

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

In re: Water Quality Rules Chapter 12 Docket No. 22-3103

TRANSCRIPT OF HEARING PROCEEDINGS

PURSUANT TO NOTICE duly given to all parties

in interest, this matter came on for hearing on the 15th day of November, 2022, at the approximate hour of 9:23 a.m., before the Wyoming Environmental Quality Council, with Council Member Stan Blake presiding, Chairman Steve Lenz, Council Member Shane True, Council Member Marjorie Bedessem, Council Member Ryan Greene, and Council Member John Corra, with Council Member J.D. Radakovich in attendance virtually.

Mr. Ryan Schelhaas, Wyoming Attorney General's Office, Attorney for the Council; Mr. Jim Ruby, Executive Director to the Council; Mr. Joe Girardin, Business Office Coordinator, were also in attendance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

For DEQ: MS. NICOLE BUDINE
Assistant Wyoming Attorney General
WYOMING ATTORNEY GENERAL'S OFFICE
2424 Pioneer Avenue
Cheyenne, Wyoming 82002

MS. JENNIFER ZYGMUNT
MR. KEENAN HENDON

Also Present: VARIOUS MEMBERS OF THE PUBLIC

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

2 (Hearing proceedings commenced

3 9:23 a.m., November 15, 2022.)

4 CHAIRMAN LENZ: The next hearing is Docket
5 22-3103 for the Water Quality Division, which proposes to
6 revise Water Quality Rule Chapter 12, Design and
7 Construction Standards for Public Water Supplies.

8 Council Member Blake is the hearing officer, so
9 at this time I'll hand the gavel over to Council Member
10 Blake.

11 COUNCIL MEMBER BLAKE: I suppose I should
12 turn my microphone on.

13 Thank you, Chairman Lenz.

14 I'm Council Member Blake, the hearing officer for
15 Docket 22-3103. Today is November 15, 2022. This public
16 hearing is being held at the Capitol Extension Public
17 Meeting Room Number 5, Herschler Building, 122 West 25th
18 Street, Cheyenne, Wyoming 82002, and via Zoom
19 videoconferencing.

20 Council member present today over Zoom is J.D.
21 Radakovich. In person is Steve Lenz, Marjorie Bedessem,
22 Shane True, Ryan Greene, John Corra, and myself.

23 Council staff present are Jim Ruby, Joe Girardin,
24 and Ryan Schelhaas, the EQC counsel from the Attorney
25 General's Office.

1 For those of you who wish to testify during the
2 public testimony of this package, I will call for testimony
3 in the following order. Those in support who are present
4 here, and then those in support that are on video/audio.
5 Then testimony in opposition who are present here, and then
6 those who oppose that are on video/audio. And then
7 testimony in a neutral capacity.

8 If you wish to testify through Zoom, please click
9 the raise your hand button when I ask for testimony, and I
10 will call on you to give your testimony.

11 The Council will have the opportunity to ask
12 questions of anyone who testifies. The director of DEQ or
13 his designee will also have the opportunity to ask
14 questions also.

15 Would the representatives from the Department
16 please come forward, state your name, and spell it for the
17 record.

18 And before you begin, would you prefer we ask
19 questions as we go along or save them for the end?

20 MS. ZYGMUNT: Good morning, Mr. Hearing
21 Officer. Asking questions as we go will be just fine with
22 us.

23 COUNCIL MEMBER BLAKE: Thank you, ma'am.
24 Please proceed.

25 MS. ZYGMUNT: My name is Jennifer Zygmunt,

1 J-e-n-n-i-f-e-r Z-y-g-m-u-n-t.

2 MR. HENDON: Keenan Hendon, K-e-e-n-a-n --

3 MR. GIRARDIN: Turn on your mic.

4 MR. HENDON: Oh, dang. Keenan Hendon,

5 K-e-e-n-a-n H-e-n-d-o-n.

6 MS. BUDINE: Nicole Budine, Assistant

7 Attorney General, N-i-c-o-l-e B-u-d-i-n-e.

8 COUNCIL MEMBER BLAKE: The floor is yours.

9 MS. ZYGMUNT: Thank you, Mr. Hearing

10 Officer. And good morning, Mr. Chairman, members of the

11 Council. We are pleased to be here today to present

12 revised Chapter 12 to you. We are seeking adoption of the

13 revised rule and approval of the Statement of Principal

14 Reasons.

15 Chapter 12 establishes the design and

16 construction standards for public water supplies. So

17 entities who are wishing to construct, install, or modify

18 any public water supply in the state must meet these

19 standards before applying for a permit to construct under

20 Chapter 3 of our rules.

21 Chapter 12 has not been significantly revised

22 since it was originally promulgated in 1985. So as you can

23 imagine, over 40 years -- almost 40 years -- quite a bit

24 has changed in terms of the standards and specifications

25 used for public water systems, most importantly, newer

1 treatment technologies, such as ultraviolet light,
2 membrane, filtration technologies that are now available to
3 utilities to make sure that we are protecting drinking
4 water for public health.

5 So we have been working on this rule for quite
6 some time. Nearly ten years now. And we do look forward
7 to having approved rule in place in order to make sure
8 utilities have access to those updated standards and
9 specifications in our rules, the newer treatment
10 technologies, particularly as we started to see an influx
11 of infrastructure projects given the funding that's coming
12 into Wyoming through ARPA, the American Recovery Plan Act,
13 as well as bipartisan infrastructure law, both of which
14 have provided significant funding, approximately
15 \$100 million a year for the next five years for water and
16 wastewater infrastructure projects. So we do feel it is
17 important to get this rule updated to make sure, again, our
18 utilities are using updated rules, standards, and
19 technologies.

20 The second reason that it's important that we're
21 revising this rule is to make sure that our regulations,
22 where there's overlap with EPA regulations, to make sure
23 that we are coordinating with them and not putting our
24 communities out of compliance by complying with our laws --
25 or our rules, but then putting them in jeopardy of being

1 out of compliance with EPA regulations or vice versa.

2 As a reminder, Wyoming does not have primacy for
3 drinking water regulations. EPA Region 8 implements that
4 program directly for the state of Wyoming. So, again,
5 there are areas where it's important that our rules align
6 with their rules to make sure communities are given
7 consistent information and they can plan accordingly to be
8 in compliance with both agencies.

9 As I'm sure you've seen in the rule, we have
10 moved to incorporation by reference for a significant
11 portion of the rule. We have had discussion with the
12 advisory board and internally about the pros and cons of
13 incorporation by reference. And we do feel that
14 incorporation by reference is the best way to move forward
15 in order to streamline the rule and meet commitments that
16 we made under past administrations about streamlining
17 initiatives.

18 The advisory board has provided very useful
19 feedback in terms of how we go about that incorporation by
20 reference, how we format it for consistency and clarity.

21 We've also incorporated revisions into the
22 chapter that require public water supplies of proposed
23 acidization to complete certain requirements. And this
24 followed a special investigation that occurred several
25 years ago within the state where we investigated potential

1 groundwater contamination due to acidization concerns.
2 That investigation did not point to acidization being the
3 problem, but it did cause us to do some critical thinking
4 about what rules we needed to have in place to make sure
5 that we are protecting public health during acidization
6 activities.

7 And then, finally, the rule has undergone edits
8 by our Attorney General's Office for streamlining,
9 consistency, and clarity. I know the Council is familiar
10 with those types of edits in the rules, and that they can
11 be extensive. But I'll just remind the Council these are
12 nonsubstantive edits to the rule.

13 So we have presented this rule to the Water and
14 Waste Advisory Board on three occasions. And we have
15 nearly 100 days of public comment associated with those
16 three advisory board meetings. We do know this is an
17 important rule to our state and many entities. We have
18 approximately 700 public water supplies within the state.
19 And we did receive quite a few comments during the initial
20 public notice for this rule in the first two advisory board
21 meetings.

22 The comments that we received provide good
23 feedback on the rule, and we took those comments very
24 seriously, and we conducted outreach during that 100-day
25 time period, including Zoom Q&A sessions to answer

1 questions. And then each commenter was contacted
2 individually to make sure we were understanding their
3 concerns and questions and that we were fully addressing
4 their comments and making revisions as appropriate.

5 And I do think the success of that outreach was
6 demonstrated by only one entity providing public comments
7 during our March advisory board meeting. And only three
8 new commenters providing comments during the 45-day public
9 notice associated with this EQC hearing. So in total, we
10 have had this rule available for public comment for almost
11 150 days.

12 And, again, over the course of the three
13 meetings, the advisory board provided excellent feedback on
14 this rule, and they completed their job in advising and
15 consulting us on the rule. And their feedback has led to a
16 better product. As one example, they directed us to
17 reevaluate economic reasonableness for small systems. We
18 took that comment very seriously and went back into the
19 rule and made some revisions to make sure that we were
20 providing some cost-effective options for smaller systems.

21 Since the last advisory board meeting in May, my
22 staff had done a very detailed review to make sure that we
23 are addressing any remaining advisory board comments,
24 particularly related to making sure we reviewed the
25 incorporation by reference sections to make sure everything

1 was clear and consistent and accurate. And we have made
2 some additional edits to the version that went to the EQC
3 public notice. We did catch some additional corrections
4 after that time. And those corrections are summarized on a
5 document that was posted to the EQC docket.

6 And, finally, as referenced, we've also provided
7 a highlighted version of the 10 States Standards, which is
8 a manual that we are incorporating by reference. And that
9 is provided to help with your review and for reference so
10 that you can more clearly see which sections we are or are
11 not including by reference.

12 So, in summary, again, we've been working on this
13 rule for a long time. We know these are very extensive
14 updates. Again, after 40 years there's quite a bit to
15 update in this chapter. We know we've provided you with a
16 lot of information, and to help with the discussion and
17 review of this rule, Keenan is prepared to give a
18 presentation to walk through the changes in further detail,
19 if that is the direction of the Council, or we'd be happy
20 to answer questions.

21 COUNCIL MEMBER BLAKE: Council, any
22 questions for this witness?

23 COUNCIL MEMBER BEDESSEM: I may have
24 questions later. Would love to see Keenan's presentation.

25 COUNCIL MEMBER CORRA: That's fine. I can

1 wait.

2 COUNCIL MEMBER BLAKE: I guess, excuse me,
3 proceed with the presentation. Thank you.

4 MR. HENDON: Chairman, Keenan Hendon,
5 Water/Wastewater Section Manager. There we go. I have a
6 presentation here to walk you through essentially what
7 we've done with regards to the chapter, provide an overview
8 of those changes, the updates that we made, touch on the
9 WWAB meetings that we've held to date, the EQC comments,
10 and next steps.

11 Where incorporation -- where incorporation by
12 reference, we're incorporating the Great Lakes Upper
13 Mississippi River Board 2018 Recommended Standards for
14 Waterworks. This document is sometimes called the Great
15 Lakes Upper Mississippi River Board. It could also be
16 called the 10 States Standards. But, essentially, it's the
17 same document. It's all one. And for our purposes here
18 today, with our document for Chapter 12, we're referencing
19 this document as the 2018 TSS.

20 The 10 States Standards -- back in 1985, when
21 Chapter 12 was before the EQC at that time, Chapter 12
22 originally utilized the 10 States Standards at that time to
23 develop the rules. It was the 1982 version of the
24 10 States Standards back then. And, again, the last major
25 update that the chapter's had was back in 1985, when it was

1 first being presented.

2 A little bit more about the Great Lakes Upper
3 Mississippi River Board. It was started back in 1950.
4 They developed standards for waters, waterworks, water
5 systems. They develop their rules and update their rules
6 every five to seven years. It's only open to the current
7 members of the Great Lakes Upper Mississippi River Board,
8 and that includes New York, Illinois, Wisconsin, Minnesota,
9 Iowa, Indiana, Michigan, Missouri, Ohio, and Pennsylvania.
10 In 1978, they included the Province of Ontario into the
11 board as well.

12 Again, it's only open to the current members. We
13 did do some outreach to see if we could participate, being
14 in the upper Mississippi as well. However, they let us
15 know that we could participate in committees and working
16 sessions with regards to rule development, but we could not
17 be a member to the board.

18 Many states, cities, towns, special districts
19 leverage and utilize the work that's been conducted by the
20 Great Lakes Upper Mississippi River Board. Close to 40
21 states, based on our research, incorporated by reference
22 these standards.

23 And, again, they also generate wastewater
24 standards as well. So should we update Chapter 11 and
25 choose to pursue incorporation by reference, we're likely

1 to see this entity again.

2 So where could one go to find the document? It's
3 currently housed at the Minnesota Department of Health.
4 You can purchase a copy. You can purchase a hard copy or
5 digital version, if you so choose.

6 This is the document that we're incorporating by
7 reference. And a hard copy is available for purchase for
8 19.99. A digital version is available for 13.95. Or you
9 can go to our website where we have the digital version
10 available for free.

11 As Jennifer mentioned, we've been working on
12 getting Chapter 12 updated for some time. Started back in
13 2013, DEQ did some initial outreach to the public,
14 generated some public comments. Again, that was followed
15 up with Governor Mead and DEQ committing to reduce Chapter
16 12 through IDR during 2013 as well.

17 Some staffing delays caused the chapter to get
18 delayed a little bit. But in 2016, the water/wastewater
19 section started having working sessions with our district
20 engineers. They were held in Lander, Cheyenne, Casper.
21 And a total of 19 working sessions were held from 2016
22 through 2019 with regards to the chapter.

23 As Jennifer mentioned in May of 2020, for the
24 folks here, Chapter 12, with regard to the acidization rule
25 change was proposed. However, due to public comment, as

1 well as the formatting changes with regards to Secretary of
2 State and the AG's Office, prompted increased comments, and
3 so at that time the Administrator withdrew it from the EQC.

4 So what did we do with regards to pulling it? We
5 did some additional public outreach, met with some
6 engineering firms, met with the Wyoming Association of
7 Rural Water Systems with regards to the chapter to help
8 shore it up.

9 Later on in September and October of 2021, the
10 Attorney General's Office and water/wastewater district
11 engineers conducted their final review on the chapter. In
12 November, we went to public comment to head into our WWAB
13 meeting in December. And that public comment period was
14 open and remained open through February of 2022 for a total
15 of 101 days.

16 We held three WWAB meetings. In December
17 of 2021, March of 2022, and May of 2022. And then we had
18 another public comment period heading into our EQC hearing
19 today for another 45 days.

20 So what did we update? Well, sections have been
21 organized for continuity, consolidation, organizing similar
22 passages, formatted to meet the AG and Secretary of State
23 formatting requirements. Again, sections have been updated
24 to include new technology, such as ultraviolet or media
25 membrane filtration for water treatment. We've removed

1 requirements not within our statutory authority, such as
2 OSHA or Department of Workforce Services.

3 Align regulations with the Safe Drinking Water
4 Act and EPA sanitary surveys, organize the sections to
5 coordinate with the 2018 TSS, as well as DEQ regulations.
6 And just a note, any facility that has been permitted, that
7 permit, prior to the effective date of the new Chapter 12,
8 remains covered under that permit.

9 So a couple of examples. We can talk about
10 Section 11. The first one, Section 11(e)(i)(C). Through
11 our WWAB meetings, the board had requested us to take a
12 look -- to find an economical and environmentally safe
13 option to permit our transient noncommunity water system.
14 These are systems such as a gas station, campground,
15 smaller systems, perhaps a wedding venue, things of that
16 nature. We were able to find a good solution. We're
17 pretty pleased with the solution we found, and the WWAB was
18 as well.

19 During our review with regards to Section 11, the
20 WWAB had noticed that our isolation distances are --
21 essentially our offset distance from a public water system
22 well to an absorption field, we're not in alignment with
23 Chapter 25. So we went through and made sure that our
24 cross-references were in alignment with all of our DEQ
25 other chapters, and to that as well. These offset

1 distances that were in Chapter 25 were approved in June
2 of 2018.

3 So Section 15. Section 15 covers our Finished
4 Water Storage. And the broad highlights with regards to
5 Section 15, again, just some housekeeping with regards to
6 we moved our laboratory requirements that were originally
7 in Section 15 to Section 17 for laboratory requirements
8 for alignment, incorporated by reference specific sections
9 of the 2018 TSS, and that can be found in Section 15(a).

10 And then this section also covers tank overflow
11 requirements for tank events and overflows. And we've
12 updated that as well with regards to a tank overflow, and
13 how a mechanical device or 24 mesh and a tank vent requires
14 24 mesh as well.

15 And since we did receive a number of comments
16 with regards to 24 mesh on our tank vents and overflows, we
17 wanted to provide a little bit more information with
18 regards to an overflow that can have a mechanical device
19 such as a flap or flapper valve or a duckbill valve with
20 number 4 mesh to keep out birds, rodents, things of that
21 nature, or they can have 24 mesh with a coarser mesh for
22 structural stability.

23 On our vents, vent openings are required to be
24 protected with 24 mesh. And that's a current requirement
25 in Chapter 12 for our ground and buried tanks. We did do

1 some outreach to EPA with regards to sanitary surveys.
2 Starting in 2014, 24 mesh was a requirement, and the EPA
3 would do a sanitary survey on a tank. They've had two
4 cycles with regards to this requirement, so most tanks in
5 Wyoming should already have 24 mesh installed with regard
6 to the overflows or tent vents. EPA also conducts sanitary
7 surveys not only in Wyoming, but all tribal lands as well.
8 This 24 mesh is a requirement in the tribal lands as well.

9 So a little bit further, and with that first
10 highlight being a little tough to read, I do have a
11 handout. If I can ask Jennifer to hand it out or -- we've
12 got Gina to hand it out.

13 But essentially this is a document created by
14 EPA, Technical Tips With Regards to 24 Mesh on Tank Vents
15 and Overflows. And this was created back in 2012. Just
16 shows the outline with regards to tank overflow options as
17 well as tank vents.

18 If we zoom in here, this is an example of what
19 they market with regards to a frost free or frost proof
20 tank vent. And these are manufactured in Wellington,
21 Colorado. Here's another option with a tank vent as well.
22 A flap valve and then a duckbill valve as well.

23 And then to kind of promote Wyoming ingenuity,
24 this is an option that is currently in service in Riverton,
25 Wyoming. It's a spring-loaded, essentially, 24 mesh

1 overflow that essentially keeps the 24 mesh in constant
2 contact with that overflow pipe, that overflow drain.
3 Should there be an overflow event, should there be sediment
4 or debris that gets clogged on a 24 mesh, well, the springs
5 allow it to open, and essentially any debris or sediment
6 can be washed away. The overflow event could take place.
7 When the overflow event is concluded, the mesh comes back
8 into contact with that overflow pipe, making sure that it's
9 safe and secure. And, again, that's currently in place in
10 Riverton, Wyoming.

11 So with our WWAB meetings, we held three WWAB
12 meetings. December 21, 2021, March 15, 2022, and May 3rd
13 of 2022 as well. We -- I got ahead of myself.

14 During our public comments, we had -- we had a
15 comment from one of our public commenters that recommended
16 that we present Chapter 12 and the changes at the upcoming
17 Wyoming Engineering Society and Surveying meeting that was
18 going to be held in February of 2022. We contacted the
19 folks in charge. Unfortunately, their schedule was full.

20 However, we pivoted and decided to hold a Zoom
21 session where we could present the information, where folks
22 could find the documents, walk them through the changes
23 that we're making with regards to Chapter 12. And then we
24 had a Q&A session a week later to allow folks to take a
25 look at documents, get up to speed, things of that nature.

1 So with regards to heading into our initial Zoom
2 meeting, we reached out to the Wyoming Engineering --
3 Wyoming Engineering and Surveying Society to send
4 information to their members. We also reached out to the
5 Wyoming Association of Municipalities, Wyoming Association
6 of Rural Water Systems. And then we also sent information
7 out through our listserv, wyo.gov, to garner interest with
8 regard to our Zoom meeting and our Q&A session. This
9 session that we held was also prior to the deadline heading
10 into our March WWAB meeting for comments as well. So
11 should they so choose, they could submit additional public
12 comments heading into that March meeting.

13 With regards to the public comment or outreach,
14 essentially we contacted anyone who gave us a comment.
15 Anyone who contacted us, we wanted to follow up, wanted to
16 make sure that we understood their comments, to make sure
17 they understood our response to comments, make sure we were
18 on the same page. If weren't on the same page, it was a
19 good time to figure out where we were off base, and we
20 could come to a good discussion, have a good solution. And
21 if we needed to make changes, we could make changes as
22 appropriate.

23 So, again, reached out to all the commenters,
24 coordinated our working sessions. We had meetings in
25 person, as well as over Zoom, some phone sessions and

1 emails as well. And, again, we had those conversations
2 with all interested parties. Anyone that wanted to work
3 with us, and -- again, just about everybody reached out and
4 took us up on that offer.

5 Heading into our EQC hearing, we did receive
6 three comments. The first comment was with regards to well
7 isolation distances on a UIC facility. With regards to
8 this, the isolation distances are in alignment with Chapter
9 25 that was previously approved in 2018.

10 Additionally, with regards to this offset
11 distance, public wells require 500-foot offset distance
12 from a UIC absorption field. However, there is an option
13 to do or conduct a hydrogeologic study to get a distance
14 that's less than the 500 feet, but you still have to
15 maintain a minimum of 200 feet from that source. So
16 there's an option. There's a off -- off road, if you so
17 choose.

18 We did have a comment with a request for
19 additional public comment time. We understand the request.
20 However, we did provide -- close to 146 days heading into
21 this EQC hearing, we did do some outreach sessions. We did
22 try to solicit as many people as we could through that Zoom
23 meeting, through contacting the members of the Wyoming
24 Engineering and Surveying Society, Wyoming Association of
25 Municipalities, as well as through the Wyoming Association

1 of Rural Water Systems as well.

2 And then our last comment -- there's three
3 comments, essentially, with regard to the recommendation to
4 consider 16 mesh instead of 24 mesh, and so with -- with
5 this one, with regards to tank vents and tank overflows.

6 We did meet with Rich Cripe on November 1st to
7 discuss his comments a little bit further and more
8 in-depth, especially since he sat in this chair prior to
9 me, so we wanted to definitely take his comments under
10 consideration and make sure we fully understood and vetted
11 those.

12 He did understand the need to be in compliance
13 with EPA and with regards to our sanitary surveys.
14 However, he encouraged us to ensure that appropriate
15 installations of 24 mesh were taking place when that option
16 was chosen by an entity. And so with regards to that,
17 we're happy to work with our district engineers. We're
18 happy to work with our Wyoming engineers. We're also
19 looking for ways to promote and educate training or
20 workshops with regards to our communities, with regards to
21 the installation of 24 mesh. And so we're looking forward
22 to that should this rule move forward.

23 So next steps, where do we go from here? Again,
24 looking to strengthen our outreach within our communities.
25 Need to get some education, workshops, training, things of

1 that nature. Our Midwest Assistance Program, they provide
2 training and technical assistance within our communities.
3 Also, the Wyoming Association of Rural Water Systems
4 provides technical training and assistance to our
5 communities as well. So we're looking forward to working
6 with them, partnering in their workshops and sessions. And
7 then any others that are looking to put workshops and
8 sessions together as well as through DEQ to get communities
9 up to date and get that information out there.

10 And then we're also looking to generate tools and
11 materials within our websites and guidance documents and
12 things of that nature.

13 And with that, I'll turn it back over to Jennifer
14 and the Chairman.

15 COUNCIL MEMBER BLAKE: Go ahead. Did you
16 want to add something?

17 MS. ZYGMUNT: No further comments from me.

18 COUNCIL MEMBER BLAKE: Thank you for that
19 presentation.

20 Council Members, questions?

21 COUNCIL MEMBER BEDESSEM: I prefer to ask
22 my questions after everybody.

23 COUNCIL MEMBER BLAKE: Seeing no questions
24 from --

25 COUNCIL MEMBER CORRA: I have --

1 COUNCIL MEMBER BLAKE: Oh, Mr. Corra.

2 Please.

3 COUNCIL MEMBER CORRA: A couple of
4 questions. One is the EPA has primacy for practically all
5 things. I know that.

6 Do they still do operating and maintenance audits
7 in these facilities? I'm trying to think if there was some
8 examples way back when where they actually come in and do a
9 full-scale almost like an auditing.

10 MR. HENDON: Right.

11 COUNCIL MEMBER CORRA: Do they do that
12 today?

13 MR. HENDON: They do not do that today. I
14 think that's kind of been a duty delegated to the capacity
15 development program through our shop. So we're looking at
16 perhaps beefing that back up with some of the bill funds
17 and the SRF funds that are coming through with regards to
18 capacity development through the state revolving fund
19 program. That seems to be a large -- or a big push -- a
20 big item push with regards to the current administration to
21 increase technical assistance -- or the technical
22 managerial financial assistance to these systems and to get
23 that documented and proven with regards to communities and
24 water/wastewater systems.

25 COUNCIL MEMBER CORRA: The other question

1 has to do with sort of then and now. So the subject matter
2 is all this incorporation by reference.

3 MR. HENDON: Sure.

4 COUNCIL MEMBER CORRA: It's -- so the
5 rule -- the proposed rule has reference to the TSS, which
6 is a 188-page document. And I think I heard you say that
7 after comments you got a little more specific as to the
8 sections you've --

9 MR. HENDON: Right. Right.

10 COUNCIL MEMBER CORRA: -- given out.

11 But we have -- so the rule itself is 130 now, I
12 think, or maybe less. 90. But it's pretty darn --

13 MR. HENDON: I think it's 71.

14 COUNCIL MEMBER CORRA: But regardless of
15 that -- then in Section 19, there are 56 other rules that
16 are also incorporated by reference. And so notwithstanding
17 a little bit of a concern on my part as a Council member
18 that we are asking to promulgate a rule that has a whole
19 bunch of stuff that has been incorporated by reference,
20 much like a large number of pages of stuff, and we should
21 never get into the weeds on detail, so we're not -- I'm
22 not -- I could care less about the kind of sand or how
23 things stand on all of that.

24 MR. HENDON: Sure.

25 COUNCIL MEMBER CORRA: But what my question

1 is is you've been operating more or less this way for a
2 long time. So is this incorporation by reference of the
3 TSS and the -- all of the 56 other rules that are
4 incorporated, how big of a change is that for the operators
5 of the facilities compared to the standard operation that
6 you've been doing for the last 10 years, 20 years? Is it a
7 big step change or just getting into here what they've been
8 doing all along?

9 MR. HENDON: So with regards to the items
10 that -- is it -- yeah, Section 19.

11 COUNCIL MEMBER CORRA: Uh-huh.

12 MR. HENDON: A number of these items are
13 currently incorporated by reference in the current chapter.

14 COUNCIL MEMBER CORRA: Okay.

15 MR. HENDON: So a number of these items are
16 specific references to pipe type --

17 COUNCIL MEMBER CORRA: Business as usual.

18 MR. HENDON: -- the materials, things of
19 that nature.

20 COUNCIL MEMBER CORRA: Yeah.

21 MR. HENDON: So with regards to that
22 Section 19, business as usual.

23 With regard to incorporation by reference with
24 regards to the 10 States Standards, we've incorporated
25 probably close to 60 percent of that document. So if we

1 were to include it within this document here, the pages
2 would grow about by 80. So it about doubled the document
3 that you're currently looking at here today. So you go
4 from -- I think I got page 68 here. So you add 80 pages to
5 that, you'd have a 150-page document.

6 With regards to the pros and cons of
7 incorporation by reference, I'm sure we could debate that
8 for a while here today. But with regards to the end users,
9 I think there's some tools. I think with regards to the
10 highlighted version of the 10 States Standards that we
11 provided, it would be of good benefit.

12 A lot of the information materials, it remains
13 the same. It hasn't seen a significant change over the
14 years with regards to what has been incorporated by
15 reference. So it -- and, again, I think any design
16 engineer's going to utilize more than one document when
17 they're designing, whatever the case might be. Whether
18 it's a widget or a swimming pool or waterworks for the City
19 of Cheyenne, they're going to utilize more than just a
20 document when they're designing that product.

21 COUNCIL MEMBER CORRA: So not quite
22 business as usual with regards to the TSS, but close.

23 MR. HENDON: But close.

24 COUNCIL MEMBER CORRA: Okay. Thank you,
25 Mr. Chairman.

1 COUNCIL MEMBER BLAKE: Okay. Council
2 Member Bedessem, go ahead.

3 COUNCIL MEMBER BEDESSEM: So do -- do --
4 whoops. Do you know when the next update of the TSS will
5 be? You said that they're updated every five to seven
6 years.

7 MR. HENDON: Yep. And I believe that's
8 coming out in either 2023 or 2024.

9 COUNCIL MEMBER BEDESSEM: And how do you
10 know that information?

11 MR. HENDON: From reaching out and talking
12 to the chairman with regards to the Great Lakes Upper
13 Mississippi River Board there with the -- at the Department
14 of Minnesota.

15 COUNCIL MEMBER BEDESSEM: Okay. So either
16 in six months or a year and six months, something like
17 that?

18 MR. HENDON: Correct, 6 to 18 months.

19 COUNCIL MEMBER BEDESSEM: I know there's
20 been -- I'm pretty involved on a national level with
21 respect to updating standards for design engineers,
22 particularly with respect to sustainability and resilience
23 in specific -- related to climate change issues, and
24 certainly no extreme climate events, that sort of thing.
25 And so I know the next update of standards is likely to

1 have, you know, fairly significant changes because of
2 that -- that push. So just wanting to be sure we're as up
3 to date as possible.

4 In the previous rule, when we were incorporating
5 by reference the 1982 standards, were those incorporated as
6 recommendations or was -- were they as mandatory compliance
7 items in the existing --

8 MS. ZYGMUNT: Mr. Chairman. Thank you for
9 the question. So when -- in the original rule, we did pull
10 in sections of the 10 States Standards. So that's the
11 same. The difference now is incorporating by reference
12 rather than taking the language from the 10 States
13 Standards and pasting it into our rule.

14 Our rule should always contain regulatory
15 requirements, meaning they're not enforceable. Technically
16 they're not a rule. In the current rule we do specify that
17 these standards shall be met. However, we have always had
18 flexibility in Chapter 12 that if somebody can't meet a
19 standard, but they can demonstrate that they can achieve
20 comparable environmental protection, then on a case-by-case
21 basis we can look at new technologies to meet the same
22 intent if somebody doesn't exactly meet the standard.

23 So we have specified in the current rule that
24 these recommendations shall -- or I shouldn't say that
25 these standards shall be met. But we have continued that

1 same provision, if it gives us the flexibility to look at
2 things on a case-by-case basis as needed.

3 COUNCIL MEMBER BEDESSEM: So is the
4 case-by-case basis just if there's new technologies, or if
5 there's any situation where something in the rule might not
6 apply to that particular facility?

7 MS. ZYGMUNT: Mr. Chairman. So the -- it
8 would apply to new technologies, but it could also apply to
9 a standard where somebody doesn't exactly meet the
10 specifications as outlined in the current rule. We could
11 look at that, and with an engineering demonstration it
12 shows that, again, it provides the same level of
13 environmental protection. We could go ahead and approve
14 that permit to construct with a variance to that standard.

15 COUNCIL MEMBER BEDESSEM: Can you walk me
16 through what the variance procedure is?

17 MS. ZYGMUNT: Sure. So as part of the
18 application, you know, the applicant needs to provide
19 engineering designs to show how they are meeting the
20 standards of our rules. Our district engineers review
21 those applications, and if they feel that it meets the
22 specification, then they'll draft a permit. That permit
23 goes through Keenan first for review, and to me for
24 signature, and then to Director Parfitt for signature as
25 well. If there is a variance that is documented in the

1 permit as to what was changed and why, then it's incumbent
2 upon the applicant to make sure they're providing that
3 information with the application to show that they are
4 providing the same level of environmental protection.

5 COUNCIL MEMBER BEDESSEM: So there isn't a
6 separate issuance of a variance? It's just all
7 incorporated into the permit as it's being renewed?

8 MS. ZYGMUNT: That is correct.

9 COUNCIL MEMBER BEDESSEM: Okay. Thank you.

10 COUNCIL MEMBER BLAKE: Mr. Chairman.
11 Chairman Lenz, go ahead.

12 CHAIRMAN LENZ: Thank you, Mr. Hearing
13 Officer.

14 So at the very beginning you mentioned that you
15 had reached out to the Great Lakes Upper Mississippi Board
16 to become part of their board. What reasons did they give
17 for not allowing you to participate, and had they allowed
18 you to, what kinds of advantages would it have been for the
19 State of Wyoming?

20 MR. HENDON: Yes, Chairman. So the request
21 came from the WWAB. The WWAB had requested us to reach out
22 to see if we could be a member state or a member of that
23 board. Essentially the thought process was that we could
24 utilize and perhaps be another member state to provide
25 input and insight with regards to rule investment.

1 I think the opportunity to be a member of the
2 working committees and the working sessions would be of
3 benefit to the state with regard to their rulemaking
4 process to see what is important to these members -- or I
5 guess with regard to the GLUMR states, if you will. And
6 then we can also bring that back to the state of Wyoming
7 with regards to our regulation and rulemaking process as
8 well.

9 CHAIRMAN LENZ: Sure. And so 40 states are
10 utilizing their data, their standards, and none of the
11 40 states have been allowed to join that original group?

12 MR. HENDON: Correct. Just that original
13 group. However, they do participate in those working
14 sessions and the committees for their rule development.

15 CHAIRMAN LENZ: Okay. Thank you.

16 COUNCIL MEMBER CORRA: Mr. Hearing Officer.

17 COUNCIL MEMBER BLAKE: Mr. Corra, another
18 question?

19 COUNCIL MEMBER CORRA: Okay. You may have
20 said it and I missed it, so I apologize if that's the case.
21 But the board -- the Upper Great Lakes Board said no when
22 you asked to become a member?

23 MR. HENDON: Correct.

24 COUNCIL MEMBER CORRA: Why did they say no?

25 MR. HENDON: They basically said at this

1 time it's only open to the existing members --

2 COUNCIL MEMBER CORRA: Okay.

3 MR. HENDON: -- with regards to the member
4 states and the Province of Ontario.

5 COUNCIL MEMBER CORRA: So you don't need --
6 yeah. So you don't need statutory changes, and the reason
7 you couldn't join has nothing to do with Wyoming statutes
8 or any other --

9 MR. HENDON: No. No. Nothing of that
10 nature.

11 MS. ZYGMUNT: And Mr. Chairman. I think we
12 can continue to ask that question over time. If there is
13 an opportunity for us to participate on the board in the
14 future, I think we will stay in touch with them to look for
15 those opportunities. Right now we don't have it, but we
16 will obviously stay in touch with them, and if there are
17 future opportunities, we will take advantage of that.

18 COUNCIL MEMBER CORRA: Okay.

19 COUNCIL MEMBER BLAKE: Any other -- any
20 other questions from Council members?

21 J.D., are you okay? Any questions?

22 COUNCIL MEMBER RADAKOVICH: I am okay.

23 COUNCIL MEMBER BLAKE: Okay. Thank you.

24 Okay. My script is wrong here, but I'm going to
25 go forward. Is there anyone present in the room wishing to

1 testify in support of the rule package? Step forward at
2 this time.

3 Seeing none, is there anyone present on Zoom
4 wishing to testify in support of this rule package?

5 Okay. Okay. Is there anyone present here in the
6 room wishing to testify in opposition to the rule package?

7 Seeing none, is there anyone present on Zoom
8 wishing to testify in opposition to the rule package?

9 Seeing none on Zoom, is there anyone here in the
10 room wishing to testify --

11 MS. CAHN: Excuse me. I raised my hand.

12 COUNCIL MEMBER BLAKE: And who are we?
13 State your name and spell it, please.

14 MS. CAHN: Lorie Cahn. L-o-r-i-e. Last
15 name is Cahn, C-a-h-n.

16 COUNCIL MEMBER BLAKE: Sorry we missed you
17 at the beginning there. Please proceed.

18 MS. CAHN: Okay. I am talking today as a
19 private citizen, but I am the chair of the Water and Waste
20 Advisory Board. I have been on the board for over 20
21 years. I'm a hydrogeologist by training, retired now. And
22 I just want to point out -- and, again, I'm speaking as
23 just a member of the public, but I do want to point out to
24 you that the board did not recommend that this package go
25 forward. And so I would like to just bring up a couple

1 major -- a couple of points for your attention.

2 I think Mr. Corra brought up a really good point
3 about streamlining. This rule is not really streamlined.
4 The current rule is 76 pages. The proposed rule is 72
5 pages plus somewhere around 80 pages of the TSS. So it is
6 not streamlined. It's a much bigger rule.

7 And I think as you -- as you did your review, you
8 probably realized what a huge docket you have in front of
9 you. And every time -- I've seen this quite a few times,
10 and every time I look at it, I see something new that is
11 confusing, or, you know, there's problems -- you know,
12 inconsistencies and things like that. And so I would
13 encourage you to, since you do have a comment, to extend
14 the public comment period. It's a real onerous task to
15 review this whole thing and all the references. And it's a
16 very important task. And I'm not sure -- in my mind we're
17 not there yet.

18 So I'll just give you a huge -- a few examples.
19 And I think -- I think one of the problems, bouncing back
20 and forth between the rule and the TSS, is the way that
21 it's done. And when we first presented this to DEQ,
22 Jennifer Zygmunt did say to us that they were very open to
23 not incorporating by reference, and, you know, whatever
24 would be the -- the best way to do this. And it doesn't
25 seem to me that -- that -- that doing it the way it is,

1 incorporating by reference, is useful.

2 So let me just give you a few examples. And it
3 may be useful. I don't know if you have available to you
4 the -- you can see on -- if you have hard copies or if you
5 need to see it on the screen, but maybe we can get DEQ to
6 pull up stuff on the screen.

7 Okay. So, for instance, on the TSS Section
8 4.5.1, their design standards for rapid mix flocculation
9 and sedimentation. And those are in Section 4.2. So
10 that's what the 10 States Standard says. But when you go
11 to 4.2, the only part in Section 4.2 that is in the TSS
12 that addresses a rapid mix or a flocculation is not there.
13 And the rapid mix portion is in 4.2.5.4. So -- and it's
14 not -- and it's not included.

15 So I think maybe -- let me just ask if you would
16 prefer to try to see these on a screen. I don't know
17 what's the best way to make that point.

18 MR. RUBY: Ms. Cahn, can you share -- do
19 you have it on your computer and can you share it on your
20 screen?

21 MS. CAHN: Boy, I don't know if I can do
22 that. I'm not that talented.

23 MR. RUBY: We don't have that ability
24 here --

25 MS. CAHN: Okay. Let me try.

1 MR. RUBY: We wouldn't know where to go to
2 show you what you want to see.

3 MS. CAHN: Let me try.

4 COUNCIL MEMBER BEDESSEM: Are we looking at
5 changes in the clean version or the --

6 COUNCIL MEMBER BLAKE: Yeah, are we looking
7 at the clean version?

8 MS. CAHN: Yeah. I was looking at the
9 clean version, because I thought it would be easier to do.
10 So let me -- let me see if I can do this.

11 Okay. 4.5.1.

12 COUNCIL MEMBER BEDESSEM: Line numbers
13 would be easiest.

14 COUNCIL MEMBER BLAKE: Yeah. Do you have
15 the line number on that clean version, Ms. --

16 MS. CAHN: Okay. So I will do that. Let
17 me get it on my screen. Let me try to share it. I
18 apologize if this is going to take me a while, and you
19 might have to help me to share the screen.

20 COUNCIL MEMBER BLAKE: We have the clean
21 version on our little iPads here. If you give us --

22 MS. CAHN: Okay.

23 COUNCIL MEMBER BLAKE: -- the page and the
24 line number.

25 MS. CAHN: Okay. Well -- okay. So --

1 okay.

2 MR. RUBY: We don't have copies of the TSS,
3 though, do we?

4 MR. HENDON: It should -- it should be on
5 the docket.

6 MR. RUBY: Because she's referencing the
7 two. She's going to be -- do you understand that, Council?
8 She's referencing two documents. She's -- excuse me,
9 Ms. Cahn. Excuse me.

10 MS. CAHN: I'm going to have to search for
11 the word --

12 MR. RUBY: Hang on, Ms. Cahn, just one
13 minute.

14 COUNCIL MEMBER BLAKE: Hold on one second,
15 please.

16 MR. RUBY: She's going to be referencing
17 two different documents. She's going to be referencing the
18 clean and the TSS and comparing the two. So -- and TSS on
19 the docket is just -- you will not be able to see them both
20 at once. You'll have to bounce back and forth.

21 So, Ms. Cahn, you'll need to take your time in
22 reference -- for the clean copy. You say the page and
23 line, that's the easiest way for the Council to find it.

24 On the TSS --

25 MS. CAHN: Okay.

1 MR. RUBY: -- if you tell them the page, we
2 may be able to find it, but that's going to be more
3 difficult. So you're going to need to somehow reference
4 the clean copy page and line, and then maybe by verbal just
5 tell them what's in the TSS.

6 MS. CAHN: Okay.

7 MR. RUBY: If you can do that.

8 COUNCIL MEMBER BLAKE: Thank you, Mr. Ruby.

9 MS. CAHN: Okay. Okay. I'm sorry, but
10 I -- I have to find -- I have it -- ah. Okay. Design
11 standards for rapid mix flocculation --

12 MR. RUBY: Ms. Cahn, are you looking at
13 your clean copy?

14 MS. CAHN: I'm looking at -- I'm trying to
15 find where -- where it was referenced -- this is part of
16 the confusion.

17 MR. RUBY: So in your clean -- can you pull
18 up your clean copy so you can look at it?

19 MS. CAHN: Okay.

20 MR. RUBY: Can you then tell the Council
21 what page you're wanting -- and line -- what you're wanting
22 to talk about.

23 MS. CAHN: Yes, I understand -- okay. Line
24 25 -- 2356. I finally found the line number. So let me go
25 to that.

1 MR. RUBY: On page?

2 MS. CAHN: 2356. Okay.

3 COUNCIL MEMBER TRUE: 12-53.

4 COUNCIL MEMBER BEDESSEM: Yeah, 12-53.

5 MS. CAHN: Under water storage -- no,

6 that's not --

7 COUNCIL MEMBER CORRA: Listen, did you --

8 can I try to help?

9 At first, Ms. Cahn, you mentioned TSS. -- 4.5.1.

10 Somewhere in the clean copy of the rules is a list of all

11 the TSS sections. And so I'm looking at DEQ to help

12 expedite this conversation, Mr. Chairman and Mr. Hearing

13 Officer if that's okay.

14 So just to sort of expedite this. You guys, I

15 believe, know exactly what she's talking about. If this

16 conversation took place in the advisory board and you

17 reached out and talked to them as much as you have, said

18 you have, then, you know -- so I'm asking you to kind of

19 help the commenter a little bit along so that the Council

20 can understand --

21 MR. HENDON: Sure.

22 COUNCIL MEMBER CORRA: What page --

23 MS. CAHN: This was not brought up in the

24 Water and Waste Advisory Board, Mr. Corra, because we

25 finished the last meeting -- most meetings we ended the

1 meeting without finishing all of our comments. And the
2 last meeting was a special meeting, and not enough time was
3 given to the board to finish our comments.

4 COUNCIL MEMBER CORRA: Okay.

5 MS. CAHN: So this is a new one.

6 COUNCIL MEMBER CORRA: Understanding

7 that --

8 MS. ZYGMUNT: Mr. Chairman.

9 MS. CAHN: I apologize for not having -- I
10 thought I had it written down. So let me --

11 MS. ZYGMUNT: Mr. Chairman.

12 COUNCIL MEMBER BLAKE: Ms. Zygmunt, go
13 ahead.

14 COUNCIL MEMBER CORRA: I have the question,
15 Lorie. So let me, as a member of the Council, follow on
16 with this. Okay. I understand.

17 MS. ZYGMUNT: Let me see if I can help with
18 this conversation. Thank you, Mr. Chairman.

19 COUNCIL MEMBER BLAKE: Go ahead.

20 MS. ZYGMUNT: So at first I will say we did
21 review the whole rule in the advisory board. And we did
22 have an opportunity for them to provide feedback in all the
23 sections we were or were not incorporating into the rule,
24 as well as conversations about how to best format the
25 incorporation by reference.

1 We changed the rule to make sure at the beginning
2 of each section that there is a clear list of incorporation
3 by reference. There will be a link with that in order to
4 provide the clarity, that it is our understanding the
5 advisory board was looking for, by referencing the number
6 in the state standard -- the 10 States Standards, and as
7 well as title. So that's what you will see in Section A of
8 the -- the (a) of most of the sections within the rule.

9 I believe the original section that Ms. Cahn
10 pulled out, 4.5.1, I believe, in Section 12, Treatment,
11 which begins on page 12-29. I -- I'm not sure that I
12 understood Ms. Cahn's specific question about the section
13 that she called out originally, but I -- Mr. Chairman,
14 again, these are the types of conversations that we did
15 have with the advisory board about the sections that were
16 incorporated by reference and how to best call those out in
17 (a).

18 So I'll stop there and see if we can further help
19 clarify Ms. Cahn's question.

20 MR. RUBY: 12-59?

21 MR. HENDON: 29.

22 MS. ZYGMUNT: 29.

23 MR. RUBY: Thanks.

24 MS. CAHN: Line --

25 MS. ZYGMUNT: I believe, Ms. Cahn, it's

1 line 1323 where 4.5.1 is cited.

2 COUNCIL MEMBER CORRA: Yeah, line 13 --

3 MR. HENDON: 23. 1323 cites 4.5.1,

4 softening, lime or lime soda process. If I go to the TSS,

5 4.5.1 is lime or soda lime process.

6 COUNCIL MEMBER CORRA: Okay.

7 MR. HENDON: So...

8 COUNCIL MEMBER CORRA: Thank you.

9 Mr. Hearing Officer, would you like me to -- I can pass.

10 COUNCIL MEMBER BLAKE: Would you like to

11 ask some more questions, please.

12 COUNCIL MEMBER CORRA: Well --

13 COUNCIL MEMBER BLAKE: Okay. Go ahead.

14 COUNCIL MEMBER CORRA: So at least,

15 Ms. Cahn, we now have the references.

16 MS. CAHN: Okay.

17 COUNCIL MEMBER CORRA: And you were

18 speaking to some kind of confusion.

19 MS. CAHN: Yeah.

20 COUNCIL MEMBER BLAKE: Go ahead, Ms. Cahn.

21 Let's proceed from here.

22 MS. CAHN: So on page 74 of the TSS,

23 Section 4.5.1.1, it then says design standards for rapid

24 mix, flocculation and sedimentation are in Section 4.2.

25 But then if you now move in the TSS to Section 4.2, which

1 is up, and that's on -- I might just do a search to get it
2 faster. Oh.

3 COUNCIL MEMBER CORRA: Okay. Maybe --

4 COUNCIL MEMBER BLAKE: Mr. Corra, go ahead.

5 COUNCIL MEMBER CORRA: Thank you,
6 Mr. Chairman. Maybe just tell us -- can you read it to us?

7 MS. CAHN: Yeah. So then when you go to
8 4.2, it's not highlighted. It's not incorporated by
9 reference. So we have a situation where the rule is
10 sending us to a section of the TSS, which then sends us to
11 another section of the TSS, 4.2, which then is not
12 highlighted. And so you can understand why that's
13 confusing.

14 So the Section 4.2, on clarification, is on page
15 36 of the TSS, and it is not highlighted. So that happens
16 with rapid mix and flocculation. So the only part in the
17 TSS in Section 4.2 that addresses rapid mix is in the TSS
18 Section 4.2.5.4 on page 40, which is not highlighted.

19 The other thing is that on the TSS, page 2 -- I'm
20 not sure what page now. It also has some flexibility.
21 Uses words like "where pertinent." And so is that also
22 lost? So you can do the same thing with flocculation if
23 you go to the rule in the same area that we went -- we're
24 at. There's a reference to going to 4.2 for flocculation
25 and for sedimentation. You go to the -- so then you go to

1 TSS Section 4.2 and it says to go to Section 4.5.1 for
2 flocculation. If you then go into Section 4.5.1, the
3 flocculation -- or 4.2. -- sorry, 5.1, that flocculation
4 stuff is not incorporated. So the only part of 4.2 that
5 covers flocculation is 4.2.3 in the TSS, and that is not
6 referenced.

7 COUNCIL MEMBER BLAKE: Okay. Department,
8 do we have -- Attorney General's Office, go ahead.

9 MR. GIRARDIN: Turn on your mic.

10 MS. BUDINE: Hi, Ms. Cahn. So just -- I
11 want to give a quick explanation about this highlighted TSS
12 document. That is -- the highlights are for assistance in
13 finding these sections. What is incorporated by reference
14 in the rule is what is in the rule. So those sections in
15 the rule. That doesn't mean for this highlighted document
16 that every section is highlighted. It's possible a few
17 were missed.

18 MS. CAHN: Okay. Thank you. That --

19 MS. BUDINE: But just because it's not
20 highlighted does not mean it's not incorporated by
21 reference. That is in the rule.

22 MS. CAHN: Okay. Thank you.

23 And then in that case, there then becomes
24 redundancy between -- if you highlight all those sections
25 in the TSS that are referenced, and then there becomes

1 redundancy in the rule. So I will give you an example of
2 redundancy. And hopefully I wrote down -- okay. So -- all
3 right.

4 The proposed rule, on line 2356 in the clean
5 version -- and let me get there. Okay. Line -- we're in
6 Section 15 on Finished Water Storage on page 12-53. We
7 talk about 7.0.9 to 7.09(e), General and Vents. And then
8 7.09 -- okay. So then if you go to the TSS, on line -- on
9 Section 7.0.9 -- let me go there -- on Vents, there's -- on
10 page 124, there's a. -- I'm going to read you a., b., and
11 c., which are shall prevent -- so this is talking -- let
12 me give you the opening sentence to that. Open
13 construction -- Finished water storage structure shall be
14 vented. Overflow pipe shall not be considered a vent.
15 Open construction between the sidewall and roof is not
16 permissible. And then it says Vents.

17 So a., shall prevent the entrance of surface
18 water and rainwater; b., shall exclude birds and other
19 mammals; c., should exclude insects and dust as much as
20 this function can be made compatible with effective
21 venting. But then when you go to the proposed rule, the
22 insects -- and I've got to find -- so 2356, let me go back.
23 Let me look for insects.

24 Okay. So then when you go to 2447 of the
25 proposed rule, Vents shall be designed to protect the tank

1 from contaminants, including but not limited to surface
2 water, stormwater runoff, insects, rodents, rodents and
3 birds, and then you go to line -- keep going, the next two
4 lines. All openings shall be protected -- well, that's a
5 whole 'nother issue -- with the number 24 mesh.

6 But anyway, so that's an example, where you're
7 doing the same things in two places. And so my main point
8 of my comment is that it's really difficult to spot all of
9 these either inconsistencies or redundancies. We have a
10 rule now that's going to be 100 and whatever numbered pages
11 that is, when you do the incorporation by reference with
12 the TSS.

13 And so I -- I guess my hope would be as -- if
14 somebody is using this and is a practitioner in the field,
15 I think it's really difficult to go -- jump back and forth
16 between all these places. And I think if it was all in one
17 place, that it would be a whole lot more user friendly.

18 And we received a lot of comments on the user
19 unfriendliness of this. And I -- I think people have sort
20 of given up on giving comments, because a lot of the -- a
21 lot of the responses -- some of the responses to comments
22 from DEQ were basically thank you for the comment, but
23 we've thought about it and decided not to do it.

24 And so -- anyways, I feel like it's disingenuous
25 to say that the rule is streamlined. We're streamlining

1 the rule. Because the current rule is 76 pages. The new
2 rule is 72 pages plus 80 pages or so incorporated by
3 reference. So I just think we're going to -- we're going
4 to have a rule that's big. And I think making that big
5 rule as user friendly as possible is really important.

6 So I guess that's really the main -- my main
7 concern. And I think that having a little bit more time
8 for the public to review this is not a bad idea, because it
9 is so big and it is so onerous, and so -- anyways, I'll
10 leave it at that. Thank you very much for the time.

11 COUNCIL MEMBER BLAKE: So, Council, any
12 questions for Ms. Cahn?

13 Department?

14 MR. HENDON: Chairman, with regards to the
15 statements with regards to the tank vents with stormwater
16 runoff, insects, rodents, birds, with regard to the changes
17 we're making with regards to the C change of
18 24 mesh, we kept the language. We did that as a conscious
19 choice with regard to keeping it in both places, to make
20 sure that the reader knew the reason -- knew the
21 requirements with regards to 24 mesh. So that was a
22 conscious choice by us. So it is in both places in that
23 instance, and that was on purpose.

24 MS. ZYGMUNT: Mr. Chairman. I'll just
25 speak to Ms. Cahn's points about streamlining. And we did

1 have good conversations with the board, and I absolutely
2 recognize the comments and some of the opposition to
3 incorporation by reference. We do feel it is the
4 appropriate way to go.

5 In terms of helping people make this more user
6 friendly, as Keenan mentioned in his presentation, we are
7 planning further outreach and guidance as part of our
8 promulgation tasks if this rule is approved. And we'll
9 look for tools where we can help not for just internal
10 staff, but our external customers as well, make sure they
11 can navigate this process. So just wanted to mention that.

12 I disagree that people have given up on comments.
13 Again, the outreach that we had done to commenters, I feel
14 those are very productive conversations, and I think it was
15 more than just them acknowledging that we've made a
16 decision and moving on. I think they were good
17 conversations and understanding concerns, and with response
18 being that they appreciated the outreach, appreciated the
19 conversation, and that we had found a resolution on a path
20 forward. Thank you.

21 COUNCIL MEMBER BLAKE: Chairman Lenz.

22 CHAIRMAN LENZ: So the concept of
23 streamlining, given the propensity of the information and
24 the rules and the requirements to put in these systems,
25 surely you looked at it line by line, item by item,

1 requirement by requirement. There really isn't a way to
2 streamline this any further and get the information
3 necessary to the users. Am I right in that?

4 MS. ZYGMUNT: Mr. Chairman, I think we have
5 streamlined this to the extent possible. Again, there's
6 any number of ways that you can format the incorporation by
7 reference sections to make them shorter or longer. I think
8 we struck an appropriate balance to address some of those
9 concerns about clarity, meaning if somebody looks at one of
10 these (a)'s, are they clear on what we are referring to or
11 not referring to? And I think we have struck that balance.

12 Again, based on feedback from the advisory board,
13 we tried a few different formats, a shorter one, a longer
14 one, and I think this achieves the objective of providing
15 clarity while not being onerously long. Incorporation by
16 reference is a tool that's available to the agency per the
17 Administrative Procedures Act. And so, again, we do
18 appreciate all the feedback we've heard, and we do
19 recognize the pros and cons, but we do feel this is best
20 path moving forward.

21 CHAIRMAN LENZ: Thank you.

22 Thank you, Mr. Hearing Officer.

23 COUNCIL MEMBER BLAKE: Okay. I'm not sure
24 if you're still there, Ms. Cahn.

25 MS. CAHN: Yes, I am.

1 COUNCIL MEMBER BLAKE: I just want to --
2 did you have any final thoughts or you good to go?

3 MS. CAHN: No, I'll -- thank you.

4 COUNCIL MEMBER BLAKE: I appreciate you
5 participating. Yeah.

6 MR. HENDON: Chairman. With regards to the
7 4.5.2.1 reference back to 4.2, we did incorporate by
8 reference specific components of 4. -- of Section 4.2 as
9 identified. The components that we didn't reference are
10 with regards to the operations and maintenance, which would
11 likely be determined during that design process. So that
12 part was not incorporated by reference.

13 COUNCIL MEMBER BLAKE: Okay. Ms. Cahn, I
14 want to thank you for participating. It's good for DEQ to
15 hear you. It's good for the Council to hear you. Thank
16 you so much, as a private citizen.

17 And I forgot where I'm at. Is there anyone else
18 on Zoom wishing to testify in opposition to the rule
19 package?

20 MR. GIRARDIN: Not that I know of.

21 COUNCIL MEMBER BLAKE: Going once. Going
22 twice.

23 Anyone here in the room wish to testify in a
24 neutral capacity?

25 Is there anyone on Zoom who wishes to testify in

1 a neutral capacity?

2 COUNCIL MEMBER BEDESSEM: I have just a
3 question question.

4 COUNCIL MEMBER BLAKE: Go ahead,
5 Ms. Bedessem.

6 COUNCIL MEMBER BEDESSEM: So I guess one of
7 the things leading to this rule package that, well,
8 impressed me, the magnitude of the information and how much
9 time it takes to do all these materials. If you were doing
10 due diligence as a member of this board, you'd be looking
11 at the TSS, not necessarily, you know, on the details of
12 standards that have -- have been put to the test, but their
13 applicability to Wyoming, because our climate and our
14 population density is different than majority of these
15 other states. But that and all the transcripts and
16 people's comments and responses to comments, it's a large
17 volume of material.

18 I guess I am surprised about a couple of things
19 with respect to public comment. It's -- from testimony
20 today, it seems to me that there's a difference of opinion
21 between the agency and probably the WWAB with respect to
22 whether the comments were addressed satisfactorily, and
23 whether all the comments were heard. So I -- I read
24 through the transcript of the May 3rd WWAB meeting. And
25 please correct me if I'm wrong, but there was not any

1 public comment for that May 3rd meeting, correct? Meaning
2 that there was no opportunity for public comment?

3 MS. ZYGMUNT: Mr. Chairman. That's
4 correct. There was no public notice associated with the
5 special meeting that we hosted on May 3rd, and that was
6 with discussion prior to that meeting and approval by the
7 board to not have the public notice for that meeting.

8 COUNCIL MEMBER BEDESSEM: Thank you.

9 So when, Keenan, was the Zoom meeting with
10 consultants, or whoever, conducted? It was February what?

11 MR. HENDON: Let's see. I've got to turn
12 my mic on.

13 It was held -- I don't have the specific date,
14 but it was the end of January. And then we held the --
15 January 2022. And then we held the Q&A session I want to
16 say February 1st of 2022.

17 COUNCIL MEMBER BEDESSEM: So the beginning
18 of February.

19 MR. HENDON: It was the beginning -- let me
20 see if I can get back in here.

21 COUNCIL MEMBER BEDESSEM: Okay. And
22 comment -- what I'm concerned about is that, you know, we
23 had an equivalent level of opportunity for public comments,
24 for example, the rules that we just approved, and the
25 actual complexity of that rule doesn't hold a candle to the

1 complexity of this rule. I mean, when people, particularly
2 practitioners who have full-time jobs and are wanting to
3 look through this rule that will affect them and affect
4 municipalities, this is a huge volume of material to look
5 over. So even if you've -- if you've had that Q&A session
6 in February, and the last opportunity to comment is the
7 March 13th or 15th meeting, that obviously is not that much
8 time for this amount of material when it's not your
9 full-time job.

10 And so I guess -- and to be honest, the -- the
11 detailed kinds of comments that you saw for the first round
12 of comments are typically not appropriate for the EQC
13 meeting. And most people that are involved know this is
14 more of a 30,000-foot level than details, because we're not
15 going to get into debate on the 24 -- number 24 mesh in
16 this venue. Okay?

17 That is typically something that we rely on
18 happening between the WWAB and -- and DEQ staff. So I --
19 when reading through that transcript -- I even have the
20 page numbers written out where it was clear that they had
21 more comments, but you ran out of allotted time, because it
22 was a virtual meeting. And this is something that does
23 concern me in general about the fact that -- it's wonderful
24 that we can have like virtual meetings because it allows us
25 to be able to meet without having to travel, it makes much

1 more sense.

2 But typically, like, for example, when we have an
3 EQC meeting, or even a WWAB meeting, you adjourn when the
4 board or the Council decides that's when they adjourn. If
5 you've set up an allotted time, this is just how long your
6 Zoom is, your Team is, you kind of take that ability away
7 from the board or the Council to say that, well, we're not
8 done yet. The meeting just ends, because it has to end
9 because that's the only amount of time that you reserve.

10 So on page 58, 59 of that transcript, it's clear
11 there were more comments that were not discussed, and I
12 think it's a big assumption to assume that all the comments
13 were not substantive at all.

14 So with respect to the -- the incorporation by
15 reference, I guess, I -- you know, I'm not a big advocate
16 one way or the other. I mean, incorporation by reference
17 definitely has its advantages as far as page numbers, and,
18 you know, potential changes and so forth. You know,
19 there's pros and cons to both. But what I'm concerned
20 about is when you do incorporation by reference, and as
21 someone reading this document and it's not particularly
22 user friendly, and you're going back and forth, you can't
23 figure this out, and the agency in that transcript says,
24 oh, well, we'll -- as soon as it's promulgated, we'll
25 provide you with a crosswalk and so forth. Well, you put

1 the WWAB and also Council in a tough position because
2 you're asking them to say, well, I'm okay with how user
3 friendly this is because I'm going to assume you're going
4 to take care of it with a future crosswalk or guideline
5 that we have not seen.

6 So we approve an unfriendly -- you know, unuser
7 friendly rule in the hope that we're going to get a
8 crosswalk that's going to make it clear to users, where it
9 seems to me that it would go a lot smoother if you supplied
10 a crosswalk with a rule and said it's really hard to fix
11 within the rule, but, here, this is the cheat sheet. And
12 if using this cheat sheet you can make sense of it, then
13 we're good. But instead it's kind of an unknown.

14 But that crosswalk is really important if you
15 want to do, you know, incorporation by reference to get rid
16 of that uncertainty and issues with how people follow the
17 rule, I think that crosswalk is important. And waiting to
18 see it until after you agree whether the rule is okay or
19 not puts, I think, the WWAB and the Council in a tough
20 position.

21 So -- and also the difference of opinion between
22 the WWAB and the DEQ with regard to how people felt about
23 the -- the responses to the comments, not continuing the
24 public comment period at the WWAB level where those
25 technical comments would happen doesn't really give you the

1 answer to that question. You talked with them on the
2 phone, but the WWAB didn't talk to them on the phone. They
3 may be happy, you know, with the comments, or they might
4 not. No one really knows except the person that was on the
5 phone with them.

6 So -- and, like I said, this venue is not
7 necessarily the best one for detailed comments. It seems
8 like this would have been to the agency's advantage to have
9 extended that comment period to -- through May, because
10 what is the downside of extending that comment period?
11 Okay? It might have been more clear whether, you know, the
12 public was happy with that or not. And there would have
13 been, you know, additional time, because this is a really
14 complex rule compared to a lot of the ones that we've done.
15 And from the agency's viewpoint, I can understand that
16 various personnel have been working on this for ten years,
17 you want to be done. And I can appreciate that, but -- but
18 there is concern that there are -- there are still things
19 to be fixed.

20 And also, just the -- I know legally it is not a
21 requirement to have the WWAB approval to move a rule
22 forward to the EQC. However, I do find it concerning that
23 the two most experienced members on the WWAB with solid
24 technical backgrounds in the water field are the two that
25 did not express interest in moving it forward to the EQC.

1 And so that's concerning, and I certainly don't want to
2 establish a precedent of overlooking that.

3 So, anyway, those are just my concerns and
4 suggestions. I think a crosswalk would be really helpful
5 to know that it will be clear once it comes out to the
6 public. Because if it's not, the cost for designing the
7 amount of consulting hours goes up dramatically and it
8 costs every municipality in the state when it doesn't
9 necessarily have to. And also -- actually, it shouldn't
10 take that long to get it actually out to the public. And
11 so you want to be ready, so I don't see what the harm is in
12 preparing that ahead of promulgation. Anyway, that's just
13 what I gathered from reading that last transcript, because,
14 as I said, that -- that did concern me.

15 So thank you for listening.

16 COUNCIL MEMBER BLAKE: Any other comments
17 from Council before I give us back to Chairman Lenz?

18 MS. BUDINE: Excuse me, Mr. Chair.

19 COUNCIL MEMBER BLAKE: Go ahead. Please.

20 MS. BUDINE: I just want to make a quick
21 response and distinction I think is important.

22 So we received a comment from a WWAB board member
23 as a private citizen. The WWAB is not testifying, nor did
24 they submit comments. So I think that's an important
25 distinction to make when considering the testimony.

1 COUNCIL MEMBER BEDESSEM: Thank you. I
2 also had one more question for you. I know we're not --
3 we're supposed to, in the rules -- and so just please
4 educate me -- reference other documents at points in time
5 which is why you're referencing the 2018 TSS. So what
6 happens with things that are like in the 40 CFR, which
7 changes as federal rules change?

8 MS. BUDINE: All things that are
9 incorporated by reference are incorporated as of the date
10 of promulgation, and that's where it stays, as specified in
11 the rule. If there's a change to something like the CFRs,
12 we would have to go through an update to the rule.

13 COUNCIL MEMBER BEDESSEM: So there's
14 something in here that says that, that like 40 CFR is -- is
15 on date of promulgation?

16 MS. BUDINE: Yes. There should be a date
17 associated with the CFR reference.

18 COUNCIL MEMBER BEDESSEM: I didn't know
19 that, but just check, I guess.

20 MS. BUDINE: Yes. That is the requirement
21 for incorporation by reference.

22 COUNCIL MEMBER BEDESSEM: Right. Thank you
23 for clarifying that for me.

24 COUNCIL MEMBER BLAKE: Anybody else?

25 COUNCIL MEMBER BEDESSEM: Yeah. One last

1 thing. My last comments with respect to that were all
2 based -- were not based on what was said by Ms. Cahn, but
3 on the review of that May 3rd transcript.

4 COUNCIL MEMBER BLAKE: Mr. Corra, did you
5 have something?

6 COUNCIL MEMBER CORRA: No. I'm just --

7 MR. GIRARDIN: Ms. Cahn submitted a
8 comment.

9 COUNCIL MEMBER BLAKE: Was there a comment
10 over Zoom? I thought I heard something.

11 MS. CAHN: Yes. Could I make a very --
12 this is Lorie Cahn again. Could I make a very short
13 comment?

14 COUNCIL MEMBER BLAKE: Sure. Go ahead,
15 Ms. Cahn.

16 MS. CAHN: Thank you.

17 I just wanted to mention that I'm also concerned
18 about losing some flexibility that's in the 10 States
19 Standards. So I'll give you one example. Example on the
20 10 States Standards, page 47, Section 4.3.1.6.d.5 -- and I
21 can -- let me just pull that up.

22 So we're talking Granular Activated Carbon. And
23 it's on page 47. And it -- let's see if I can share my
24 screen. Can somebody explain to me how to do that? Oh,
25 share screen. Okay. Here we go.

1 Okay. Is that -- no. Okay. Does that work? Do
2 you see --

3 COUNCIL MEMBER BEDESSEM: Yeah.

4 MS. CAHN: So you look at the granulated
5 activated carbon and it mentions 4a. through d., but then
6 5, which says other media types or characteristics may be
7 considered based on experimental data and operating
8 experience. And that's not incorporated by reference. So
9 I -- I'm a little bit concerned also about losing
10 flexibility that is -- some of the flexibility that's in
11 the TSS. And that's just an example. Thank you.

12 COUNCIL MEMBER BLAKE: Thank you, Ms. Cahn.

13 COUNCIL MEMBER BEDESSEM: Sorry. I just
14 wanted to say one more --

15 COUNCIL MEMBER BLAKE: Council Member
16 Bedessem, go ahead.

17 COUNCIL MEMBER BEDESSEM: I just want to
18 say I do have a bunch of comments, but they're all, like I
19 say, they're very technical comments, like level of storage
20 and -- I mean, amount of storage required compared to the
21 previous rule, and things that are technical in nature that
22 I would have preferred that were handled at the WWAB level.
23 So I can provide those to you today, if you want, but --

24 COUNCIL MEMBER BLAKE: Okay. Do you have a
25 comment?

1 COUNCIL MEMBER BEDESSEM: -- or save them.

2 MS. ZYGMUNT: I can offer some comments in
3 response to Council Member Bedessem's comments, which we
4 greatly appreciate, if now is the time, Mr. Hearing
5 Officer, or I can hold them.

6 COUNCIL MEMBER BLAKE: Go ahead before I
7 close the public hearing, I guess.

8 MS. ZYGMUNT: Thank you.

9 So, again, we do greatly appreciate the comments,
10 and I just want the Council to know that these are the
11 feedback that I took very seriously as we considered how to
12 move forward with this rule based on the discussions with
13 the advisory board to public comments that we got, and, you
14 know, while ensuring that we have a good product, while
15 also balancing staff resources. And, you know, the goal of
16 getting this rule promulgated in advance of projects coming
17 in under the infrastructure and ARPA funds.

18 I just want to reiterate the public notice
19 process, because I do feel it was robust. We started in
20 November of 2021, prior to the first advisory board
21 meeting, based on the advisory board's direction of the
22 December meeting to extend that public comment. We did
23 honor that request and kept it open through February. And
24 Keenan might have to correct me on the date, but I think we
25 kept it open for another 45 days. So for about a total of

1 100 days.

2 Again, you heard about the Zoom outreach that we
3 did during that time, and individual outreach we did to
4 each and every commenter. And, again, as reflected in the
5 March advisory board meeting, we only had one new person
6 come to that meeting to provide further comments. Based on
7 that, it was the Board's direction at that time that they
8 ask for one additional meeting to review further revisions
9 to the rule. Hence, the special meeting in May.

10 But, again, the board at that time did not feel
11 another public notice was necessary. So when that comment
12 was made in May, that we should not move forward with the
13 rule, partly because another public notice was warranted, I
14 didn't have any further information at that time that I
15 felt another notice would add value to the process getting
16 an outreach done. And, again, the minimal commenters that
17 came to the March meeting, with the understanding that also
18 there would be a 45-day public comment before the EQC,
19 recognizing, though, per Council Member Bedessem's
20 comments, that, you know, the types of comments we get
21 during the board and EQC periods are different. I do
22 understand that.

23 The advisory board, I believe, in my
24 recommendation to the Director to move forward with formal
25 rulemaking, I believe the advisory board has met their

1 statutory authority to advise and consult with me on the
2 rule. I do believe over the course of the three meetings
3 that we were able to get their input and advice on all
4 sections of the rule, hence my suggestion to go forward
5 with formal rulemaking.

6 I just wanted to outline those steps with regard
7 to the last comment from Ms. Cahn about flexibility. That
8 goes back to our previous discussion in Chapter 12 has
9 always had, and continues to have, some provisions that
10 give us flexibility in allowing variances on a case-by-case
11 basis, whether there's new technology or an alternate way
12 to meet a certain standard.

13 So with that, I'll go ahead and close my
14 comments. Thank you.

15 COUNCIL MEMBER BLAKE: Thank you.

16 COUNCIL MEMBER BEDESSEM: Sorry. One last
17 question.

18 COUNCIL MEMBER BLAKE: Go ahead. That's
19 what we're here for, Council Member.

20 COUNCIL MEMBER BEDESSEM: We talk about
21 how -- all this public outreach, and I'm curious as to, for
22 all these outreach events and Q&A, how many people you were
23 actually able to get to join online. I know some of this
24 whole time period was COVID impacted and so forth, and
25 there certainly may be challenges associated with that that

1 may not have been in other rule making packages. So do you
2 have an idea of how many -- you said there's 700 water
3 systems and so forth. Like what -- the component, you
4 know, what percent? How many people did we have? I mean,
5 I've held meetings before and had three people. It was
6 really not very positive.

7 COUNCIL MEMBER BLAKE: Go ahead.

8 MS. ZYGMUNT: Mr. Chairman. I don't have a
9 percentage in terms of the total engineers --

10 COUNCIL MEMBER BEDESSEM: Right. Just a
11 number.

12 MS. ZYGMUNT: -- that offered assistance in
13 the state. But, again, might need to defer to Keenan here
14 to get me a number on the total commenters that we received
15 during the advisory board and the number of people who
16 attended the Zoom session. But then also we had one-on-one
17 conversations. We had numerous conversations with Mark
18 Pepper with the Rural Water Association, numerous
19 conversations with the EPA. We've notified the engineering
20 society, other groups around the state, and as we give
21 updates about the agency, we notify people that Chapter 12
22 is open for public comment. We're looking for feedback.

23 So beyond the numbers that you'll see in terms of
24 the people that provided comment, and any other details
25 Keenan might be able to add here, I don't have a total

1 number or percentage of the systems.

2 MR. HENDON: Chairman.

3 COUNCIL MEMBER BLAKE: Go ahead.

4 MR. HENDON: With regard to the folks that
5 took us up on the offer for a Zoom meeting, we had members
6 from the EPA. We had members from BOPU, City of Green
7 River, and the Wyoming Association of Rural Water Systems.

8 With regards to the commenters that we had
9 meetings with and spoke directly to, we met with Darwin
10 Dick, Jason Palmer, Andy Hooten, and Brian Sepe with the
11 City of Green River; Dayton Alsaker, Jeff Rosenlund with
12 DOWL HKM; met with Dave -- Dave Engels with the American
13 Council of Engineering Companies of Wyoming; met with the
14 City of Cheyenne BOPU. Again, met with EPA Region 8 and
15 the Wyoming Association of Rural Water Systems as well.

16 In addition to that, heading into our March
17 meeting, we had comments from Craig Barsness with Shoshone
18 Municipal Pipeline, met with him, and with Frank Page,
19 Morrison-Maierle, Ty Ross with Nelson Engineering. And
20 then had a couple of discussions with Ben Jordan as well.
21 So those are all the folks that we met with, had meetings
22 and discussions and vetted their comments, our response to
23 comments, and came to a resolution.

24 COUNCIL MEMBER BEDESSEM: How many were at
25 the Zoom and how many people were at the --

1 MR. HENDON: So total folks at the Zoom,
2 there was probably 10 to 12 people --

3 COUNCIL MEMBER BEDESSEM: Okay. Thank you.

4 MR. HENDON: -- that participated.

5 MS. ZYGMUNT: I will add that we had a
6 self-subscription detection to our listserv system, which I
7 think you are familiar with. And I know there's -- we're
8 up into the thousands of people subscribed. I don't have a
9 full list of everybody signed up on that list, but that is
10 where we do try to capture the most broad audience and
11 notifying people about when we're making changes.

12 COUNCIL MEMBER BEDESSEM: You can -- what
13 was it? Offer a horse -- or horse --

14 MR. HENDON: That's right.

15 COUNCIL MEMBER BEDESSEM: -- to water, but
16 can't get them to drink. You know what I mean.

17 MR. HENDON: Uh-huh. Yep.

18 COUNCIL MEMBER BLAKE: I'm glad my City of
19 Green River participated. It's the garden spot of Wyoming,
20 being on the creek.

21 MR. HENDON: Right.

22 COUNCIL MEMBER BLAKE: Anything else?

23 Okay. I'm --

24 COUNCIL MEMBER BEDESSEM: You didn't really
25 answer if you want my little technical comments or not.

1 COUNCIL MEMBER BLAKE: I think she said --
2 you would take them?

3 MS. ZYGMUNT: I'd be happy to take your
4 comments.

5 COUNCIL MEMBER BEDESSEM: You want me to go
6 through them now or --

7 COUNCIL MEMBER CORRA: Mr. Hearing Officer.

8 COUNCIL MEMBER BLAKE: Yeah. Go ahead,
9 Mr. Corra.

10 COUNCIL MEMBER CORRA: The -- I'm just
11 wondering in the interest of time, if there should be a
12 break before we continue. That's one thing.

13 Second, but important to the next step in the
14 process. As -- as you engage -- I guess Council Member
15 Bedessem, she talk to them about technical comments, is
16 there -- will we be asked as the Council to amend the rule
17 or we'll -- yeah, I'm just wondering what's next.

18 COUNCIL MEMBER BEDESSEM: I have no idea.

19 COUNCIL MEMBER CORRA: Yeah. Okay.

20 Anyway, the break. My deal is the break.

21 COUNCIL MEMBER BLAKE: Being the hearing
22 officer, we'll a take break until 11:10, 13 minutes.

23 COUNCIL MEMBER CORRA: Thank you.

24 (Hearing proceedings recessed

25 10:57 a.m. to 11:13 a.m.)

1 COUNCIL MEMBER BLAKE: All right. Welcome
2 back everybody from our break. I think the last person
3 talking was Marge. Did you want to continue or -- I'm not
4 sure where we want to go now.

5 Mr. Corra.

6 COUNCIL MEMBER CORRA: Oh, whoops.
7 Somebody else.

8 COUNCIL MEMBER BLAKE: Oh, go ahead,
9 Mr. True.

10 COUNCIL MEMBER TRUE: You know, in
11 listening to everything that's going on, from the comments
12 from Ms. Cahn, Council Member Bedessem, and comments from
13 the DEQ, I'm wondering if we want to think about, you know,
14 maybe giving this some more time. I don't know from DEQ's
15 perspective how much time it would take you to incorporate
16 any additional public comments that may not have been
17 answered, Council Member Bedessem's technical questions on
18 this rule, and how much time take you to sort of develop
19 the guide or the crosswalk, or however you want to describe
20 it, how long it would take to sort of go through that and
21 come back at a later meeting here to finish this up.

22 MS. ZYGMUNT: Mr. Chairman.

23 COUNCIL MEMBER BLAKE: Go ahead.

24 MS. ZYGMUNT: Thank you.

25 At this time, we responded to the public comments

1 we received during the Environmental Quality Council public
2 notice. We'd be happy to take Council Member Bedessem's
3 comments offline and consider those, make any changes. I
4 don't know the extent of her comments, but I don't
5 anticipate that would take a lot of time.

6 At this point, our crosswalk, I believe, is about
7 80 percent done, so it should not take a significant amount
8 of time to finish that up. We'd be happy to present that
9 to the Council for reference, but it is my understanding,
10 just to make sure we're not setting precedent, that we
11 typically do not bring guidance in front of the Council for
12 approval, but we'd be happy to provide that as part of
13 reference to help with the review of the rule and your
14 discussion making.

15 COUNCIL MEMBER BLAKE: Any other Council --
16 excuse me. Any other Council members?

17 Mr. Corra, please.

18 COUNCIL MEMBER CORRA: Yeah, I just -- I'm
19 just trying to pick out of here the comments from like some
20 of the major associations. There does seem to be some
21 sense they want a continuing discussion. I mean, I
22 realize -- at least it sounds to me like you might have had
23 to make a decision to move on from that conversation and
24 come to the Council. You even said looking at all the
25 money that's coming our way from these federal -- the

1 passage of federal acts, you wanted to have this in place
2 with that. But it just feels like there are a lot of
3 questions out there. And I was checking with Jim to make
4 sure I was clear on this, and I think I am. You had 150-
5 day comments, and that did not include the 45 days before
6 the Council or it does?

7 MS. ZYGMUNT: We had approximately 100 days
8 of public notice associated with the advisory board
9 meetings, plus the 45 days associated with the EQC.

10 COUNCIL MEMBER CORRA: So the 150 includes
11 the 45.

12 MS. ZYGMUNT: Yes.

13 COUNCIL MEMBER CORRA: But, you know,
14 Council, we never got any comments directly to the Council,
15 did we?

16 MR. RUBY: No. They all came through DEQ's
17 website, where they can go in and comment, and then they
18 were -- those that DEQ received, they would have then
19 forwarded to us. We never -- but --

20 COUNCIL MEMBER CORRA: There was never a
21 comment -- there was never a request or a comment for the
22 EQC to do one thing or another?

23 MR. RUBY: No. There was only comments
24 that went to DEQ that filed with us to review, see what
25 they are.

1 COUNCIL MEMBER CORRA: In the public
2 rulemaking process that the EQC has, in your public
3 notices, the public is directly to send comments to us or
4 to the agency -- to them?

5 MR. RUBY: So the notice that goes to the
6 EQC is developed by DEQ. Usually -- usually reviewed by
7 Joe and I in a cooperative model, sent back to the DEQ.
8 They then publish the notice, pay for that. And, you know,
9 they're -- it's kind of a combination of a rulemaking
10 package of a cooperative model. And so they send it out.
11 The notice actually says -- I can't remember. I'd have
12 to look it up for sure. But it says you can post your
13 comment -- you can send your comments to the DEQ to the
14 website, or send it -- you can send, like this one, to Gina
15 Thompson, or you contact Gina. It used to -- and I don't
16 know if this one said it or not. There used to be a
17 comment that you could also send your comments to the EQC.
18 I think that changed some years ago, a couple years ago.
19 It's almost -- but, I mean, people do still send us the
20 comments on occasion. They don't always. We always get
21 the comments that are filed with DEQ that are forwarded to
22 us. We did not receive any comments directly to the EQC
23 from anyone. There was three or four that came in during
24 October, I believe -- or at least you answered it in
25 October, three of them. From a Herron or a Honnen, an

1 association of some sort, and then one other person, and I
2 can't remember that person's name. All those came through
3 the email portal that comes to DEQ.

4 MS. ZYGMUNT: Mr. Chairman. That is
5 correct. We did receive three commenters that submitted
6 comments associated with the EQC public notice. One of
7 those was from Rich Cripe regarding the 24 mesh issue that
8 Keenan walked through. The other was from Nelson
9 Engineering regarding the setback distances that Keenan
10 explained we changed to be consistent with other rules that
11 we have currently approved. And the third was from
12 Trihydro Corporation asking for an extension of the public
13 notice. And in response to the previous commenter
14 question, Trihydro is the only group that I'm aware at this
15 point has requested an extension. None of the other
16 commenters have.

17 COUNCIL MEMBER CORRA: And so --
18 Mr. Hearing Officer, I apologize.

19 COUNCIL MEMBER BLAKE: Go ahead, Mr. Corra.

20 COUNCIL MEMBER CORRA: So the -- in our
21 hearing, we public noticed a hearing for the Environmental
22 Quality Council to hear this rule and to decide whether to
23 promulgate it or not. In that public notice and in that
24 process, the EQC is telling people they have 45 days to
25 comment. Okay?

1 MR. RUBY: Well, there's --

2 COUNCIL MEMBER CORRA: Well, I'm just --

3 MR. RUBY: Yes and no. I can't help it,
4 but it's yes and no.

5 COUNCIL MEMBER CORRA: If it's yes and no,
6 I think maybe you're asking for our Council, going forward,
7 to get clear on that. Because -- here is my basic
8 question. If someone is asking in a public notice that we
9 publish --

10 MR. RUBY: They publish it.

11 COUNCIL MEMBER CORRA: Aren't we required
12 to publish notice of these things or not?

13 MR. RUBY: Yes. That's my answer, yes.

14 COUNCIL MEMBER CORRA: You can do this on
15 stuff. But the point I'm trying to make is that somebody
16 made a comment during the public notice period for us --

17 MR. RUBY: Right.

18 COUNCIL MEMBER CORRA: -- to extend the
19 process.

20 MR. RUBY: Yes. Yes.

21 COUNCIL MEMBER CORRA: What we ended up
22 doing was telling the DEQ whether they would like to do
23 that or not, because we --

24 MR. RUBY: You can, yes.

25 COUNCIL MEMBER CORRA: Well, we have that

1 comment from Trihydro.

2 MR. RUBY: Right.

3 COUNCIL MEMBER CORRA: So far in the
4 hearing we haven't heard from them, but they have that
5 comment.

6 MR. RUBY: Right.

7 COUNCIL MEMBER CORRA: Should we be
8 addressing their comment as this body or relying on them to
9 respond to the comment?

10 MR. RUBY: I think you can go it both ways.

11 COUNCIL MEMBER CORRA: I think that maybe
12 at some point the Council needs to kind of get into that to
13 understand at what point there's a -- some kind of a wall
14 that you toss the question over to us, you know, and you
15 say, hey, this is one really the Council needs to do. But
16 that's for another day.

17 MS. ZYGMUNT: Sure.

18 COUNCIL MEMBER CORRA: But, anyway, there
19 was a comment before this Council in the public rulemaking,
20 public comment period for this Council, and that is asking
21 for an extension of the public comment period. Is that
22 fair?

23 MR. RUBY: Yes.

24 COUNCIL MEMBER CORRA: Thank you. That's
25 all I have, Mr. Hearing Officer.

1 COUNCIL MEMBER BLAKE: So I guess --

2 COUNCIL MEMBER CORRA: I'm sorry. I didn't
3 help that much.

4 COUNCIL MEMBER BLAKE: Everyone's voiced a
5 comment, I believe. Okay.

6 Council Member Bedessem.

7 COUNCIL MEMBER BEDESSEM: I'm just trying
8 to get straight what Council Member Corra said, is that --
9 you were basically saying that the -- a request for a
10 comment period is actually a request to the Council, not a
11 request to the agency, but the Council, who supposedly
12 decides because it's their comment period?

13 COUNCIL MEMBER CORRA: Yeah, that --
14 that -- Council Member Bedessem, thank you. That, I think,
15 is the essence of my question. And --

16 COUNCIL MEMBER BEDESSEM: Is that for the
17 AG to answer or --

18 COUNCIL MEMBER CORRA: Well, I think
19 it's -- it's -- you know Mr. Ruby is our executive officer,
20 and he's saying to us it can go either way. They can
21 answer it or we can answer it. I'm -- and I kind of think,
22 well, we are today where we are today with this particular
23 rule package. So I would suggest -- my question, should we
24 resolve, perhaps at a later date, this Council ought to
25 make a conscious decision to set up a little bit of a

1 process as to how we separate the public comments that are
2 coming into our public comment period versus those that are
3 coming into the public comment period as the DEQ. I just
4 feel like there is -- there is a bit of a difference,
5 because this particular comment, there's an open question
6 as to who is in charge of answering it. And our executive
7 advisers -- officer is saying --

8 COUNCIL MEMBER BLAKE: I think we take --

9 MR. RUBY: I think both of you have to
10 answer it. I think DEQ receives it through their portal,
11 and they were required by law to respond to comments.

12 COUNCIL MEMBER CORRA: Right.

13 MR. RUBY: That's what they're required to
14 do.

15 COUNCIL MEMBER CORRA: Are we?

16 MR. RUBY: And then that comment in your
17 comment period comes into your hearing, and then you guys
18 have to decide whether that comment or any other comments,
19 even the ones back in WWAB, move you to make a decision one
20 way or the other.

21 COUNCIL MEMBER CORRA: Okay.

22 MR. RUBY: Just like the public comment
23 comes in, and you guys say, yeah, I don't want to hear
24 that, or that doesn't make a difference to me, or, boy,
25 that really makes a difference here. And then you guys

1 have to decide, pursuant to your statute, whether to
2 approve it, whether to modify it, whether to table it,
3 whether to return it back to the Department like you've
4 done before. I mean, you have a plethora -- I hate that
5 word, but I just used it -- of options that only you
6 guys --

7 COUNCIL MEMBER CORRA: Plethora.

8 MR. RUBY: Plethora of options -- see, I
9 hate that word -- of options that you can do. And you can
10 do them in concert with DEQ. You can do them on your own,
11 because you're an independent agency. More often than not
12 I've never seen the Council, except way back, not have an
13 agreement with the Department on what the process will look
14 like going forward. But, you know, it is -- it is --
15 there's seven of you. Five -- four of you get to make a
16 decision to govern. You guys need to govern. You guys. I
17 mean, that's it. I mean --

18 COUNCIL MEMBER BLAKE: So as the hearing
19 officer, I think we -- if we close the public hearing, that
20 doesn't mean we can extend it. Do we need to have a motion
21 to table it or to continue it or close the public hearing
22 and have a vote, see if it gets moved forward and then
23 table it, or -- because that's where we're at.

24 MR. RUBY: And I would turn that question
25 over to your AG.

1 MR. SCHELHAAS: Yeah. I mean, your
2 authority under the statutes, you can approve it, not
3 approve it. In this case I don't know -- I can maybe get a
4 sense of where the Council is leaning, but maybe it -- you
5 can certainly table it and take no action. But if you were
6 to do that, I would make it clear to DEQ the reason you are
7 tabling it, and what is expected from DEQ and the time
8 frame that you are expecting to see it back in front of
9 this body. So everybody's not back here in 45 days, it
10 will -- not on the same page of what DEQ was going to bring
11 back or what you were expecting. So I think maybe the best
12 option, again, as the Council's decision, would be to -- an
13 option could be to table this rule package as currently
14 sits in front of the Council, with direction to DEQ to take
15 some action. Whether that's to create this walk -- what's
16 that document -- crosswalk --

17 MR. HENDON: Crosswalk.

18 MR. SCHELHAAS: -- crosswalk document so
19 the Council can see that, just for guidance. And if you
20 wanted to consider any other comments out there. I mean,
21 the notice of intent that went out under the EQC and DEQ,
22 this combo notice of intent stated that the comment period
23 ended October 17th of 2022. So I think that would be,
24 under the Administrative Procedures Act, that's when
25 comment ends, except for who shows up today. And so if the

1 Council wanted to extend the comment period, I would maybe
2 need to get with DEQ's AG rep to see what that looks like,
3 whether that's a new notice of intent, whether we can have
4 just some sort of just an informal 30-day extension. But I
5 guess it would be -- it would be up to the Council on what
6 the Council wanted to do. But what I'm hearing is maybe
7 the best thing to do would be to table this rule package,
8 take no action, and have some dialogue with DEQ on what is
9 expected and --

10 COUNCIL MEMBER BLAKE: So my question to
11 you is do we close the public hearing today on this docket,
12 and then we have a motion to table it, or do we ask for a
13 motion before I close the public hearing?

14 MR. SCHELHAAS: You know, I don't know if
15 it really matters if you were to close the public hearing
16 and then come out, give it back to Chairman Lenz, and
17 then -- because ultimately it comes back to Chairman Lenz
18 to run whether the rules package would be approved. At
19 that point it would be tabled, if that was the vote of the
20 Council. So I don't know if it really matters. I know
21 Jim's looking at a 400-page book of Robert's Rules of
22 Order, and I just want to make sure that whatever the
23 Council does, it is clear what action they're taking. I
24 think that's the most important aspect here. So if you
25 wanted to close the public hearing, hand the gavel back to

1 Chairman Lenz for a decision or action of some kind on the
2 Chapter 12, I think that would work. Or if you wanted to
3 just, I guess, table and not close the public hearing. But
4 in my mind -- I think the public hearing is going to be
5 closed at the end of the day. So in my mind, I think it
6 would be best to close the public hearing as we sit today,
7 come back out, give the gavel to Chairman Lenz, and take
8 action, have a decision of some kind based on Water Quality
9 Division Rules Chapter 12, which could be table it with
10 some dialogue and direction to DEQ. That's my two cents.

11 COUNCIL MEMBER BLAKE: Thank you. I
12 appreciate that. And I know, my time in the legislature,
13 we would table a bill, close the comment for right then,
14 then we would state what we were waiting for, like a new
15 amendment or something to come at a later date, and then we
16 would reopen it or it would get stuck in the drawer
17 permanently.

18 But any comments from the Council what we should
19 do?

20 COUNCIL MEMBER BEDESSEM: Well, I just had
21 a question with respect to these little technical comments
22 I had, whether that's something --

23 COUNCIL MEMBER BLAKE: I think if we make a
24 motion -- if someone makes a motion to table it, and then
25 we could ask -- we could include what we expect from DEQ,

1 which would be to review your technical comments with the
2 cheat sheet or the crosswalk, whatever we had, to reference
3 the two different documents. And any extra comments we
4 might have from the public, Ms. Cahn included, and anybody
5 else we hear from. We have to really spell that out what
6 we're looking for. I see the two attorneys down there.

7 Chairman Lenz, go ahead.

8 CHAIRMAN LENZ: And so expounding on what
9 Stan is saying, you just gave us direction, Ryan, that the
10 meeting will -- the public hearing will end when we leave
11 this room. And tabling within the public hearing could --
12 could be kind of muddled. And so we can still do those
13 same actions that Hearing Officer Blake just gave us, and
14 yet do it in a formal action after close of public hearing.

15 MR. SCHELHAAS: Yes, I believe that is a
16 viable option. And if the Council were to come back at a
17 later time to re-take up this rule package on the notice
18 that the Council issues, along with the agenda, it would be
19 explained that the Council is once again taking up the
20 rules package, and so people would know about it. But this
21 rules hearing was noticed, I think, in the notice of intent
22 and published, and today was the day. And so I think
23 it's -- it's fair to then close this public rules hearing
24 and then come out to take action, whatever that looks like.

25 So, yes, I think that would be -- in my mind,

1 would be a good -- a good option, the next step, instead of
2 tabling this rules hearing, because then you have not
3 officially closed it.

4 COUNCIL MEMBER BLAKE: Right.

5 MR. SCHELHAAS: So when you come back,
6 where are you? Is everybody coming -- I mean, they had an
7 opportunity to come today. And so I think the better
8 option, legal option, would be to close the rules hearing,
9 come out, make a decision, whatever that decision is, on
10 this rules package. So close it. I don't know if DEQ's
11 attorney has any thoughts on that.

12 COUNCIL MEMBER BLAKE: Any comments from
13 the DEQ AG?

14 MS. BUDINE: I agree with that process.

15 COUNCIL MEMBER BLAKE: Mr. Ruby?

16 MR. RUBY: I'm just -- so in the Robert's
17 rules of order, which is kind of what I always use for
18 guidance, there are main motions and secondary motions.
19 Main motions are motion to approve, motion to adjourn,
20 they're big motions that make the Council take a particular
21 action.

22 A motion lay on the table as a secondary motion,
23 that basically interrupts the flow of a given process. And
24 so what it means is -- and this is where I get -- there's
25 no clear answer, as far as I'm concerned. When you've got

1 a public hearing process going, and if, in fact, you want
2 to ask -- open it for more public comment, then you have
3 one of two options. You can lay the question on the table,
4 which means it's still pending before the Council, and you
5 can negotiate an agreement or make a -- you know, about
6 what you want to occur. And if you want to have public
7 comment come in, you can't get public comment come in if
8 you closed -- because it's a main motion -- closed a
9 hearing. And so it's closed. There's nothing more to
10 happen, other than you guys may have some questions you
11 want answered before you make your final motion, which is a
12 motion to approve or whatever.

13 But the hearing itself is closed. So you can
14 close the hearing, if, in fact, you don't want further
15 comment. I have a kind of question in my mind whether if
16 you closed the hearing, whether you could ask for further
17 comment without going further back into the process, like
18 the statement of intent or maybe even a little further
19 back.

20 I think your cleanest process, just from the pure
21 practice, is to -- if, in fact, you're not going to make a
22 decision today on the ultimate position of impact, is to
23 lay it on the table. If, in fact, you want further comment
24 or want them to provide you with the walk -- crosswalk, or
25 you want to give Councilman Bedessem an opportunity to give

1 them her comments and then have them come back and give
2 them to you in a public hearing, then lay it on the table
3 with the understanding you're going to take it from the
4 table at the February 21st meeting or a special meeting
5 before then, whatever you decide, and ask them to bring
6 what you want them to bring. Hopefully they'll agree to
7 that. And then take it from the table, take that
8 information -- because you're going to use it in your
9 decision -- and then close the hearing, and then make the
10 motion to approve, modify, or disapprove. Because you're
11 going to use the information they bring you in your
12 decision. And so you need to somehow keep the hearing open
13 to take that public comment.

14 COUNCIL MEMBER BLAKE: Thank you, Mr. Ruby.

15 I think if I say I'm going to pause this public
16 hearing -- or I'm going to close this portion of the public
17 hearing to be heard at a --

18 MR. RUBY: I would re -- if you're going to
19 take that -- I would recess the public hearing. The
20 problem with any motion to close is you're telling the
21 public I'm done listening to any information. I'm done.
22 I'm going to make a decision.

23 COUNCIL MEMBER BLAKE: We have to come up
24 with a brand-new docket, brand-new everything.

25 MR. RUBY: Potentially, yes. Or between

1 the AG's discussing it, they may come up with a solution
2 that says, no, we only need to go back to this part and
3 this -- the paperwork and -- that we need to do in order to
4 basically get it back to you to make the decision.

5 But once you close the hearing, you've told the
6 public we're done listening to anything. Now it's just the
7 Council discussing stuff and making a decision. That
8 doesn't mean you can't reopen the public hearing again at a
9 later time, because you can, but -- because that's what you
10 can do. It's one of your options. But if you're just
11 mainly wanting to get some more information, you know what
12 you want to get, then I would urge you to say in your
13 language, pause it for now, get this information and
14 make -- close the public hearing and call it good.

15 That's straightforward and simple. It doesn't
16 require the Attorney General to do much in regards to legal
17 analysis as to what's the difference between closing or not
18 closing. It just lays out a nice, calm, quiet path forward
19 that gets you ultimately closing the hearing and making
20 your decision. If you're not -- what you're saying is
21 you're not going to make a decision today.

22 COUNCIL MEMBER BLAKE: Chairman Lenz.

23 COUNCIL MEMBER LENZ: Okay. I have a
24 question. So based on that course of action, or any
25 alternative course of action where we actually did close

1 the meeting, we didn't table or pause anything, and we came
2 out of this hearing and we asked for a motion to approve
3 this rule package and it failed, the Council voted it down,
4 DEQ's course of action would be to bring this rule package
5 back to us at a later date. Because they still want us to
6 pass this rule package, but for whatever reasons we voted
7 it down. How does that change what has all just been said
8 down this table? Does that require the DEQ to go through
9 this entire process one more time, every single stage and
10 step of -- how does that work?

11 COUNCIL MEMBER BLAKE: DEQ AG.

12 MS. BUDINE: So in that situation, we would
13 go through the notice before the EQC again, you know,
14 address any public comments that come up and just kind of
15 repeat the EQC process again.

16 COUNCIL MEMBER CORRA: You do the whole --
17 clarification question, Mr. Hearing Officer.

18 COUNCIL MEMBER BLAKE: Go ahead, Mr. Corra.

19 COUNCIL MEMBER CORRA: I didn't hear every
20 word you said, but it sounds like you don't have to go back
21 to square one, really, or you do? I mean, as far as a
22 round of rulemaking, or can you -- or is it easier the
23 second time around? Is that what you're -- how much
24 extra --

25 CHAIRMAN LENZ: What's the process for you?

1 COUNCIL MEMBER CORRA: Yeah. Yeah.

2 MS. ZYGMUNT: My understanding is that we
3 would need to complete all steps of the formal rulemaking
4 procedure again, starting with getting, you know, our
5 director requesting approval from the governor's office to
6 proceed with formal rulemaking and bringing it back before
7 the EQC.

8 MR. SCHELHAAS: Yeah. And that's my --

9 MS. BUDINE: That's -- that's -- I kind of
10 misspoke on the EQC process, because, you know, the DEQ, we
11 have the full advisory board process before we go into
12 formal rulemaking before the EQC. So, yes, I agree with
13 what Jennifer said.

14 COUNCIL MEMBER CORRA: Mr. Hearing Officer.

15 COUNCIL MEMBER BLAKE: Yes. Go ahead,
16 Mr. Corra.

17 COUNCIL MEMBER CORRA: Yeah, I -- my -- my
18 sense is, after hearing from -- from the experts and the
19 agency, one other aspect of this that I think is real too,
20 is that once we take -- once the hearing is closed and the
21 Council begins to deliberate the rule package and the
22 motion, it is very diff -- it's very difficult to have a
23 dialogue with the agency in that process, because
24 technically -- correct me if I'm wrong, Ryan and Jim --
25 technically when we take in-house, if you will, it's our

1 discussion, and we were done hearing from the DEQ just as
2 much as we are done hearing from everybody else. And it
3 kind of feels to me like the essence of our struggles is
4 really only going to be resolved if we have more dialogue
5 with the DEQ. So I'm suggesting that perhaps we have a
6 motion to postpone. I do think we need to vote on that as
7 a group. But I -- I kind of -- maybe it's time to just
8 have that motion and move on.

9 To the extent my -- I guess I'm thinking that
10 extending the hearing sounds like the -- at least to my
11 ears, sounds like a better --

12 COUNCIL MEMBER BLAKE: Mr. Schelhaas.

13 MR. SCHELHAAS: Yes. Thank you.

14 The point of the rules hearing is to take public
15 comment at this time. And to -- you know, DEQ does a
16 presentation and has discussion and you get to ask them
17 questions. And so if that is what the Council wants to do
18 at a later time to take public comment or have that
19 opportunity to take public comment, to have maybe another
20 presentation from DEQ, some dialogue, then you want that
21 rules hearing option. If all you were going to do is ask
22 the DEQ to bring you some documents and then you guys
23 deliberate and discuss to make a decision and you don't
24 want to take any more public comment or have any more
25 dialogue, so to speak, then you don't need that rules

1 hearing option.

2 So if you want to have a second or subsequent
3 rules hearing where people can potentially come and
4 comment, there can be maybe a second presentation and some
5 dialogue, maybe the best option would be to recess or
6 temporarily -- I don't know.

7 COUNCIL MEMBER BLAKE: Extend?

8 MR. SCHELHAAS: Yeah. I mean, you're
9 closing it for the day. Like you're going to -- you know,
10 look, as long as everybody knows what we're -- we can get
11 all wrapped around the axle in what term we're using. As
12 long as we come out of here and the Council knows we're
13 going to have another rules hearing because we want some
14 more public comment or opportunity, we want to have
15 dialogue with DEQ, we want them to do another presentation
16 and discuss this crosswalk document. So we're going to be
17 here again doing a subsequent rules hearing on this. And
18 if that's what the Council wants, then as long as it's
19 clear -- whatever it's called, whether we -- whenever the
20 Council recesses the rules hearing for a later date or
21 continues it or tables it, or whatever, I think everybody
22 will -- everybody's going to understand. And then we'll
23 make it clear on the agenda and the notice and all that,
24 and I'll get with Ms. Budine to see if, you know, we dotted
25 all the I's and crossed all the Ts on that. But I think

1 maybe that's the best option, if that's what the Council
2 wants to do in December, January, or whatever that time
3 frame is.

4 COUNCIL MEMBER BLAKE: February.

5 MR. SCHELHAAS: Or February.

6 COUNCIL MEMBER TRUE: I'd just lay it on
7 the table and then recess it and pick it up at our next
8 meeting in February.

9 MR. RUBY: When you lay it on the table,
10 you have recessed it.

11 COUNCIL MEMBER TRUE: Right.

12 MR. RUBY: Just saying that.

13 COUNCIL MEMBER TRUE: Sure. Sure.

14 COUNCIL MEMBER BLAKE: Go ahead, Chairman
15 Lenz.

16 COUNCIL MEMBER LENZ: So our next meeting
17 is February 21st and 22nd. And does that allow you the
18 time that you would need, as you've listened to our
19 dialogue, going back and forth, is that time frame adequate
20 for your purposes?

21 MS. ZYGMUNT: Mr. Chairman, I think it
22 depends on what the Council directs us to do specifically.
23 If it's a matter of completing the crosswalk and addressing
24 Council Member Bedessem's comments offline, or at least
25 getting a better understanding what her comments are, I

1 think we could do February. If we're directed to do
2 another public notice, that may get tricky in terms of time
3 that it takes to draft public notices, publish it, get
4 comments, respond to comments as of February might be
5 challenging, if that is the direction of the Council.

6 I will note that we are also going into
7 legislative season, so given normal work duties, special
8 projects, and upcoming legislative meetings, it will be
9 fairly busy. So, again, depending on the scope, I think we
10 can make the first quarter meeting work. Second quarter
11 might be a little easier if there is a public notice in
12 particular.

13 CHAIRMAN LENZ: Thank you. And our next
14 tentative meeting date then after February is May 23, 24.
15 So now we're leading out about six months. And, again,
16 depending on the scope of what the Council wants --

17 MR. RUBY: It hasn't been approved. We're
18 still --

19 COUNCIL MEMBER TRUE: It will still be some
20 time in there.

21 MR. RUBY: Because you -- Council Member
22 Bedessem asked for a change in the May -- so I'm looking at
23 May 23rd, 24th.

24 COUNCIL MEMBER BEDESSEM: It's not that.

25 MR. RUBY: It's not that?

1 COUNCIL MEMBER BEDESSEM: No.

2 COUNCIL MEMBER TRUE: She doesn't want it
3 to be that.

4 COUNCIL MEMBER BEDESSEM: It can't be that.

5 MR. RUBY: I thought that's what we decided
6 on. I thought you were gone the week before that.

7 COUNCIL MEMBER BEDESSEM: No.

8 MR. RUBY: So it's seven days before that,
9 which would be May 16th and 17th, then?

10 COUNCIL MEMBER BEDESSEM: Yes, that's
11 perfect.

12 MR. RUBY: Okay. May 16th and 17th. And
13 I'll double check to make sure that's a Tuesday, Wednesday.
14 It should be.

15 MR. SCHELHAAS: It is.

16 MR. RUBY: Seven days before.

17 COUNCIL MEMBER BLAKE: Okay. We need to
18 handle --

19 MR. RUBY: What you're doing.

20 COUNCIL MEMBER BLAKE: -- what I'm going to
21 say. Am I -- am I --

22 COUNCIL MEMBER CORRA: Can I make a motion?

23 COUNCIL MEMBER BLAKE: Am I closing this?
24 Am I asking for a motion?

25 MR. RUBY: Sounds like Mr. Corra has a

1 motion.

2 COUNCIL MEMBER CORRA: Yeah. Mr. -- and
3 then it could die --

4 COUNCIL MEMBER BLAKE: Council Member
5 Corra.

6 COUNCIL MEMBER CORRA: It could die for
7 lack of a second, which would be just fine.

8 COUNCIL MEMBER BLAKE: Council Member
9 Corra.

10 COUNCIL MEMBER CORRA: Okay. Thank you,
11 Mr. Hearing Officer.

12 I would make a motion that we extend the hearing
13 until May 16, 17. And during that time, the agency do the
14 things that have been mentioned a little bit ago in terms
15 of responding to some of the technical comments Council
16 Member Bedessem has, as well as building a crosswalk so the
17 Council can have a little better understanding of -- you
18 know, help us get through just is it -- what is it --

19 MR. HENDON: Sure.

20 COUNCIL MEMBER CORRA: -- with regards to
21 these -- incorporation by reference, where the pitfalls
22 might be.

23 So that -- that's my motion, is -- to recap, is
24 to extend the hearing until that date, and with the
25 directions that I just stated given to the agency so that

1 they have ideas what they need to bring back for us.

2 COUNCIL MEMBER BEDESSEM: So the question
3 is does that include a public comment period?

4 COUNCIL MEMBER CORRA: No. It does not
5 include a public comment period. And I might, if I can,
6 just editorially say why I believe that to be the case.
7 The agency did tell us that between their public comment
8 period and our public comment period there have been 150
9 days of public comment periods. And when I looked at the
10 comments, and without having analyzed them in great detail,
11 the important people or entities out there have had a
12 chance to go into this thing. You know, there's some
13 consulting firms, there was Wyoming Association of
14 Municipalities, I think, or -- no, the Water --

15 MR. HENDON: Association of Rural Water
16 Systems.

17 COUNCIL MEMBER CORRA: Thank you. Plus,
18 you know, the technical people on the water quality
19 advisory board. So there's been a lot of that. And I
20 think the essence of our -- this is my own impression --
21 the essence of our struggle as a Council in trying to get
22 to this decision is trying to get comfortable with all
23 these cross-references and with a couple of questions. So
24 I -- I believe I -- with that I say no public comment
25 period. But, you know, I'd certainly be open to a friendly

1 amendment if, in fact, this amendment got second -- excuse
2 me, if, in fact, this motion got seconded.

3 COUNCIL MEMBER BLAKE: Does the hearing
4 officer make -- is there a second?

5 COUNCIL MEMBER TRUE: I would second.

6 COUNCIL MEMBER BLAKE: We have a second?
7 We have a motion and second. Okay. We have a motion on
8 the floor with a second.

9 MR. RUBY: Motion and second.

10 COUNCIL MEMBER BLAKE: Yeah. Motion by
11 Mr. Corra. Seconded by Council Member True.

12 Call for amendments now, or just vote on it. Any
13 amendments or changes?

14 COUNCIL MEMBER BEDESSEM: My only concern
15 is that if we don't have -- that if we are extending it to
16 May, there's time for public comment. And if we don't do
17 that, if any comments show up, they're going to show up on
18 May 16th, when you can't address them, because it's too
19 close to when we are voting. So I'm just expressing that
20 concern, that if you want to be proactive, you want to get
21 that upfront, and get the response and get whatever changes
22 need to happen, as opposed to listening to someone coming
23 forth on the last day where you can't fix it and have us be
24 between a rock and a hard place to vote.

25 MR. RUBY: For purposes of public comment,

1 their notice terminated it on October something.

2 MS. ZYGMUNT: 17th, I believe.

3 MR. RUBY: 17th. So the public comment is
4 done, unless it's re-noticed. The only thing that's
5 happening here is you're delaying your decision. So in
6 order to gather the data from the DEQ, you've kept the
7 hearing open in order to get that data brought in. There
8 won't be anybody from the public coming forward saying I
9 want to testify, because the public comment is closed.

10 COUNCIL MEMBER BEDESSEM: Well, I'm
11 suggesting that we open for public comments since it was
12 requested to do that, and it seems like there's things that
13 I want to address.

14 MR. RUBY: And you would need -- if you
15 want to extend those public comments, you'll need to
16 include that in the motion, and then we'll have to publish
17 a notice, set a deadline. Those comments would have to go
18 to DEQ for their response. So you have both the comment
19 and the response present for you when you're then making
20 those decisions. And if you want to run the public comment
21 through the hearing and allow the public comment to come in
22 haphazard, you know, just I want to talk, then you can do
23 that. But that's -- right at this very minute, the public
24 comment, based on its notice, is done.

25 COUNCIL MEMBER BEDESSEM: So question. Can

1 you extend public comment period but not allow people to
2 comment at that decision hearing so you don't get anything
3 in the end, and there's no surprises.

4 MR. RUBY: It depends on how you structure
5 your notice. I don't know you'd want to do that, but you
6 can certainly structure your notice in such a way the
7 public comment period is only in writing, not by
8 appearances and personal -- personal statement.

9 COUNCIL MEMBER BEDESSEM: That's pretty
10 unusual.

11 MR. RUBY: It's very unusual.

12 COUNCIL MEMBER BEDESSEM: All right. Thank
13 you for answering my question.

14 So the only way to get additional comments is to
15 make a friendly amendment to your motion?

16 COUNCIL MEMBER BLAKE: If it's friendly.

17 MR. RUBY: It can be unfriendly too.

18 (Unintelligible crosstalk.)

19 THE REPORTER: One at a time, and please
20 speak up.

21 COUNCIL MEMBER BEDESSEM: Okay. So what
22 does friendly versus unfriendly mean?

23 MR. RUBY: He just accepts without a vote.

24 COUNCIL MEMBER CORRA: Yeah. That's the
25 point. So you're -- you're suggesting that the motion be

1 amended to include a notification from the Council that we
2 are accepting public comments on the rule?

3 COUNCIL MEMBER BLAKE: I think the way this
4 needs to go is we have a motion and we have a second. We
5 need to vote on the motion and the second. And then we can
6 ask for any amendments, then we vote on the amendments.

7 MR. RUBY: You need the amendments before
8 you vote on the --

9 COUNCIL MEMBER BLAKE: Then we vote on the
10 amendments separately.

11 MR. RUBY: No, you -- well, you have the
12 amendment.

13 COUNCIL MEMBER CORRA: If I -- excuse me.

14 MR. RUBY: Go ahead.

15 COUNCIL MEMBER CORRA: I'm sorry. One
16 possible path forward is for me to say I would rather you
17 just vote on my motion, and then after that, then there can
18 be another motion --

19 COUNCIL MEMBER BLAKE: Correct.

20 COUNCIL MEMBER CORRA: -- that adds to
21 that. Is that how you're saying it?

22 MR. RUBY: You can do that. Or if someone
23 wants to amend the main motion, they can move to amend.
24 But before you then handle the amendment, then you handle
25 the motion as amended.

1 COUNCIL MEMBER CORRA: So -- yeah. So
2 Mr. Hearing Officer, I would -- I do not accept that
3 friendly amendment.

4 COUNCIL MEMBER BLAKE: Okay. So we have a
5 motion and second. Are there any amendments, friendly or
6 otherwise?

7 COUNCIL MEMBER BEDESSEM: So then you opt
8 to vote on the motion separately. Okay.

9 COUNCIL MEMBER BLAKE: Yes.

10 COUNCIL MEMBER BEDESSEM: So then the
11 separate.

12 COUNCIL MEMBER BLAKE: So will this be a
13 voice vote -- just a voice vote or roll call?

14 MR. RUBY: I would roll call it, just
15 because J.D.'s on there.

16 MR. GIRARDIN. No, he's not. J.D.'s not
17 on.

18 MR. RUBY: It sounds like she's going to
19 not make an amendment, but make a secondary motion --
20 another motion.

21 COUNCIL MEMBER BEDESSEM: If I can.

22 COUNCIL MEMBER BLAKE: -- a motion.

23 MR. RUBY: You can move to amend his --

24 THE REPORTER: One at a time, please.

25 COUNCIL MEMBER BEDESSEM: Sorry.

1 MR. RUBY: Your motion to amend would be to
2 include a public comment period to run from period date to
3 date, whatever those numbers may be.

4 COUNCIL MEMBER BEDESSEM: Well, from
5 whatever date your notice goes out to --

6 MR. RUBY: Their notice could go out the
7 day before the hearing.

8 COUNCIL MEMBER BEDESSEM: Yeah. That's not
9 good.

10 MR. RUBY: You need to designate the
11 comment period.

12 COUNCIL MEMBER BEDESSEM: Yeah. And I --
13 I --

14 MR. GIRARDIN: I had to shut off the mics.
15 I'm sorry. You guys all had them on and then you started
16 getting sound.

17 COUNCIL MEMBER BEDESSEM: Thank you for
18 doing that.

19 So I do get concerned with -- that there's, you
20 know, the holiday period coming up here, and it's
21 difficult. And if we're trying to do notice and have a
22 time period for comments and a time for response and have
23 that all happen before May 16th, that we would probably
24 would be looking at starting the comment period that would
25 start the beginning of January and go 45 days. I'm just

1 putting it out there and wondering if that sounds
2 reasonable to people or not.

3 MR. RUBY: Jennifer.

4 MS. ZYGMUNT: Mr. Chairman, I think we can
5 work with that direction. The specificity of whether you'd
6 like a 30- or 45-day public comment period would be
7 helpful. I think we could start in January. It would be
8 good if you could give us a little flexibility. Sometimes
9 it's hard to catch the papers' publication dates. So
10 rather than naming a specific date, if you can give us a
11 window, we can work with that.

12 COUNCIL MEMBER BEDESSEM: So starting in
13 January for 45 days is something that you can --

14 MS. ZYGMUNT: We can work after --

15 COUNCIL MEMBER BEDESSEM: -- figure out a
16 time between then and maybe handle responses.

17 MS. ZYGMUNT: Correct.

18 COUNCIL MEMBER BEDESSEM: So I --

19 COUNCIL MEMBER BLAKE: We've heard the
20 motion to a 45-day comment period, starting in January.

21 Was there a second?

22 COUNCIL MEMBER GREENE: I'll second that.

23 COUNCIL MEMBER BLAKE: Seconded by Council
24 Member Greene.

25 And any comments on that amendment?

1 COUNCIL MEMBER TRUE: Just so I'm clear,
2 Mr. Hearing Officer, by whatever -- in January, by the time
3 you'll open up for public comment on -- on the rule and
4 then on this crosswalk that will be finished by then, open
5 45 days, those comments, then when we come back in May,
6 we'll make a decision? Just making sure I'm clear on the
7 motion.

8 COUNCIL MEMBER BLAKE: Go ahead.

9 MS. ZYGMUNT: Mr. Chairman. The only
10 clarification I would add is that the public notice would
11 be for the rule itself. The crosswalk is guidance and
12 again, we'll bring before you, but would not accept comment
13 on it.

14 COUNCIL MEMBER TRUE: Okay.

15 COUNCIL MEMBER BLAKE: So any other
16 comments on the amendment?

17 I think we can do a voice vote on this amendment,
18 or do you want a roll call?

19 MR. RUBY: I'd like a roll call, just so I
20 can make sure I get it.

21 COUNCIL MEMBER BLAKE: Okay. On the
22 amendment, that would be to extend starting in January for
23 45 days the comment period.

24 Council Member True.

25 COUNCIL MEMBER TRUE: I'll vote aye.

1 COUNCIL MEMBER BLAKE: Council Member
2 Bedessem.

3 COUNCIL MEMBER BEDESSEM: Aye.

4 COUNCIL MEMBER BLAKE: Chairman Lenz.

5 CHAIRMAN LENZ: Aye.

6 COUNCIL MEMBER BLAKE: Council Member
7 Greene.

8 COUNCIL MEMBER GREENE: Aye.

9 COUNCIL MEMBER BLAKE: Council Member
10 Corra.

11 COUNCIL MEMBER CORRA: No.

12 COUNCIL MEMBER BLAKE: Is Mr. Radakovich --
13 is excused.

14 And Council Member Blake votes aye.

15 So now we've got an amended motion that would be
16 to extend the hearing on Docket 22-3103 and to have them
17 make a cheat sheet or -- what was it called?

18 MS. ZYGMUNT: A crosswalk.

19 COUNCIL MEMBER BLAKE: Crosswalk. And to
20 consider any public comments, and to consider comments from
21 Council Member Bedessem and come to us in our May meeting.
22 Is that the motion, as I understand it? Any comments on
23 that motion?

24 Yes. Go ahead, please.

25 MR. SCHELHAAS: Something that Jim said

1 earlier. The -- the continuation of the rules hearing in
2 May, that will not be an opportunity to -- for the public
3 to come in again and make comment, because that was done
4 today. That rules hearing in May will be for DEQ to
5 present the materials, discuss it, talk about what they did
6 and take EQ -- you know, Council members' questions, and
7 then there will be written public comment for the 45 days.
8 But I just want to make clear, so people understand that
9 are listening, or they're going to see this, that the
10 public can certainly come to the rules hearing, but they're
11 not going to be able to present public comment at that
12 time. That is over as of today, except the written comment
13 during the 45-day public comment period. Is that my -- I
14 just wanted to make sure that I'm understanding that
15 correctly.

16 COUNCIL MEMBER BLAKE: That's how -- that's
17 how I understood the motion. Hope somebody's typing that
18 down.

19 MR. SCHELHAAS: I think we should put this
20 on the bar exam or law school exam or something.

21 MS. BUDINE: It's more applicable than
22 what's on there.

23 COUNCIL MEMBER BLAKE: So does anybody have
24 any questions on the motion? Do you want to read it back
25 to us, Mr. Ruby, or --

1 MR. RUBY: I'll be happy to.

2 COUNCIL MEMBER BLAKE: Please.

3 MR. RUBY: The motion is to extend the
4 hearing until May 16th and 17th, 2023, with a request that
5 the agency respond to Councilman Bedessem's questions, to
6 build a crosswalk and to provide it to the Council for
7 guidance to understand exactly where everything's going,
8 and to include a 45-day comment period starting in January,
9 without in-person comment at the May hearing.

10 COUNCIL MEMBER BEDESSEM: 45 days.

11 MR. RUBY: Yeah, that's what I said. What
12 did I say? 45 days?

13 COUNCIL MEMBER BLAKE: Any questions?

14 Sensing your urgency to vote, Council Member
15 Corra, how do you vote? Or do we want a comment period on
16 this motion first?

17 COUNCIL MEMBER CORRA: No, I'm --

18 MR. RUBY: It's -- it's been adopted.

19 COUNCIL MEMBER CORRA: So we're --

20 COUNCIL MEMBER BLAKE: After you vote, we
21 can comment.

22 COUNCIL MEMBER CORRA: Mr. Chairman, I know
23 that I made the motion originally to extend the hearing so
24 we can hear some more, and then I voted against the
25 amendment. So now we're voting on extending the hearing

1 with as amended. I think I'm going to vote no.

2 COUNCIL MEMBER BLAKE: Okay. Council

3 Member Greene.

4 COUNCIL MEMBER GREENE: Aye.

5 COUNCIL MEMBER BLAKE: Chairman Lenz.

6 CHAIRMAN LENZ: Aye.

7 COUNCIL MEMBER BLAKE: Council Member

8 Bedessem.

9 COUNCIL MEMBER BEDESSEM: Aye.

10 COUNCIL MEMBER BLAKE: Council Member True.

11 COUNCIL MEMBER TRUE: I'll vote aye.

12 COUNCIL MEMBER BLAKE: And Council Member

13 Blake votes aye.

14 And Radakovich is excused. So motion passes.

15 And I'm more than happy to hand the gavel back to Chairman

16 Lenz.

17 CHAIRMAN LENZ: Thank you, Councilman

18 Blake.

19 On behalf of the Council, I would like to thank

20 the presenters today. Oh, Joe had me off for a second.

21 MR. GIRARDIN: Go ahead.

22 CHAIRMAN LENZ: But I would like to thank

23 Ms. Zygmunt and Mr. Hendon and your staff. And as we go

24 forward, we appreciate your efforts, and we'll get this

25 done.

1 MS. ZYGMUNT: Thank you.

2 MR. HENDON: Thank you.

3 CHAIRMAN LENZ: Okay, Council. So we have
4 one item of administrative business, as I understand,
5 unless anyone has more to bring forward, but we have on
6 your packets proposed dates for meetings, which are also
7 amended, where it will be February 21st, 22nd, May 16th and
8 17th, September 19th and 20th, and December 5th and 6th.
9 Is there any further discussion on this, or do we have a
10 motion to adopt these proposed dates for our meetings in
11 2023?

12 COUNCIL MEMBER BLAKE: Those dates look
13 good to me. I would make a motion that we -- did we get
14 you straight for that May date?

15 COUNCIL MEMBER BEDESSEM: Yes. A much
16 better situation.

17 MR. RUBY: I could have swore I changed
18 those. I don't know where they went.

19 COUNCIL MEMBER BEDESSEM: Well, yeah, it
20 says May 16th, 17th on the printout on the agenda.

21 COUNCIL MEMBER TRUE: You did change it.

22 MR. RUBY: So I did change it on there.

23 COUNCIL MEMBER BEDESSEM: Changed it on
24 May 16, 17. So you're not imagining things. You did
25 change it.

1 MR. RUBY: I'm just a horrible editor on
2 this.

3 COUNCIL MEMBER BEDESSEM: So those are all
4 good.

5 CHAIRMAN LENZ: Okay. So we have a motion
6 to approve these meeting dates. Do we have a second?

7 COUNCIL MEMBER BEDESSEM: Second.

8 CHAIRMAN LENZ: And we have a second from
9 Council Member Bedessem. We should be able to do this with
10 a voice vote.

11 COUNCIL MEMBER BLAKE: Yes.

12 CHAIRMAN LENZ: All in favor say aye.

13 (All vote aye.)

14 CHAIRMAN LENZ: Opposed? Motion carried.

15 And, again, is there any other further
16 administrative business anyone wishes to bring before the
17 Council?

18 COUNCIL MEMBER BLAKE: Mr. Chairman, did we
19 want to discuss the Pine Haven meeting or when, where,
20 figure it out later?

21 MR. RUBY: We're good.

22 CHAIRMAN LENZ: Thank you, Council Member
23 Blake.

24 All right. Do we have a motion to adjourn?

25 COUNCIL MEMBER BLAKE: I'll make that

1 motion.

2 COUNCIL MEMBER GREENE: I'll second.

3 CHAIRMAN LENZ: All in favor.

4 (All vote aye.)

5 CHAIRMAN LENZ: Meeting adjourned.

6 (Hearing proceedings concluded

7 12:07 p.m., November 15, 2022.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 14th day of December, 2022.


KATHY J. KENDRICK
Registered Professional Reporter

