

061413 DEQ hrng chapter 15 revisions

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BEFORE THE WATER AND WASTE ADVISORY BOARD
STATE OF WYOMING

HEARING TO DISCUSS PROPOSED REVISIONS TO WATER QUALITY
RULES AND REGULATIONS CHAPTER 25 FOR REVIEW BY THE WATER
AND WASTE ADVISORY BOARD

TRANSCRIPT OF HEARING PROCEEDINGS

Transcript of Hearing Proceedings in the above-entitled matter before the Water and Waste Advisory Board, commencing on the 14th day of June 2013 at 9:40 a.m. at the Oil and Gas Conservation Commission Building Hearing Room, 2211 King Boulevard, Casper, Wyoming, Ms. Marjorie Bedessem presiding, with Board Members Mr. Calvin Jones and Ms. Lorie Cahn in attendance. Also present were Mr. Kevin Frederick, Mr. Rich Cripe, Mr. Frank Strong, Ms. Gina Johnson and Mr. Bill Tillman from DEQ.

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P R O C E E D I N G S

(Hearing proceedings commenced
9:40 a.m., June 14th, 2013.)

CHAIRMAN BEDESSEM: So, Kevin Frederick, our new water quality division administrator, if you'd like to introduce your staff.

MR. FREDERICK: Thank you, Madam Chairman. Good morning, members of the board. We have with us here

9 today Rich Cripe, who is our manager for the water and
10 wastewater section in Cheyenne, Gina Johnson, who works
11 with Rich and his group. And they have been instrumental
12 in assisting, developing this draft rule for your review
13 today. And on my right, Frank Strong. Frank is an
14 engineer that works with Rich Cripe.

15 I think, first of all, we would like to take a
16 few minutes to review with the board, Madam Chairman, the
17 process that the water quality division has undertaken in
18 developing this draft regulation and give you a little
19 background on what the rule, draft rule, at least is
20 intended to accomplish. And after Gina's review of the
21 process that we've gone through, Frank Strong will
22 provide a presentation and general overview of the draft
23 regulation, kind of review with you the highlights of the
24 rule.

25 MS. JOHNSON: So, back on the 26th of
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1 April, we sent out -- we sent to each of you a bound
2 package, and we also published to our website a
3 version -- or, a draft version of our Chapter 25. We
4 have a clean version in there and a strike-and-underlined
5 version and analysis of stakeholder comments that we took
6 earlier in the year. We sent out a letter to a group of
7 stakeholders inviting comments on a draft that we had
8 ready in February. We got quite a few helpful comments,
9 and so we incorporated those changes and sent you the
10 analysis of comments from that stakeholder period.

11 And then on the 12th, we -- by that time, we
12 had received our public notice comments. And that notice
13 that we sent on April 26th, we requested that if parties
14 were wishing to do a written comment, that they send them
15 in advance so that we could discuss those with you today
16 and be prepared to have a good answer to any comments we
17 received.

18 So, on June 12th, we sent -- we e-mailed you a
19 copy of that analysis of comments and also a new version
20 of Chapter 25 which had incorporated a lot of those
21 suggestions. There was a clean copy and a strike-and-
22 underlined copy. And then today we will be giving you
23 yet another copy of Chapter 25 which will -- Frank will
24 go over in his presentation. It really compares the
25 April version to the June version, whereas the current
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1 strike-and-underlined versions are comparisons of changes
2 to the existing rule as it's currently promulgated.

3 So I apologize for the intense volume of paper,
4 and hopefully we'll be able to be as clear as possible so
5 it's not confusing.

6 CHAIRMAN BEDESSEM: So the April to June
7 comparison will be a new handout?

8 MS. JOHNSON: Yes. I will hand those out
9 when he is ready to go. It's just one more bit of paper.

10 MR. FREDERICK: Thank you, Gina. Frank?

11 MR. STRONG: Okay. As Gina said, we
12 apologize for an extra piece of paper, but it's going to
13 make it very easy for you to see what changes we made
14 from the public comment period. I think that was the
15 critical thing for everybody to see and be able to view.

16 I'm going to go through hopefully a brief
17 presentation. I'm trying to be fairly thorough and cover
18 questions to explain why we did the changes we did. Of
19 course, if you have any questions feel free to ask at any

20 time. And we'll get this started.

21 MS. CAHN: Let me just ask a question
22 about this, what has just been handed out. The red-line
23 strikeout on here is now from the rule that was in the --
24 the proposed rule that was in our packet? So this is
25 changes between those two? I'm getting lost.

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1 MR. STRONG: It's a comparison to the 4/26
2 version we sent out for public comment that you guys
3 received to the changes we're proposing from the public
4 comment period and the responses we got.

5 MS. JOHNSON: Normally when we prepare a
6 strike-and-underline version, it's in response to the
7 rules-on-rules requirement. And you show your
8 strike-and-underline and compare it to the existing rule,
9 and we just had a lot of changes in that period. It was
10 confusing.

11 MS. CAHN: I appreciate that. I just
12 needed to make sure I understood what I have. But I
13 think that's a good way to present it. Because there's
14 so many changes from the original rule that the whole
15 thing would be red-line strikeout. So it's good. I just
16 have to understand it.

17 MR. STRONG: As you just commented, this
18 is a pretty complete revision of this chapter. It was
19 originally promulgated in '84. A lot of things have
20 changed in that time frame, and we needed to update it
21 and to get the form better. One of the first things we
22 did was reorganize the section to kind of follow the
23 design process. The old 25, which were the old Chapter
24 11, Part D, it kind of jumped around a little bit, so we
25 tried to streamline the process.

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1 We did add quite a few sections. The old
2 Chapter 25 consisted of about 26 pages. The new 25
3 consists of 43 pages. The additional pages came from a
4 variety of sources. What we ran into is we have to pull
5 a lot of stuff from Chapter 11 that was not included in
6 Part D into 25 to make it a complete document. When 25
7 was pulled out, it had to be pulled out as is, as exactly
8 as it was in Part D. So some of the stuff that I'll go
9 through had to be pulled back over.

10 Section 1 was added. Section 3, the
11 definitions were expanded by three additional pages. We
12 had to add Section 5, which provides alternative systems.
13 We added in -- and I'll go through more of these in
14 detail in the future -- or, through this presentation.
15 Section 12 was added, another page. 16, greywater, was
16 seven pages. So we have some pretty large additions to
17 this section -- or, to this chapter. Section 15,
18 operation and maintenance, and then Appendix B was added.

19 So what I'm going to do now is kind of go
20 through each section, talk about why we did the changes
21 we did for the 4-26 version and then talk about the
22 changes we made to the 4-26 version. And hopefully
23 everybody will stay on the same page.

24 Section 1, the authority, when 25 was pulled
25 out, we actually had no authority to do any of this stuff

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1 because that was still left in Chapter 11. So we had to
2 get that included into this regulation -- or, in this
3 chapter. Section 2, objective, which was the old Section
4 1 in Chapter 25, basically we added some clarification

5 for when a PE is required for the design of these on-site
6 wastewater systems. The ones we included was advance
7 system, system with high strength wastewater and standard
8 drain fields with perc rates over 60 minutes per inch.

9 We got a few comments in this area, and we
10 realized we needed to clarify a few things. We revised
11 some of the descriptions and the definitions for the
12 on-site wastewater system to make it clear that it's for
13 systems that are 2,000 gallons or less. And then we had
14 to remove the word "average" in there. We had it
15 referred to an average of 2,000 gallons per day. And
16 actually, it's a maximum. These systems are designed for
17 the max day, so the permit is based off that.

18 We had advanced system listed in this section,
19 and that actually is not referenced anywhere else in the
20 regulation. It was part of the iteration we went through
21 trying to address all these things. It got left in. We
22 needed to get it removed.

23 In doing the review and getting the comments,
24 we realized we left out an area where PE is needed, and
25 that's for commercial and industrial facilities that

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1 produce nondomestic waste. There are still some out
2 there that kind of fall into our regulations. We didn't
3 have it clearly defined what we needed to do. And then
4 we inserted the final paragraph there, which is another
5 carryover from Chapter 11, which actually establishes
6 that permits are required. We did not have that in the
7 4-26 draft. We needed it in this one.

8 Section 3 is definitions. This has been
9 expanded greatly to include the definitions we needed for
10 greywater, for effluent devices and for clarification.
11 We had a lot of terminology in this chapter that the
12 homeowners and the regulators weren't quite sure what it
13 meant, so we needed to make sure we were all on the same
14 page. We did make some revisions based off the comments
15 of this section. Obviously, advanced treatment had to be
16 removed.

17 We have a question?

18 MS. CAHN: Where's the effluent devices
19 definition?

20 MR. STRONG: It wasn't a definition for
21 effluent devices. It was a definition for the components
22 that are part of that. We really didn't have anything in
23 the old 25 that said how you got the effluent from the
24 septic tank to the drain field. And if you notice here
25 on my slide presentation, like I say, line 30, line 11,

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1 that kind of gives you a quick reference on how to get to
2 where these changes were made.

3 Advanced treatment had to be removed because we
4 did not have it established anywhere. In the mulch basin
5 definition, we kind of had a duplicate word that needed
6 to be removed. Pathogens, definition for pathogens was
7 added to this Section 3. And that's in response to
8 revisions we made to Section 6 I'll talk about here in a
9 little bit. A permit by rule definition was added. This
10 was needed for Section 9. We allowed applying of seepage
11 from septic tanks in remote areas as a permit by rule
12 when we did not have it defined.

13 Pretreatment was removed. That was a carryover
14 from old 25. It referred to septic tanks and everything
15 as pretreatment. We've gone to more of a plain language,

16 calling them septic tanks, calling them grease traps. So
17 that needed to be removed. The restrictive layer
18 definition was revised to remove the frozen layer and the
19 thermal property. That was just providing more
20 confusion. And we don't want to have anything solid in
21 frozen layers, anyway.

22 Service provider definition was revised to
23 remove advanced treatment from its definition. And
24 finally, we did some clarification of the soil absorption
25 system just to make it clear, most notably, going to the

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1 plain language, saying we're not going to apply
2 pretreated wastewater to the drain field. We're going to
3 apply the effluent from the septic tank. Just plain
4 language, simple language. One thing that we kind of
5 lost focus on a little bit is this regulation is used by
6 homeowners extensively, and we needed to make sure we
7 keep it with the plain language for the people that are
8 utilizing it.

9 Section 4, design flows, here we did a lot of
10 update on the flows. The flows were originally
11 established in 1984. Obviously we've seen a trend of
12 lower water use through the -- since that time. All the
13 new flows are based off water and waste -- or, excuse
14 me -- Wastewater Engineering Treatment and Reuse by
15 Metcalf and Eddy. That's kind of the standard in the
16 wastewater industry. They're based on the low rates for
17 residential and the typical flows for nonresidential.

18 One of the other things we did, we got a lot of
19 good comments from our stakeholders. They had a lot of
20 concern with unfinished basements. When they get built
21 out, how does that impact the on-site wastewater system?
22 So we added the requirement that any unfinished basement
23 counts as two bedrooms so they have some cushion for when
24 the home grows or it gets remodeled.

25 We got two comments that needed to be addressed

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1 during our public comment period. Mobile home flows had
2 to be revised. They were based off the unit as a mobile
3 home, and they were low. After much discussion and
4 seeing that there's such a variance in sizes these days
5 in mobile homes, where in the past it was the three
6 bedrooms, and now you can get double-wides, triple-wides,
7 whatever the case may be, so we're now basing the flows
8 from the mobile home on the bedrooms, just like a
9 residential unit. The other item added to Table 2 is
10 restaurants, kitchen waste only. And that's used for
11 sizing the grease traps. We did not have that, so our
12 grease traps would have been oversized.

13 Section 5, this was a section that was carried
14 over from Chapter 11. This allows for alternative
15 designs, as opposed to traditional rock and pipe or the
16 chamber systems.

17 Section 6, site suitability, language was
18 clarified, and this was reorganized to make it flow
19 better. We had added a minimum horizontal setback for
20 public water wells and cisterns to on-site wastewater
21 systems, and then we have, for areas of tight residential
22 construction or limited space, the ability to do a
23 hydrological study to reduce that setback.

24 We've gotten a few comments on this. One of
25 the comments we got was we require vertical separation to

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1 any restrictive layer or highly permeable layer. For
2 separation at the bottom of our soil absorption system,
3 it got pointed out that fractured rock doesn't always get
4 considered and can cause some problems. So we added that
5 in. On the table, we clarified it to make sure that
6 everybody understands it's a public water supply well, as
7 opposed to a public water irrigation well or whatever the
8 case may be.

9 We got a lot of concern, a lot of comments in
10 regards to our 600, 300-foot setback for public water
11 wells to on-site wastewater systems. People understood
12 the concept, but they were concerned about small wells.
13 We took a step back and relooked at it, and we've added
14 in a new requirement that takes place for that which
15 requires additional treatment for an on-site wastewater
16 system that's located within Zone 2 of the public water
17 well. What this does is it still allows, you know, I'll
18 say urban construction around public water wells, the
19 small acreages, the three-, the five-, the ten-acre
20 tracts that get built up. They provide additional
21 treatment to ensure they don't contaminate the public
22 water well. And that was something we were very
23 concerned about.

24 To give you an example of what a Zone 2 zone
25 would look like for a public water well, there is a good

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1 example of a source water assessment that was done for
2 Chugwater, Wyoming. This red dot here are the two wells
3 they have. And this dark blue -- it comes out blue on
4 everybody's screen -- is the Zone 2. This is the
5 two-year travel time for water to that public water well.
6 This was pulled primarily from the wellhead protection
7 guidance document that was put together by Wyoming DEQ
8 that clearly states that you should not have any sources
9 of potential contamination within these zones. That's
10 where that two-year, that Zone 2 came from. It's going
11 to provide protection for the public water wells that we
12 think is drastically needed.

13 MS. CAHN: I need to ask again if people
14 in the back can hear Frank.

15 MR. STRONG: Do I need to move the
16 microphone closer?

17 MS. CAHN: Just a little closer.

18 MR. STRONG: The next section, drain field
19 sizing, this replaces the soil absorption system in the
20 old Chapter 25. It was expanded to clarify to give
21 better steps, better information for people using it and
22 provides a better description and requirements for
23 determining the absorption area.

24 We do allow -- continue to allow a sidewalk
25 credit for trenches, but it's been limited to twelve

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1 inches. And we also converted the loading chart based
2 off the perc rate from a graph that sometimes
3 interprets -- how people view it or how people
4 interpolate it came into question, and we converted it to
5 a simple table so it's easier to determine your loading
6 rates.

7 We got a few comments in this area. The one
8 area -- or, the one item we missed or overlooked, there
9 was a policy in place that allowed for a reduction in the
10 bottom area, requirements for infiltrators that did not
11 get included in the 4-26 draft, and we needed to get it

12 included in this one.

13 If I'm going too fast, please tell me. I don't
14 want to keep you guys here all day.

15 THE REPORTER: You're going too fast.

16 MR. STRONG: I will go slower. I

17 apologize.

18 Section 8, building sewer pipes, basically we
19 updated to reference the current plumbing code. Had been
20 referencing an outdated code for some time. We updated
21 the allowable pipe that can be used on these on-site
22 wastewater systems. And the other thing we did was start
23 requiring cleanouts at the deflections and connections
24 going from the home to the septic tank or from the septic
25 tank to the drain field.

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1 Section 9, septic tanks and other treatment, we
2 combined two sections from the old Chapter 25, the
3 pretreatment and holding tanks, just combined them into
4 one area. We updated the size for septic tanks based off
5 the revised design flows and the 36-hour retention time.
6 We had a section in there for mobile units. It was
7 removed and is now covered under Section 5 and requires a
8 PE. And the final thing we did was do some revisions to
9 the pump tank table to make it easier to understand
10 what's going on. We know we've gotten some confusion in
11 that area.

12 In addition, we updated the requirement for
13 grease interceptors and sand interceptors into this
14 regulation. Configuration requirements were added.
15 Additional retention times were added and things updated,
16 car washes. All this was trying to update it to more of
17 the current standards or the current things that are out
18 there.

19 The other thing we did for grease interceptors
20 is we started to require an effluent sampling point. So,
21 if we have an issue where a leach field is filling or
22 something like that, it can be easier to identify what
23 the issue is.

24 The comments we got did create a few revisions
25 that we feel were needed. The first one was in regards

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1 to the tank -- excuse me. The septic tank size, as I
2 stated earlier, we looked at doing it based off a 36-hour
3 retention time. We got some concerns that may be too
4 little of retention time. We did some more research.
5 And based off the EPA manual, we realized that we weren't
6 providing adequate retention time when the tank is full
7 of sludge. EPA recommends you have 24-hour retention
8 time when the tank's half full. Obviously we weren't
9 doing that with 36. It's pretty easy to do the math. So
10 we need a 48-hour retention time. We did those
11 revisions.

12 The liquid depth requirements for the tanks was
13 clarified. The way it was written, it appeared that it
14 only applied to the multi-compartment tanks and not the
15 single-compartment tanks. So I moved it down to line C
16 so it shows that it's a requirement for both.

17 The other item we did is with regards to
18 baffle, a slide show I'll show here in a little bit. The
19 depth requirements for the baffle is to prevent scum from
20 migrating to the soil absorption field or the solid to
21 migrate to the absorption field and were revised to
22 perform better.

23 And what we're talking about here is how far
24 the baffles extend down below the liquid water level.
25 Before we had it to be a one-third, but now it's based

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1 off -- I apologize. I lost the number in my head -- to
2 extend 30 to 40 percent down into the liquid level.
3 This, once again, was based off the EPA manual for
4 on-site wastewater system. Hopefully it makes our system
5 perform better and operate better.

6 MS. CAHN: Will this graphic be available
7 on the website, then? Because I find it useful to have a
8 graphic that's a little -- you know, this isn't my area
9 of expertise. I'm trying to follow along without a
10 graphic. And it's probably not appropriate to put the
11 graphic in the rules, but maybe on the website.

12 MR. STRONG: Actually, what we do, once
13 these rules are established, we prepare design packets
14 for the homeowners to use, which has graphics, which has
15 charts and stuff to help with their calculations. So we
16 will have those, yes.

17 MS. CAHN: Okay. Thanks.

18 MR. STRONG: Section 10, effluent devices.
19 This has been expanded and a new component added to it.
20 One of the major changes we did is we required that
21 distribution box and flow divider tees will be allowed
22 into the -- to distribute effluent to the drain field or
23 the soil absorption field. The reason that is is these
24 flow dividing tees and these distribution boxes promote
25 even distribution of the effluent across the drain field,

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1 where previously with the straight tees, if the pipe
2 isn't laid perfectly level or have any settlement, all
3 the effluent goes to one row of chambers or pipe, and it
4 doesn't get anywhere else.

5 And I have some examples here. On the left,
6 you can see the flow divider tees, and they just have
7 some baffles in there to help distribute the flow evenly,
8 and then on the right, a distribution box. We did get a
9 lot of comments in support of this from the counties.
10 There's counties up in -- Lincoln County, Teton County
11 pretty much use these exclusively to have a better
12 performance of their system. So we definitely feel this
13 is a good thing.

14 Section 11, standard drain field systems. We
15 updated for chamber systems. There's been a policy in
16 place for numerous years allowing chambers to be
17 installed in Wyoming. Previously regulation did not
18 address it, so we updated to include those requirements.
19 We added a new requirement making the maximum depth of
20 the drain field to be five feet. That is needed to
21 promote aeration of the on-site wastewater system, which
22 is essential for treatment.

23 The sand mound system that was in here has been
24 moved to its own section. And the evapotranspiration
25 beds were removed. They just don't get installed. They

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1 don't get used. They weren't needed for this chapter
2 anymore.

3 Section 11, the comment revisions we had, we
4 needed to do a clarification. We had a typo. On the bed
5 sidewalls for bed systems, we had a statement saying they
6 shall be more than three feet. And actually, it should
7 be shall not. And I have a little graph kind of showing

8 you what that is. And what we're saying is, from this
9 distribution pipe right here, this is a nice cross-
10 section. The largest this distance can be is three foot
11 to count towards your bed area. It got overlooked. We
12 read it, and it said what we thought it did.

13 MS. CAHN: Thank you. You've just
14 addressed one of my comments.

15 MR. STRONG: Hopefully we can get more of
16 them addressed.

17 Section 12, pressure distribution systems, this
18 is a new section that was added in. In the past, it was
19 a requirement to have a PE involved to do a pressure
20 distribution system on an on-site wastewater system.
21 This section establishes the requirement so it can be
22 designed -- can be dealt with a design package and not
23 require an outside consulting engineer to be involved.
24 And we are working on the design package. We are just
25 waiting to see how this meeting goes before we finalize

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1 it.

2 Section 13 is essentially a repeat. This was
3 expanded and included so we can have effective designs
4 without a consulting PE. We established a maximum bed
5 width of 25 feet. Once again, that's needed to promote
6 aeration of the system. If it gets too far out, you end
7 up with an anoxic zone in the center of your bed, which
8 doesn't provide good treatment. We are developing a
9 design package at this time, too.

10 Section 14, small wastewater lagoons, this is
11 what we had much debate on if it was needed. It
12 absolutely is. We're adding some new requirements that a
13 minimum acreage of three acres is needed for a lagoon.
14 The property has to be three acres in size, cannot be
15 constructed in a hundred-year flood plain. Then we
16 removed a factor statement that was in the equation for
17 determining the size of lagoons. We had a factor of 1.3
18 that was included in the calculation. This was resulting
19 in oversized beds -- or, excuse me -- oversized lagoons.
20 And homeowners were actually having to turn on their
21 garden hose to fill the lagoon to maintain level. That's
22 not what we want. That's a waste of water. So we've
23 corrected that.

24 Privies, Section 15, it was clarified, cleaned
25 up a little bit. And we still are continuing to require

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1 permit for construction for these. These things do need
2 to be regulated. It is wastewater. And there's a few
3 bugs in those things. We did have one revision from our
4 comments on privies. The way it was written, it was
5 inferred that unsealed privies that require permits can
6 still be constructed. So we added in a requirement
7 saying that they -- all privies shall be sealed,
8 watertight walls.

9 Section 16, greywater, this is by far the
10 biggest revision we had to this regulation, and it had a
11 lot of discussion and debate. Basically, we're expanding
12 this section to replace the current policy. Greywater
13 was really only referenced in the old regs under privies
14 and chemical toilets, saying basically you still have to
15 treat it as wastewater and do an on-site wastewater
16 system.

17 We are requiring a permit to construct for
18 these systems. Greywater, yes, is not toilet water. It

19 is not blackwater, but there's still quite a few bugs and
20 potential health issues associated with it. We
21 definitely felt that needs to be regulated. We have
22 procedures for estimated flows so homeowners can
23 establish how big an area they need. Does allow for
24 irrigation of food crops. This is allowed in Chapter 21
25 on reuse. The normal requirement is that the crops

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1 cannot be harvested for 30 days after greywater
2 irrigation. We do allow for surface irrigation. With
3 greywater, we do have a requirement that it has to be
4 disinfected to a level of less than 200 count per 100
5 millimeters.

6 The final item that we had a lot of debate on
7 was spray irrigation. We do not feel that spray
8 irrigation is appropriate for greywater, and we were not
9 allowing it.

10 Actually, oddly enough, we got no real comments
11 on greywater as far as saying this is wrong, this is
12 wrong, during the public comment period. During the
13 stakeholder meeting, we got a lot of support for it.
14 Several counties said they were glad to see it. Albany
15 County said they get asked about it all the time. Not
16 sure how to handle it. So we did get a lot of support
17 for it.

18 The older revision we have is that, as we were
19 going through, we see that in Section 16 there was an
20 Item D that had nothing behind it. It was blank.
21 Obviously that needed to be removed, so we did it.

22 Section 17, operation and maintenance, this is
23 a new section of Chapter 25. Basically, it provides
24 basic requirements so a homeowner has a benchmark on what
25 he should do or shouldn't do with their property with

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1 their on-site wastewater system, including recommendation
2 for pumping and that kind of stuff.

3 Appendix A, the percolation test procedure, all
4 of the on-site wastewater systems are designed based off
5 the percolation tests of the soil they're installing
6 into. We took a long, hard look at this, revised it for
7 clarity and to improve accuracy. We provide a little
8 more cushion for a homeowner to fill the holes and better
9 procedures for him to measure the flows. This is the key
10 to the on-site wastewater system. If they don't have
11 accurate test results, we don't get properly sized drain
12 fields.

13 Appendix B, land application of domestic
14 seepage, was added to this chapter. This is a new
15 section. And what it does, it allows for disposal of
16 seepage from the septic tanks in remote areas. There's
17 requirements you have to be so far away from the road,
18 various other things. This was taken from Section 15 --
19 or, Chapter 15. I apologize -- Chapter 15, which is bio-
20 solids. This chapter is going to have to be rescinded
21 because that is regulated by EPA. EPA has primacy over
22 it. But that component was needed for these on-site
23 wastewater systems.

24 With that, that's my brief and too-fast
25 description of the changes we made. I'll open it up to

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1 any questions that the advisory board has.

2 CHAIRMAN BEDESSEM: I have just one
3 request, Frank. Can you send us your PowerPoint

4 presentation to the board members?

5 MR. STRONG: Absolutely.

6 CHAIRMAN BEDESSEM: I think it will be
7 especially helpful for members who aren't here to help
8 them catch up. Thank you.

9 Lorie reminded me that we have a number of
10 individuals here that may want to speak and provide
11 comment. And typically the board would like to hear
12 those public comments before we make remarks with regard
13 to the rules, so that especially if they don't want to
14 spend the entire day here, that they may decide to do
15 something else with the afternoon. So I'd like to ask if
16 anybody from the public who's here today would like to
17 come and speak, be very pleased to hear your remarks.
18 And if you come up, first identify yourself clearly so
19 that your name will appear in the transcription, and we'd
20 much appreciate that. If you'd like to come up.

21 MR. HARMON: Madam Chair, board, thank you
22 for this opportunity to speak. I'd like to -- I won't go
23 through all my comments.

24 MS. CAHN: Excuse me, Lou. Could you
25 identify yourself?

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1 MR. HARMON: I apologize. I am Louis
2 Harmon. I'm a public -- I mean, a private citizen. I'm
3 speaking as a private citizen. Probably most of the
4 board realizes at one time I was employed by DEQ and the
5 Water Quality Division. But I'm speaking as a private
6 citizen and expressing my own opinions.

7 First of all, these rules, this particular
8 rule, Chapter 25, has to be written to probably a
9 different and higher standard because it's about the only
10 rule that is used by the general public. All the rest of
11 our rules are written by professionals, and the
12 municipality or the industry then hires another
13 professional to deal with the whole issue of the
14 permitting process. This one is unique in that the
15 public has to read it and understand it.

16 I guess my first comment will be on the
17 requirement every permit, one way or another, has to be
18 covered by a professional engineer. This includes the
19 permits prepared by the private homeowners -- or, the
20 application prepared by the private homeowners. The
21 engineer is the Water Quality Division engineer that
22 prepared the design packet, the preengineered design
23 packet that the individual is using.

24 So the requirement of the state statute -- and
25 I won't go through all the numbers -- that says that

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1 every document submitted to a public agency has to be
2 prepared by a professional engineer is satisfied by the
3 predesign packet. It would seem to me that that ought to
4 be discussed a little more fully and explained in the
5 rule just to prevent a disaster like the one I was
6 involved in 24 years ago where a county attorney decided
7 that the statute requiring a professional engineer is
8 being violated. And it caused about a six-month
9 disruption before we finally got everybody educated. So,
10 if that was spelled out in the rule, I think it might
11 save a disaster down the road.

12 The next issue I'd like to address is the
13 requirement of permits for greywater use and for privies.
14 I agree that we need some minimal or -- we need some

15 rules for both greywater use and for privies. But to
16 require a permit is to cause people to be violating the
17 requirement to get a permit. If I'm a rancher out here
18 two miles from the public road with my farmstead, I'm not
19 going to get a permit to build a new outhouse. So let's
20 just make some rules on how an outhouse ought to be built
21 and forget the permit. If I'm on five acres outside
22 Cheyenne or outside of Jackson, if I build an outhouse,
23 it's going to come to somebody's attention. And it's the
24 local people that forbid the construction of the
25 outhouse, not the State, anyhow. So I think that should

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1 be permit by rule just to avoid making lawbreakers out of
2 our citizens.

3 The same is true of greywater, greywater reuse
4 for irrigation. The people that do this are very
5 passionate about it. They are very concerned about their
6 environment and water conservation. Again, we can allow
7 that by rule. We don't need to require a permit. And
8 frankly, there's no history across the nation of
9 illnesses associated with greywater reuse. Even
10 California has far more generous or liberal reuse --
11 greywater reuse requirements than what is proposed in
12 this regulation. I stick by what I said in my comment.
13 You just need one rule. Keep it on your property.

14 And for gosh sakes, let's not worry about
15 washing a dirty diaper. If you're going to get that
16 diaper clean, you've got enough stuff in the washing
17 machine that you're going to knock out the bacteria,
18 anyhow. So I think greywater reuse should be permit by
19 rule, and the only rule that needs to go with it is you
20 got to keep it on your own property.

21 And the last area I would address is the use of
22 Figures 1 through 6. There is one comment in the
23 response to comments that they didn't want to use a
24 report because it wasn't documented. Well, to the best
25 of my knowledge, actually Figures 1 through 6 and

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1 actually Table 5, which is the table for determining
2 loading, are not documented. In particular, Figures 1
3 through 6, they don't need to be cluttering up the
4 regulation, because there's not enough instruction in the
5 regulation as to how to use them. There's no
6 documentation. Do Figures 1 through 6 apply to a bed?
7 Maybe. Do they apply to a long, skinny trench? Probably
8 not. But that's speculation. And the regulation
9 certainly doesn't say what type of situation does this
10 mounding apply to? So I think you can save six pages of
11 the regulation just by taking those out.

12 And finally I would say, given all the
13 variables that go into a percolation test, that that
14 Table 5, with however many, 40 or so different numbers
15 that you use to calculate, could be reduced to about
16 five. You pick five ranges and pick a range and design
17 to that. Because the fact of the matter is percolation
18 tests just don't justify the type of accuracy that is
19 implied by that very elaborate table.

20 Many states are using soil classification in
21 lieu of percolation rate. My comment -- the response to
22 my comment as far as using NRCS soil types was that
23 they're too general. Actually, NRCS soil maps are very
24 specific and very accurate, and at times it will save you
25 a disaster that a percolation test might not pick up on.

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1 Percolation tests aren't particularly sensitive to things
2 as slowly swelling soils and things like this that the
3 NRCS soil classification will, in fact, identify.

4 And thank you, ladies and gentlemen. Unless
5 you have questions, I will --

6 CHAIRMAN BEDESSEM: I wasn't clear on what
7 you were suggesting in your last comment about the soil
8 classification, versus the perc range. Are you
9 suggesting using both?

10 MR. HARMON: I'm suggesting that soil
11 classification should at least be an option.

12 CHAIRMAN BEDESSEM: Any questions for Lou?
13 (No response.)

14 CHAIRMAN BEDESSEM: Thank you.

15 MR. HARMON: Thank you.

16 MS. CAHN: Is DEQ prepared at this point
17 to address Mr. Harmon's comments?

18 CHAIRMAN BEDESSEM: Can we hear the whole
19 summation in case there's more on those topic areas?
20 Then if DEQ wants to speak to some of them, they can do
21 that kind of in batch, if that's okay.

22 Another speaker? Someone else like to speak?

23 MR. WOODWARD: Madam Chair, my name is
24 John Woodward. I'm with Lincoln County Planning and
25 Engineering. And would it be okay if I handed out a

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1 two-page handout that I have?

2 CHAIRMAN BEDESSEM: Of course.

3 MR. WOODWARD: I've been in the
4 stakeholder group for the last couple years with this
5 process. It's been kind of a roller coaster, especially
6 the last few months, with some of the radical changes.
7 But I think a lot of progress has been made in a lot of
8 areas. I'm particularly pleased that they've gone away
9 from the 600-foot protection area as an arbitrary marker
10 down to a 200-foot and with provisions for the Zone 2
11 consideration.

12 I've drawn in some of the public water supplies
13 that we have in Star Valley. Star Valley is a narrow
14 valley, about 50 miles long, with quite a bit of second-
15 home development and commuter housing for the Jackson job
16 market. And our land use regulations actually encourage
17 community wells so that we don't have too many individual
18 wells that can be point sources of pollution. So the
19 600-foot marker would have been difficult. The 200-foot
20 is identified by the yellow line. It's much more
21 workable. And then, of course, we'll have to be
22 educating ourselves on the Zone 2s for these supplies.

23 The other comments I have, for a while it
24 looked like the setback from a foundation to a septic
25 tank was going to be 20 feet, which would have been

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1 difficult in some of our existing lots, particularly in
2 an area like Star Valley Ranch. Even though it's an
3 incorporated town, it consists of 2,000 half-acre lots
4 that are on septic systems. They're about 50 percent
5 built out. A lot of nice people live there, people like
6 John Corra. And some of them are building homes that are
7 too big for a half-acre lot. And 20 feet would have been
8 tough. Obviously I think the intent was to create a
9 situation where you weren't building a deck or a house
10 addition over a septic tank. And I think we got that

11 message. And so we'll work on getting that to the
12 public.

13 I think Mr. Harmon's comment about the
14 professional engineer required for many of these kind of
15 environmental devices and that the preengineer design
16 packet satisfies that statute requirement should be
17 clarified in the rules. The public does use this packet.
18 And there are many times when professional engineers will
19 be required and the public will be coming to my office to
20 ask about that.

21 I think that's the extent of my comments.

22 Thank you.

23 CHAIRMAN BEDESSEM: Thank you very much.

24 Do we have another speaker?

25 MR. STEVENSON: Jim Stevenson, Rock Vale

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1 Systems. I represent Presby Environmental.

2 Several short comments relative to the written
3 that I submitted. I agree with Lou. I was the primary
4 commenter on Figures 1 through 6. My discussion with
5 Wyoming engineers is that Figures 1 through 6 rarely, if
6 ever, apply. And most of them are -- the figures are
7 really the basis -- the technical basis of the figures is
8 I think quite antiquated and limited. I agree with what
9 Mr. Harmon was saying. It just seems that it might be
10 viewed as superfluous at this point, both due to maybe an
11 outdated basis and lack of use.

12 That's not to say that groundwater mounding
13 potential isn't an issue. But it just seems that Figures
14 1 through 6 are maybe not the tool for that evaluation,
15 nor really, again, for the public to attempt to apply, or
16 if you do not apply them, then you're in violation of
17 Chapter 25. My background is as an agricultural
18 engineer. And they are about the only trades that are
19 taught some of those soil dynamics. And there aren't
20 that many agricultural engineers in the state.

21 I think that just for adopting -- as a
22 technology representative to the wastewater industry, I
23 believe that there maybe should be some clarification in
24 the rules as to what the administrative process is for
25 adoption of a technology into rule. How does that

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1 happen? Let's take, for instance, pressure distribution.
2 How is that technology, or chambers, how are those
3 technologies adopted into rule? What's the regulatory
4 process for adoption? I think just maybe stepwise, that
5 could be defined.

6 As well, then, soil loading area reductions for
7 certain technologies, whether -- maybe define whether
8 soil loading area reductions that are incorporated now
9 for certain technologies, whether those are based on
10 strictly hydraulic or whether they're based on the
11 technology's ability at that increased soil loading rate
12 to deliver treated water quality that's still protective
13 of groundwater and the threshold of proof required.

14 Thanks.

15 CHAIRMAN BEDESSEM: Any questions?

16 (No response.)

17 CHAIRMAN BEDESSEM: Our next speaker?

18 MR. BACHELDER: Good morning. My name is
19 Dick Bachelder. I represent Infiltrator Systems. We're
20 the country's largest manufacturer of on-site wastewater
21 disposal products. And we're from Connecticut. I'm from

22 Maine. And thanks for the opportunity to be here and
23 comment.

24 I, first of all, want to commend the Division
25 on a couple of changes that were made to the process. I

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1 make a living getting products approved. So I work with
2 the Lous and the Franks of the world all over North
3 America. Every state at different times takes a run at
4 these rules. It keeps me in a job. If we had one
5 standard across 50 states, then I'd be doing something
6 different. But it varies state to state. And a lot of
7 what gets incorporated into regulation is based on common
8 practice in the local jurisdiction, a state, a county or
9 the like.

10 Our company invented the plastic leaching
11 chamber in the early -- middle 1980s. And through a
12 policy, chambers have been used since 1988, I think in
13 this state, at a 50 percent bottom area reduction. There
14 are, by our sales estimates, over 20,000 infiltrator
15 systems in the ground with a significant positive history
16 of use.

17 And I think we've come to a -- we very much
18 wanted to continue that -- the use of the chambers with
19 the soil loading rates that are more aggressive than for
20 pipe and stone, based not only on the history of
21 performance here in Wyoming and throughout the country,
22 but also on stacks and stacks of both lab and field
23 studies that show, from a functional perspective, these
24 systems work not only in Wyoming, but also in every other
25 state. And there are a number of studies that speak to

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1 the treatment component through the subsoils and chamber
2 systems at more aggressive load rates.

3 The initial draft of the rules did not
4 recognize the sizing advantage. In fact, they pushed
5 chambers back to one-to-one sizing. And through
6 comments, we've come to -- the draft regulation that I'm
7 looking at now includes about a 30 percent bottom area
8 reduction, which is what the IAPMO, the plumbing code,
9 which is the international association of mechanical and
10 plumbing engineers' association, recommended a .7
11 multiplier, or a 30 percent reduction. The language in
12 Section 7 on sub 2 for chambers is a 1.43 multiplier of
13 the bottom width of the chamber. And that, when you do
14 the calculations, comes out at about 30 percent if you
15 use a 34-inch-wide chamber as a bottom.

16 So I believe that's where we moved as a
17 cooperative effort. And I want the board to understand
18 that that's great. It doesn't have to be adversarial. I
19 think that Infiltrator has a very strong case to say we
20 want our 50 percent. And the Division could take the
21 position that chambers should be one-to-one sizing. And
22 we -- through comment and cooperation, I just thought the
23 board ought to know that the process can work. It
24 doesn't always work, but it can work. And in this case,
25 it has.

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1 A couple of comments on tanks. We make tanks.
2 We provided a couple, three pages' worth of comments on
3 tank specifications. The bottom line is that we are
4 advocates of lower-profile tanks. It's not about what
5 materials are made of. It's about site availability and
6 the ability to get septic systems on sites with greater

7 restrictive conditions.

8 So I want to commend the Department on line
9 number 476, the liquidate depth shall not be less than
10 three feet. That's a change from four feet. That's a
11 good thing. You still got to have a thousand gallons for
12 four bedrooms. So there's no loss of function, retention
13 time and the like. So I commend the Division for that.

14 If you look at 488, 89, tees or baffles shall
15 extend a minimum of six inches above and 30 to 40 percent
16 of the liquid depth below the liquid. I mention that as
17 I move forward to the next page at the top of 25-19.

18 We're going to still ask the Division to work on this.

19 This says that you got to have at least two inches --

20 nine inches of open pipe or 20 percent of the liquid
21 depth, whichever is greater. And that doesn't help

22 low-profile tanks, whether they're concrete or plastic or
23 anything else. If you've got a baffle that's got to be

24 six inches above the liquid level and you've got three

25 inches of clear board, elsewhere in here we require three

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1 inches of airspace. That's nine. So, when you use the
2 whichever is greater on the 20 percent -- I'm on the line
3 494.

4 MS. CAHN: On this red-line strikeout --

5 MS. JOHNSON: I think he's in the one I
6 gave you. It's line 509 on page 25-19.

7 MR. BACHELDER: It probably isn't even
8 worth it, but I feel badly -- Ms. Cahn, is it?

9 MS. CAHN: Cahn, yes. I'm getting there.

10 MR. BACHELDER: It isn't that big a deal.

11 Again, I just want to be -- go on record as saying that
12 we're not trying to sneak anything by here. What we are
13 advocating is low-profile tanks, even if they're made out
14 of concrete, if we -- the way it's worded is --
15 subsection 3.

16 MS. CAHN: Which line number?

17 MR. BACHELDER: I'm on 509, 510. The
18 outlet elevation shall be designed to provide a minimum
19 distance of nine inches or 20 percent of the liquid
20 depth, whichever is greater, between the top of the
21 liquid and the bottom of the tank cover.

22 So what we're advocating is that the reason we
23 need space above the outlet baffle is air movement. The
24 reason we have a baffle in the first place is so, as the
25 scum builds up, it's got to really build up to get into

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1 that outlet and get out in the leach field. So we've got
2 six inches above the liquid level for that, in my
3 opinion -- and I'm a history major, so jump in here and
4 correct me. But that's what that's for. So the space
5 above the baffle to the roof of the tank is about air
6 movement and vapor lock, is my understanding of the tank
7 business. And so there isn't much out there that says
8 one inches, three inches or whatever. Are three inches a
9 heck of a lot more important than one? What we're
10 advocating is, if you require nine inches above the
11 liquid level, the 20 percent of the liquid depth is
12 really unnecessary. And it's a disincentive on
13 lower-profile tanks, which use less material, less
14 expensive to produce and make some sites more available
15 in terms of water table and bedrock. Something that we'd
16 asked the Division to continue to consider.

17 Does that make sense?

18 CHAIRMAN BEDESSEM: So was your suggestion
19 that it's just nine inches, as opposed to liquid depth
20 percentage?

21 MR. BACHELDER: Yeah. The whichever is
22 greater is going to work against the low-profile tank, is
23 what I'm suggesting. And let me say this. In our
24 submittal, we provided an attachment which listed the
25 requirements of all the states. And this is -- I really

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1 thought to myself that I'm not going to say this, but
2 once again, my dad says what makes you good makes you
3 bad. I'm going to open my mouth. Most of the states do
4 the percentage based upon liquid volume. It's 20 percent
5 of the volume needs to be available, not the liquid
6 depth. So, in Wyoming -- and this is true of the
7 previous regulations, and it's true as you drafted them
8 now. The measurement is in inches. The IAPMO spec. is
9 on liquid volume, 20 percent of the liquid volume. The
10 other states talk about liquid volume. And so I think we
11 didn't pick up on that until just recently. So, again,
12 I'm only bringing this up to keep it on the table in the
13 hopes that we can continue to discuss this.

14 So that's it, for the most part. Again, I
15 stand in front of these microphones from time to time in
16 these processes. And the Division should be commended
17 for -- you know, one of the gentlemen earlier said there
18 have been a lot of changes, and that's part of the way it
19 works when you take public comment. That's the whole
20 program. So thank you very much.

21 CHAIRMAN BEDESSEM: Thank you.
22 Any questions?

23 MR. JONES: Just clarification here,
24 because I'm not even a history major. What you're
25 suggesting, then, is to do away with the nine inches and

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1 the words "which are greater" and go with just the 20
2 percent. Is that correct?

3 MR. BACHELDER: Either/or.

4 MR. JONES: But not both?

5 MR. BACHELDER: That's right. Because
6 you've still got -- elsewhere, you've got the inches of
7 space between the top of the baffle and the roof. So it
8 can't get too low. See what I mean?

9 MR. JONES: Yeah. Thank you.

10 CHAIRMAN BEDESSEM: Do we have another
11 speaker this morning?

12 (No response.)

13 CHAIRMAN BEDESSEM: So, hearing none, I
14 believe we're done with public comment. Thank you.

15 Would you like to hear responses to any of
16 these before we --

17 MS. JOHNSON: Madam Chair, would it be
18 possible to get a ten-minute break or so?

19 CHAIRMAN BEDESSEM: You bet. We'll recess
20 for ten minutes.

21 (Hearing proceedings recessed
22 10:43 a.m. to 11:04 a.m.)

23 CHAIRMAN BEDESSEM: Like to reconvene our
24 meeting, going over Chapter 25 of the proposed water
25 quality rules and regulations. I'd like to hand the

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1 floor over to Kevin with the DEQ, Kevin Frederick, to
2 perhaps have your staff make any remarks with respect to

3 the comments that were provided earlier by the public
4 presenters.

5 MR. FREDERICK: Yes. Thank you, Madam
6 Chair. First of all, DEQ and the Water Quality Division
7 certainly appreciate the gentlemen that provided comments
8 today. We're very interested that they showed such
9 interest in this regulation and are really thankful that
10 they participated with us in not only the stakeholder
11 process -- in fact, in my time at DEQ, this is probably
12 one of the regulations that I've seen the Division work
13 as closely as they have in trying to get comments from
14 stakeholder groups and so forth. And we were very
15 fortunate to have a lot of good input and feedback from
16 those folks, and we certainly do appreciate that.

17 I think staff have done a very good job in
18 taking those comments into consideration. They looked at
19 them seriously and closely. And we do have, I think,
20 some responses that we would like to provide to some of
21 the comments that were provided here today. And I will
22 turn it over to Frank Strong and Rich Cripe.

23 I did want to quickly introduce another staff
24 member from DEQ that has attended here with us today,
25 Bill Tillman. Bill is managing our regulatory affairs

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1 program with Gina here in moving rules and regulations
2 through the Division. So, even though he's not at the
3 table, he is a valuable staff member for us.

4 Rich and Frank?

5 MR. STRONG: Madam Chair, members of the
6 board, we're going to take a few minutes and try to
7 address most of the comments. Most of them we have seen
8 before, so we did have some responses.

9 MS. CAHN: Maybe tilt the mic up more.

10 MR. STRONG: Is that better?

11 As I was saying, most of the comments we have
12 heard before, so I think we have responses for all of
13 them. We'll go through them and discuss them briefly.

14 Starting with the comments from Lou Harmon in
15 discussion of whether we should discuss meeting the DEQ
16 requirement and regulations --

17 MS. CAHN: Can you tilt it up?

18 MR. STRONG: I apologize.

19 With the discussion of whether we should
20 include in the regulation discussion on how the design
21 packages meet the requirements of a professional
22 engineer, currently that's addressed in the policy. We
23 felt it best to leave it there and not to -- we can
24 provide copies of that policy to all the delegated
25 counties to prevent any confusion in the future. We just

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1 didn't see the need to include it in the regulation.

2 The next set of comments in regards to
3 greywater and privies, we do one at a time here. We kind
4 of had them together. In regards to permits for privies,
5 we feel very strongly that they are needed. We are
6 dealing with wastewater here, the same thing that's being
7 disposed of in an on-site wastewater system. And without
8 having permits, these privies can be constructed in any
9 location with no means to track or to regulate them. We
10 don't feel it would be a good situation. Looking back at
11 the history where we've seen privies that were installed
12 without a permit within flood plains or various other
13 situations, issues did arise. Definitely both are

14 needed.

15 MR. FREDERICK: Madam Chair, I'd like to
16 interject just a comment at this time. I appreciate
17 Mr. Harmon's recommendation of, rather than requiring an
18 individual permit for privies, that we provide design
19 standards, if you will, and consider a permit-by-rule
20 approach instead. And I think that's a comment that's
21 worthy of a little closer consideration, and I'll
22 certainly be visiting with staff about the practicality
23 of doing that with privy systems.

24 MR. STRONG: Thank you.

25 Madam Chair, greywater, there was discussion

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1 about a permit by rule for greywater and the concerns we
2 have with greywater. Greywater is wastewater. It's the
3 same components coming out of the house. We have done a
4 lot of research and looked at a lot of studies. And
5 greywater can have some pretty good fecal counts. Let me
6 give you a few examples of why we are so concerned and
7 are requiring a permit.

8 This is a study that was done by the University
9 of California in September of 2012. And when we discuss
10 the fecal counts, it showed, when they did their study,
11 coming out of a laundry washing machine, fecal counts
12 were 1,400 to 6,300, where we're requiring a reduction
13 down to 200. So that's seven times on the low end. If
14 this is left wide open, washing machines do remove the
15 soiled material, but it doesn't disinfect it. It doesn't
16 make it clean. These are just a few examples of why
17 permits are needed and regulations are needed for
18 greywater.

19 MR. CRIFE: Madam Chair, there are other
20 things that are also in there. You're dealing with
21 pathogens. And so this is not an uncommon thing, having
22 it permitted. As a matter of fact, it -- and we could
23 provide this report to you. It goes into great length
24 that that's one of the things that gets undermined
25 nationwide. Some of our neighboring states don't even

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1 allow it, Nebraska, Idaho and Colorado. We didn't take
2 that stance because of the shortage of water and the
3 demand and things of that nature, that there is a
4 beneficial use if you have some boundaries there. But
5 health standards are a thing there.

6 And we did get a lot of support from the
7 communities that had to deal with this. This had
8 previously been thrown out there as a permit by rule.
9 And Natrona County and Laramie County had major issues
10 because enforcement and things of those natures were hard
11 to do, because you did put some guidelines, but they
12 didn't follow it. I would hope all of us would try to
13 follow the rules and things. But it was an
14 inconsistency, so they were requiring it to be permitted,
15 where we had a different stance, and we were
16 inconsistent.

17 We also would promote that, for this to be
18 effective, education to the public would be one thing we
19 would want to include with it to get that cooperation of
20 applying it properly and using that resource like it
21 needs to be used.

22 CHAIRMAN BEDESSEM: Rich, can you tell me,
23 when you were kind of describing almost a conflict
24 between Laramie County and Natrona County, what might

25 come of these state rules? So are they doing county

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1 permits for greywater?

2 MR. CRIFE: Yes, they were. What we have
3 at the moment, when I first got into this position, was a
4 permit-by-rule policy was there in place. And we had an
5 inconsistent approach there, where they were actually
6 permitting in Laramie County, in the county, not the
7 city, because Cheyenne and some of them have ordinances
8 that don't allow that. And some don't. Some just, you
9 know, you can do whatever. But they were having that
10 issue. So there was a discrepancy. And so that creates
11 an issue, because we give that delegated authority to
12 them through delegation agreements. And not to say
13 everybody doesn't follow the rules. They could
14 potentially, if they wanted to, stick their tongue out at
15 them, and it would progressively go up. And here we're
16 sending a mixed message where nondellegated counties would
17 have a different thing as delegated. The lion's share is
18 most of them are delegated.

19 So there was a conflict there. And when we did
20 do this, as you can see through the stakeholders'
21 comments, it was very supportive. As a matter of fact,
22 they breathed a little bit because we had resolved an
23 issue that we didn't realize was an issue until that door
24 got opened a little bit. John Drinnon up here had major
25 issues on Casper Mountain and throughout trying to

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1 address that, because the burden of proof of trying to
2 prove that becomes even more hard to achieve. Albany
3 County was very good.

4 And as you see, there weren't a lot opposed to
5 it. There were some differences of -- you know, at first
6 we tried to do an approach of leaving the chlorine in
7 there as a residual, and that was kind of a conflict with
8 our reuse policy, so we backed off and proposed what we
9 did. We will have a policy that would address how to do
10 that so that they could follow their -- and that was the
11 only real big issue, other than Mr. Harmon's comments.
12 Most everybody throughout the state -- you can look --
13 were in support of that because we actually provided kind
14 of a boundary for them to follow.

15 MR. FREDERICK: Madam Chairman, if I may
16 add, DEQ's previous regulations for permit by rule would
17 essentially allow these types of activities to occur with
18 a minimal amount of regulatory requirements and so forth.
19 And as Rich alluded to, for those counties that were
20 delegated the authority to issue these permits, some of
21 them felt that the more rigorous process of requiring an
22 individual permit was more appropriate, given their
23 concerns with respect to where some of these activities
24 were occurring.

25 They certainly have the prerogative to be more

0049

1 stringent than DEQ in their permitting requirements.

2 However, I think what we heard was that it did place them
3 in somewhat of an uncomfortable position, where the
4 county or the city was perceived as being more regulatory
5 than DEQ. They certainly felt that in some instances our
6 regulations weren't stringent enough, and it did place
7 them in somewhat of an uncomfortable position, I'm sure.

8 I think the approach that we're taking here is
9 justified and reasonable and will hopefully eliminate

10 that perceived conflict, I guess, between the two
11 different permitting approaches that were in place prior
12 to the changes in this draft regulation.

13 CHAIRMAN BEDESSEM: Thank you.

14 MR. STRONG: The next comment that we had
15 from Mr. Harmon was with regards to Figures 1 and 6 being
16 included in Chapter 25 and their use. The reason the
17 Figures 1 through 6 are included is to provide an easy
18 chart or easy reference for individuals to use, as
19 opposed to several complicated calculations or actual
20 model being conducted.

21 Probably the one new concern or new comment we
22 got, these charts are hard to understand or hard to
23 follow, these figures. So what we'd like to do as part
24 of our design package is provide an example, an
25 illustrative example, showing how to utilize those charts

0050

1 to benefit the design process. Those figures do get
2 used. They primarily become an issue when you have a
3 situation where a leach field is going in above a very
4 shallow groundwater formation where you only have ten,
5 five feet of actual saturated thickness. That actually
6 is where mounding is the worst, and that's why those are
7 there.

8 In regards to soil classification, we are
9 looking at developing a policy to allow soil texturing to
10 be in check with a protest. We did not include the soil
11 texturing in this regulation for several reasons. There
12 seems to be a lot of conflict out there on this soil type
13 will do this. And ultimately, there's not that many
14 people who are qualified to be doing the soil texturing
15 in Wyoming. It would be very difficult for a homeowner
16 to do soil texturing or soil classification or to find
17 somebody.

18 MS. CAHN: What about Mr. Harmon's
19 suggestion that you do either/or, that somebody can do
20 soil classification or a perc test?

21 MR. CRIFE: Madam Chairman, Ms. Cahn, what
22 he proposed with what he was saying there is, in a
23 policy, what we were doing is provide that as a check,
24 that if you have the delegated counties that went through
25 the proper training and certification, that they would

0051

1 have the mechanism of doing that to see that someone
2 didn't fudge a perc test, that it was legitimate. But we
3 were gearing it toward the ones that would have a need
4 and a use and could be certified. A homeowner or an
5 installer would have a difficulty.

6 The other thing is that soil texture and perc,
7 the correlation between them is not as clear as it was
8 portrayed. Table 5, which is the perc, it is that exact.
9 I've actually looked and read on this in great length.
10 It's been around 80 years. It's been tried and true.
11 The new concept of soil texturing is coming in, and it
12 does have merit, but soil does not act as those five
13 classes. You could go in your backyard and dig three
14 different holes, and the makeups are a little different.

15 The perc does, if used properly, display what
16 is going on there. The soil texture done by a qualified
17 professional can be used as a check to make sure that's a
18 legitimate thing, especially if they have areas where
19 they know they've had problems and that perc is something
20 beyond what they normally see when they're permitting.

21 MR. FREDERICK: Madam Chair, Ms. Cahn, I
22 might add, as well, that the accuracy of the NRCS soil
23 classification maps obviously beg some question, too,
24 with respect to what the actual percolation rates might
25 be in a very site-specific situation. Certainly the soil

0052

1 classifications can differ quite significantly from how
2 they've actually been mapped due to the scale of the map.

3 MR. STRONG: Madam Chair, I believe that
4 is all of Mr. Harmon's comments. If we missed any,
5 please let us know. But I think we got them all covered.

6 The next individual we had, John Woodward.

7 CHAIRMAN BEDESSEM: Frank, I think there
8 was one where he talked about that one of the tables he
9 wanted, rather than it being so elaborate, that it reduce
10 the ranges.

11 MR. STRONG: That was in regards to Table
12 5, which is the perc test. And we feel that that perc
13 test can be done and produce that kind of accuracy for
14 the design of the systems. It's been around for 80-plus
15 years and been very reliable and a very relied-upon
16 method of soils absorption systems.

17 CHAIRMAN BEDESSEM: I find this discussion
18 interesting, because I remember back in Maine 30-plus
19 years ago, they did allow soil texture. But to get your
20 certification to be able to evaluate sites was rather
21 complicated because it wasn't a very simple thing to
22 learn how to evaluate all those textures for Maine soils,
23 and it was a big deal to be certified to do that. So
24 it's been in place for a long time, but it's more
25 complicated.

0053

1 MR. CRIFE: Yes. Madam Chair, it's very
2 easy to make an error in that process if you don't have
3 the proper training. Myself in a lab, not intentionally,
4 messed up one of those and realized something didn't seem
5 right and had to redo it. But that's why we would
6 suggest that approach of having qualified and addressing
7 it as a policy as a check.

8 CHAIRMAN BEDESSEM: I imagine that's why
9 they had a certification program. Thank you.

10 MR. STRONG: Mr. Woodward's comments, as
11 he stated, we did eliminate the 600-foot setback and went
12 to the Zone 2, and we'd be happy to work with him on
13 developing on how to check that and to work with us on
14 that. He did comment on the 20-foot setback on the
15 foundation. That was brought up in the stakeholders'
16 comments. We did revise it back.

17 And then we also previously discussed Lou
18 Harmon's comments about the requirement of discussing how
19 the design packages meet the PE requirements. And I
20 believe that was all of his comments.

21 MR. CRIFE: No. He had clarifying the
22 rules. There was a comment -- I took a note, something
23 about clarifying rules, something.

24 MR. STRONG: I didn't get that one.

25 MR. CRIFE: I believe he was reiterating

0054

1 what Lou Harmon said about the policy, PE.

2 CHAIRMAN BEDESSEM: I think so.

3 MR. CRIFE: Jim Stevenson.

4 MR. STRONG: Yes. The next set of
5 comments was Mr. Stevenson with Presby. He discussed

6 Figures 1 through 6, which we've already covered. He
7 asked for recommended clarification in rules on how to
8 adopt new technologies into the regulations. There is a
9 procedure in place at this time. What an individual such
10 as him could do is they can apply for a statewide general
11 permit for their system and create a design package that
12 can be reviewed and approved by DEQ. Once that's
13 approved and in place, it is a five-year permit, where
14 homeowners could utilize that design package to design an
15 on-site wastewater system that meets their -- that
16 utilizes their technology and would not require a PE, an
17 actual PE submittal.

18 CHAIRMAN BEDESSEM: And where is that
19 described?

20 MR. STRONG: That's located in Chapter 3.

21 MR. CRIFE: Madam Chair, further
22 description, too, is addressed in the general permit of
23 what can be and what cannot be in that. And what he was
24 referring to was the general permit. Chapter 3 goes
25 through explaining the different things of applications.

0055
1 As well as Section 5 in this regulation says when you do
2 not fall within the technology, this is the application
3 you must follow.

4 CHAIRMAN BEDESSEM: I remember seeing
5 that.

6 MR. STRONG: Mr. Stevenson's final comment
7 that I have was in regards to soil loading reductions in
8 regards to chambers and how it was determined and
9 defined. There is not a set standard for this, because
10 each treatment system has its own unique aspects and
11 abilities. Some apply the effluent directly to the soil.
12 Some provide some secondary treatment before it gets to
13 the soil. So, for each technology, it has to be
14 evaluated on an individual basis, as opposed to a set
15 standard for all.

16 We've had discussions with Mr. Stevenson on how
17 we could do that, and we are moving forward in that
18 process. But as far as saying, you know, all would be
19 based on hydraulic loading or all would be based on
20 treatment loading, we can't do that because each
21 technology is different.

22 The next set of comments I got was from -- I
23 didn't get his last name.

24 MR. FREDERICK: Mr. Bachel der.

25 MR. STRONG: Mr. Bachel der with
0056

1 Infiltrator. His first comment was discussing how the
2 procedure has worked for him. And we're glad that we've
3 been able to work with him. His next set of comments was
4 in regards to low-profile tanks and wanting to reduce
5 that nine-inch clear space above the liquid level. I put
6 up a diagram so hopefully I could help describe it a
7 little bit better. I didn't know if the board members,
8 Madam Chair, were following along with this description.
9 What we currently require is from the liquid level to the
10 top of this tee to be six inches. And then above the
11 tee, we require three inches of clear space, as stated,
12 for air movement. His comment was he'd like to see it be
13 nine inches, or 20 percent. The concern we have with
14 that with a low-profile tank that only has three foot of
15 liquid depth, that would only provide seven inches. It
16 would not meet the nine inches at the minimum that we're

17 establishing with that requirement.

18 These requirements, once again, looked at
19 several different states and looked at the EPA's on-site
20 wastewater manual, and they recommend the six and three
21 inches. And we feel it's appropriate and provides a
22 robust system that is reliable for a homeowner.

23 MR. CRIPE: Madam Chair, his comment was a
24 good comment. And I would further add that we will
25 communicate with them and see if we can come to some

0057

1 common ground there to address the concern. There are
2 other low-profile tanks out there. And sometimes low-
3 profiles are different than the regular tank. So we will
4 entertain and see what we can come to a common ground
5 with him on that.

6 MR. STRONG: And then his final comment
7 was in regards to basing the 20 percent off the volume of
8 the tank, as opposed to the depth. We need to take a
9 second look at that. I can say with a square or a
10 rectangular septic tank, basing it off the volume or the
11 depth gives basically the same dimensions, because all
12 you're affecting is the height. So it would still be 20
13 percent. We need to take a second look at that for the
14 ground politics.

15 I believe that's all the comments.

16 CHAIRMAN BEDESSEM: I have a quick
17 question here. On page 25-15 --

18 MS. CAHN: Which version?

19 CHAIRMAN BEDESSEM: The one they gave us.

20 So, in the section -- I'm looking kind of at
21 373, 374, that area, where it sort of looks like there's
22 a performance specification, where the individual permit
23 to construct and the treatment shall be in accordance
24 with a certain chapter, but the treatment shall reduce
25 nitrates to less than ten milligrams per liter of

0058

1 nitrate-nitrogen and provide 4-log removal of pathogens
2 before discharge leaves the property boundary of each
3 small wastewater system.

4 So my question is, when someone gets a permit
5 for this, are they going to be required to have the
6 sampling, and is this location at the surface to
7 groundwater? What does this mean? Please explain.

8 MR. STRONG: What this is getting at is
9 trying to protect public water wells. And when we have
10 encroachment by on-site wastewater systems, we have
11 concerns. What this regulation or what this section is
12 requiring is that if an individual wants to construct an
13 on-site wastewater system in a Zone 2 or public water
14 well, they need to have an engineer involved and have the
15 system designed to meet these requirements.

16 MR. CRIPE: Madam Chair, there's a couple
17 conditions here before you get into the -- the first
18 thing is that we're talking about shallow wells, and that
19 condition would have to first be met. It would be a
20 different situation where it was a deeper well. With
21 that being done, then those two things could be addressed
22 by a technology that would meet that. For instance,
23 Avantek treats effluent to that standard. UV could be
24 the mechanism to get your log removal. But it would
25 require that so that you didn't have the nitrates and the

0059

1 pathogens and all of that being put into your well

2 supply. Those things elevate in technology level, where
3 it's not a general permit, but it's more of an individual
4 and a PE ensuring that would be done. That type of
5 technology would address that.

6 MR. FREDERICK: Madam Chairman, let me add
7 that the intent here is to place design standards on the
8 effluent that essentially preclude the need for
9 monitoring.

10 CHAIRMAN BEDESSEM: Thank you. That's all
11 I wanted to hear. It's a technology assessment. It was
12 a technology to meet this standard?

13 MR. FREDERICK: Yes.

14 CHAIRMAN BEDESSEM: But you're not talking
15 about a compliance point?

16 MR. STRONG: Correct. There would be no
17 samples, but you would be seeing a technology base that
18 can handle this. The reason we reference the property
19 boundary is because actually in an on-site wastewater
20 system, the soil beneath is part of the treatment
21 process.

22 CHAIRMAN BEDESSEM: That's what I wanted
23 to hear. Thanks, Frank.

24 MR. STRONG: You're welcome.

25 CHAIRMAN BEDESSEM: I just had a couple

0060

1 of, just as we were reading this, just little, minor word
2 things. I think on line 1061, it says prefabricated
3 privies and outhouses shall be sealed watertight vaults.
4 And I think you need the word "and."

5 MS. JOHNSON: "Shall" in there, too.

6 CHAIRMAN BEDESSEM: Shall be sealed
7 watertight vaults and shall meet the following
8 conditions, I think would fix it. And then I don't know
9 if this is just something that was supposed to be struck
10 out. The title for Section 11 is supposed to have
11 "system" in there twice?

12 MR. TILLMAN: No. That's a typographical
13 error.

14 CHAIRMAN BEDESSEM: Calvin, do you have
15 any specific remarks?

16 MR. JONES: I just have one comment. I
17 guess on 25-5, I'm a little confused of the difference
18 between a rest home and a care facility.

19 MR. STRONG: What's your comment,
20 Mr. Jones?

21 MR. JONES: The difference between a rest
22 home and a care facility.

23 MS. JOHNSON: Are you wondering if that's
24 redundant?

25 MR. JONES: Yeah. If that's redundant,
0061
1 yeah.

2 MR. STRONG: I don't believe so. I know
3 it's been distinguished. In the engineering manuals we
4 utilize for this, it's consistently distinguished. So it
5 might be in regards to the level of care being provided
6 at a rest home, versus a care facility.

7 MR. JONES: Because most of the old rest
8 homes in the state of Wyoming are now called care centers
9 or care facilities.

10 MR. STRONG: Maybe we're behind the times.

11 MR. JONES: Well, I had a mother who was
12 in a care center. And it wasn't a rest home. She made

13 sure of that.

14 MR. STRONG: Madam Chair, Mr. Jones, we'll
15 take a second look at that.

16 CHAIRMAN BEDESSEM: And I know this might
17 take a while.

18 MS. CAHN: Grab your lunches.

19 I first want to just make a general comment
20 about responses to comments. And I appreciate that you
21 guys are inundated with a lot of comments. And I think
22 you've done an excellent job of trying to address the
23 comments.

24 There are places where there are no responses
25 to the comments. And I can point those out to you. So I

0062

1 think you need to go through and carefully make sure you
2 do have responses to the comments. But having been in a
3 similar position myself with responding to public
4 comments, I can offer some suggestions, and you can take
5 them or leave them. But what I like to do -- and I
6 appreciate that you've grouped the comments, rather than
7 by commenter, but by section. I think that's very
8 helpful. I don't think -- and, Kevin, you correct me if
9 I'm wrong. But I don't believe you need to state each
10 comment verbatim, particularly since they're attached in
11 the back, that you could paraphrase the comments. And
12 so, in each section or in each -- I forget what
13 subsection. But you could say two commenters suggested
14 we do this, and one commenter suggested we do that, and
15 therefore, and our response is this. And you can kind of
16 kill a bunch of birds with one stone.

17 So, to make it more manageable, I would maybe
18 perhaps -- if the commenter --

19 CHAIRMAN BEDESSEM: It's good to reference
20 who the commenter is so that if we wanted to look at the
21 verbatim language of what the actual comment is, then we
22 can refer to it. But since we're making you attach the
23 comments --

24 MS. CAHN: Right. And you would need to
25 identify -- and you could do it by initials or like you

0063

1 have. But that might help.

2 MR. STRONG: I like that a lot.

3 MS. CAHN: I'll start with my responses to
4 comments, and then we'll get to the rule. On page 19, so
5 I'm on the responses to comments. In the April 26th,
6 2013 version, on the bound version, page 19, the
7 commenter, David Anderson, basically said it's really
8 hard to know what the definition of saturated thickness
9 is in the figures. And so, basically, your response was
10 that you added a definition to the list of definitions of
11 saturated thickness. But I'm not sure that the
12 definition that's been added has addressed his comment.
13 It says the saturated thickness is not going to be known
14 at most current facilities and will be difficult to
15 determine at new sites.

16 And so, even though you say, well, here's how
17 you define saturated thickness, an issue comes up with
18 they don't necessarily always know what the highest
19 groundwater level is. I think that came up with some
20 other comments, as well.

21 MR. STRONG: Okay. We'll definitely take
22 a look at that. Maybe we need to make it part of the
23 design package to help give an idea or suggestions on how

24 to determine what the depth of the aquifer is.
25 Typically, you utilize well -- surrounding well pads to

0064

1 establish where the bottom of the aquifer is.

2 MS. CAHN: Yeah. So I think the response
3 to comments addresses only how you define it, but not how
4 you measure it or determine it. So I think the response
5 to comments should go into that you'll have a policy that
6 will help them with how to determine it.

7 The next one I have is on page 21. And I think
8 it's James, and I'm not going to pronounce --

9 MR. STRONG: Brough.

10 MS. CAHN: Brough. He kind of got at the
11 same question about saturated thickness. How often is
12 the saturated thickness really known? So, again, I think
13 the response can address kind of the particular problems
14 with addressing saturated thickness. That will be in
15 policy?

16 MR. STRONG: Yes.

17 MS. CAHN: On page 34, April Gindulis --
18 is that how you pronounce it?

19 MS. JOHNSON: I think so.

20 MS. CAHN: -- from Casper, Natrona County
21 Health Department, she brings up some issues about drain
22 field sizing and chambers and how they've seen numerous
23 failures where chambers have been used. And then your
24 response is just, "Thank you for your comment." And so
25 it's unclear to me what you intend to do about that. Are

0065

1 you saying -- I don't know what, "Thank you for your
2 comment" means in terms of the response. So, in the next
3 set of comments, if there could be a response to that. I
4 don't know if you want to respond now or if you wanted
5 time to think about it.

6 MR. STRONG: We'll definitely put some
7 thought to it. I can say we have looked at a lot of the
8 failure data for the Wyoming area and some of the
9 counties' argument there. And we have been -- we've
10 researched in these discussions about increased failures,
11 and typically we have found it's been caused by the home
12 being expanded or some other outside component that
13 caused the system to exceed the design capacity of the
14 drain field. We're definitely going to incorporate it
15 into the comment.

16 MR. CRIFE: Ms. Cahn, she referred to
17 chambers. I might make note that our change in the
18 factor of 30 plays into that because that's a safety
19 factor. Typically -- and you've seen the comments from
20 Infiltrator. Those are verifiable, that they do have
21 those type of results. When you reduce that factor or
22 when -- yeah, when you reduce that correction, then
23 you're increasing your safety factor. And so it will be
24 addressed with this regulation. We could give a better
25 response to her. She's one of the delegated counties. I

0066

1 think it was misintended by "thank you" that we were not
2 considering her. We could have been more explanatory.
3 But we were addressing, and that's why some of that got
4 adjusted on 30, as opposed to 50.

5 MS. CAHN: And I think Bill was trying to
6 get your attention.

7 MR. TILLMAN: Ms. Cahn, Madam Chair, I
8 guess sometimes in the responses that we've got in both

9 stakeholder -- mostly in the stakeholder comments, they
10 were statements. They weren't really comments. And so,
11 in some of those instances, it was hard to determine what
12 their -- what their point was. So it was kind of -- I
13 really didn't know how to respond. I do quite a few
14 responses. So sometimes when it was just a statement, I
15 just said thank you because I really didn't know what
16 their intention was. And this one we probably could have
17 done better. But sometimes when you see that, it's
18 because they made a statement that I really didn't --
19 they didn't have a position, if that makes sense.

20 MS. CAHN: Yeah. And I think now, like
21 you say, you can go back and respond now, perhaps.

22 On page 45, at the top of the page, there's a
23 comment from Dave in Teton County. The comment is, these
24 should be combined. It currently sounds like you have a
25 two-compartment tank, and they have to be two-to-one

0067
1 ratio. It should be either/or. And there's no response.

2 MS. JOHNSON: You can blame that on me. I
3 was formatting the document and missed inserting the
4 response.

5 MS. CAHN: Okay. Just to bring to your
6 attention, no response there.

7 On page 46, about halfway down the page, Jason
8 Vreeland made a comment about gases generated during
9 liquefaction and then will be vented through the building
10 stack vent. This sentence doesn't appear to be necessary
11 to the regulations. And the response is, we will
12 consider reviewing this sentence. But was it removed, or
13 did it stay in? So, again, I'm not sure what was done.
14 Do you see where I am?

15 MR. STRONG: Yes.

16 MS. CAHN: On page 47, about a third of
17 the way down the page, the James Brough comment, the
18 response -- second response on the page says, we will
19 review the dimensions and correct as necessary. So,
20 again, did you find an error that you corrected or --

21 CHAIRMAN BEDESSEM: I think essentially
22 what he's saying there is in the response to comments, he
23 doesn't know what the final resolution is.

24 MR. STRONG: Okay.

25 MS. CAHN: I mean, I can go through all of

0068
1 them, or if you want me to do that later for you --

2 MR. STRONG: Later is fine unless you
3 really want to do it.

4 MS. CAHN: No.

5 MR. STRONG: If you want to, we'll be
6 happy to accommodate.

7 MS. CAHN: I can leave you with my copy.

8 MR. STRONG: That would be greatly

9 appreciated.

10 MS. CAHN: All right. So, to the proposed
11 rule, or the changes to the rule. And I'm working off
12 the clean version in the bound copy, just so you know
13 what I'm working from. So I haven't had time to check
14 through the --

15 MR. STRONG: Additional one.

16 MS. CAHN: -- additional one. So some of
17 my comments may have already been dealt with. A lot of
18 them are editorial. And I'll try to be quick, or we can
19 hand you those, as well.

20 Page 25-1, the definition under (g), 3(g), a
21 five-day BOD, the second line says "dissolve oxygen."
22 Should be "dissolved oxygen."

23 MR. STRONG: Correct.

24 MS. CAHN: Just a general comment. The
25 first place I saw it was on page 25-2 under (v), as in

0069

1 Victor, high strength wastewater. In milligrams per
2 liter, it's typical for the liter to be capitalized. So
3 just do a global search for that. The L is capitalized.
4 You're looking at me like --

5 MR. STRONG: I'm just looking at the other
6 engineer reference manuals I've used, and I can't think
7 of when I've seen it capitalized. Just figuring it out
8 in my head.

9 MS. CAHN: I will leave you my copy for
10 some of these editorials.

11 MR. STRONG: That would be appreciated.

12 MS. CAHN: On page 25-6 in Section 6,
13 number (d) -- or, letter (d), the depth of the high
14 groundwater shall be at least four feet. I believe it
15 might be more clear to say the depth to high groundwater
16 when you're talking depth.

17 CHAIRMAN BEDESSEM: Yes.

18 MR. STRONG: Yes.

19 MS. CAHN: I would take out "of" and
20 replace it with "to."

21 CHAIRMAN BEDESSEM: That's much more
22 understandable.

23 MS. CAHN: I puzzled over that.

24 Page 25-13, I'm not sure why -- I had rewritten I -- or,
25 Number 1 at the top of the page. I'm not sure why,

0070

1 though. But I had rewritten it just as Table 3 shows the
2 maximum permissible natural slopes of the site in which
3 an absorption system may be constructed. And I have to
4 tell you that was late last night, so I'm not sure.

5 CHAIRMAN BEDESSEM: It looks okay to me.

6 MS. CAHN: I'll just retract that because
7 I'm not sure what my concern was at that point.

8 I've got a question on Footnote 1 on that
9 table. And I've rewritten it, instead of, "where the
10 effluent may surface downslope," to, "Flatter slopes may
11 be required where the effluent surfaces downslope." I
12 have a question about how that's determined. So I don't
13 know if your policy addresses -- I mean, I realize it
14 wouldn't be in the rule. But does the policy address the
15 surfacing of the effluent?

16 MR. STRONG: Let us take a second to look
17 at that and make sure.

18 MS. CAHN: Below that Table 3, Roman
19 Numeral IV, "All absorption surfaces must be located at
20 least fifteen feet from the top of any break in slope."
21 And I just -- are we talking about fifteen horizontal
22 feet, fifteen vertical feet?

23 MR. STRONG: Horizontal.

24 CHAIRMAN BEDESSEM: So can you just say at
25 least fifteen feet horizontally?

0071

1 MR. STRONG: Yes.

2 MS. CAHN: And then where it says "any
3 break in slope." And on Roman Numeral (iii) at the
4 bottom of the page, the word "may" in the last sentence,

5 I'm wondering if "in lieu" -- are you talking in lieu or
6 shall?

7 CHAIRMAN BEDESSEM: No. They talked about
8 the confirmation if they wanted an experienced person to
9 confirm that, but it's not required.

10 MR. CRIFE: Ms. Cahn, that was the policy
11 we were covering on soil texturing.

12 MS. CAHN: But that's in addition to, or
13 is that in lieu of, that "may"?

14 CHAIRMAN BEDESSEM: It's written as in
15 addition to.

16 MR. STRONG: That's saying you can do it
17 in addition if you choose.

18 MS. CAHN: So maybe we need to add the
19 words "in addition."

20 CHAIRMAN BEDESSEM: I don't think so.

21 MR. CRIFE: Ms. Cahn, not every case
22 would -- well, first, for clarification, if they felt it
23 was warranted, that something seemed odd, then they would
24 do it. But it wouldn't be all the time. It would be at
25 their discretion if they felt it was warranted.

0072
1 MS. CAHN: So it's in addition. It's not
2 in lieu of.

3 CHAIRMAN BEDESSEM: But I think the
4 language is clear, because it says it may be used to
5 confirm the percolation rate if the percolation rate is
6 determined by the perc test, the first line.

7 MS. CAHN: Okay. I'll retract that. On
8 Table 4, on the next page, I think you need feet in the
9 second two columns. It says "two minimum horizontal
10 setbacks," "to septic tank or equivalent," "to absorption
11 system," but doesn't say --

12 CHAIRMAN BEDESSEM: Well, (g) above says.

13 MS. CAHN: Sorry. I didn't see that.

14 CHAIRMAN BEDESSEM: Just throughout, I
15 don't know if it's just a clerical thing, but there's
16 lots of titles that seem like there's a capital at the
17 beginning and at the end but not in the middle, as far as
18 the words. Like Table 6, "dosing tank volume," "tank"
19 isn't capitalized. And Section 7, "soil absorption
20 system sizing," and "sizing" is capitalized.

21 MR. TILLMAN: The computer.

22 CHAIRMAN BEDESSEM: You might want to just
23 read through it and see if you can find those, because
24 that's just kind of bizarre.

25 MS. CAHN: I have lots of those. I'm just
0073
1 marking with an E in the margin. So you can have my copy
2 and find them.

3 CHAIRMAN BEDESSEM: If you're not
4 completely tired of going through this 500 times that you
5 already have.

6 MS. CAHN: So page 25-16, Section 8, the
7 second line mentions the IPC, but it says the 2012. Do
8 we need to say "or current" so that -- I don't know how
9 you deal with this if you're referencing a code that
10 might get updated. Go ahead, Bill.

11 MR. TILLMAN: I thought we were told --
12 Ms. Cahn, I thought we were instructed by our AG that we
13 needed to reference a specific year that we used and not
14 ongoing, so that if someone were to look at it, they
15 would know that was the one used, and there was nothing

16 that could --

17 MS. CAHN: Okay. Thank you.

18 MR. CRIFE: And, Ms. Cahn, if we did that,
19 we'd kind of have possibly a moving document and maybe
20 some inconsistency if there was changes.

21 MS. CAHN: Okay. I just wanted to
22 understand that. Appreciate it.

23 In the same page, on (d), building sewer pipes
24 should be laid at a standard slope of one-quarter foot
25 per inch -- or, inch per foot, but shall not be flatter

0074

1 than one-eighth inch per foot. So I'm confused, because
2 you're saying it should be one-quarter inch but not
3 flatter than one-eighth. So I'm thinking the language
4 might be -- after "one-quarter inch per foot" might be
5 "where possible, but shall not be flatter than
6 one-eighth." Because "shall" says you have to do it.

7 MR. STRONG: I understand what you're
8 saying. That's our intent. The standard is laid at a
9 quarter-inch per foot, but if there's just no other way,
10 you can go down.

11 CHAIRMAN BEDESSEM: So, "where possible."

12 MS. CAHN: "Where possible" at the end of
13 "one-quarter inch per foot."

14 On the same page, Section 9(a)(i), or (a)
15 little (1), the approved material for the concrete,
16 fiberglass or an improved material, and I guess it's just
17 who's the approval authority? Is it DEQ?

18 MR. STRONG: That would be DEQ or the
19 delegated counties during the application process.

20 MS. CAHN: So can we just specify who is
21 the approver, if DEQ approved or a regulator approved or
22 something? Because I'm wondering, you know, how do you
23 know what you're using is approved?

24 MR. STRONG: We'll take a look at that and
25 see the best way to include that.

0075

1 MS. CAHN: And then the same paragraph,
2 the design of prefabricated septic tanks shall be
3 reviewed for compliance, and I'm wondering who's the
4 reviewer here?

5 MR. STRONG: That's us again. That's part
6 of the application process. What we were intending to do
7 with that is we get barrages of submittals saying approve
8 our product so we can put it in the state of Wyoming. We
9 do it when the application comes in, so therefore, it's
10 actually part of the project.

11 MS. CAHN: On page 25-19, little (c),
12 Number 5, starting with, "All holding tanks shall be
13 equipped with a high water level alarm," and the last
14 sentence says, "The alarm shall be placed at three-
15 quarters the depth of the tank." And I'm wondering if
16 that's three-quarters of the height of the tank. They're
17 two different things. Three-quarters of the height of
18 the tank is up here, and three-quarters of the depth of
19 the tank is down there. And I'm not sure what you mean.
20 If you're talking about high water level alarm, I would
21 think you would want it to be the height of the tank, not
22 the depth of the tank.

23 MR. STRONG: Actually, we need to compare
24 the Table 6, because the intent is when that high-level
25 alarm goes off, it has enough storage capacity left for

0076

1 them to get somebody out there before it starts running
2 across the --

3 MS. CAHN: Do you need 75 percent of the
4 tank volume left, or do you need 25 percent of the tank
5 volume left?

6 MR. STRONG: We actually -- it's 75
7 percent. I'm double-checking the table. Table 6 lays it
8 out in better detail. Maybe we have some redundancy here
9 that we need to make sure we're consistent. We'll take a
10 second look and get it clarified.

11 MS. CAHN: On page 25-20, next page, just
12 above the "kitchens" table, there's a (B). And it seems
13 funny. It starts out at 15. "Grease interceptors shall
14 be sized according to the following," A, which is volume
15 shall not be less than 750, and B, shall be sized
16 according to the following. Seems like B shouldn't be a
17 sentence. It should be the table. So I would just
18 delete the sentence and make B the table.

19 MR. STRONG: Okay.

20 MS. CAHN: Does that make sense?

21 CHAIRMAN BEDESSEM: Just because it's
22 redundant.

23 MS. CAHN: Yeah. Page 25-25, just above
24 Section 12, the last line in Section 11, it says, "by
25 completing the forms, the system will comply with those

0077
1 requirements." And I think you mean "these
2 requirements."

3 MR. STRONG: I believe you're correct.
4 Yeah, I believe you're correct. We'll double-check that.
5 That statement's in here in a couple spots, so we'll
6 confirm that we're consistent throughout.

7 MS. CAHN: And so you're saying that -- I
8 couldn't hear your answer.

9 MR. STRONG: I said I think you're
10 correct.

11 MS. CAHN: "These"?

12 MR. STRONG: Yeah, "these." What I was
13 stating is I think this is the same sentence as in a
14 couple of the other different design packages.

15 MS. CAHN: On top of page 25-27, it's
16 again with this below, feet below. So we have, "The high
17 groundwater level, bedrock or impervious clay layer is
18 less than four feet below the level of the soil
19 absorption system excavation." And I'm thinking it might
20 help to say less than four feet below the bottom of the
21 level of the soil absorption system excavation. Because
22 you have an excavation. There's -- where you started at
23 the bottom --

24 MR. STRONG: Yes. Because what we're
25 trying to say is the same amount is needed if you're four

0078
1 foot below the bottom of your absorption system.

2 CHAIRMAN BEDESSEM: Just get rid of
3 "level."

4 MS. CAHN: Below the bottom -- the bottom
5 of the soil absorption.

6 This is an editorial, but in keeping with the
7 governor's request to make things more simple language,
8 on 25-27(g) at the bottom of the page, infiltrative area,
9 maybe you mean infiltration area.

10 MR. STRONG: Yes.

11 MS. CAHN: And then that -- do a global

12 search for that, because it occurs in other paces.

13 On page 25-30, for privies, I think (a), little
14 (a), is referring to 6(a)(i). And I think it's supposed
15 to be referring to 6 (e)(i).

16 MR. STRONG: We'll definitely correct
17 that.

18 MS. CAHN: I'm glad that you have -- I
19 commend you for having your vent openings screened.
20 That's a good practice. You don't have little owls
21 burrowing down in there and not being able to get out.
22 So that's a good practice. Thank you.

23 Page 25-32, first line on the page, again
24 keeping with the governor's request, saying that,
25 "Subsurface irrigation shall not surcharge to overl and

0079
1 flow." Can we say that it shall not overload? Are we
2 talking about overwhelming?

3 MR. STRONG: Basically, so much water
4 subsurface, it just builds up and starts flowing across
5 the ground. So we'll come up with a plainer language
6 description there.

7 MS. CAHN: I don't know if "overload" or
8 "overwhelm" or "flow" or something --

9 MR. CRIFE: Would surface and flow --
10 basically, it's surface.

11 CHAIRMAN BEDESSEM: Surface and lead to
12 overl and flow.

13 MR. STRONG: Yeah. Subsurface irrigation
14 shall not surface and create overl and flow.

15 MS. CAHN: Yeah, that works great.

16 I'll just make a general kind of editorial
17 comment on page 25-33. Little (ii) C, capital C, the
18 last line, "when the tank is used for underground
19 installation," it seems like you could just say when the
20 tank is installed underground, rather than making it
21 passive, when it's used for this, used for that. Just
22 ask you to kind of look for those types of language.

23 On page 25-34, the one at the bottom, chemical
24 disinfection has a 1, 2 under the capital -- Roman
25 Numeral I, chemical disinfection, has a Number 1, Number

0080
1 2. Right below it, Roman Numeral II has a -- sorry. It
2 doesn't have parentheses. So just be consistent in how
3 those are.

4 MR. STRONG: We'll review the document and
5 make sure we're consistent.

6 MS. CAHN: I think that's it, other than
7 the editorials, which I'll just provide to you.

8 MR. STRONG: Thank you.

9 MS. CAHN: As a board, discuss where we go
10 next.

11 CHAIRMAN BEDESSEM: Well, I think you've
12 done a phenomenal job with the amount of comments you've
13 had and responding to them and producing a rather complex
14 response to comments. I also really like that you do all
15 the stakeholder work ahead of time, rather than just
16 relying on the 30 days that typically comes ahead of the
17 advisory board meeting. So we appreciate that very much.

18 But I think -- and I may have mentioned --
19 probably mentioned this earlier in the week, that when we
20 get comments, we like to get comments at the advisory
21 board meeting. We typically will not move to rule on
22 just yet, but I think there's no reason that I can see to

23 extend public comment period on this. I think we've met
24 the requirements. And we didn't have any specific
25 requests today for additional time period. So I'm not

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1 suggesting that any additional comment period be
2 extended.

3 But I do believe that I would personally like
4 to see it come back again to our next meeting to go over
5 the revisions that are made with response to comments,
6 the corrections in the rule, and also give our two
7 members who are not here the ability to go over these
8 documents and be able to comment, particularly because
9 one of our advisory board members is related to
10 municipalities. And a lot of it goes on in the periphery
11 of many of these communities. And the interaction
12 between some of these subdivisions getting moved on to
13 sewer systems, as opposed to septic systems, is very
14 relevant to a lot of those communities and would like
15 input from our local governments' representative.

16 So I think that's my perspective. I'd like to
17 kind of move it to the next meeting, with the intent that
18 at the next meeting, we'll make a decision on moving it
19 forward to the EOC for the next stage. So I am not
20 proposing to vote to move forward at this point in time.
21 I guess I'd like to hear from my board members as to
22 whether they concur with that.

23 Calvin?

24 MR. JONES: Yeah, I concur. And I also
25 congratulate you on doing a great job of deciphering and

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1 going through all the public comments that you received
2 and the detail that you did provide us. But I believe,
3 in fairness to the other two board members that are not
4 here, that they need to take a look at this, as well, and
5 then we can go from there. Thank you.

6 MS. CAHN: And we probably would need to
7 have a motion and a second, I think.

8 MR. STRONG: To table it?

9 MS. CAHN: Whether or not there's a public
10 comment period. But before we get there, more board
11 discussion. I do like, Kevin, what you mentioned about
12 for privies, that you -- your organization will take a
13 look at permit by rule for privies. And I would like to
14 encourage you to do that for privies.

15 CHAIRMAN BEDESSEM: Especially bearing in
16 mind kind of directive to make rules -- the regulatory
17 burdenless and rules simpler. If we can give enough
18 guidance so that it also reduces the burden on DEQ staff
19 so that if there are really some pretty solid guidelines,
20 and when you're getting a permit application you're just
21 reviewing those same guidelines, if those guidelines can
22 be put out in a permit by rule, that saves your time for
23 having to do permits for privies when you have a whole
24 lot of other workload to do. And so I would encourage
25 you to kind of look at that and see if that's a

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1 possibility. We'd appreciate that.

2 MS. CAHN: And also, I would like to see
3 you do whatever you can to encourage greywater reuse,
4 make it as less -- I mean, obviously you need to be
5 protective, but to make it as less burdensome as
6 possible, so to really encourage greywater use. But I
7 would be interested in the paper that you guys have from

8 the University of California, if you could e-mail it to
9 me.

10 CHAIRMAN BEDESSEM: Well, all the board
11 members --

12 MR. STRONG: I'll send it out with the
13 PowerPoint presentation.

14 CHAIRMAN BEDESSEM: Because a committee
15 that I work with right now for the Environmental and
16 Water Resource Institute is AECE, who has been putting on
17 greywater reuse webinars. And I'm curious to see how
18 that kind of fits in with what their current approach is.
19 So I appreciate that, providing that information.

20 MS. CAHN: Are we ready for a motion?

21 CHAIRMAN BEDESSEM: Uh-huh.

22 MS. CAHN: Let's see how to word this. I
23 would move that we ask DEQ to come back at our next board
24 meeting with revised -- or, responses to comments and
25 revised rule. I guess I'm not sure. In terms of public

0084
1 comment, it really depends how much the revision to the
2 rule is, whether you feel you need to go back out for
3 public comment or not. I'm not sure.

4 CHAIRMAN BEDESSEM: It sounds to me that a
5 lot of these comments are minor at this point, as you've
6 gone through a lot. But things like permits by rules for
7 privies, if that's the approach that's taken or -- to me,
8 that's a significant change. And so we'll just have to
9 cross that bridge when we come to it, I guess, if there's
10 a significant change for the next time, whether
11 additional comments would be required. But at this
12 point, I think you've assembled enough comment. I don't
13 see a reason to extend public comment for today's meeting
14 until the next meeting.

15 MR. STRONG: Madam Chair, could I ask a
16 question?

17 CHAIRMAN BEDESSEM: Uh-huh.

18 MR. STRONG: If we decide permit by rule
19 is appropriate for privies, I imagine it would be prudent
20 for us to go ahead and do the public notice, the public
21 comment period, if we have time before the next meeting.
22 Do you still want to receive comments at that meeting?

23 CHAIRMAN BEDESSEM: We'll see if we agree
24 here, but my preference would be not to receive comments
25 so that we can move the rule forward if we have

0085
1 sufficient time for you to receive those comments ahead
2 of time and respond and get them to us in enough review
3 time before the meeting.

4 MS. CAHN: But then he's saying -- then
5 basically what you're implying is that with the revised
6 rule that would go out ahead of time and without public
7 comment, written comment, during that time period.

8 CHAIRMAN BEDESSEM: Uh-huh. I think we
9 don't know at this point. I thought the question you
10 were just asking is whether you wanted to extend it to
11 the actual advisory board meeting.

12 MR. STRONG: Yeah. If we open up for
13 public comment, do you want to have it like this time,
14 where you receive public comment at the meeting, which
15 would --

16 CHAIRMAN BEDESSEM: That would put us
17 back.

18 MR. STRONG: Or do you want to have the

19 comments done beforehand and responses so that you guys
20 can see them and move the -- hopefully move the
21 regulation forward?

22 CHAIRMAN BEDESSEM: My preference would be
23 to have it all done ahead of time, since you've already
24 been out for comments once and we have heard comments,
25 just to be expeditious. But I don't know if you guys

0086
1 disagree or not.

2 MS. CAHN: I guess I think it depends on
3 the how DEQ feels. I think this current public
4 comment -- I'll amend my motion to say the current one is
5 closed. And we will ask you to bring it to us again at
6 the next board meeting, the revised version.

7 Separate from that, whether you feel, with the
8 changes that you're going to make, that you need to go
9 back out for public comment, I think that's a decision
10 DEQ can make. It's not a board decision at this point.
11 Does that make sense?

12 MR. FREDERICK: Yes. Madam Chair,
13 Ms. Cahn, I would agree. I'll have some discussion with
14 staff with respect to their perceptions as to how much of
15 an issue this actually is with the stakeholders based
16 upon what we've seen or heard so far. I don't recall
17 much comment on privies from the get-go like Lou --

18 CHAIRMAN BEDESSEM: Probably not.

19 MR. FREDERICK: Excuse me. -- from
20 Mr. Harmon here today. I anticipate we probably haven't
21 got a lot of interest whether we go permit by rule or
22 not. But let me consult with staff. If we feel we need
23 to go out with public comment again, then we'll do so.

24 CHAIRMAN BEDESSEM: And also, you do have
25 a public comment period associated with the EQC hearing

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1 when that moves forward there. So it's not -- and so it
2 may just be covered by that. So, as I said, I think our
3 preference would be to not having public comments at the
4 next meeting so we can move the rule forward.

5 MS. CAHN: And I don't know if we need a
6 motion. Do we need a motion for that or not?

7 CHAIRMAN BEDESSEM: Huh-uh.

8 So, essentially, Ms. Cahn's motion I think was
9 to request that DEQ come back at our next meeting with
10 the changes, revised rules and addressing any particular
11 comments that we have made, that the public have made
12 today. And then we'll get our members -- our other board
13 members up to speed. And perhaps maybe we should talk
14 about when that meeting would be.

15 MR. JONES: I'll second the motion.

16 CHAIRMAN BEDESSEM: Yeah. Sorry. I got
17 lost in the language there. All those in favor.

18 (All members vote aye.)

19 CHAIRMAN BEDESSEM: Opposed, same sign.

20 (No response.)

21 CHAIRMAN BEDESSEM: Hearing none, we're
22 going to move this to our next meeting. And let's
23 discuss, then, when that meeting will be.

24 MS. CAHN: I think we can close the
25 official meeting.

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1 CHAIRMAN BEDESSEM: Well, I mean, it's
2 okay to discuss this.

3 So I'm assuming that we're looking towards

4 September for the next quarter meeting?

5 MS. JOHNSON: If we keep with the pattern
6 that we've been on, yes.

7 MR. FREDERICK: I think that would be our
8 preference.

9 CHAIRMAN BEDESSEM: That should give you
10 plenty of time to get these changes made and everything
11 assembled for a September meeting and also give time for
12 our board members to catch up on the reading material.

13 MS. JOHNSON: And Mr. Doctor that spoke to
14 you before, I think he was anticipating that you would
15 have a meeting in September, as well. So that would work
16 with the other division, as well.

17 CHAIRMAN BEDESSEM: To get that
18 coordinated? Okay. And so, then, do we know who the DEQ
19 contact is for the advisory board yet?

20 MR. FREDERICK: That would be me. And
21 we'll inform the governor's office.

22 MS. JOHNSON: I wouldn't mind that.
23 She'd like to have the meeting in Jackson.

24 CHAIRMAN BEDESSEM: So we've been meeting
25 in Casper a long time. So we'll bring that up for

0089

1 consideration, that we can rotate around a bit. For a
2 long time, we had meetings specifically here because of a
3 particular topic we had been on. But this Chapter 25,
4 anyway, is throughout the whole state. So something to
5 consider. I don't know how that affects your budget.

6 MS. CAHN: If the meeting is in Jackson,
7 the sooner that we set a date, the better, in terms of
8 getting reservations. Hopefully September is a better
9 time frame.

10 CHAIRMAN BEDESSEM: September is usually
11 better.

12 MS. JOHNSON: September is about three
13 months away. Do the three of you at this point have an
14 idea of your schedule?

15 CHAIRMAN BEDESSEM: My schedule is open in
16 September right now.

17 MS. CAHN: Mine is open right now.

18 MS. JOHNSON: So, if we send out a hold
19 the date, would that be --

20 CHAIRMAN BEDESSEM: Yeah. Those Doodle
21 polls are nice.

22 MS. JOHNSON: I find those very useful.

23 CHAIRMAN BEDESSEM: I would encourage
24 that. Then that way you can get the solid waste group to
25 respond to that, as well, and we can get the date

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1 settled.

2 MS. CAHN: Can you send the Doodle poll to
3 my home address?

4 MS. JOHNSON: Is that the Cahn Brown
5 Gmail?

6 MS. CAHN: Yeah.

7 MS. JOHNSON: Yeah.

8 CHAIRMAN BEDESSEM: I think with that
9 discussion about our future meeting, unless you have
10 anything else to wrap up --

11 MR. FREDERICK: Madam Chair, just a couple
12 things. I know that you had asked for some indication
13 with respect to plans for future rule development and so
14 forth. So we wanted to just briefly touch on that a

061413 DEQ hrng chapter 15 revisions

15 little bit. Let me first say that the most recent rule
16 that the board move to the EQC, Chapter 2 on surface
17 water standards, is going to be heard before the EQC next
18 month, in July.

19 CHAIRMAN BEDESSEM: July 11th.

20 MR. FREDERICK: Just for your information.

21 And thank you for working with us in getting that rule
22 moved ahead.

23 The next rule that you will see from us,
24 obviously, is going to be Chapter 25 at our next board
25 meeting, as we have discussed today.

0091

1 Subsequent to that, we're working on a carbon
2 sequestration regulation for financial assurance
3 requirements. That's been in the hopper for quite some
4 time. You probably would have seen it sooner, but we
5 were asked to -- if we had interest in participating with
6 the Interstate Oil and Gas Compact Commission, who had
7 established a working group to essentially develop a
8 guideline that they wanted to use as recommendations for
9 states to consider, in part, dealing with financial
10 assurance requirements.

11 So we felt it would be in our best interest to
12 go through that effort, participate, see if we can learn
13 something new, make sure that we had an opportunity to at
14 least see the perspective from primarily the Oil and Gas
15 Development Commission folks before we wanted to float
16 our draft rule out. I'm hopeful that we'd be able to do
17 that, depending upon your schedule and solid and
18 hazardous waste plans for rule development, perhaps at
19 the fourth-quarter meeting this year as a first look at
20 this draft regulation.

21 Aside from that, we don't have anything else
22 immediately in the hopper except for some plans to
23 address the governor's wishes to look at ways to reduce
24 the number of rules that we do have, as well as the
25 overall volume of regulations that we do have. And I

0092

1 believe you had received a letter from the office of the
2 governor April 9th of this year that kind of indicated
3 what his thoughts and his plans were. If you haven't,
4 I'll share that with you.

5 CHAIRMAN BEDESSEM: I don't remember that.

6 MS. JOHNSON: We have it scanned. We can
7 make sure that all five of you receive that. We have it
8 PDF'd.

9 MR. FREDERICK: We'll send it out to you.

10 It essentially indicates that he's interested in seeing
11 all of the agencies review their rules to see if they may
12 be reduced by as much as a third. DEQ is going to be
13 looking very closely at that in all divisions. In fact,
14 we're beginning that process now. Just for your
15 information, Solid and Hazardous Waste Division has the
16 most pages of rules. I believe we also have the most
17 chapters.

18 CHAIRMAN BEDESSEM: And the most
19 redundant.

20 MS. JOHNSON: They will be bringing that
21 to you. They'll discuss their plans for that with you.
22 But that looks like it will significantly meet the
23 Agency's target. But they can discuss that with you in
24 detail.

25 CHAIRMAN BEDESSEM: It's also similar to

0093

1 some water quality rules, where the federal requirements
2 for a lot of the components, they have to be in there,
3 and they're kind of stuck with some of the language.

4 MR. FREDERICK: Water Quality Division is
5 number two on that list in content and volume, so we do
6 have some work to do. Just to give you an idea of what
7 we're looking at, we do have some regulations that
8 essentially outlived their life. Rich referred to one,
9 the biosolids rule, for instance, Chapter 14, that is
10 essentially implemented by DEQ. We'll probably be
11 eliminating a chapter and some pages just by withdrawing
12 that rule.

13 Other approaches that we're thinking of, for
14 instance, we have three rules that deal with underground
15 injection control. One is associated with Class 1
16 nonhazardous waste disposal. Another is associated with
17 Class 5 wells. The third is associated with Class 6
18 wells, which are for carbon sequestration. And we can't
19 really come up with a good reason why we couldn't simply
20 combine those into one chapter, since they're all
21 essentially related to the same type of activity to a
22 degree.

23 So we think we've got kind of a good start on
24 how we're going to try to meet the governor's objectives.
25 And I anticipate what you'll be seeing probably towards

0094

1 the end of the year, maybe a first attempt to bring some
2 of these easier issues before the board to consolidate
3 chapters, perhaps to withdraw some chapters that are out
4 there, things that we can do relatively quickly and
5 easily that don't take a lot of your review time and so
6 forth. And we hope we can get to the objective by simply
7 withdrawing rules and complying with chapters. If we
8 can't, we're going to have to go into the rules
9 themselves.

10 Chapter 2 of water quality rules and
11 regulations is one that is essentially a recital of a
12 federal rule. And we think we can eliminate a lot of
13 pages in that particular rule just simply by pointing to
14 the federal reference, for instance. So I think there
15 are going to be some easy things that we can do with the
16 board without getting too deeply into trying to tweak
17 language and reduce verbiage and rules and regulations.

18 So I just wanted to let you know that we're
19 working on these efforts, and we don't want to make
20 anything more painful for you all than absolutely
21 necessary.

22 CHAIRMAN BEDESSEM: And we appreciate
23 that, and we also appreciate the fact that it takes some
24 effort to figure out where you can reference and where
25 you have to repeat the rules, still remain user-friendly,

0095

1 where people can use them without having to go find the
2 Federal Register to figure out what it is they're
3 supposed to do. So that's a tough balancing act. So we
4 look forward to seeing all those great things and
5 reducing the number of pages of rules.

6 With that, we'll conclude our advisory board
7 meeting.

8 (Hearing proceedings concluded
9 12:31 p.m., June 14, 2013.)

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C E R T I F I C A T E

I, RANDY A. HATLESTAD, a Registered Merit Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein constituting a full, true and correct transcript.

Dated this 8th day of July, 2013.

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RANDY A. HATLESTAD
Registered Merit Reporter

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