. Not extending, but having an
25 additional comment period on a revised updated version.

1 BOARD MEMBER DEURLOO: Okay. So how -- can
2 we discuss that for a minute? How do we want that? Again,
3 just to touch base so we can get a nice, concise motion on
4 this, Madam Chair?

5 CHAIRMAN BEDESSEM: It's hard. It's a
6 mouthful. Divisions have long names.

7 BOARD MEMBER DEURLOO: This is not a
8 motion. It's a discussion. But basically what we're
9 looking into is move that the Chapter 18 Solid Waste Rules
10 and Regulations -- let's see. That the administrator -- go
11 ahead, if you have some comments.

12 CHAIRMAN BEDESSEM: As far as how to
13 formulate the motion?

14 BOARD MEMBER DEURLOO: Yeah.

15 MR. ESCH: Madam Chair, may I make a
16 recommendation?

17 CHAIRMAN BEDESSEM: Sure. Please.

18 MR. ESCH: The recommendation to the Board
19 could be to remand Chapter 18 to the Department for public
20 comment, incorporating the changes as discussed.

21 CHAIRMAN BEDESSEM: And as presented in --

22 MR. ESCH: As presented and discussed by
23 the Board.

24 CHAIRMAN BEDESSEM: Uh-huh. For a minimum
25 30-day comment period.

1 BOARD MEMBER DEURLOO: Remand Chapter 18 of
2 Solid Waste Rules and Regulations to the Department.

3 MR. ESCH: For, I guess, additional --
4 additional public comment, not to -- no less than 30 days.

5 BOARD MEMBER DEURLOO: Additional 30-day
6 public comment?

7 CHAIRMAN BEDESSEM: Uh-huh.

8 MR. ESCH: To receive input on the rules as
9 presented and with changes as discussed.

10 BOARD MEMBER KIRKBRIDE: Standard 30 days
11 from when?

12 CHAIRMAN BEDESSEM: From when you published
13 the last -- when you do a public notice.

14 MS. WEIKART: I'm sorry, Madam Chair?

15 CHAIRMAN BEDESSEM: I think I was just
16 answering your question.

17 BOARD MEMBER KIRKBRIDE: Yes. Yes.

18 CHAIRMAN BEDESSEM: Yeah.

19 BOARD MEMBER DEURLOO: So second part of
20 that would be the Board would review these?

21 CHAIRMAN BEDESSEM: The Board will take up
22 the rule in the third quarter advisory board meeting.

23 BOARD MEMBER DEURLOO: Take up the ruling.

24 CHAIRMAN BEDESSEM: Well, no, it's not take
25 up.

1 MR. ESCH: Maybe another easier way to do
2 it is --

3 CHAIRMAN BEDESSEM: Bing it back.

4 MR. ESCH: -- move to remand the rule to
5 the Department to incorporate changes as discussed and be
6 republished for 30 days for input.

7 CHAIRMAN BEDESSEM: And then the Department
8 will bring the rule back to the third quarter advisory
9 board meeting for discussion.

10 You gave him a novel.

11 MR. ESCH: That's why I tried to cut it
12 down.

13 BOARD MEMBER DEURLOO: It's all over the
14 place.

15 CHAIRMAN BEDESSEM: Needed a lawyer for the
16 word "remand," otherwise we'd be here all day.

17 BOARD MEMBER DEURLOO: So just -- this is
18 still just discussion. But remand Chapter 18 Solid Waste
19 Rules and Regulations to the Department for an additional
20 30-day public comment. We just want to keep with that, or
21 do it in the third quarter Water and Waste Advisory Board
22 meeting?

23 CHAIRMAN BEDESSEM: Does he have to
24 incorporate the part about --

25 MR. ESCH: Madam Chair, I don't believe the

1 second -- that last portion is necessary, because we have
2 to --

3 CHAIRMAN BEDESSEM: We're going to do that.

4 MR. ESCH: Yeah, we're going to be coming
5 back to you regardless.

6 CHAIRMAN BEDESSEM: Yeah, it's understood.

7 BOARD MEMBER DEURLOO: Okay.

8 CHAIRMAN BEDESSEM: So just include the
9 part about the corrections that were discussed today. Then
10 we're having lunch. Or have a break.

11 BOARD MEMBER DEURLOO: Almost there.

12 CHAIRMAN BEDESSEM: Okay.

13 BOARD MEMBER DEURLOO: Okay. Got to have
14 it right, right?

15 CHAIRMAN BEDESSEM: Uh-huh.

16 BOARD MEMBER DEURLOO: Madam Chair, I move
17 that we remand the Chapter 18 of the Solid Waste Rules and
18 Regulations to the Department for an additional 30-day
19 public comment to incorporate the discussion from today's
20 board meeting.

21 BOARD MEMBER KIRKBRIDE: Only thing I'd do
22 with that is switch the phrase for additional public
23 comment to include -- to include these -- these changes for
24 the -- and then for -- well, I can't remember. But I'd
25 switch that last phrase.

1 CHAIRMAN BEDESSEM: I second the motion as
2 amended. All those in favor?

3 BOARD MEMBER KIRKBRIDE: Did you get what I
4 was after, Brian?

5 BOARD MEMBER DEURLOO: Well, does the court
6 reporter have it? We want to make sure we have the motion
7 correct.

8 CHAIRMAN BEDESSEM: We can ask the court
9 reporter to read it back.

10 THE REPORTER: Which part? The amendment
11 or motion.

12 BOARD MEMBER DEURLOO: The amended motion
13 as what --

14 CHAIRMAN BEDESSEM: You can read it back,
15 Brian.

16 BOARD MEMBER DEURLOO: I don't quite -- I
17 don't quite know exactly what we're --

18 CHAIRMAN BEDESSEM: I think we're tired and
19 need to break, so --

20 BOARD MEMBER DEURLOO: Let's make sure we
21 have it before we spend 5 to 10 minutes on this. Let's
22 make sure -- we want to have the right public comments when
23 people are reading this -- or have the right motion.

24 CHAIRMAN BEDESSEM: Totally agree.

25 BOARD MEMBER DEURLOO: So we have a motion

1 on the table.

2 CHAIRMAN BEDESSEM: Uh-huh.

3 BOARD MEMBER DEURLOO: So we're going to
4 want to -- so amend what I wrote -- what I -- the
5 discussion -- what I said is remand the Chapter 18 -- Solid
6 Waste Rules and Regulations Chapter 18 to the Department
7 for additional 30-day public comment and incorporate the
8 discussion topics from today's board meeting.

9 BOARD MEMBER KIRKBRIDE: Okay.

10 BOARD MEMBER DEURLOO: That's the motion.

11 BOARD MEMBER KIRKBRIDE: Okay.

12 BOARD MEMBER DEURLOO: Are you okay with
13 that?

14 CHAIRMAN BEDESSEM: Amendment is withdrawn?

15 BOARD MEMBER KIRKBRIDE: Yeah, I withdraw
16 it.

17 CHAIRMAN BEDESSEM: So we'll to vote on
18 your motion. You want to repeat it?

19 BOARD MEMBER DEURLOO: I'm going to repeat
20 my motion just for fun.

21 Madam Chair, I move that we remand the Chapter 18
22 Solid Waste Rules and Regulations to the Department for
23 additional 30-day public comment so they may incorporate
24 discussion topics from today's board meeting.

25 BOARD MEMBER KIRKBRIDE: I'll second that.

1 CHAIRMAN BEDESSEM: All those in favor.

2 BOARD MEMBER KIRKBRIDE: Aye.

3 BOARD MEMBER DEURLOO: Aye.

4 CHAIRMAN BEDESSEM: Opposed? Abstentions?

5 Motion passes.

6 Okay. So we got --

7 MR. ESCH: Thank you.

8 CHAIRMAN BEDESSEM: -- two moved forward
9 and on hold, and a third with changes that the other CCR
10 producers will be able to look at, and then we'll meet
11 again. Thank you.

12 Thank you very much. It was an excellent
13 presentation by both Solid Waste and Water Quality
14 Division.

15 And great comments from Pacific Power. It's
16 wonderful to have that level of comment too.

17 So thank you, everybody. We'll talk again.

18 Are you guys getting in the car now?

19 BOARD MEMBER DEURLOO: I move to adjourn
20 the meeting.

21 CHAIRMAN BEDESSEM: We're going to break.

22 BOARD MEMBER DEURLOO: Oh, we're not
23 adjourning. Okay. Sorry.

24 CHAIRMAN BEDESSEM: We have Chapter 24
25 to --

1 BOARD MEMBER DEURLOO: Oh, we have
2 Chapter -- oh, yes.

3 CHAIRMAN BEDESSEM: On carbon
4 sequestration.

5 We're going to stop and have lunch. We're going
6 to have a break. And then we're going to come back at --
7 at 12:45. Does that sound good, 12:45? We will adjourn
8 for lunch and come back at 12:45. Thank you.

9 (Meeting proceedings reconvened
10 11:35 a.m., June 25, 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 15th day of July, 2019.


KATHY J. KENDRICK
Registered Professional Reporter

