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WYOMING WATER AND WASTE ADVISORY BOARD

IN RE: SOLID AND HAZARDOUS WASTE DIVISION

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 25th day of July, 2014, at the hour of 9:08 a.m., at Casper Community College, University Union Building, Room 415, 125 College Drive, Casper, Wyoming before the Wyoming Water and Waste Advisory Board, Ms. Marjorie Bedessem, Chairwoman, presiding, with Ms. Lorie Cahn and Mr. David Applegate in attendance.

Mr. Mike Jennings, Monitoring Reimbursement Program; and Ms. Gina Thompson, Water Quality Division; Mr. Jerry Breed, Hazardous Waste Voluntary Remediation Program Manager; and Alan Thompson, Hazardous Waste Voluntary Remediation Program, were also in attendance.

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

2 (Meeting proceedings commenced

3 9:08 a.m., July 25, 2014.)

4 CHAIRWOMAN BEDESSEM: Let's call this
5 meeting of the Water Waste Advisory Board to order. First,
6 let's just go ahead and, for our sake, introduce the board
7 members.

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

10 CHAIRWOMAN BEDESSEM: Marge Bedessem,
11 public at large.

12 BOARD MEMBER APPLGATE: Dave Applegate,
13 industry.

14 CHAIRWOMAN BEDESSEM: And we have two
15 additional members who are not present at today's board
16 meeting.

17 First on the revised agenda is the Solid &
18 Hazardous Waste Division grant request. So I'm going to
19 turn it over.

20 MR. JENNINGS: Thank you, Madam Chair.
21 Mike Jennings, with the Department of Environmental
22 Quality.

23 We just have one request today. It was for the
24 Buffalo Number 1 Landfill, and I guess I'll just do it like
25 we usually do. You've had a chance to review any of the

1 documents? Do you have any questions on the reimbursement
2 application?

3 BOARD MEMBER APPELATE: I have one
4 question, I guess.

5 MR. JENNINGS: Uh-huh.

6 BOARD MEMBER APPELATE: Madam Chair. It
7 seems like this was quite the reduction in -- I feel
8 confident that you've done that correctly, and they haven't
9 called you back? It's just interesting to me.

10 MR. JENNINGS: Madam Chair. I've been in
11 contact with the operator of the facility, and there were
12 some documentation that we're lacking, and I indicated to
13 him what was necessary for that, and he's indicated he
14 would attempt to get it put together for me. But he's very
15 aware of it, and as I usually do previously, when they can
16 get me the proper documentation, I'll be more than happy to
17 process it and recommend reimbursement for whatever I can.

18 BOARD MEMBER APPELATE: Okay.

19 CHAIRWOMAN BEDESSEM: So essentially a lot
20 of these deductions are somewhat temporary deductions, you
21 know, waiting for the appropriate documentation.

22 MR. JENNINGS: A lot of the deductions were
23 for work which simply is not eligible. They were doing
24 some soil sampling for some liner issues, which is not
25 eligible under this particular program. And they -- and

1 this is very common. A lot of them will just put
2 everything together and then I get to piece my way through
3 it. But a lot of it wasn't -- the one specific item which
4 I indicated he really needs to take a look at is for the
5 drilling, and they didn't have proper documentation for
6 that. But, again, I've been in contact with him a couple
7 of times. In fact, just last week I called him, and I'm
8 hopeful they will give me what I need.

9 BOARD MEMBER APPELATE: Madam Chair, would
10 you entertain a motion?

11 CHAIRWOMAN BEDESSEM: Uh-huh.

12 BOARD MEMBER APPELATE: I move we approve
13 the reimbursement as outlined by the Department for the
14 Johnson County Solid Waste District.

15 BOARD MEMBER CAHN: I second.

16 CHAIRWOMAN BEDESSEM: All those in favor.

17 BOARD MEMBER APPELATE: Aye.

18 BOARD MEMBER CAHN: Aye.

19 CHAIRWOMAN BEDESSEM: Aye.

20 None opposed. Motion passes.

21 MR. JENNINGS: And Madam Chair, also during
22 your previous meeting, which I wasn't at, there was some
23 question about reimbursement for 1-ton truck mileage. We
24 have one consultant that typically bills that out as a
25 separate line item, and there were concerns about the

1 values that we were using on that, which is typically it
2 was set at \$1.10 per mile. I took some time, basically
3 looked at gas prices, looked at IRS rates, basically
4 compared and contrasted, did a little formalizing, and I
5 came up with what we think is a fair thing, which will keep
6 it consistent with what they were originally charging at.
7 And so for future reference for 1-ton truck mileage -- by
8 the way, that is not drill rigs. I typically -- they're
9 much more expensive. I recognize that. And usually it's
10 only a few miles, so I typically don't question that. But
11 for the 1-ton truck we were going to go with two and a
12 quarter times the active IRS rate at the time the work was
13 conducted. That will keep it consistent. So, again, as
14 the IRS rate increases, it will increase for the 1-ton
15 truck mileage. Obviously if it decreases, it will decrease
16 also. But we determined that seemed to be fairly
17 equivalent throughout time.

18 CHAIRWOMAN BEDESSEM: And so how does that
19 impact previous reimbursements that were made at the lower
20 rate for the one-ton truck?

21 MR. JENNINGS: It would have -- during the
22 previous one, by my calculations -- I don't have it
23 specifically in front of me, but as I recall, it would have
24 increased it an additional 9 cents a mile. So instead of
25 \$1.10, it would have been \$1.19. And I believe they were

1 charging at \$1.50 or \$1.60. But, again, just keeping it
2 consistent with the level of IRS rate increases or
3 decreases.

4 CHAIRWOMAN BEDESSEM: So what I'm asking is
5 that you've made this determination and that's what you're
6 going to use going forward, but it doesn't apply
7 retroactively to any reimbursements that have already been
8 made at the lower rate?

9 MR. JENNINGS: We haven't discussed that
10 per se. If somebody were to come up with that, we might
11 entertain it. It would probably -- to be honest, it would
12 probably cost more for a consultant to go back and revisit
13 those issues or for somebody to spend the time revisiting
14 the issue. If somebody comes up with it and that's
15 something they're interested in, I'll certainly entertain
16 it.

17 CHAIRWOMAN BEDESSEM: But for moving
18 forward, you're going to use this approach for one-ton
19 trucks?

20 MR. JENNINGS: Yes. So basically to sum
21 'er up really quick, total grants that gone out so far,
22 just a little over \$3.5 million, remaining funds of about
23 4.46 million. Please remember that the legislature tied up
24 1.75 million of that for nature and extent for the top
25 facilities on our impacted facilities list, and we are

1 actually currently putting together some protocols for our
2 remediation program, and probably get back to you in future
3 meetings with additional information on that. That's where
4 we're at with the monies on that. One thing I would like
5 to add. If you've got -- if at the conclusion of my
6 talking you've got just a couple minutes to sign on the
7 cost reimbursement form, and I can let you continue with
8 the rest of your business.

9 Are there any other questions for me?

10 CHAIRWOMAN BEDESSEM: Can you clarify
11 something for me, just because I just don't remember off
12 the top of my head. The funding that was for helping
13 evaluate the cost of remediation, was that not also out of
14 this -- this monies?

15 MR. JENNINGS: The only -- the 1.75 million
16 that the legislature specifically pulled out of my original
17 almost \$8 million was specifically for nature and extent.
18 And, again, it was very specific to the top facilities. In
19 other words, the Department would actually handle that, as
20 I understand it. There's still some -- still debating some
21 points of it, but basically if we needed some additional
22 information, drilling, classification of water issues, like
23 that, we could take that money and apply it to that. And
24 so that's something, in the offing, is probably going to
25 happen pretty quickly here.

1 CHAIRWOMAN BEDESSEM: And that was for
2 helping establish remediation costs?

3 MR. JENNINGS: It was actually to
4 determine -- in a way, yes. For nature and extent,
5 obviously, to define any plumes, boundaries, and -- and
6 then after that, then you have to do an assessment of
7 corrective measures that then they run that by the
8 Department, and then we determine, okay, this is the
9 appropriate one to go forward with. So in sort of a
10 roundabout way, yes, it would help to establish cause.

11 CHAIRWOMAN BEDESSEM: And so would you like
12 to proof that?

13 MR. JENNINGS: Madam Chair, is there
14 anything else?

15 CHAIRWOMAN BEDESSEM: No. Thank you for
16 the update. We appreciate that.

17 MR. JENNINGS: Thank you for your time. I
18 appreciate that.

19 CHAIRWOMAN BEDESSEM: And happy that the
20 change of schedule accommodated your schedule, so...

21 MR. JENNINGS: That worked good.

22 CHAIRWOMAN BEDESSEM: So we're fine.

23 MR. JENNINGS: Thank you.

24 (Meeting proceedings recessed
25 9:16 a.m. to 12:23 p.m.)

1 CHAIRWOMAN BEDESSEM: We're reconvening
2 with the Solid and Hazardous Waste Division. Turn it over
3 to you.

4 MR. BREED: Thank you, Madam Chair. I just
5 wanted to take a minute to introduce ourselves and why
6 we're here. I'm Jerry Breed. I'm the Hazardous Waste
7 Voluntary Remediation program manager. And this is Al
8 Thompson. He's also Hazardous Waste Remediation Program.
9 I just wanted to acknowledge Al's been working for a year,
10 year and a half on these rules researching not only for the
11 updating of our rules for 2008, but also the change in
12 format to the incorporation by reference. There's a lot of
13 work, and he also did this outreach to industry and
14 environmental groups and others to get their feedback
15 through this process developing the rules. And at the end,
16 also working collaboratively with EPA to get their
17 feedbacks. When we get done with this process, our
18 authorization process will be essentially done by the time
19 we get it approved.

20 And with that, I think Al has a presentation he
21 wants to go over and give you some explanation of where we
22 are.

23 MR. THOMPSON: If you can let me know if
24 I'm speaking loud enough for you. No? Okay.

25 CHAIRWOMAN BEDESSEM: You have to grab

1 that.

2 MR. THOMPSON: Grab it. Move it down a
3 little bit like that? Is that better?

4 BOARD MEMBER CAHN: I think it's that
5 you're leaning into it that makes it better.

6 MR. THOMPSON: Okay. Lean into it? I'll
7 try to project appropriately. Thank you, Madam Chair,
8 Miss Cahn and Mr. Applegate for giving us a chance to be
9 here today. On a personal note, I'm very grateful that you
10 gave us the opportunity to get out of Cheyenne during
11 Frontier Days, so thank you. We look for any excuse like
12 that.

13 Before I start, I will move rather quickly
14 through the presentation. There's a lot of material, but I
15 think we can do it in 45 minutes. I would be remiss if I
16 were not to recognize folks that came before me in the
17 rulemaking process. I think it's worth taking the time to
18 do that. We had folks that did the original rules back in
19 '95, I believe, when we were initially authorized. Folks
20 like Robin Donnell, Marisa Lataby, or Lataby, and Dave
21 Finley. I believe Madam Chair was also involved in the
22 original rule development.

23 My team -- this has not been a one-man show. Our
24 team has worked on these rules. That includes Jerry Breed,
25 Cindy Martinez, my supervisor, Tim Link and Bob Breuer with

1 our industrial folks. Our inspectors have also been
2 involved with that. Paige Smith, who came before me and
3 was my mentor, Alan Edwards and Luke Esch also, and Karl
4 Anderson, our former administrator, also contributed to
5 these rules. So we're building on a lot of very hard work
6 through the years, and we're trying to make it better
7 through this particular implementation called IBR, or
8 incorporation by reference.

9 As a -- I'll try to get this mouse down here. As
10 a brief history of our Hazardous Waste Rules, we were first
11 authorized back in 1995. The last time the State actually
12 adopted a new set of Hazardous Waste Rules and Regulations,
13 which is an acronym -- or acronymed by HWRR, was back in
14 August of 2008. The last time we had rules authorized by
15 EPA, which happens after we've adopted them, was in 2002.
16 We did send -- in November of 2011 we did send an Addendum
17 B to -- the current hard-copy rules to EPA. Those were
18 never authorized.

19 We worked with a consultant called DPRA out of
20 Atlanta, Georgia on the updated revision 6 through April of
21 last year, and those rules that we developed, which were
22 revised rules in conjunction with the help of DPRA, are the
23 ones that we used as the basis for what I'm presenting
24 today.

25 Back on April 9th of 2013, we received a memo

1 from the governor requesting that we reduce our rules.
2 One-third in number and one-third in length. Our previous
3 rules with the hazardous waste rules were very hard to use.
4 They were confusing, because we had many duplications with
5 other programs within DEQ. There were cross-references
6 within the state rules that were confusing. And they were
7 difficult to update and compare to the 40 CFR on a
8 consistent basis.

9 Typically took us years to get authorization from
10 EPA, which meant more review times and significant delays.
11 They were long. I've got a set that -- they were a two-
12 volume set of well over 1300 pages. And the end user -- or
13 the permitted facilities had to compare those to the
14 federal CFR in addition to work through the internal
15 consistencies within the rules. They did have the benefit
16 of using bolded state language with carets denoting where
17 federal language was omitted, but there weren't
18 consistencies there either, just because we had a lot
19 different folks working on rules through the years.

20 So we've proposed something called IBR, or
21 incorporation by reference, this was not something that was
22 readily available necessarily back in the good old days.
23 What we've done with IBR is we've reduced our rules down to
24 a single Chapter 1. We've adopted the -- 40 CFR with
25 specific details as to what we've exempted. And we've also

1 provided detailed information on what is more stringent or
2 broader in scope relative to the 40 CFR.

3 We've protected ourselves in state by adopting
4 these rules by what's called a "date certain date" of
5 January 31, 2014. And what this does is it protects us
6 from automatically adopting any additional 40 CFR rules
7 after that date. It also gives us the ability down the
8 road of being very specific on what we will look at each
9 year as part of our rulemaking process to see what we need
10 to review internally through the state before we adopt any
11 new rules. So it gives us some protections.

12 As I mentioned, it gives details of excluded
13 sections, more stringent provisions and where we're broader
14 in scope. And we've tried to adopt a section format in the
15 rules that mimics the 40 CFR for simplicity sake. We do
16 have statutory requirements relative to IBR, which you can
17 see here we are required to be more -- or to be consistent
18 with and equivalent to RCRA C. We can be more stringent
19 with them if adequate cause exists, and if we do petition
20 and get approval from the EQC. In Wyoming statute we may
21 use incorporation by reference. To do so through the rules
22 on rules from the secretary of state, we must keep them up
23 to date and we must have a website address or hard copy of
24 incorporated material that we actually incorporate. And
25 that would be the 40 CFR, which I have up here in front of

1 me. That's this volume right here. As you can see, the 40
2 CFR is roughly as thick in number of pages -- actually,
3 it's less thick than those two volumes that we have with
4 the previous state rules.

5 EPA permits us to use the incorporation by
6 reference. They do have a handy guidance available, which
7 I consulted whenever I did this current chapter of rules.
8 There was a former 2002 guidance. I used the most recent
9 one, 2011. They have broader-in-scope language, which the
10 State of Wyoming hasn't used in statute, but we've
11 incorporated in these rules, so we're consistent with EPA.
12 And we have two rules to -- which that broader-in-scope
13 language applies.

14 BOARD MEMBER CAHN: Can you back up on
15 that?

16 MR. THOMPSON: Uh-huh.

17 BOARD MEMBER CAHN: I'm confused. So you
18 say Wyoming hasn't used it, but it applies to two rules,
19 so --

20 MR. THOMPSON: I may have misspoke,
21 Ms. Cahn. I'm sorry. EPA has a description of what
22 actually constitutes broader-in-scope relative to their
23 rules, but in our statute, we don't have anything other
24 than, say, the tables in the back of the chapter that we're
25 proposing. I described where we're broader in scope, but

1 that language is not carried over.

2 BOARD MEMBER CAHN: Okay. Thank you.

3 MR. THOMPSON: It's more of a way so that
4 we can point out to the end user and make them aware, and
5 it throws up a flag to them to say you need to be more
6 careful with this. That was -- that was the reason we went
7 that way.

8 There are several reasons why we want to go this
9 route with the IBR for our hazardous waste regulations.
10 The governor's memo was the big push; however, once we
11 started researching it, we found out it made a lot of
12 sense. We visited several states, including Idaho and --
13 well, we visited Idaho. We talked to Montana and Idaho
14 about their success with IBR, which they've had.

15 A quick cursory search of the Internet will show
16 that about 30 states have either totally or partially
17 adopted IBR. One reason that it's good for us is that it's
18 a lot more simple to use. It's very concise. It's short,
19 and it actually facilitates comparison to the 40 CFR much
20 more readily than what our previous rules had done.

21 We reduced it from a total of 15 chapters -- the
22 present hard copy, if you look online, is 14 chapters.
23 That was the last set of rules that was adopted. We
24 actually were in the process of making it 15 when we
25 decided to go the IBR route.

1 Additionally, it's favored by EPA. It makes
2 their job easier. It maintains our state primacy. It's
3 favored by industry. We can look forward to quicker review
4 times down the road for us in state with board
5 presentations, hopefully approval by the governor and
6 secretary of state. There are reduced material and
7 personnel costs for the updates. It meets the requirements
8 for the rule reductions that Governor Mead requested.

9 It also makes us up to date with the 40 CFR,
10 which we are not currently up to date with. And it also
11 prevents automatic adoption of the 40 CFR new provisions
12 using our date certain. And it's also the right thing to
13 do for us, as regulators, for the state and the regulated
14 community, and the people of Wyoming. Some -- during our
15 outreach, a couple of questions came up as to what could be
16 the potential disadvantages of using the IBR. One of them
17 is a possible perception that this rules package differs
18 dramatically from what we had done previously. However, we
19 based the current rules on what we had done previously.
20 Most of the stringent -- more stringent provisions that we
21 had originally with the 2008 rules have been carried over
22 with the exception of those which are obsolete or which are
23 now covered under the Air Quality rules. We want to avoid
24 duplication of those.

25 Another perhaps perceived disadvantage of IBR is

1 that it -- it looks like we might be overregulating, since
2 we're incorporating by reference the 40 CFR. However,
3 we're required by state statute to follow RCRA C, and we
4 are actually quite a bit more stringent than the 40 CFR,
5 which you can see in more stringent provisions that we have
6 in the back of the proposed rules. Those are detailed in
7 Table 1-1 of Appendix A.

8 Here, again, we avoided automatic adoption of the
9 new 40 CFR rules with our date certain language and it
10 gives us the flexibility to choose for ourselves down the
11 road which optional rules we'll actually adopt at a later
12 date as we look at the rules each year. As part of our
13 outreach last year, which was in the spring and summer last
14 year, we met with the Idaho DEQ, and we spoke with the
15 Montana DEQ. Both of those organizations had IBR quite
16 some time. Idaho since 1990, and Montana the last six or
17 seven years. They've had great success with it. We've had
18 calls to Flying J Refinery, Parsons/FMC, Sinclair Wyoming,
19 Wyoming Refining. We had in-person meetings with Holly
20 Frontier, TREC and BP Amoco, Cody Labs, Wyoming Outdoor
21 Council, and Sinclair Casper Refinery.

22 Consistently across the board we've had positive
23 response as to this proposed set of rules. We sent our
24 rules, draft rules, to EPA for initial comment in January
25 of this year. We received their response back in April.

1 We revised it and sent it back to them with the responsive
2 comments, which I have available, if you'd like to see it.
3 And we received their -- re-review back the day before the
4 public notice started. So it didn't give us a great deal
5 of time to incorporate their comments.

6 As a result of that re-review, I sent you a
7 package that showed minor changes that we recommend so that
8 we don't hold up authorization at a later date. There
9 weren't very many that were game changers. We tried to do
10 a very thorough job of answering questions with our initial
11 response back to them.

12 So as a result of that re-review as well, they
13 gave us many clarifying comments that were more matter of
14 preference than anything, from our perspective.
15 Potentially down the road we might consider adopting them
16 if we find that the end users think it's better. And we --
17 after these rules are out there for a while, we'll probably
18 get comments like that as to how we can improve them. The
19 benefit of having them in such a short format lengthwise is
20 that we can make those revisions rather quickly.

21 So as you've probably seen, as you've reviewed
22 the draft copy, you may or may not have taken the liberty
23 of looking at the Idaho DEQ website, but their rules are 12
24 pages in length. We couldn't quite get there because we
25 have so many for stringent provisions with the state-

1 specific language. I tried to, but we don't quite get
2 there. We followed the IBR guidance from EPA, and the
3 versions that you've been shown reflect the feedback from
4 EPA. We've got a single chapter of 53 pages, 36 of which
5 are text. The general layout includes a Section 1 that
6 gives State of Wyoming language, most of which was
7 carryover from our old rules.

8 There are details as to IBR and what we're
9 exempting and adopting on a very large scale. EPA
10 recommended that we have a two-definition section set up.
11 The first of which is where we show how we have substituted
12 state terms for federal terms, and then the more state-
13 specific definitions in Section 4.

14 The latter sections -- the later sections in the
15 IBR, generally correspond to the 40 CFR sections. So that
16 if you look at the section headings within our rules and
17 you go to the 40 CFR, they'll match exactly for the most
18 part. The exception being Section 270, which I'll point
19 out later on. We have detailed list of exclusions, which
20 we have not adopted under each section, and we've provided
21 tables in Appendix A showing where we are more stringent
22 and broader in scope relative to the 40 CFR. There's a
23 table for the correlation between 40 CFR and our old rules.
24 And there's also a table that shows the correlation between
25 rules and the RCRA statutes.

1 I've included a couple of slides here that show
2 how the rules are set up. This first page is page 1 of the
3 table of contents that shows the initial four sections, two
4 of which are definitions, and then the general layout of
5 the sections which follow. In this case there's a Section
6 124. Under each of the later sections -- subsection A
7 lists the IBR and the exceptions, and then we have state-
8 specific language or topical points under each of the
9 latter sections, and that carries over here, too, on the
10 right-hand side of this slide.

11 If you get into the body of the text, you'll see
12 here Section 1 is our general authority and applicability,
13 et cetera, relative to state statute. Section 2 discusses
14 the incorporation by reference with very specific large-
15 scale exceptions. And then Section 3 is the substitution
16 of state terms for federal terms. Section 4 is our state-
17 specific definitions. And then you get into the latter
18 sections or later sections, including Section 124. And
19 under each of those later sections, we declare what we've
20 adopted by reference and what we've accepted.

21 These are illustrations of the tables in the back
22 of the appendix, the first of which shows the more
23 stringent and broader-in-scope provisions of the hazardous
24 waste rules. They are topical, so we have the topic --
25 say, for example, closure, we've got the internal state

1 citation which was recommended by DPRA, and we decided that
2 was a good idea and very user friendly. And then we have
3 the relevant 40 CFR reference to which that applies.

4 We also have a table that talks about the general
5 correspondence between the 40 CFR and our old rules,
6 because at some point, particularly the permitted
7 facilities, they'll be revising their permits, and they
8 have the old state language in there for the old rules
9 references. This will help them to update their agreements
10 at a later date.

11 Then finally we do have some equivalence between
12 RCRA statute and various sections of the old rules right
13 here that we felt were worthy of inclusion in the current
14 set of rules.

15 So as far as what is new relative to the 2008
16 rules, we've included several checklists. I'll point out
17 two that have been a little bit on the radar for us as far
18 as our feedback that we've received. Checklist 220 and 226
19 affect academic labs. UW, prior to the public notice, has
20 informed us that they're in support of that. Checklist
21 229, the conditional exclusions for solvent contaminated
22 wipes, you'll notice in my response comments document that
23 we did get two responses with respect to that. So industry
24 thinks that that's a good thing.

25 What has been removed. Well, we looked through

1 it. We also talked to our Air Quality Division. We found
2 outdated boiler and industrial furnace language that can be
3 removed, because it's well covered under the Air Quality
4 rules. Also, we don't have any boiler industrial furnaces
5 under hazardous waste permits in our state.

6 There was obsolete language relative to the Water
7 Quality Division relative to our regional state
8 authorization that we no longer need. And language
9 relative to primacy landfills, land treatment and also we
10 wanted to simplify things and make the permitted facilities
11 only submit one copy of their permit applications for the
12 sake of being a greener organization.

13 We've had quite a few onerous state cross-
14 references that have been removed in the revised rules, and
15 we give very detailed description of these omissions in our
16 Statement of Principal Reasons.

17 I decided to -- since we were only receiving four
18 comments officially, written comments, during our period
19 that went from June 10th to July 10th, I've summarized them
20 here. The first of which was a kudo from the Idaho DEQ
21 saying good job. We may actually use your revised rules to
22 help us on our next revision. Both INDA and SMART, which
23 are acronyms for textiles industry organizations, both of
24 them provided letters of support. In the case of INDA, I
25 sent them an e-mail and mentioned to them that we had an

1 exclusion that we needed to remove so that we were
2 consistent with total adoption of the solvent wipes rule.
3 Sinclair Oil Company provided a note to us via e-mail that
4 we had an error in the first page, first paragraph
5 Statement of Principal Reasons. That's been corrected.

6 And then, as I mentioned, SMART also provided
7 some feedback to us in support of the adoption of the
8 solvent wipes rule. The re-review the EPA provided to
9 us -- as I mentioned before, they provided a majority of
10 clarifying comments, which we didn't think we needed right
11 now. In a phone conversation I had with EPA, they
12 indicated the clarifying comments would not hurt us for
13 authorization if we did not include them. There were
14 several things including definition adoption and
15 adjustments to various sections within Section 4, 260, 264,
16 265 that were basically rewordings. So we felt these were
17 actually minor changes, and I can point those out to you
18 here as we go along.

19 There's a Web link that DPRA recommended
20 updating, which we did. We removed the exclusion that we
21 had under Section 261, which was keeping us from total
22 adoption of solvent wipes rule. I updated a typo for a
23 generation to regeneration of Section 261.

24 And then I also updated a minor point on
25 Section 270.60, so that we would not have any compliance

1 issues when it came down to meeting authorization with EPA.

2 Finally, with respect to the re-review, in
3 Appendix A the table that gives you the broader in scope
4 and more stringent language, we added two new categories or
5 topical categories, namely fitness of the applicant and
6 training requirements, and also some broader-in-scope
7 language throughout the document so that we're consistent.
8 We want to make sure that people are very clear as to what
9 we have, broader scope versus more stringent.

10 Both Jerry and I found two items that we thought
11 needed updated. We felt under Section 270, the heading --
12 the original heading was a bit misleading. If you pull up
13 the 40 CFR, it actually says EPA-administered permanent
14 programs, the hazardous, and there was a typo -- forgive
15 me -- the hazardous waste permit program. I guess I've
16 seen that word too many times. But we felt that we could
17 shorten that to simply the hazardous waste permit program.
18 While we were authorized by EPA to administer the program
19 on their behalf we didn't want to confuse people with
20 thinking EPA was in control of that particular section. We
21 still have primacy on that.

22 And, additionally, I noticed that the acronym
23 Hazardous Waste -- or HWRR was grossly missing from our
24 rules, so I added that in as well. Another minor point,
25 but something for consistency.

1 So where we're at in the process right now, IBR
2 draft has been reviewed by EPA twice. We expect the State
3 review, providing favorable review by the different Boards
4 and the governor to take about a year. EPA review may
5 actually take less than a year, considering how short it
6 is. We've had some feedback from EPA that may actually be
7 the case. We'll review the 40 CFR rules each year to see
8 any new checklists that have been adopted and we'll compare
9 them to State needs. Anything new that we adopt at a later
10 date will be subject to public notice, an internal review.
11 So we will not automatically adopt anything.

12 We feel that this is something that will
13 perpetually be a benefit to the state. People who come
14 after me, after I retire, hopefully will be happy that we
15 have a single-chapter hazardous waste rules, and it's much
16 simpler to use, very direct and easier to get through the
17 system than what we have currently.

18 My plan, as part of my presentation, was to go
19 over the strike and underline version of the most recent
20 set of rules from July 14th that I sent to you, so that I
21 could point out the changes that I've made. If that's
22 acceptable to Madam Chair and the Board, I'd like to do
23 that.

24 BOARD MEMBER CAHN: I'm wondering if we
25 just want to go over the changes that we have questions on

1 as opposed to all the changes.

2 MR. THOMPSON: Certainly.

3 BOARD MEMBER CAHN: How does the rest of
4 the Board feel?

5 CHAIRWOMAN BEDESSEM: I think I'm getting
6 the impression the Board wants to expedite.

7 MR. THOMPSON: That's fine.

8 BOARD MEMBER CAHN: Are you okay with that,
9 Dave?

10 BOARD MEMBER APLEGATE: Yeah. I may have
11 a couple of other questions just in terms of trying to
12 understand how to use the thing, but...

13 CHAIRWOMAN BEDESSEM: But I do appreciate
14 you putting together these last changes --

15 MR. THOMPSON: You're very welcome.

16 CHAIRWOMAN BEDESSEM: -- in the initial
17 packet to make it easier to move forward.

18 MR. THOMPSON: You're very welcome. And I
19 do have EPA comments in hard copy, if you care to look at
20 them.

21 CHAIRWOMAN BEDESSEM: Okay. So which
22 version are we going through now --

23 BOARD MEMBER APLEGATE: Questions that
24 Lorie had on --

25 BOARD MEMBER CAHN: I'm going through not

1 the strikeout version, but the clean version.

2 MR. THOMPSON: Okay. Would it help the
3 Board if I were to pull it up on the screen?

4 CHAIRWOMAN BEDESSEM: Uh-huh.

5 BOARD MEMBER CAHN: First of all, I want to
6 say that I totally appreciate the work that you guys have
7 done.

8 MR. THOMPSON: Thank you.

9 BOARD MEMBER CAHN: I've always thought it
10 didn't make sense to have a separate basically Wyoming RCRA
11 set of rules and the federal rules, since mostly -- I was
12 on the Board when this came before us in 2002 or something,
13 whenever it was, and it hasn't made sense to me, so I
14 really -- I'm glad you've done this IBR. I think it's a
15 great idea.

16 Okay. So on the question I have -- first on --
17 is kind of process, so understanding the caretts are still
18 here.

19 MR. THOMPSON: Uh-huh.

20 BOARD MEMBER CAHN: And sometimes there's
21 one caret in one sentence and sometimes there's two, and
22 it's not clear to me -- and I sat with my RCRA book --

23 MR. THOMPSON: Uh-huh.

24 BOARD MEMBER CAHN: -- I even brought it
25 with me today -- and I tried to understand when the federal

1 language is taken out and when it wasn't. And I had a
2 really hard time following it. So I'm going to need some
3 help on that in terms of explaining what you've done.

4 MR. THOMPSON: Sure. Sure. What I found,
5 as I started going through the old rules, that the intent
6 on the original old rules was to point out where the state
7 was different from the federal using both bolding and the
8 carets. The carets denoted omission of federal language,
9 which made it more complicated. And then the bolding also
10 made it more complicated. However, what I found in going
11 through the old rules, the different revisions that we had,
12 was that oftentimes the bolding was left off on a more
13 recent version because it -- they assumed it had been
14 adopted and approved. It was law. We're really just
15 pointing out the new changes now. Okay?

16 So that -- you saw an overprint of things through
17 the years. One of the reasons we've omitted bolding from
18 the most recent version of the IBR is that it did lend to
19 confusion. If you see it in our rules here, in general --
20 I can think of very few exceptions, and if there are any,
21 Jerry might point out something to me -- but in general, if
22 it appears in print in this Chapter 1 rules, that is state-
23 specific language that differs substantially enough from
24 the EPA language that we felt we needed to keep it,
25 particularly if it related to state statute.

1 One of the things that EPA recommended in their
2 clarifying comments was that we tried to put as much
3 material under the subsection A's of each section heading
4 and say for the purposes of this specific 40 CFR we've
5 omitted this language or we've done that. We've done that
6 in a few cases, but it got so onerous after a point, we
7 were better off just keeping the state language as it was.

8 So if you have two carets, or, say, even more,
9 which I think is a possibility, that simply denotes that
10 the federal language was deleted for the sake of the
11 original rules, which have been updated since the 2008
12 rules. So it's a very complicated thing.

13 BOARD MEMBER CAHN: Okay. I'm going to ask
14 my question now --

15 MR. THOMPSON: Okay.

16 BOARD MEMBER CAHN: -- while we're on this
17 topic.

18 So if we go to clean version page 1-3 --

19 MR. THOMPSON: Uh-huh.

20 BOARD MEMBER CAHN: -- and we're on X,
21 "Solid Waste^ (see Waste Material)." So does that mean if
22 I go to 261.2 in the Federal Code, that you've eliminated
23 the definition of solid waste, essentially?

24 MR. THOMPSON: That is correct.

25 BOARD MEMBER CAHN: And you want us to see

1 the Wyoming definition of waste material in its place.

2 MR. THOMPSON: Very correct. Yes, ma'am.

3 BOARD MEMBER CAHN: Okay. Then if I go to
4 (xiii), "Waste material," it now has a caret saying where
5 it starts "any discarded material," and it goes on into a
6 caret at the end of 260.31. I'm interpreting that to mean
7 that you've deleted federal language. But when I pull up
8 my RCRA book and go to 261.2(a)(1), that is exact federal
9 language. So now I'm wondering why are the carets there?

10 MR. THOMPSON: In this particular case, I
11 believe the reason is that we have the state language ahead
12 of that, which the federal doesn't. So the state language
13 is specific that -- the state language that says specific
14 to 40 CFR is not in the federal, so it acts as a cue that
15 that is additional language in this particular case.

16 CHAIRWOMAN BEDESSEM: So this particular
17 case, that caret doesn't mean a deletion.

18 MR. THOMPSON: Not necessarily.

19 BOARD MEMBER CAHN: Okay. That's my point.
20 And so since a caret is defined as a deletion.

21 MR. THOMPSON: Uh-huh.

22 BOARD MEMBER CAHN: I think we're going to
23 need another symbol to mean --

24 CHAIRWOMAN BEDESSEM: Not a deletion.

25 BOARD MEMBER CAHN: -- not a deletion.

1 Then why do you have it?

2 MR. THOMPSON: Uh-huh.

3 BOARD MEMBER CAHN: So it seems to me it's
4 almost like you need another symbol that says we added
5 this. And what -- I would not have carets on the exact
6 federal language, and I would have your -- after waste
7 material, when you're saying specific to 40 CFR dada, dada,
8 dada, that could have whatever symbol on it saying that's
9 new language. Because I went through it and said wait a
10 minute, there's nothing deleted here in the federal. It's
11 exact language, so then I got confused, then I decided I
12 didn't understand at all, and then I went through and
13 checked every single one. So I spent a lot of time on it,
14 so that --

15 MR. THOMPSON: May I add, Madam Chair, to
16 address your comment. Would it be reasonable to possibly
17 modify the description of caret in the table of contents to
18 say something to the effect that caret denotes either
19 deletion or modification of federal language?

20 BOARD MEMBER CAHN: But there was no
21 modification in this example. It's word for word. It's
22 the preceding things. So the caret -- in my opinion, you
23 shouldn't put carets when you're using federal language,
24 when you're also using carets to mean you're deleting
25 federal language. So to avoid confusion --

1 MR. THOMPSON: Sure.

2 CHAIRWOMAN BEDESSEM: But I --

3 BOARD MEMBER CAHN: -- I would put a caret
4 meaning caret means deleted federal language or modified
5 federal language, and then I would put your -- in that
6 line, there's no line numbers -- I would put the caret in
7 the preceding thing, the two carets over -- specific to 40
8 CFR 261.2(a)(1).

9 And sometimes I didn't know when there's two
10 carets, when I'm at the beginning -- sometimes there's only
11 one caret and sometimes there's two carets. And so if I go
12 back to Solid Waste, above it in X, there's only one caret,
13 and so then I don't know when --

14 CHAIRWOMAN BEDESSEM: Where's the example
15 of two.

16 BOARD MEMBER CAHN: The example I just gave
17 in (xiii).

18 BOARD MEMBER APPLGATE: There's a caret
19 at --

20 CHAIRWOMAN BEDESSEM: Okay. At the
21 beginning.

22 BOARD MEMBER CAHN: Yeah.

23 BOARD MEMBER APPLGATE: There's caret at
24 the beginning.

25 BOARD MEMBER CAHN: So it seems to me we

1 need closed carets. We need a caret at the beginning of
2 where you're talking about and caret at the end. And then
3 that caret -- inside that -- those two carets -- so every
4 caret should be paired with another caret. And then
5 inside -- and your definition of that, then, would be
6 either deleted federal language or modified federal
7 language. Or maybe just modified is all we need.

8 MR. THOMPSON: And there may be a
9 precedent, Madam Chair, for having this the way it was. I
10 electronically pulled all this language out of the most
11 recent electronic version of the preexisting rules. So
12 this was approved like that previously. I pulled it in
13 exactly as it was. Granted, this is a different
14 implementation of that language.

15 BOARD MEMBER CAHN: Uh-huh.

16 MR. THOMPSON: So what I don't know, and
17 what I can talk to the AG about is whether there's some
18 kind of statutory requirement on their end or EPA has a
19 requirement as well. There possibly could be a reason for
20 doing it that way from an authorization standpoint that we
21 don't want to compromise ourselves on later too. I'll just
22 put that up for consideration.

23 BOARD MEMBER CAHN: That's fair enough. I
24 just found it extremely confusing. And I'm fairly familiar
25 with RCRA regulations, so if I'm confused, I think a lot of

1 people would be. Maybe it's just me.

2 MR. THOMPSON: That's understandable.

3 Thank you.

4 CHAIRWOMAN BEDESSEM: I would agree that --
5 I mean, if we have a definition for the caret that says
6 deletion, but actually isn't deletion in multiple places,
7 then we have to have further explanation for meaning of
8 that caret. And that would be simpler than trying to go
9 through everything and, you know -- and figure this --
10 which ones were deletions and which ones are not, unless
11 every time they're in two spots they're a modification. I
12 think you can define that separately.

13 MR. THOMPSON: And Madam Chair, one of
14 things occurs to me, I think, just because I looked at
15 these quite a bit, there aren't that many carets, I don't
16 believe, relative to the size of the rules. So I don't
17 think it's a -- it's an overwhelming issue throughout the
18 whole document, but it should be something that we can
19 address anyway.

20 BOARD MEMBER CAHN: So my preference,
21 again, I'll just state, would be to have paired carets.

22 MR. THOMPSON: Paired carets.

23 BOARD MEMBER CAHN: And in between those
24 carets, whatever you want to have in there have anything
25 except exact federal language.

1 MR. THOMPSON: Right.

2 BOARD MEMBER CAHN: If you're not exact
3 federal language, then put carets and have them paired,
4 that's my request. Does that make sense?

5 BOARD MEMBER APPELLEGATE: It does. So my --
6 Madam Chair, my question is all the language that's here
7 is, for the most part, not federal language, right?

8 MR. THOMPSON: That's correct. That's
9 correct.

10 BOARD MEMBER APPELLEGATE: So this is -- it's
11 in addition to the federal language. So let me just use
12 example like Section 4, definitions, air contaminant. That
13 would not be a definition that we would find in 40 CFR back
14 here.

15 MR. THOMPSON: That's correct.

16 BOARD MEMBER APPELLEGATE: So I have sort of
17 a usage question too. You probably have more.

18 CHAIRWOMAN BEDESSEM: Mix it up. Go ahead.

19 BOARD MEMBER CAHN: Mix it up, yeah.

20 BOARD MEMBER APPELLEGATE: I don't have a lot
21 of comments. I just was trying to understand the table of
22 more stringent provisions.

23 MR. THOMPSON: Yes, sir.

24 BOARD MEMBER APPELLEGATE: I was trying to
25 understand how to use that table. And I just picked one in

1 that table, which was on page 1-A-2, Health Risk
2 Assessment. It says HWRR 270(a)(x), "Wyoming is more
3 stringent in that it requires provisions more stringent
4 than Federal exposure assessment requirements." I'm just
5 trying to understand how to use this table right. So I
6 tried to find 270(a)(x).

7 MR. THOMPSON: Yes, sir.

8 BOARD MEMBER APPLGATE: Can you help me
9 find that?

10 MR. THOMPSON: Yes, sir.

11 BOARD MEMBER APPLGATE: I couldn't --

12 MR. THOMPSON: If you go to -- I could do
13 this electronically, but I think it's probably best just to
14 do it by hand. Let's see. 270 is one of the longer
15 sections.

16 BOARD MEMBER APPLGATE: It's very long.

17 MR. THOMPSON: It's very long. On page
18 1-24 of the clean copy. So --

19 BOARD MEMBER APPLGATE: Is where it
20 starts.

21 MR. BREED: X is on 1-25.

22 MR. THOMPSON: Yes, that's right. The X --
23 the one it references is on page 1-25. So you would go
24 down to 270(a), and then that (x) on the next page. And
25 that's the specific reference that matches the 40 CFR

1 reference.

2 BOARD MEMBER CAHN: On page 1-26?

3 CHAIRWOMAN BEDESSEM: 26?

4 MR. THOMPSON: I think maybe this would be
5 a good time --

6 CHAIRWOMAN BEDESSEM: We're looking at the
7 clean copy.

8 MR. BREED: Clean copy, on the bottom of
9 page 1-25 it starts, and then you have (x), and then (A),
10 (B), (C).

11 BOARD MEMBER CAHN: Ours actually starts on
12 page 1-26.

13 MR. BREED: Oh, it does? Okay.

14 MR. THOMPSON: I don't know if this will
15 help. I have it pulled up right now. So here's 270(a).
16 Go down to the next page, you've got X.

17 BOARD MEMBER CAHN: You guys have a
18 different version than we have.

19 MS. THOMPSON: Are you in --

20 MR. THOMPSON: This would be the version
21 that was dated July 14th.

22 BOARD MEMBER CAHN: Yeah, it's this
23 version. We have June 10th.

24 MR. THOMPSON: I can go to that one, if you
25 prefer.

1 BOARD MEMBER CAHN: Yes.

2 CHAIRWOMAN BEDESSEM: He's looking at the
3 one that was original.

4 MR. BREED: Off the top of my head, I don't
5 know if that was one of the citations that was modified.

6 BOARD MEMBER APPLGATE: The redline/
7 strikeout you have incorporates changes from that June
8 version to July version?

9 MR. THOMPSON: Right.

10 BOARD MEMBER APPLGATE: My question is, if
11 I read all this language under (x), how would I know what
12 was more stringent?

13 MR. THOMPSON: That's where the topical
14 thing comes in. It assumes a knowledge of RCRA as well,
15 which is so involved. It assumes that by going to that
16 particular section of RCRA, you would kind of know the
17 general subsections and whatnot, the general topical nature
18 of that particular section. But that's why we have the
19 explanation under there, that for the -- the federal
20 exposure assessment requirements are actually more lenient
21 than what we've got. That is the most specific reference
22 for the 40 CFR. I would assume that the end user might go
23 to the 40 CFR with that specific reference that we provided
24 and see what the context is at that point.

25 MR. BREED: For some of these, like that

1 one, for example, the Code of Federal Regulations also have
2 requirements for human health risk assessments are just --
3 is just a little different, so they would go to the 40 CFR
4 and look at it and come back to this to see we're a little
5 different. There's other ones where we may have additional
6 requirements all together like the location standards for
7 some things, they would also look to the 40 CFR, but they
8 would see additional -- a lot more additional information
9 there, a lot more stringent.

10 (Off-the-record discussion.)

11 BOARD MEMBER APPELATE: Okay.

12 BOARD MEMBER CAHN: So --

13 BOARD MEMBER APPELATE: I'm sure it's been
14 made more simple.

15 MR. BREED: Sometimes.

16 BOARD MEMBER APPELATE: Sometimes not
17 simple.

18 MR. THOMPSON: In the good old days, Madam
19 Chair, with our old rules, it was further complicated
20 because somebody would look at this particular citation,
21 they would have the state -- state reference, which they
22 could not correlate to the federal reference very easily.
23 If they were lucky, in the left-hand margin they might have
24 a federal citation, which was very helpful. But where we
25 have more state-specific language, we couldn't provide

1 that. So that's why this is actually a bit more user
2 friendly.

3 CHAIRWOMAN BEDESSEM: Still two books,
4 but...

5 BOARD MEMBER CAHN: I can go back on the
6 record.

7 BOARD MEMBER APPLGATE: You're on it.

8 BOARD MEMBER CAHN: So when I compare them
9 side by side, I can see in paragraph (x) there's some
10 language that's different, you talk about incinerators,
11 but -- and you've got different A, B, C's, they have 1,2,
12 3's, but I don't know where you go back to the federal one.
13 I don't have an extra caret to tell me, okay, now we're
14 done with our different language.

15 BOARD MEMBER APPLGATE: C language and B
16 language and A language --

17 BOARD MEMBER CAHN: Is like the 1, 2, 3.

18 BOARD MEMBER APPLGATE: -- looks identical
19 to the federal language.

20 BOARD MEMBER CAHN: That's my question
21 about paired carets, is where does it stop?

22 MR. BREED: Right. And we thought about --
23 it has been kind of a confusing issue. But if you take the
24 piece where we changed something that's different from the
25 federal, stick that in there solely by itself, that makes

1 no sense at all, to -- you have to bring it into what the
2 federal language was. So what we tried to do is add enough
3 in here so it gave it context what we were talking about in
4 terms of being more stringent. So that's why we started
5 there and continue on. It may be same language you have in
6 federal, but at least it brings some context to the reader,
7 otherwise it's just going to be nonsense.

8 BOARD MEMBER APPELATE: I will say on this
9 one, I picked that one because that's an interest to me,
10 probably, from my technical background, exposure
11 assumptions. But I can tell you, I can't -- I can't
12 figure out, really, compared to this one, what the more
13 stringent --

14 MR. BREED: Requirement is?

15 BOARD MEMBER APPELATE: Yeah.

16 CHAIRWOMAN BEDESSEM: The paired caret
17 would help.

18 MR. BREED: Yeah.

19 MR. THOMPSON: It would, to have the paired
20 caret in the same -- am I correct, Madam Chairman, that the
21 suggestion was to have a paired caret at the beginning of
22 the section and at the end of the entire section?

23 CHAIRWOMAN BEDESSEM: No, the part that's
24 different.

25 MR. THOMPSON: Of the part that's

1 different. Okay.

2 CHAIRWOMAN BEDESSEM: Because if you've
3 added some of that language as opposed to, you know,
4 referencing it, so it has -- gives context to what you have
5 changed.

6 MR. THOMPSON: Right.

7 CHAIRWOMAN BEDESSEM: You don't know where
8 the change ends and where the stuff of context starts.

9 BOARD MEMBER CAHN: And perhaps in this
10 case, since you've added the word "incinerator, burner" --
11 is that the right word -- yeah, you've got it incinerator,
12 burner -- maybe that's all that needs, the caret.

13 MR. BREED: I see.

14 BOARD MEMBER CAHN: Just the incinerator
15 burner.

16 MR. BREED: Okay.

17 BOARD MEMBER CAHN: And that makes it more
18 obvious what you've changed.

19 MR. BREED: Right.

20 MR. THOMPSON: Madam Chair, one of the
21 options that we had, as relates back to the DPRA review
22 with the clarifying comments. One option would be to say
23 for purposes of that citation, federal citation 40 CFR,
24 insert "incinerator, burner" between this and that. So
25 what we've found in the rules writing process, is that

1 clearer than putting this down? We had to evaluate all
2 those on a case-by-case --

3 BOARD MEMBER CAHN: I'm good with the
4 entire --

5 CHAIRWOMAN BEDESSEM: I like the choice.

6 BOARD MEMBER CAHN: I'm good with the
7 entire (x), I just think the caret's in the wrong place.

8 BOARD MEMBER APPELATE: Okay.

9 BOARD MEMBER CAHN: Because --

10 BOARD MEMBER APPELATE: They didn't move
11 that part by --

12 BOARD MEMBER CAHN: No, it's right there.

13 BOARD MEMBER APPELATE: -- after August of
14 1995.

15 BOARD MEMBER CAHN: Okay.

16 MR. BREED: We took out some old dates.

17 BOARD MEMBER CAHN: So it could be a caret
18 for purposes of 40 CFR 270.1 -- I'm sorry, 10(j)(1), end of
19 caret. And then you've got any part B application
20 submitted by an owner or operator of a facility that
21 stores, treats or disposes using -- that dispose of
22 hazardous waste in a surface impoundment, caret,
23 incinerator, burner, caret, or a landfill, then it's clear
24 that the rest of it's all federal language.

25 BOARD MEMBER APPELATE: So let me sort of

1 circle back to my sort of content -- or my comment, which
2 you're addressing as well. If you were using this as a
3 permitter -- let's say you're a consultant, you're working
4 with someone in Wyoming and you're trying to apply this set
5 of rules. This more stringent provisions is going to be
6 one of the first thing you go to, right?

7 MR. THOMPSON: That's correct.

8 MR. BREED: Uh-huh.

9 BOARD MEMBER APPLGATE: You're going to be
10 trying to interpret these more stringent sections because
11 you might be very familiar with the federal regs and you're
12 trying to understand how these are more stringent.

13 MR. THOMPSON: That's correct. Madam
14 Chair, we found in the outreach, I believe it was Frontier
15 Refinery actually said something to the effect they have
16 trainers that go between the states. And something like
17 this is an invaluable tool to them to be able to say here's
18 Wyoming, here's Indiana, and to point out the differences
19 between the two.

20 MR. BREED: One of the discussions that
21 we've had, too, internally, is that we were sort of
22 reluctant to put in that table. It's very nice to identify
23 what more stringent requirements are, but people can't rely
24 on that table. They have to go back, you know, to the rule
25 itself, you know, Chapter 1 and to 40 CFR to figure out

1 that's what that is. I think what you suggested with the
2 carets in those specific language pieces will help that, so
3 they can identify it quicker. But we were a little nervous
4 about the table to begin with, but I think it's really
5 necessary.

6 BOARD MEMBER APPELATE: I think the table
7 is a real public service.

8 BOARD MEMBER CAHN: Yes.

9 BOARD MEMBER APPELATE: Because the table
10 is what ultimately will be used, I think, in terms of --
11 right --

12 CHAIRWOMAN BEDESSEM: Yeah.

13 BOARD MEMBER APPELATE: -- trying to
14 understand how to do the permitting in Wyoming.

15 CHAIRWOMAN BEDESSEM: It's a great thing
16 for DEQ to be more user friendly this way, and I do think
17 your regulated community appreciates it.

18 BOARD MEMBER CAHN: I very much like the
19 extra language you've added in. It's just where the carets
20 go. That's all.

21 MR. THOMPSON: Thank you.

22 BOARD MEMBER CAHN: Okay. Are you -- can I
23 go with some more?

24 CHAIRWOMAN BEDESSEM: Did you have an
25 exclusion you wanted to talk about?

1 BOARD MEMBER CAHN: Huh? Yeah.

2 CHAIRWOMAN BEDESSEM: Okay.

3 BOARD MEMBER CAHN: Just a question. Page
4 1-4, where it says "Chronic." That point in time, from
5 seven years to a lifetime. To me seven years to a lifetime
6 isn't a point. So are we -- can we say the time period
7 from seven years to a lifetime as opposed to that point in
8 time? It's a nit, but I'm like what point?

9 MR. THOMPSON: Madam Chair. This is --
10 this is carryover language from the previous rules, and --

11 BOARD MEMBER CAHN: If you can change it.

12 MR. BREED: Yeah.

13 MR. THOMPSON: -- it's consistent with what
14 we've done previously.

15 MR. BREED: What page?

16 BOARD MEMBER CAHN: Page 1-4, under
17 definitions of --

18 MR. BREED: What was your comment?

19 BOARD MEMBER CAHN: Excuse me?

20 MR. BREED: What was your recommendation
21 for the language?

22 BOARD MEMBER CAHN: Oh. Time -- the time
23 period instead of that point in time.

24 MR. BREED: Okay.

25 CHAIRWOMAN BEDESSEM: So a period instead

1 of a point.

2 BOARD MEMBER CAHN: Yeah.

3 CHAIRWOMAN BEDESSEM: Because --

4 BOARD MEMBER CAHN: Yeah, that time period.

5 BOARD MEMBER APPELATE: That period of
6 time.

7 CHAIRWOMAN BEDESSEM: Yeah.

8 MR. THOMPSON: Madam Chair, I have no
9 problem with that, if Mr. Breed doesn't.

10 MR. BREED: No. That's good.

11 BOARD MEMBER CAHN: Okay. Most of my
12 comments, except a few, will be addressed by having paired
13 carets, because I have a lot of questions where does it
14 begin, where does it end.

15 MR. THOMPSON: Miss Cahn, would that be
16 something you can forward to me electronically, please?

17 BOARD MEMBER APPELATE: That you can give
18 him? Maybe you can just show him all the carets.

19 BOARD MEMBER CAHN: Yeah. I've got them
20 all circled, but...

21 Okay. On page 1-14, at the bottom of page on
22 (x) -- so we're in Section 264(a)(x). For purposes of 40
23 CFR 264.314(e) the placement of any liquid which is not a
24 hazardous waste in a landfill is prohibited. But Section
25 264.314(e) is about absorbants using to treat free liquids.

1 MR. BREED: What's the copy -- which
2 version are you using?

3 BOARD MEMBER CAHN: I'm in the clean
4 version from 6/10/14. But we can probably find it, because
5 it's on here.

6 MR. BREED: Yeah.

7 BOARD MEMBER CAHN: 264 --

8 MR. THOMPSON: Okay.

9 BOARD MEMBER CAHN: -- (a).

10 MR. THOMPSON: Let's see here.

11 BOARD MEMBER CAHN: It's about page 114.

12 CHAIRWOMAN BEDESSEM: I'm curious, because
13 we have to put the citations in the margin, is that why we
14 can't do line numbers?

15 MR. THOMPSON: I've never tried it, Madam
16 Chair. That doesn't mean it's not doable, but I'm guessing
17 it might be in conflict with the references on the line.

18 CHAIRWOMAN BEDESSEM: Yeah.

19 MS. THOMPSON: So just for note, I don't
20 usually do -- I don't do all the administrative
21 applications for Solid & Hazardous Waste Division, and I
22 neglected to note that the Board prefers line numbers in
23 drafts.

24 CHAIRWOMAN BEDESSEM: It's just so we can
25 find things, but I was just thinking that perhaps that was

1 not doable with the citations, the references and --

2 MS. THOMPSON: It would probably be a
3 challenge, because that would probably override that
4 working margin.

5 CHAIRWOMAN BEDESSEM: Uh-huh. Because I
6 see it in the SOPR, but in the --

7 MR. THOMPSON: Madam Chair, that same issue
8 came up with respect to the headings in each of the
9 sections when trying to format hyperlinks and making it
10 more usable for the public, we chose to take out the
11 federal references on the section heading level, just
12 because it wasn't working.

13 CHAIRWOMAN BEDESSEM: Gotcha. Okay.

14 BOARD MEMBER CAHN: Okay.

15 MR. THOMPSON: Okay.

16 BOARD MEMBER CAHN: So to go back, if you
17 find the section. It's 264(a), and then we're on (x).

18 MR. THOMPSON: Miss Cahn, I have (xi) for
19 that particular one, for the --

20 BOARD MEMBER CAHN: Okay. That's fine.
21 That's the one I'm talking about.

22 MR. THOMPSON: Okay.

23 BOARD MEMBER CAHN: So now if I -- if I go
24 to the federal reference, 264.314(e), that is about
25 absorbants used to treat free liquids to be disposed of in

1 a landfill. And --

2 CHAIRWOMAN BEDESSEM: Did you say 431(e).

3 BOARD MEMBER CAHN: 314(e).

4 CHAIRWOMAN BEDESSEM: 314(e).

5 BOARD MEMBER CAHN: Since the section --
6 you're saying for purposes of this section, where we're
7 talking about absorbants, so there shouldn't be any liquids
8 left. The placement of any liquid which is not a hazardous
9 waste, and -- well, there's not going to be any liquid,
10 because they're going to be treated with absorbent, and it
11 shouldn't matter if it's not hazardous waste or not,
12 because it's going to be treated with absorbant and won't
13 be a liquid. So I understand prohibitions for liquids in
14 landfills. Since you're going to be using absorbant to
15 sorb your liquids, what's the difference between a
16 hazardous liquid and a non -- I mean, you're going to have
17 water in cuttings, and -- you know, that's not a hazardous
18 thing. So you're saying it's prohibited.

19 MR. BREED: This is -- this is 264, so it's
20 permitted hazardous waste landfill, I think is where this
21 is coming from. And so it's part of the -- the previous
22 rules. There was a prohibition of putting liquid
23 nonhazardous waste, for example, in landfill or CAMU. And
24 I think that's where this is relating to. So you can have
25 those kinds of treatment things for nonhazardous types of

1 waste. We just don't want those nonhazardous types of
2 waste to be put in like a CAMU, permitted landfill. So I'd
3 have to go back through. It's just -- you know, how RCRA
4 works. It's not picking one piece out and having it make
5 sense. You kind of have to go through the trail to find
6 out what it actually means. But that's coming from that
7 prohibition that we have for nonhazardous waste being in
8 our regulated permit units.

9 BOARD MEMBER APPELATE: I think hers is a
10 logical question, that just logically the inclusion of this
11 particular "in addition to" language, because it in
12 addition to the federal language, which is prohibiting
13 liquid that's nonhazardous in the landfill, seems illogical
14 when it's connected to this Federal Register --

15 MR. BREED: On absorbants.

16 BOARD MEMBER APPELATE: -- request on
17 absorbants. So I'm just thinking this is not a logical
18 phrase.

19 MR. BREED: It could be coming from our
20 rules, because we didn't go back and check.

21 BOARD MEMBER CAHN: Yeah.

22 MR. BREED: This might be one that's wrong.

23 BOARD MEMBER APPELATE: That's what I
24 think she's suggesting.

25 MR. BREED: Yeah.

1 MR. THOMPSON: Madam Chair, it could be too
2 that that original intent, which I can't speak to very
3 well, because I wasn't there, but there has been an effort
4 by us to be consistent with our solid waste rules as well.
5 And they're very clear about not having liquids in
6 landfills.

7 BOARD MEMBER APPELATE: It's not the --
8 not the liquids in landfills that she's concerned.

9 MR. THOMPSON: This may be a reach, but I'm
10 guessing originally the idea was to have continuity there.

11 BOARD MEMBER CAHN: And I would hate to be
12 in a court of law with somebody who put -- who read this,
13 the placement of any liquid which is not hazardous waste in
14 a landfill is prohibited. Oh, that must mean the placement
15 of a hazardous waste liquid in a landfill is okay. So, I
16 mean, that just seems funny -- it seems odd and open to
17 confusion, because no liquids are allowed in the landfill,
18 whether they're hazardous or nonhazardous. They need to be
19 sorbed, so...

20 BOARD MEMBER APPELATE: Madam Chair. I
21 think fundamentally you're wondering if that paragraph even
22 needs to be there. You can almost delete (x), in your
23 opinion, right?

24 BOARD MEMBER CAHN: Yeah.

25 BOARD MEMBER APPELATE: That's the

1 question, is do you need to include (x)?

2 MR. BREED: We'll go back to these rules
3 and see where that came from. And I think it just needs to
4 be deleted, but I just want to check to make sure.

5 BOARD MEMBER CAHN: Then I had the same
6 problem in something that seemed disconnected in the wrong
7 place, wrong reference maybe. 264, it's actually under
8 CAMU. If you can go to the CAMU session there. I've got
9 E -- (e)(ii). It references 264.552(e), which is the
10 regional administrator shall specify in the permit or order
11 requirements for CAMUs to include the following. And we're
12 talking about the phrase "or remedy agreement shall be
13 added after permit or order," and I don't see the permit or
14 order there, so...

15 MR. BREED: In --

16 CHAIRWOMAN BEDESSEM: In that citation.

17 BOARD MEMBER CAHN: Yeah.

18 MR. BREED: At the beginning 264.552(e)
19 regional administrator shall specify --

20 THE REPORTER: Slow down, please.

21 MR. BREED: I'm sorry.

22 BOARD MEMBER CAHN: So there's the permit
23 order, okay. Okay. You're adding remedy agreement. Okay.
24 Okay. Sorry. That's my mistake. I'm looking and saying
25 it's not related. Forget it. Sorry.

1 MR. BREED: Okay.

2 BOARD MEMBER CAHN: So, again -- well,
3 here's an example now where you're using -- instead of
4 carets, you're using quotes. So now we have -- but I'm
5 okay with that, now that I understand this.

6 MR. BREED: Okay.

7 CHAIRWOMAN BEDESSEM: So you've used both
8 methods within the rule.

9 BOARD MEMBER CAHN: And maybe --

10 MR. BREED: So would you prefer just one or
11 the other?

12 BOARD MEMBER CAHN: -- some clarification
13 on why one or the other.

14 CHAIRWOMAN BEDESSEM: Probably whatever was
15 easiest as far as the amount of text. But I think it's
16 clear enough that it doesn't matter if you've done both.

17 MR. THOMPSON: I believe in this case,
18 Madam Chairman, that specific item, that was a DPRA
19 recommendation that we word it that way, and I had provided
20 the original to them with the more lengthy language. Their
21 argument was we could eliminate quite a paragraph by going
22 that route.

23 CHAIRWOMAN BEDESSEM: Uh-huh.

24 BOARD MEMBER CAHN: Okay. Our page 1-19 --
25 this is just an editorial. It is Section 265, and maybe

1 you can find it up here. 265(a)(vii), and it starts out
2 for purposes of 40 CFR 265.191(a). Do you have that?

3 CHAIRWOMAN BEDESSEM: Uh-huh.

4 BOARD MEMBER CAHN: Okay. So it's a long
5 paragraph about in the middle. It says new underground
6 tank systems and those existing underground -- underground
7 tanks than cannot, and it should be that cannot.

8 MR. THOMPSON: I believe I may have caught
9 that Miss Cahn, on the more recent version.

10 BOARD MEMBER CAHN: Okay. Good.

11 MR. THOMPSON: Let me make sure I have.

12 BOARD MEMBER CAHN: You can search for than
13 cannot, and if it doesn't come up, you know you've got it.

14 MR. THOMPSON: Let's see here. This is an
15 odd version. This isn't my version, I'll say that much.
16 I'm not sure where the search is.

17 MS. THOMPSON: Do Control F.

18 MR. THOMPSON: I'm sorry?

19 MS. THOMPSON: Control F.

20 BOARD MEMBER CAHN: You can look for that
21 later, but I want to get to my real comment. There's one
22 advancement that was made in RCRA in 2006 that has been
23 very beneficial for myself, and that is to allow weekly
24 inspections when you put in automated monitoring systems.
25 And that was excluded from Wyoming, and I think that's a

1 disincentive for people to spend the money to put in
2 automated systems. So it's 264.195 under Inspections. And
3 I would like to see us not exclude -- and it's also same
4 thing in 265.194 -- I'm sorry, 195, Inspections. And --
5 okay. So the owner operator must inspect at least once
6 each operating day -- this is the new part -- data gathered
7 from monitoring and leak detection equipment.

8 CHAIRWOMAN BEDESSEM: Where is it in here.

9 BOARD MEMBER CAHN: Okay. Where it is in
10 there is in -- right close to where we were, just go down
11 to (vii). No, (viii).

12 CHAIRWOMAN BEDESSEM: Is that on page 19.

13 BOARD MEMBER CAHN: We were on (viii). Go
14 on (viii). It's on 1-20 of the 610 -- it's right in here.

15 MR. THOMPSON: So be (ix), Miss Cahn, right
16 here? I believe that's the one.

17 BOARD MEMBER CAHN: Yep.

18 MR. THOMPSON: Okay.

19 BOARD MEMBER CAHN: So for purposes of 40
20 CFR, inspections of tank systems shall be daily, not weekly
21 inspections.

22 MR. THOMPSON: I think, Miss Cahn, in this
23 case we may actually be more stringent than federal.

24 BOARD MEMBER CAHN: Wyoming is more
25 stringent. And I think the new stuff that was done in 2006

1 is that above portions -- aboveground portions of the tank
2 systems to detect corrosion or release of waste can be
3 weekly if the owner has a leak detection system. And
4 there's performance track member facilities may inspect on
5 a less frequent basis, at least once each month. And
6 ancillary equipment that is not provided with secondary
7 containment must be inspected at least once each operating
8 day. So, to me, to owners or operators of tank systems
9 that either use leak detection systems to alert facility
10 personnel to leaks or implement established workplace
11 practices to ensure leaks are promptly identified must
12 inspect at least weekly those areas described in paragraphs
13 (c)(i) and (c)(ii). Use of the alternate inspection
14 schedule must be documented. This documentation must
15 include a description of established workplace practices.

16 So if somebody has put in performance tracks or,
17 you know, these leak detection systems, then they should be
18 allowed to go to weekly inspections. I think it's a
19 disincentive, if you're still going to make them, even
20 though they've done that, you have to go back out and do it
21 daily, it's a disincentive. And I think those are good
22 systems that should be encouraged. So I think that as it
23 is, it's very -- as RCRA is written, as changed in 2006, is
24 already very conservative and protective. I don't see
25 us -- I don't like the idea of us being even more

1 conservative than that.

2 BOARD MEMBER APPELATE: So you're
3 suggesting that we not have --

4 BOARD MEMBER CAHN: That exclusion.

5 BOARD MEMBER APPELATE: -- that --

6 THE REPORTER: One at a time.

7 BOARD MEMBER APPELATE: Since -- Madam
8 Chair, since we've opened up these rules, we're looking at
9 them. Here's an example where Lorie is pointing out the
10 fact that our increased stringency is perhaps not needed or
11 required, given changes in RCRA that occurred in 2006. And
12 I would concur that if we have -- if we have this
13 opportunity to modify the rules, perhaps that's an area
14 where you guys can think about making the rules less
15 stringent and simply consistent with the Federal Rules.

16 MR. THOMPSON: And one thing, Madam Chair,
17 that comes to mind to me, just because performance track
18 throws a switch, we did not adopt it. If you look in
19 Section 2(b) under Exceptions, we've accepted -- excepted
20 the performance track program, because I believe it was
21 rescinded later on.

22 Wasn't it, Jerry?

23 MR. BREED: It was.

24 MR. THOMPSON: So the performance track
25 side of that is NA, or not applicable. However, your point

1 would still be valid relative to the daily versus the
2 weekly inspections.

3 BOARD MEMBER CAHN: Yeah. And that's
4 really my only significant comment. But I feel really
5 strongly about that, that I don't see -- unless you have a
6 good reason why Wyoming wants to not allow weekly
7 inspections, when you have put in all these extra systems,
8 I don't know of a good reason, then, so...

9 MR. BREED: No, I appreciate your comment.
10 And probably, again, it's from the 2008 rules. So for
11 whatever reason they had -- and this was 2006 so they
12 carried it forward for some reason. And probably didn't
13 take a look at the 2006 to see that was there, so when they
14 did the 2008. So I agree with you, there's no need for
15 people to go out and do additional inspections if it's not
16 necessary. So that's probably where it came from, so I
17 think we can easily probably do that.

18 BOARD MEMBER CAHN: Okay. So that was
19 really my only significant one. Just --

20 BOARD MEMBER APPLGATE: Madam Chair, if
21 that change were made, you would basically not have that
22 paragraph 8. That would be deleted, right, from these
23 rules? You would not need to have that as an exception.

24 BOARD MEMBER CAHN: So on page 1-A-2, the
25 one on inspections would be removed from your table.

1 MR. THOMPSON: That's correct.

2 BOARD MEMBER APPELATE: So my question in
3 terms of --

4 BOARD MEMBER CAHN: And maybe the liquids
5 in the landfill one, two down, would be removed
6 potentially.

7 BOARD MEMBER APPELATE: Are we trying
8 today to move this forward, or are we trying to make
9 changes that you would then come back to us? What is your
10 intent today?

11 MR. BREED: Our intent is to move it
12 forward to EQC, if there's change we can make and get them
13 back, then we can forward it to --

14 BOARD MEMBER APPELATE: You heard the
15 previous discussion, right?

16 BOARD MEMBER CAHN: Let me just finish two
17 more before we get to that.

18 BOARD MEMBER APPELATE: Okay. I thought
19 that was your last one, that we were moving on. That's why
20 I was --

21 BOARD MEMBER CAHN: Those were significant.
22 These are less significant.

23 BOARD MEMBER APPELATE: Okay.

24 BOARD MEMBER CAHN: On 1-A-5 under
25 Monitoring Technology on your Table 1-1. Wyoming is more

1 stringent in that it requires the permittee to use
2 monitoring technology which meets the accuracy requirements
3 set by the director. And I'm just wondering, for examples
4 in Wyoming, what that is.

5 MR. THOMPSON: Would that be the VRP?

6 MR. BREED: Madam Chairman, I think it's a
7 catchall, probably, for us, for our authorization. With
8 EPA we have to have a tank plan, kind of things they review
9 as part of our authorization. I think this is just a
10 catchall phrase that if we have information in there that
11 happens to be more stringent than whatever EPA has in some
12 place, because they're going to be following ours. That's
13 just a guess I think that's where it's coming from. A lot
14 of this stuff is history. There's nobody here today that
15 can tell you what happened. But that's a guess, in my
16 avoidance there. Because the director doesn't have --
17 that's the only place that they would have it, is in
18 something we had --

19 THE REPORTER: I'm sorry?

20 MR. BREED: Sample analysis plan or quality
21 assurance plan.

22 BOARD MEMBER CAHN: Anyways, I was looking
23 for examples, because it's hard to know whether that more
24 stringent requirement is reasonable, unless I have some
25 idea of what it is that -- I mean, you know, the federal

1 code does not contain accuracy requirements for the
2 purposes of monitoring. I mean, that's just --

3 MR. BREED: Yeah, and we've got a lot of
4 more stringent things along the way that we can justify
5 taking out. And maybe this is another one we can take a
6 closer look at.

7 BOARD MEMBER CAHN: I guess I'd like to see
8 a closer look at that.

9 And I have one more on page 1-A-7, the top one,
10 for the professional engineer's certification.

11 MR. BREED: Uh-huh.

12 BOARD MEMBER CAHN: Wyoming is more
13 stringent because it requires professional engineers to be
14 registered in Wyoming. This differs from the EPA phrase
15 qualified professional engineer. And I'm thinking
16 engineering isn't unique to Wyoming. I mean, if it's --

17 BOARD MEMBER APPLGATE: That phrase is
18 correct, because your qualifications as an engineer don't
19 transfer state to state.

20 BOARD MEMBER CAHN: Right. Okay. Okay.
21 Okay. No problem.

22 CHAIRWOMAN BEDESSEM: If I wanted to be
23 registered in California, I'd have to learn about
24 earthquakes.

25 BOARD MEMBER CAHN: I'm just thinking

1 RCRA -- we're fine. Okay. That was all that I had. So
2 now we can have your discussion, Dave.

3 BOARD MEMBER APPELATE: Well, I was trying
4 to, again, think about how to move forward. And I think
5 the easiest way for us to move forward is if you guys are
6 willing to accept the changes that Lorie has proposed. But
7 there was a couple of those that require you looking into
8 it more, so I'm not --

9 CHAIRWOMAN BEDESSEM: But I think --

10 BOARD MEMBER APPELATE: Don't have a great
11 idea how to move forward on it today.

12 CHAIRWOMAN BEDESSEM: My feeling is that
13 this -- the several changes -- potential changes that were
14 pointed out, you're most familiar with your rules, and I
15 believe that -- that for those particular items, that you
16 can go back and look and see if it's appropriate to remove
17 those, because there were the two particular suggestions.
18 And as long as we have a commitment that you'll go look and
19 see if those really are reasonable to leave in or not.

20 BOARD MEMBER CAHN: I would propose that we
21 could have a motion that says if you do those, you can move
22 forward to EQC with them. If you can't do them, then I
23 might want to have more discussion --

24 BOARD MEMBER APPELATE: Come back and
25 explain.

1 BOARD MEMBER CAHN: -- might want to have
2 more discussion on it in terms of understanding why,
3 because they seem reasonable to me.

4 BOARD MEMBER APPLGATE: I agree with you,
5 in particular on the one about tank -- tank inspections.

6 CHAIRWOMAN BEDESSEM: But I thought that
7 was already agreed on. That 's not one of the ones --
8 that's already done --

9 BOARD MEMBER APPLGATE: So what are the
10 two that we didn't necessarily have agreement on?

11 BOARD MEMBER CAHN: Liquids in the
12 landfill.

13 BOARD MEMBER APPLGATE: That was the one
14 we thought there was a logic -- you thought there was a
15 logical disconnect. And the other one just talked about,
16 which was the monitoring -- accuracy of monitoring?

17 CHAIRWOMAN BEDESSEM: Right. Whether
18 that's a remnant or not.

19 MR. BREED: Okay.

20 CHAIRWOMAN BEDESSEM: Those particular
21 items, alternatively you can look at them and come -- you
22 know, via e-mail let us know how that's being resolved.

23 BOARD MEMBER CAHN: Well, I would say -- I
24 would make a motion that's a conditional approval to go to
25 EQC. The monitoring one can -- that's in a different

1 category, because we don't understand that one. We don't
2 know what the examples in Wyoming are. If there are no
3 examples in Wyoming, then get rid of it and we go forward.
4 If there are examples in Wyoming, then I would like to know
5 if it's reasonable -- you know, if those are -- I'd like to
6 know what they are to know whether that's a reasonable
7 exclusion or not, so then come back. So I guess I would
8 make a motion that's contingent on you agreeing that you
9 can make those changes, make those changes and go on to
10 EQC. If you can't, then come back to us.

11 BOARD MEMBER APPELATE: So, Lorie, before
12 I -- as you're kind of talking through what a possible
13 motion might be, when you say make those changes, what --
14 what is the nature of the change which, in your mind, would
15 allow it to move forward? Like a deletion of those two?

16 BOARD MEMBER CAHN: Yes, a deletion of the
17 exclusions, so they're not included.

18 BOARD MEMBER APPELATE: So there were two
19 items that you brought up that, in your mind, could have
20 been deleted. One was the sentence about -- the reference
21 about the liquid -- the reference about liquids in
22 landfills.

23 BOARD MEMBER CAHN: Uh-huh.

24 BOARD MEMBER APPELATE: The other was this
25 more stringent requirement regarding monitoring accuracy.

1 BOARD MEMBER CAHN: Well, no,
2 inspections --

3 BOARD MEMBER APPELATE: That one they've
4 agreed to --

5 BOARD MEMBER CAHN: Oh, okay.

6 CHAIRWOMAN BEDESSEM: The other two were
7 the ones that are still being looked at.

8 BOARD MEMBER APPELATE: I'm going to try
9 to make a motion to that effect.

10 CHAIRWOMAN BEDESSEM: You can make a motion
11 with all these included, okay, because they had agreed on
12 it first.

13 BOARD MEMBER APPELATE: So the motion is
14 that -- I move that we forward -- that we approve these new
15 rules and regulations on hazardous waste and move them
16 forward to the EQC contingent upon our three specific
17 comments resulting in the exclusion or deletion of those
18 elements from the current reg from the proposed rule.

19 BOARD MEMBER CAHN: And I would add to that
20 motion reformatting carets.

21 CHAIRWOMAN BEDESSEM: Right.

22 BOARD MEMBER APPELATE: Yes.

23 BOARD MEMBER CAHN: I second.

24 MR. THOMPSON: And, Madam Chair, may I make
25 a request too?

1 CHAIRWOMAN BEDESSEM: Uh-huh.

2 MR. THOMPSON: Since the caret issue, there
3 could be some gray there. Would the Board be willing to
4 review said revised rules prior to the EQC and give us some
5 feedback on said rules?

6 BOARD MEMBER APLEGATE: I guess that would
7 be -- that would be like having Lorie sort of interim --
8 the best person to do would be Lorie, just kind of look at
9 the carets and see if that met your intent.

10 BOARD MEMBER CAHN: If we could consider
11 that a nontechnical issue, but an --

12 CHAIRWOMAN BEDESSEM: Uh-huh.

13 BOARD MEMBER CAHN: -- editorial issue,
14 ease of use?

15 CHAIRWOMAN BEDESSEM: We can do that.

16 BOARD MEMBER CAHN: It's okay. I've been
17 used before by DEQ to do that. So if you guys are okay
18 with it, I'm willing to take my time to do that for them,
19 because I know they don't want to look at them.

20 MR. THOMPSON: Thank you, Miss Cahn.

21 MR. BREED: Thank you.

22 MR. THOMPSON: I want to make sure we get
23 it right.

24 BOARD MEMBER CAHN: And then electronically
25 works best, then I can search for quotes and carets.

1 CHAIRWOMAN BEDESSEM: Okay.

2 BOARD MEMBER CAHN: I can -- I was going to
3 say second.

4 CHAIRWOMAN BEDESSEM: Yeah. You're just
5 really anxious now.

6 Okay. We have a motion. We have modification to
7 that motion. I'll bring that to a vote.

8 BOARD MEMBER CAHN: Did we have anybody
9 from the public that --

10 UNIDENTIFIED FEMALE: No. I'm with DEQ.
11 I'm fine.

12 CHAIRWOMAN BEDESSEM: And the previous
13 person we checked was not involved with this particular
14 rule, so let's bring it forward for a vote.

15 All those in favor of approving to move this rule
16 package on with those conditions, say aye.

17 BOARD MEMBER APPLGATE: Aye.

18 BOARD MEMBER CAHN: Aye.

19 CHAIRWOMAN BEDESSEM: Aye.

20 MR. THOMPSON: Thank you.

21 CHAIRWOMAN BEDESSEM: None opposed.

22 BOARD MEMBER CAHN: You guys did excellent
23 job.

24 MR. THOMPSON: Thank you. Thank you for
25 your time.

1 BOARD MEMBER CAHN: Is the meeting
2 adjourned?

3 CHAIRWOMAN BEDESSEM: The meeting is
4 adjourned.

5 (Meeting proceedings concluded
6 1:43 p.m., July 25, 2014.)

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C E R T I F I C A T E

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

Dated this 3rd day of September, 2014.

KATHY J. KENDRICK
Registered Professional Reporter