

IN RE: WATER QUALITY DIVISION

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1 MR. FREDERICK: Thank you, Madam Chair.

2 We have essentially three actions we're bringing
3 before the Advisory Board today, and we will be starting
4 out with essentially one that is primarily a rule
5 streamlining effort in accordance with the governor's
6 directive. This one is relatively straightforward and
7 essentially involves combining Chapter 6, Salinity
8 Standards, criteria for the Colorado River Basin, into
9 Chapter 2, permit regulations for discharges to Wyoming
10 surface waters.

11 I think the proposed changes that we're offering
12 here today for your consideration are fairly
13 straightforward and justifiable. And I'll ask
14 Bill DiRienzo, our section manager for our Surface Water
15 Discharging Program, to give you a little bit of overview
16 on what we're proposing to do here and be available to
17 answer any questions you might have.

18 CHAIRWOMAN BEDESSEM: Kevin, may I also ask
19 that -- that as you go through what you have on the agenda
20 and you say we have this and this proposed action, if you
21 would explain what action you're looking for as far as, you
22 know, we're interested in a vote today to move this forward
23 or not --

24 MR. FREDERICK: Absolutely.

25 CHAIRWOMAN BEDESSEM: -- for each item so

1 we know what stage they're at and what your expectations
2 might be of the Board.

3 MR. FREDERICK: Sure.

4 CHAIRWOMAN BEDESSEM: Thank you.

5 MR. FREDERICK: For this first proposed
6 revision we're asking the Advisory Board to move and
7 approve the proposed revisions before the Environmental
8 Quality Council with a vote from the Board.

9 CHAIRWOMAN BEDESSEM: Thank you.

10 BOARD MEMBER CAHN: Can I ask a question?
11 So I had a clean version in my packet and a strike and
12 underline of Appendix O.

13 MS. THOMPSON: Yes.

14 BOARD MEMBER CAHN: As I walked into the
15 board meeting, I was given this.

16 MS. THOMPSON: Yes. The clean version, all
17 the modifications had been made. And in the strike and
18 underlined version we had some cross-references with typos
19 that they were fixed, and they were -- they're correct in
20 the clean version; however, they were not clearly called
21 out in the strike and underline version. So the flags are
22 the cross-references it calls out in strike and underline.

23 BOARD MEMBER CAHN: Okay. So if we quickly
24 look through in two minutes what's flagged, we should be
25 able to see all the other changes that weren't in our

1 redline/strikeout version?

2 MS. THOMPSON: Yes.

3 BOARD MEMBER CAHN: Great. Thank you.

4 CHAIRWOMAN BEDESSEM: And they're all just
5 cross-references?

6 MS. THOMPSON: Yes, or fixing typos. There
7 are -- and Bill will explain this in detail, but there are
8 things like we referenced a subsection that didn't exist,
9 because it was the subsection above that we meant, or we
10 called it out 1, 2 and 3, but we called it out Arabic
11 numerals instead of Roman numerals, that kind of thing.

12 BOARD MEMBER CAHN: Okay.

13 CHAIRWOMAN BEDESSEM: Thank you very much.

14 MR. DIRIENZO: Madam Chair, my name is
15 Bill DiRienzo. I manage the discharge permitting program
16 for DEQ water.

17 And as Kevin has indicated, this is a pretty
18 simple, straightforward action that we're taking. We
19 are -- essentially Chapter 2 contains all of the permitting
20 processing and conditioning regulations for surface
21 discharges in the state. The main body of the chapter
22 contains general provisions for the different types of
23 permits, general permits, things like that. And the
24 proc -- and all of the processing and public notice
25 requirements. And then in the chapter are numerous

1 appendices that contain additional conditions for specific
2 categories of discharge, such as coal mining, oil and gas,
3 municipal discharges and things like that, all except
4 for -- well, and then Chapter 6 was a separate chapter that
5 contained specific permitting conditions that applied for
6 discharges in the Colorado Basin. We think it's
7 appropriate to add that as an appendix in Chapter 2 so that
8 all of the permitting conditions are in that one chapter.

9 And that is essentially what we've done here. We
10 took Chapter VII, which is only a two-page chapter, as it
11 is now, and attached it pretty much in its entirety with a
12 few revisions -- a few clarifying revisions -- as Appendix
13 O. And those things that we changed, we dropped the first
14 line specifying the authorities, because that is already
15 contained in Chapter 2, Section 1.

16 We dropped the definitions for salinity and TDS,
17 because we don't think that they are necessary in this
18 chapter. Those are commonly understood terms. They're
19 used throughout the other parts of Chapter 2. Having
20 separate definitions for them in this appendix might give
21 an application that somehow salinity and TDS means
22 something different here. So we dropped those out.

23 And then the final change we made in Chapter 6 --
24 presently it just references the policy for implementation
25 of the Colorado Basin Salinity Standards, when, in fact, in

1 the -- in the -- in the salinity forums documents there are
2 really three NPDES policies; one general policy which is
3 the basic one we apply, and then two smaller policies that
4 may be applied in certain circumstances; one for
5 intercepted groundwater, one for fish hatcheries. And in
6 this, we -- rather than just having a general reference, we
7 specified those three different policies, along with the
8 dates, so that if any -- if the forum, for instance, would
9 amend any of those, well, we would then need to come back
10 and adopt them with their amendments.

11 And that is the essential -- those are the
12 essential changes, except for the typos -- the typographic
13 errors that we also changed. And I can go through those,
14 and those are all marked --

15 BOARD MEMBER APPELATE: I don't think we
16 need --

17 BOARD MEMBER CAHN: Yeah, we don't need to.

18 MR. DIRIENZO: Okay. They are typos.

19 CHAIRWOMAN BEDESSEM: Yes.

20 MR. DIRIENZO: And that is about all. If
21 you have any questions, I'll be happy to answer you.

22 BOARD MEMBER CAHN: I only have one minor
23 comment. In my redline/strikeout version of Appendix O, at
24 line 8022. It looks like in front of the word "the"
25 there's a period.

1 MR. DIRIENZO: Yes.

2 BOARD MEMBER CAHN: So that's my only
3 comment.

4 MS. THOMPSON: Oh, okay. I see.

5 CHAIRWOMAN BEDESSEM: Uh-huh.

6 BOARD MEMBER APPLGATE: Madam Chair, I
7 would move that we accept the proposed changes and forward
8 this regulation change to the Environmental Quality
9 Council.

10 BOARD MEMBER CAHN: I second.

11 CHAIRWOMAN BEDESSEM: All those in favor.

12 BOARD MEMBER CAHN: Aye.

13 BOARD MEMBER APPLGATE: Aye.

14 CHAIRWOMAN BEDESSEM: None opposed. I
15 guess I should have said aye.

16 Then you can move your changes to Chapter 2 and
17 Chapter 6 forward to the EQC.

18 MR. DIRIENZO: Thank you.

19 CHAIRWOMAN BEDESSEM: How many -- do you
20 actually get a reduction in number of pages as far as --

21 MS. THOMPSON: We got a partial reduction
22 because of the elimination of those definitions.

23 CHAIRWOMAN BEDESSEM: So it's helping to
24 reduce your regulatory volume.

25 MS. THOMPSON: We were supposed to reduce

1 in number and volume of pages, so we've removed a chapter,
2 and also lost part of those definitions, so it was a
3 partial, so...

4 CHAIRWOMAN BEDESSEM: Uh-huh. A step in
5 the right direction. Okay. Thank you, Bill.

6 MR. DIRIENZO: Thank you.

7 MS. THOMPSON: I'd like to note for the
8 record, also, we did not receive any written comments
9 regarding this proposed change, so...

10 CHAIRWOMAN BEDESSEM: Thank you.

11 MR. FREDERICK: Thank you, Madam Chair,
12 members of the Board.

13 CHAIRWOMAN BEDESSEM: I'm sorry. I had one
14 last question. As far as written comments, were those
15 supposed to end today?

16 MS. THOMPSON: Unless you extended the
17 comment period, then yes. There -- they would be allowed
18 to submit them up through today, or if anyone came and
19 wanted to submit them in person.

20 CHAIRWOMAN BEDESSEM: That's why I wanted
21 to just double-check here --

22 MS. THOMPSON: Yes.

23 CHAIRWOMAN BEDESSEM: -- to make -- to,
24 first of all, see if there were any members of the public
25 here today that were interested in making any comments.

1 How about any other rules that are going to be
2 discussed today that anyone might be interested in? I just
3 want to know if we will have public testimony today.
4 Anyone?

5 MR. DRINNON: Chapter 25.

6 CHAIRWOMAN BEDESSEM: So we have potential
7 for public comment on Chapter 25.

8 Any other rule, which we've got --

9 BOARD MEMBER APPLGATE: Is 21 going to --

10 CHAIRWOMAN BEDESSEM: Yeah.

11 MS. THOMPSON: I guess --

12 THE REPORTER: One at a time, please.

13 CHAIRWOMAN BEDESSEM: So the request from
14 the Board was to move from easiest to harder, and whether
15 we could discuss Chapters 11 and 21 prior to 15 and 25 so
16 that we can also accommodate public comment as well.

17 MS. THOMPSON: Yes. And the 11 and 21 that
18 we'll be discussing next, also similar to Chapter 2 and 6,
19 also a streamlining effort on our behalf, on our effort --

20 CHAIRWOMAN BEDESSEM: So if you were
21 amenable to that, we'd like to --

22 MS. THOMPSON: Yes.

23 CHAIRWOMAN BEDESSEM: -- change that order.

24 Thank you.

25 MR. FREDERICK: Madam Chair, members of the