

Solid & Hazardous Waste Division

1

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

WYOMING WATER AND WASTE ADVISORY BOARD

-----  
IN RE: SOLID AND HAZARDOUS WASTE DIVISION  
-----

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 13th day of December, 2017, at the hour of 9:04 a.m., at Laramie County Library, Willow Room, 2200 Pioneer Avenue, Cheyenne, Wyoming before the Wyoming Water and Waste Advisory Board, Ms. Marjorie Bedessem, Chairwoman, presiding, with Ms. Lorie Cahn, Mr. Klaus Hanson, Mr. Alan Kirkbride and Mr. Brian Deurloo in attendance.

Mr. Luke Esch, Solid and Hazardous Waste Administrator; Mr. Oma Gilbreth, STP Compliance Supervisor; Mr. Adrian Ducharme, STP District 1 Supervisor; Ms. Karen Halvorsen, STP Manager; and Ms. Gina Thompson, Water Quality Division, were also in attendance.



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

P R O C E E D I N G S

(Meeting proceedings commenced  
9:04 a.m., December 13, 2017.)

CHAIRMAN BEDESSEM: Well, with the  
administrative details taken care of, I'd like to call the  
fourth quarter Water and Waste Advisory Board to order.  
We'd like to start off by introducing the board members.  
We will have a full board today. I'm Marge Bedessem. I  
represent the public at large.

Brian Deurloo is in transit, on his way. He will  
be here shortly. He represents industry.

And then I'll ask my other members to introduce  
themselves.

BOARD MEMBER CAHN: I'm Lorie Cahn. I  
represent the public at large.

BOARD MEMBER HANSON: Klaus Hanson, I'm an  
elected official.

BOARD MEMBER KIRKBRIDE: Alan Kirkbride,  
and I represent agriculture.

CHAIRMAN BEDESSEM: Thank you.

One of the -- the first item, actually, on the  
agenda for today was to have election of officers.  
However, we will rearrange the schedule a little bit so  
that we can wait until Mr. Deurloo is here so that we can  
have full board voting on that item.



1           So since we are moving that agenda item around  
2 and the next item on the agenda is the Solid and Hazardous  
3 Waste Division, so I would turn it over to Karen Halvorsen,  
4 who will be presenting the rule changes.

5                   MS. HALVORSEN: Thank you, Madam Chairman  
6 and board.

7           We're here to talk about rule changes to Water  
8 Quality Rules and Regulations, Chapter 17. That rule's  
9 being moved into Solid and Hazardous Waste Division as  
10 Chapter 1. So we have a few introductory slides to go  
11 through. First of all, make some introductions here. Luke  
12 Esch, our administrator. Oma Gilbreth is our compliance  
13 supervisor. Oma will be answering a lot of technical  
14 questions that you might. Adrian Ducharme is going to be  
15 taking a few notes as we go along. And I'm Karen  
16 Halvorsen. I'm the program manager for the program.

17                   So next slide, Gina, please.

18           So the background of this rulemaking is in  
19 response to the federal rule changes that were effective  
20 October 2015. EPA came out, after not making any rule  
21 changes since 1988. Based on the Energy Policy Act of  
22 2005, they made changes at the federal level. So we had  
23 to -- Wyoming does not have primacy for the program. In  
24 order to maintain getting our grant, we get about \$800,000  
25 a year in grant money from the federal government. We

1 needed to update our rules to meet the new federal rules.  
2 And we can't be any more or less stringent in our rules  
3 than the federal rules.

4 These are the first changes, like I said, to the  
5 federal rules since inception of the underground storage  
6 tank program in 1988. We had to make some state statute  
7 changes prior to going to rulemaking. So those changes  
8 were made in 2017, this last legislative session.

9 Next slide, Gina.

10 BOARD MEMBER KIRKBRIDE: Excuse me. I have  
11 a question. \$800,000 for just this program? Just the  
12 underground storage -- or storage tanks?

13 MS. HALVORSEN: Madam Chairman.  
14 Mr. Kirkbride, that's correct.

15 BOARD MEMBER KIRKBRIDE: Thank you.

16 MR. ESCH: And, Karen, before we move on  
17 from that point.

18 Karen touched on the fact that we don't have  
19 primacy for our storage tank program. And these rules  
20 changes are a key piece in us obtaining primacy to the rule  
21 program going forward. After we incorporate these rules,  
22 we plan on applying for EPA to get primacy from that. Our  
23 conversations with EPA indicates it's likely we receive  
24 primacy after these rules are implemented. And that  
25 primacy really does add a layer of protection to Wyoming

1 operators.

2           Currently, we operate our program basically with  
3 an agreement with EPA that our program's equivalent to  
4 theirs, but they don't officially acknowledge it. That  
5 leaves the door open that EPA could come into Wyoming and  
6 do an enforcement case against a Wyoming operator, because  
7 we don't have that primacy. Once we obtain primacy, we  
8 officially have the ability to -- we would be that person  
9 coming in, doing the enforcement actions. And EPA wouldn't  
10 have that ability to come enforce on that Wyoming operator  
11 without first going through us.

12           So that's just kind of a little background why we  
13 feel these rules are so important for moving forward with  
14 the program.

15           CHAIRMAN BEDESSEM: Thank you.

16           MS. HALVORSEN: Okay. Just a couple of  
17 things I want to bring up. Because the Department does not  
18 have an official style guide, we use the Franklin Covey  
19 Style Guide, just because that's the one I'm most familiar  
20 with. I was writing the rule.

21           I know that Gina uses the Chicago Style Guide.  
22 So I don't know the difference between those, but there are  
23 a few things. We did not include numbers in parentheses  
24 based on several things. The main thing was the governor's  
25 initiative to reduce the number of pages. So we cut out

1 words that we could and putting all those numbers in  
2 parentheses seemed to be one way to do that. Numbers are  
3 spelled out if less than 10, except when expressing units  
4 of time or measurement per the style guide. And we  
5 reformatted based on the new rules on rules.

6 Next slide, Gina, please.

7 Like I stated, this is going to become Chapter 1  
8 of the Storage Tank Program rules under SHWD. Since we're  
9 moving basically from the -- Solid and Hazardous Waste  
10 Division, sorry. We move the -- with the legislative  
11 session, our program was moved from Water Quality to the  
12 Solid and Hazardous Waste Division.

13 We've updated all the standards, publications, et  
14 cetera, the references, and moved the full reference  
15 citation, name and date, to Section 2. That also made the  
16 rule a little more readable. And we were able to  
17 eliminate, again, some of those words that were not  
18 necessary.

19 We've made some clarifications, editorial and  
20 formatting changes. We've updated the release reporting  
21 information to use our online spill reporting. We moved  
22 Water Quality Division Rule and Regulation Chapter 19,  
23 which was financial responsibility for underground storage  
24 tanks, into this chapter as Part N. And that reduced the  
25 number of chapters, per the governor's initiative.

1                   BOARD MEMBER CAHN: I have a question about  
2 moving rules from one division to the other. So how does  
3 that work, just with administrators and -- or, you know,  
4 and personnel and staff? How does that --

5                   MS. HALVORSEN: Madam Chairman. Ms. Cahn,  
6 it's -- we've been working under Solid and Hazardous Waste  
7 Division since 2006. So this -- by doing the statute  
8 change to get our program into Water Quality -- or out of  
9 Water Quality into Solid and Hazardous Waste, that just  
10 cleaned everything up. So it's made no difference  
11 administratively or -- the way we've been working for the  
12 last -- well, for the last 10 years under Solid and  
13 Hazardous Waste.

14                   BOARD MEMBER CAHN: Thank you.

15                   CHAIRMAN BEDESSEM: I think the only thing  
16 that cropped up was it was confusing to the board when you  
17 guys came in and you were under a different, you know,  
18 portion of the WDEQ. But other than that, it seemed fairly  
19 seamless.

20                   MS. HALVORSEN: Right. So the major  
21 summary -- this is just a summary of the changes and then  
22 we're going to go through the rule. We've included all of  
23 the EPA language from the CFR for previously deferred  
24 tanks. When the CFR was written in 1988, EPA had deferred  
25 airport hydrant systems and field constructed tanks because



1 they didn't have any mechanism for operating those tanks.  
2 They didn't have any rules for those tanks. They now  
3 have -- with the technology that's come on, they now have  
4 what -- we now have a way to manage those tanks under the  
5 program. State of Wyoming doesn't have any of those  
6 tanks -- these kind of tanks in the program, but to be  
7 as -- to follow the federal guide -- there's a new federal  
8 rule -- we had to put those in -- those kind of tanks in  
9 our program -- in our rules. Then if we were to get one of  
10 these types of tanks, we'd have a rule to cover those. So  
11 those are no longer deferred by EPA. We've added those to  
12 the rule as Part M, and that basically came across from the  
13 CFR verbatim.

14 We've eliminated Appendix A, which was just a  
15 list of all the hazardous substance tanks that we regulate.  
16 We only have six hazardous substance tanks in the state  
17 right now. That eliminated about 30 pages of rule. We're  
18 going to put out -- based on comments we got during  
19 outreach, we're going to put that list of substances in a  
20 guidance document. So it will be readily available, but  
21 out of rule.

22 That's also referenced to CERCLA. It's a  
23 CERCLA -- we regulate whatever EPA regulates for an  
24 underground storage tank.

25 We incorporated changes made to the federal rules



1 in the 2017 statute. We removed language that's no longer  
2 relevant. And then, as I was going through the rule, I  
3 found some pre2015 federal language that was not in our  
4 rule that needed to be added. So we have added some of  
5 that language back in that somehow has been -- wasn't --  
6 never in our rule. I don't know why.

7 Next slide, please.

8 We added requirement for operator training, which  
9 was already in our rule based on EPA guidance during the --

10 BOARD MEMBER HANSON: Skipped a page.

11 MS. THOMPSON: Sorry. It was held up and I  
12 kept clicking and advancing.

13 MS. HALVORSEN: Backing up. So the federal  
14 rule changes summary, again, 1988 regulation did not  
15 address operation and maintenance of spillover fill or  
16 release detection equipment on tanks. When we're talking  
17 about tanks, you can mostly think of just think like gas  
18 stations. I mean, we regulate other tanks besides that,  
19 but that's our main universe, is gas station tanks. So  
20 that might help narrow your focus a little bit.

21 O&M of this type of equipment now requires  
22 through the federal regulation walk-through inspections,  
23 spill prevention equipment testing, overfill prevention  
24 equipment, inspections, containment sump testing and  
25 release detention equipment testing. So they added some

1 O&M for these new types of equipment.

2 Now next slide, please.

3 MS. THOMPSON: There we go.

4 MS. HALVORSEN: We added a requirement for  
5 operator training, which was already in our regulation  
6 based on the 2005 Energy Policy Act. And we had done it  
7 through EPA guidance. But now EPA has put it in the rule,  
8 so we were able to actually put it in our rule in  
9 accordance with the EPA guidance -- or EPA regulation.

10 We added requirements for -- or they added  
11 requirements for secondary containment for new and replaced  
12 tanks and piping. EPA now requires compatibility of  
13 emerging fuels. That's ethanol greater than 10 percent.  
14 So like your E15 or greater and biodiesel, so they've added  
15 those compatibilities. If you're going to switch to a --  
16 one of these type of fuels, you need to show compat -- your  
17 system -- your tank is compatible with what you're going to  
18 put in the tank.

19 They updated codes of practice and made editorial  
20 and technical corrections.

21 BOARD MEMBER HANSON: Can I ask a question?  
22 This piping issue, that was the one about the corrosive  
23 lining? Is that what it was all about?

24 MS. HALVORSEN: Some of those fuels can be  
25 corrosive if your tanks are not compatible with the -- with

1 the materials.

2 BOARD MEMBER HANSON: And there was  
3 something -- I read it sort of --

4 MS. HALVORSEN: Oh, in the rule?

5 BOARD MEMBER HANSON: Yeah, in the rule.  
6 And it said something -- you needed to have an inner lining  
7 to keep corrosion from occurring.

8 MS. HALVORSEN: Oma, maybe.

9 MR. GILBRETH: And some of the older steel  
10 tanks, they would actually add a lining inside the tank --

11 BOARD MEMBER HANSON: Correct, yeah.

12 MR. GILBRETH: -- to prevent -- or make  
13 sure that the product stored did not corrode the tank --  
14 internally corrode the tank.

15 BOARD MEMBER HANSON: That's gone now or --

16 MR. GILBRETH: Actually, what happened is  
17 the legislature in 2007 said that those lined tanks -- back  
18 then you could -- you could have a lined tank in the  
19 ground, a steel-lined tank in the ground. But there was  
20 nothing preventing the corrosion to the exterior portion of  
21 the tank.

22 BOARD MEMBER HANSON: Oh, okay. Yeah.

23 MR. GILBRETH: So in 2007 we got the  
24 legislature to require corrosion -- or cathodic protection  
25 on those tanks to prevent corrosion to the exterior. And

1 by doing that, we didn't have to worry about the lining of  
2 the tanks.

3 BOARD MEMBER HANSON: Okay. All right.  
4 Thank you.

5 MS. HALVORSEN: So this is just a picture  
6 of a tank and things -- I want to give you an idea of kind  
7 of things we'll be talking about. And as we go through the  
8 actual -- or the rule, if you have questions about a  
9 certain piece of equipment we're talking about, these  
10 pictures may be helpful. And I also passed out a large  
11 handout, a big fold-out handout, that shows -- if we open  
12 it up -- if we get to the point where we get to some  
13 technical issues that you want, that thing opens up pretty  
14 big. It's got a lot of the equipment that we're going to  
15 be talking about, if it's necessary. So you can think of  
16 that's what it looks like underground. When you pull up to  
17 the gas station, that's the stuff you don't see at the gas  
18 station.

19 So this is just a quick diagram of the tank. And  
20 we won't talk about it unless we have questions down the  
21 road.

22 And then I have another picture here of a sump  
23 that we can talk about if we need to.

24 Okay. So we're ready to move on to the rule?

25 CHAIRMAN BEDESSEM: Yes, ma'am.

1 MS. HALVORSEN: All right. So the rule  
2 that we're going to put up to talk about is -- the version  
3 I had emailed out to all of you little bit later did go  
4 with your packet. And I handed out today a copy of that  
5 one with the comments that has the line item -- line  
6 numbers down the side, so if you have a question you can  
7 refer to a line number. That might help us get through.

8 I know you've probably made comments on your  
9 other copies, so it will be a back and forth thing for a  
10 little bit.

11 So while Gina pulls that up -- so what I plan to  
12 do is go through the rule, pretty quickly through the  
13 nonsubstantive changes. Just the editorial and the  
14 reference updates, that kind of thing. If there's any  
15 questions about that as we go along, please stop me and we  
16 can go through that. Then we'll talk more in-depth on the  
17 substantive changes, which are basically changes made at  
18 the federal level. Then we will talk about the analysis of  
19 comments that we received up through December 4th. I was  
20 able to -- and I didn't get any comments past December 4th.  
21 So we made those changes. And that was -- we were able to  
22 get that to you late -- or later.

23 And then we will -- there's a few changes that we  
24 did make to the rule that we're going to go through, based  
25 on those comments. So that's the order we will go through.

1           So we'll want to go down past -- again, this is  
2 just -- we're changing the -- I didn't do the -- okay.  
3 Here we go. I didn't do -- I didn't update the table of  
4 contents at this point.

5           So, again, this is going to be Chapter 1. So  
6 stop me as I get going, if you have any questions as we go  
7 along, otherwise we'll just go right through these pages.  
8 Chapter 1, Storage Tanks, under the Solid and Hazardous  
9 Waste Division, first paragraph under the Authority, we  
10 updated the revised statute references. The rest of that  
11 page, under Codes and Standards is all editorial.

12           The next, all the way down through -- these are  
13 just updating all the references that we're using -- that  
14 we're using throughout the document. What we did was we  
15 moved all those references into Section 2, and we just  
16 referenced -- so that's where the full citation of each  
17 reference is made in Section 2 now.

18           So if you'll skip down through to page 8, Gina.  
19 Next. Yeah, just down a little bit further.

20           So under -- on page 8, we have a couple of things  
21 under the Purpose. So we've added the -- we're going to  
22 provide underground storage tank system operators and  
23 owners with the option of financial responsibility coverage  
24 to help meet the federal requirements, and we're going to  
25 provide aboveground storage tank system owners and

1 operators with the option of financial responsibility.

2 The aboveground tanks were included during the  
3 statute this year, and this just brings the financial  
4 responsibility from old Chapter 19 into this chapter. So  
5 we just expanded the purpose of Chapter 1 to include the  
6 old Chapter 19.

7 Our Applicability now has changed to include the  
8 airport hydrant fuels distribution systems, and the field  
9 constructed tanks that were previously deferred.

10 So next pair -- or next page, please.

11 The rest of this is just the changes made to the  
12 federal reg by taking out those deferrals. That's why the  
13 airport hydrants and field constructed tanks have been  
14 removed.

15 (Board Member Deurloo is now present.)

16 MS. HALVORSEN: The Part C down here at the  
17 bottom -- shall we wait just a minute? Would you like me  
18 to wait just a minute?

19 BOARD MEMBER DEURLOO: My apologies.

20 MS. HALVORSEN: You're fine.

21 CHAIRMAN BEDESSEM: Did he have the stack  
22 of paper for --

23 BOARD MEMBER DEURLOO: Another stack of  
24 paper?

25 CHAIRMAN BEDESSEM: More paper.



1 MS. THOMPSON: I'm so sorry.

2 MS. HALVORSEN: So we're going through the  
3 one I handed you there. And we're on page --

4 CHAIRMAN BEDESSEM: 9.

5 MS. HALVORSEN: -- 9.

6 BOARD MEMBER DEURLOO: Thank you.

7 MS. HALVORSEN: You're welcome.

8 So at the bottom page 9, number C -- (c), that  
9 part will be removed from the section and moved to Section  
10 6. It was one of our commenters that said that really  
11 doesn't belong in Applicability, and we agreed with that.  
12 So that will be discussed as we move forward into changes  
13 that were made to this part of the regulation.

14 Okay. So the next bit here is just definitions.  
15 All we did was update definitions per the new federal rules  
16 and to clarify any definitions that we had based on our  
17 statute.

18 So you can skip all the way over to page 19,  
19 Gina. Unless anyone has any questions on any of those  
20 definitions.

21 BOARD MEMBER HANSON: What is -- this  
22 airport hydrant issue kind of interests me. Is this  
23 because they are above tanks or because they're close to  
24 airplanes or fire danger? What -- what's the reason for  
25 all this?

1 MS. HALVORSEN: Oma?

2 MR. GILBRETH: Yes, sir. The reason why  
3 they -- they took that exemption out is because under the  
4 regulations, if more than -- greater than 10 percent of the  
5 total capacity of the system is underground then it becomes  
6 regulated under the CFR, and they specifically exempted  
7 them because the technology back then, there was no leak  
8 detection technology. Now they have it, and so they wanted  
9 to bring them into the program so we can actually regulate  
10 them.

11 These airports where they have these hydrant  
12 systems, what it is is you have aboveground tanks and you  
13 have piping running out to each of the jetways. And all  
14 you do is hook a hose up and hook it up into the plane, and  
15 that way you don't have to drive the tanker around. So  
16 it's -- one of the problems they've had at these airports,  
17 a lot of the old ones, like Stapleton, those places were  
18 hammered with contamination because of those underground  
19 piping systems. And because they're going to be regulated  
20 now, they're going to have to do leak detection. And so  
21 that prevents all that contamination along down the line.

22 BOARD MEMBER HANSON: Yeah, at Stapleton  
23 they have underground piping. Because I remember I see  
24 them gas up the planes with the hose.

25 MR. GILBRETH: At the new DIA, yes, they

1 do. The old Stapleton Airport was just hammered --

2 BOARD MEMBER HANSON: With leakage.

3 MR. GILBRETH: Yes.

4 BOARD MEMBER HANSON: Thank you.

5 MS. HALVORSEN: Again, we don't have any of  
6 those types of systems in Wyoming.

7 BOARD MEMBER HANSON: Thank you.

8 MS. HALVORSEN: Okay. Starting at Section  
9 6 on page 19, the changes to that first paragraph are  
10 addition by EPA 20 -- 280.20. EPA is now requiring that  
11 all new tanks and piping secondarily contained and  
12 interstitially monitored.

13 They exempted some section piping, but our  
14 statute doesn't allow that exemption, so that part of the  
15 EPA rule is not put into our rule.

16 So moving on -- yeah.

17 CHAIRMAN BEDESSEM: Is there a particular  
18 reason that it's not, or was it just an oversight in the  
19 statute?

20 MS. HALVORSEN: They -- no. We -- EPA  
21 exempted it from our rule, but we didn't exempt it. So --  
22 and so section lines.

23 MR. GILBRETH: When the statute -- the Act  
24 of 2007 was enacted, it just said all new and replacement  
25 tanks and piping had to be double-walled and interstitially

1 monitored. And it didn't include exemptions.

2 CHAIRMAN BEDESSEM: Include exemptions.

3 MR. GILBRETH: So then we had to take it  
4 out of our rules because of the statute.

5 CHAIRMAN BEDESSEM: Thank you.

6 MS. HALVORSEN: Okay. So -- excuse me.  
7 The next -- page 20 is just updating references.

8 21 is mostly editorial updating except for (iv)  
9 there on line 931. That was an EPA -- all tanks were  
10 required to install cathodic protection by June 20th --  
11 June 30, 2008, per our statute. So this paragraph has been  
12 modified to reflect the statute -- our statute.

13 Next few pages here are just until you get over  
14 to 123 -- I-23, 1-23. I mean -- yeah, right there. Spill  
15 and overfill prevention equipment. That -- so it's all  
16 been just updating references and editorial, but this is  
17 new EPA regulation 20-2 -- 280.20(c). Sorry.

18 So that paragraph has just been updated to --

19 CHAIRMAN BEDESSEM: Can you give us a line  
20 number?

21 MS. HALVORSEN: I'm sorry. That's 1039.

22 CHAIRMAN BEDESSEM: Thank you.

23 MS. HALVORSEN: Uh-huh.

24 So that part of that 1039 through 1045. That's  
25 the new -- that's revised to reflect the new EPA

1 regulation.

2           So there's been some exceptions, except as  
3 provided in Section 6(c)(ii) and 6(c)(iii). And we'll get  
4 into those when we get down into Section 6. But that's --  
5 it's just basically written to reflect the federal rule.

6           So as we move on to the next page, 24, on line  
7 1064, we're clarifying there that in order to meet the  
8 requirement of the section, the alarm must be audible and  
9 visible to the transfer operator, so the operator knows to  
10 stop the transfer of fuel into the tank.

11           The rest of this and down to line 1084 -- 1084 is  
12 new EPA regulation 20 -- 280.20(c)(iii) and (iv), spill and  
13 overfill prevention equipment shall be periodically tested.  
14 That's just reflecting new language.

15           So then we have editorial all the way over to  
16 page 26, line 1185. That's new EPA regulation 208.20(f)  
17 [sic] under- dispenser containment -- they've add under-  
18 dispenser containment to the regulations. So this just  
19 adds this requirement into our -- our rules.

20           Section 7, on line 1191, we've taken out the "out  
21 of use" part of that for substandard tanks because EPA has  
22 moved that down farther in the regulation. So, basically,  
23 USTs can't be brought back into service if they're  
24 substandard -- if they don't meet the new -- if they don't  
25 meet the standards, they can't be brought back into

1 service.

2           And then on page 27, on line 1196, they -- EPA  
3 addressed the permanently closed tanks. That's why it's  
4 taken out of earlier -- that line 1193 and placed back in  
5 1196, that they -- a permanently closed tank can also not  
6 be brought back into service if it doesn't meet the  
7 standard requirements in Section 6.

8           So we just have updated references until we get  
9 over to line 1278 -- or 1269. That last sentence at 1268  
10 has been added, the noncorrodible pipes and fittings  
11 prepared in accordance with the manufacturer's  
12 specifications, that's per the new EPA regulation.

13           And then the next paragraph V, at line 1271, is  
14 also part of the new federal regulation on repairs. Then  
15 we have editorial all the way down to line 1330. And this  
16 is -- this is a -- we added this for -- whenever the  
17 integrity of the primary or secondary wall of a double-wall  
18 tank has been compromised, repairs have to be made in  
19 accordance with manufacturer's recommendations. It's not  
20 in the EPA regulation, but we wanted to make sure that they  
21 weren't -- that people were no longer operating single-  
22 walled tanks. A double-walled tank, if the inside tank  
23 fails, they can't operate it anymore as -- they can't just  
24 change it and make it a single-wall tank, because we don't  
25 allow single-wall tanks anymore. The state doesn't and

1 federal -- federal rule doesn't either.

2 See line 1342, we just defined that testing under  
3 this section has to be done by a licensed tester.

4 Okay. So now we've moved into Part C. And most  
5 of this is just editorial for that first page, page 31.

6 Page 32, we're just cleaning up some things and  
7 making some clarifications.

8 Get over to 1455, that's the periodic testing of  
9 spill prevention equipment and containment sumps. This  
10 whole section has been added to meet the new EPA regulation  
11 at 280.35. So they're now requiring -- this is where they  
12 require -- they're now requiring this testing and -- of the  
13 spill prevention equipment and sumps, which wasn't required  
14 previously.

15 Then page 35, all the way through to 37, is just  
16 editorial comments.

17 We've -- at 1621 on page 36, we've added that CP  
18 repairs -- cathodic protection system repairs have to be  
19 completed within 30 days. There was nothing in the  
20 federal -- or there's nothing in the EPA that said how long  
21 those could go without being repaired. But we can actually  
22 limit -- we can actually prohibit them to get fuel in that  
23 tank if they don't complete the repairs within 90 days. So  
24 we want to make sure that the owner is able to -- knows  
25 they need to complete those repairs so that we don't issue



1     them a red-tag order to prohibit fuel into the tank.

2             Are you with me, Madam Chairman?

3                     CHAIRMAN BEDESSEM:   Yes.   Yes.

4                     MS. HALVORSEN:   Everything okay?

5             Okay.  On page 37, line 1637, we added that that  
6 paragraph was added in response to the meeting with the  
7 marketers.  And we agreed those repairs may be replaced  
8 without a -- without design by a CP expert.

9             The rest of this is just editorial until you get  
10 down to, let's see, Capability on page 37.  1643, that's  
11 the capability issue we talked about earlier where the  
12 tanks have to be compatible with the product being stored.  
13 That's been put into the EPA regulations so that's now in  
14 our regulation.

15             On page 39, line -- starting at the very top of  
16 that page, 1704, we've just added that the owners/  
17 operators have to provide us access to those -- to that  
18 equipment when we go in and test it.  And if we have to  
19 open that equipment, the Department's not responsible for  
20 damages.  The rest of that is all editorial with a few  
21 notification requirements made by EPA.

22             Again, the next couple pages are -- let's see,  
23 page 14 -- 1-40, that's all editorial with a few comments  
24 made -- changes made by EPA.  We get down to 1792 on  
25 page 40, Monthly Inspections.  This was all added as EPA

1 new regulation 280.36. That's their new multi-inspection  
2 requirements. And all that through page 41 is still part  
3 of that regulation for monthly inspections. Actually all  
4 the way down to line 1850 is all on new EPA regulation.

5           And we have editorial -- editorial comments,  
6 again. We've revised some things on page 43, starting  
7 at paragraph -- beginning on line 1904, based on the  
8 marketers -- Petroleum Marketers concerns regarding spill  
9 bucket and sump containment requirements for annual  
10 testing. So that paragraph is modified in response to  
11 comments we received from the Marketers. The rest of page  
12 43 is all EPA -- new EPA regulations.

13           Page 44 is, again, just cleaning up some things,  
14 some editorial. And down on line 1960, we've addressed the  
15 Marketers comments as well regarding electronic submittal  
16 of records.

17           Okay. We get over to part D. On page 46, this  
18 is -- so on 1997, line 1997, that's new EPA Regulation  
19 280.40. And then the rest of this is just updating  
20 references and editorial changes.

21           We've done some clarification on page 48, at line  
22 2068. That's just some clarification.

23           BOARD MEMBER HANSON: Can I ask you a  
24 question? Actually it's a stylistic question. In 1997,  
25 "Beginning October 13, 2018, is operated," there's no

1 subject there.

2 MS. HALVORSEN: What line? I'm sorry.

3 BOARD MEMBER HANSON: 97, 1997. I just --  
4 it caught my eye. Is the subject somewhere earlier?

5 MS. THOMPSON: I think -- if I might  
6 interrupt, Madam Chair. I believe it's in starting on line  
7 1983. This -- this item only 1997 is a continuation of  
8 that paragraph (a) -- or subsection (a).

9 MS. HALVORSEN: Right. That's right, Gina.

10 BOARD MEMBER HANSON: Okay.

11 MS. HALVORSEN: So "Owners or operators of  
12 UST systems shall provide" --

13 THE REPORTER: You need to slow down.

14 MS. HALVORSEN: "Owners and/or operators of  
15 UST systems shall provide a method, or combination of  
16 methods, of release detection that:...beginning October 13,  
17 2018, is operated" --

18 BOARD MEMBER HANSON: Is operated. Okay.

19 MS. HALVORSEN: -- "and maintained."

20 BOARD MEMBER HANSON: Thank you.

21 MS. HALVORSEN: You're welcome.

22 BOARD MEMBER HANSON: Makes sense now.

23 BOARD MEMBER KIRKBRIDE: Madam Chairman.

24 Now I have a -- I want to back up just a little. We talked  
25 about inspections that the operator does in the previous

1 section. And I'm just wondering what about inspections  
2 done by the Department? By the --

3 MS. HALVORSEN: Madam Chairman.  
4 Mr. Kirkbride, our inspections that we do are not contained  
5 in the rule. We have guidance document that takes care of  
6 our inspections. This rule just applies to what the  
7 owners/operators have to comply with. Okay?

8 BOARD MEMBER KIRKBRIDE: And can I ask,  
9 then, how often -- I mean, on these systems, what kind  
10 of inspections are done by the Department?

11 MS. HALVORSEN: Madam Chairman.  
12 Mr. Kirkbride, we do inspections on a three-year cycle.  
13 That's required by EPA. Although we are attempting to do a  
14 two-year cycle. And Oma can answer exactly what we do out  
15 there.

16 MR. GILBRETH: Madam Chairman and  
17 Mr. Kirkbride. We actually are at a 1.7 to 1.8 year  
18 interval in between expenses. When we go out there, we do  
19 a full compliance, make sure we -- make sure they're  
20 complying with these regulations.

21 BOARD MEMBER KIRKBRIDE: How long does it  
22 take to --

23 MR. GILBRETH: It takes -- Mr. Kirkbride,  
24 it could take anywhere from 20 minutes to an hour and a  
25 half, two hours. It just depends on the size of the

1 facility. We have emergency generator sites where we can  
2 be out of there in 25 minutes. Whereas we go to a major  
3 truck stop, it could be three or four hours sometimes.

4 CHAIRMAN BEDESSEM: I have another  
5 question.

6 So back on line 1622, when you're talking about  
7 cathodic protection system failures. So there's some time  
8 allowed for repairs within 30 days, repairs completed with  
9 90 days -- within 90 days. And so then is the -- the  
10 system -- the tank system still operating through that time  
11 period?

12 MS. HALVORSEN: That's correct.

13 CHAIRMAN BEDESSEM: Okay. So, you know, to  
14 give the operator some time and leeway to get this back up  
15 and running. Okay.

16 In line 1333, when you were talking about failure  
17 of one of the walls in a double-wall tank. So I'm  
18 assuming, you know, if you've got interstitial monitoring  
19 and find out that you've got a leak, let's say, of the  
20 inside tank --

21 MS. HALVORSEN: Uh-huh.

22 CHAIRMAN BEDESSEM: -- then when it says  
23 here the tank -- it says repairs shall be immediately in  
24 accordance with the tank manufacturer's recommendations.  
25 So just if they find a leak, you know, like the inner tank

1 is compromised, do they have to shut it down immediately,  
2 or do they have some leeway like you have for the cathodic  
3 protection system? Because we seem like we have two  
4 different cases --

5 MR. GILBRETH: Yes.

6 CHAIRMAN BEDESSEM: -- where we're at, you  
7 know, allowing some reasonable practical time for them to  
8 handle it in case of cathodic protection, but in this case,  
9 all we've got is the word "immediately."

10 MR. GILBRETH: Madam Chairman, the way  
11 cathodic protection works is it protects from corrosion.

12 CHAIRMAN BEDESSEM: Uh-huh.

13 MR. GILBRETH: And so it takes a while for  
14 the tank to actually corrode.

15 CHAIRMAN BEDESSEM: Uh-huh.

16 MR. GILBRETH: Whereas in this case those  
17 tanks are designed so the primary contains all the pressure  
18 of the tank -- the product inside. Whereas the secondary's  
19 not really designed to routinely contain product.

20 CHAIRMAN BEDESSEM: So pretty much if they  
21 get a reading in the interstitial monitoring, then  
22 basically they need to shut down right away.

23 MR. GILBRETH: Madam Chairman, they have  
24 seven days to actually do a test to prove that it's fully  
25 compromised. Because sometimes you'll get like liquid in

1 the interstitial and whatnot.

2 CHAIRMAN BEDESSEM: Okay.

3 MR. GILBRETH: You have seven days to  
4 actually investigate. And that's actually in Section 19.

5 CHAIRMAN BEDESSEM: Okay. So they have a  
6 seven-day window.

7 MR. GILBRETH: Yes.

8 CHAIRMAN BEDESSEM: And with cathodic  
9 protection, you've got a 90-day thing to take care of it,  
10 and seven days for this.

11 MR. GILBRETH: Yes.

12 MS. HALVORSEN: And the seven days, Madam  
13 Chairman, will just allow them to go in and verify that  
14 they actually did have a release or a leak. The tank is  
15 actually compromised. And if that's true, then, yes, they  
16 have to shut down.

17 CHAIRMAN BEDESSEM: They have to shut down  
18 immediately. And that's what this "immediately" is  
19 referring to.

20 MS. HALVORSEN: Then like Oma said, you go  
21 to Section 19, where the reporting --

22 MR. GILBRETH: Suspected release.

23 MS. HALVORSEN: Suspected release reporting  
24 covers the seven-day window.

25 CHAIRMAN BEDESSEM: So it's just -- I'm



1 just having a hard time. When you go through the rule when  
2 you get to (e) and you say whenever the integrity is  
3 compromised, you know, to lead someone who's leading this  
4 rule back own Section 19 to know they've got seven days to  
5 figure it out.

6 MR. GILBRETH: Madam Chairman, actually,  
7 it's specifically outlined in Section 16.

8 CHAIRMAN BEDESSEM: Okay.

9 MR. GILBRETH: Any type of leak detection  
10 detection methods, including interstitial monitoring --

11 CHAIRMAN BEDESSEM: Okay.

12 MR. GILBRETH: -- indicates a suspected  
13 release. Then you have to go to Section 19 to report and  
14 investigate a suspected release.

15 CHAIRMAN BEDESSEM: Okay. Gotcha.

16 MR. GILBRETH: That's further along in the  
17 book.

18 CHAIRMAN BEDESSEM: Okay. So it will all  
19 tie together.

20 MR. GILBRETH: Yes.

21 MS. HALVORSEN: We hope.

22 CHAIRMAN BEDESSEM: We hope. Plus, I'm  
23 sure people that own tanks get very familiar with this,  
24 so...

25 BOARD MEMBER HANSON: Madam Chair.

1                   CHAIRMAN BEDESSEM: As opposed to us who  
2 are looking at it mostly for the --

3                   BOARD MEMBER HANSON: Same -- I'm coming  
4 back to my question of the tank on 287. Here it says, you  
5 know, that the tank shall be permanently closed in  
6 accordance with Section 31. So what happens to the tank?  
7 Is it just going to sit there and -- and -- or do you have  
8 some provision later on that it's going to be removed  
9 and -- whether it's decommissioned or is it just going to  
10 stay there? Because it looks like it's just staying there.

11                   MS. HALVORSEN: Madam Chairman.  
12 Mr. Hanson. Oma?

13                   MR. GILBRETH: Mr. Hanson, Section 31 is  
14 permanent closure section, and that actually gives  
15 requirements -- the requirements for permanently closing a  
16 tank system.

17                   BOARD MEMBER HANSON: And removing them, et  
18 cetera. Just wanted to be sure that this isn't the end of  
19 the performance.

20                   MR. GILBRETH: No, sir.

21                   BOARD MEMBER HANSON: Thank you.

22                   CHAIRMAN BEDESSEM: Okay. Thank you very  
23 much for answering. I wanted to understand the difference  
24 between those two scenarios. So thank you for -- for  
25 informing me.

1 MR. GILBRETH: You're welcome.

2 MS. HALVORSEN: Sure.

3 CHAIRMAN BEDESSEM: Now that we've messed  
4 up what spot you're in.

5 MS. HALVORSEN: No. We're good. We're  
6 on -- Gina says we're on Section 14, so she would know.

7 Okay. So page 46, most of this is just again,  
8 just new EPA regulation and updating references. Same with  
9 page 47. Same with 48. 49, we got some clarifications  
10 in -- on page 48 and 49, just to clarify some things.

11 Get over to page 50, line 2173. Well, line --  
12 the paragraph starting on line 2168, that's new EPA  
13 regulation. The paragraph on starting line 2173 was  
14 clarify -- added and clarified based on Petroleum  
15 Marketers -- meetings with Petroleum Marketers and how  
16 we're going to place -- have them place their sump sensors.

17 The next line on -- or next paragraph 2181 was  
18 our new statute. And we have more editorial toward the end  
19 of that page.

20 Page 51, this was again, statute changes made on  
21 page 51. And we modified the table that begins on page 51  
22 to reflect the new EPA regulation. The paragraph starting  
23 on line 2241 was removed, because it's no longer relevant  
24 due to the new EPA regulation and our statute.

25 Get into some more editorial throughout page 52,

1 53, 54. Page 54 on line 2312, that was -- that line was  
2 taken out because it was not in the federal regulations.  
3 We did some more clarifying, and most of this is now just  
4 editorial down to page 55, paragraph that starts on 2383,  
5 that was clarified in response to a May 2017 Marketers  
6 meeting that we had.

7 Page 56, line 2398, that paragraph was added.  
8 Again, that's EPA regulation 280.43. Then it's editorial  
9 through page 60. Get down to line 2597, that's -- that  
10 paragraph starting at 2594 actually was a new statute.

11 We have 26 -- line 2610 is new EPA regulation.  
12 All of page 61 is editorial with new EPA regulations added  
13 in. Editorial on page 62. Editorial on page 63. At line  
14 in the Hazardous Substance UST Systems section, line 2715,  
15 again, we removed that Appendix A, and we're just going to  
16 refer to CERCLA. And we are going to write guidance  
17 document based on comments we got listing all those  
18 substances.

19 The rest of this page is editorial and EPA  
20 comments -- or EPA additions. We go to page 65, line 2819.  
21 This line was one of those things that wasn't included in  
22 our previous regulation, but it is in the old EPA  
23 regulations, so that was added.

24 Moving on to Part E, page 66. This is all  
25 editorial and EPA additions, all the way through to line

1 2939 on page 68. We've -- we've added in here that, again,  
2 if the primary wall fails on a double-wall system, an  
3 integrity test of that outer wall has to be completed to  
4 make sure that you didn't have a release to the  
5 environment.

6 Next page, 69, is editorial. The end of that  
7 page on line 3008 is the new EPA regulation. We've  
8 clarified that -- on page 70, line 3010, we clarified that  
9 the audit by EPA is required for the 12 -- 12 months  
10 preceding not for the last year. That seemed to be some  
11 confusion.

12 Moving on, these are just editorials, through 71.  
13 72 is editorial with some revising of the DEQ's spill  
14 reporting procedures. Editorial through page 73, 74, 75,  
15 76, 77. We've updated some references as well. We added  
16 on page 78, at 3380, that the -- we added a paragraph that  
17 the voluntary remediation is available for tank owners, but  
18 are not eligible for the Storage Tank Program. The rest of  
19 that's editorial.

20 Page 79, 3439 we've added that the public notices  
21 are posted to our website. That meets the EPA's community  
22 engagement initiative.

23 Editorial for page 80. Editorial page 81.  
24 We've -- on page 82, starting at line 3507, we've revised  
25 that section to clarify how and why corrective action

1 was -- while we're doing cleanups, why and how those can be  
2 stopped, if we were to stop corrective action at a site.  
3 And the public notice, again, is required by -- to stop  
4 corrective action is required by EPA under 280.67.

5 Part F is minimum site assessments. This entire  
6 section was rewritten. It's not part of EPA guidance, but  
7 we rewrote it to -- to make it consistent. We had some  
8 inconsistencies on depths, that kind of thing. We think  
9 this section now is less cumbersome on the regulated public  
10 the way it's written now. So this whole section has been  
11 just revised to hopefully make it less cumbersome on the  
12 public and more consistency. So I'm just going to go right  
13 through that section unless you have any questions on that.

14 Part G. This is the closure. So we're on page  
15 92, line 3863. This is where we tell how they have to  
16 close the -- close the tanks. Your question earlier.

17 BOARD MEMBER HANSON: Thank you.

18 MS. HALVORSEN: You're welcome.

19 So a lot of those closure requirements are listed  
20 in -- by EPA at 280.70. And then we have done some  
21 editorial and just some -- some updating of the -- of the  
22 rule.

23 We also did some statute change on page 93, on  
24 line 3928. That paragraph (c), starting at line 3919,  
25 actually, was some 2017 statute change that temporarily out

1 of use tanks can -- now have to be closed within 12 months.  
2 Before the EPA didn't have any rule for those tanks. They  
3 could sit in the ground forever, so...

4 BOARD MEMBER KIRKBRIDE: They can still sit  
5 in the ground. Be destroyed in place -- can they be?

6 MS. HALVORSEN: Madam Chairman.  
7 Mr. Kirkbride, they can fill those with inert material if  
8 they're in the ground.

9 BOARD MEMBER KIRKBRIDE: Clean them first,  
10 right?

11 MS. HALVORSEN: Yep. Or they can pull  
12 them. They can remove them. But they can stay in the  
13 ground under temporarily out of use status for a year.  
14 Unless they're an operating gas station. If the gas  
15 station's operating and they have one tank that they're  
16 going to put in temporarily out of use status, because they  
17 have an operator on-site and there's people paying  
18 attention to those tanks, we let -- this doesn't apply.  
19 The 12 months doesn't apply. This applies to something  
20 like -- think of an old gas station where they've turned it  
21 into a car wash, that tank can no longer just sit there  
22 indefinitely. It's got to be removed or closed in place.  
23 Okay.

24 Okay. Page -- so that takes us all the way  
25 through all the closure requirements.



1           Part H, page 97, that's all then just editorial.  
2 We've taken out line 4093, the pilot facility, that's no  
3 longer required by water quality rules. We've taken that  
4 out.

5           Part I, starting on page 98, that's our  
6 aboveground storage tank or AST systems. ASTs are not  
7 regulated by EPA. So this is -- they are regulated -- ASTs  
8 that sell fuel to the public. So it's not -- we're not  
9 talking aboveground tanks at refineries. We're talking  
10 about fueling facilities where they're actually selling to  
11 the public. Those are the only type of tanks that were put  
12 into our statute. Put into our statute in '95 or '96, '94,  
13 something like that. So these rules apply just to those  
14 type of tanks. And this is not any -- EPA has nothing to  
15 do with ASTs.

16           The majority of this has been -- this section is  
17 editorial and clarifications. And we've tried to make the  
18 UST regulations and the AST regulations the same. So if --  
19 if under the federal law UST has 60 days to do a test,  
20 we've made sure the AST operator had 60 days to do a test.  
21 So there's consistency where before in some places there  
22 wasn't.

23           So skipping all the way through this section to  
24 Part J. On page 111.

25           BOARD MEMBER DEURLOO: Sorry. Madam

1 Chairman, I have a question on Part H.

2 So just reading through this again here on the --  
3 the pilot facility testing. Pretty short section. You  
4 struck from line 4093, pilot facility. Say somebody has a  
5 new technology, how would one go about testing this new  
6 technology?

7 MS. HALVORSEN: Madam Chairman.

8 Mr. Deurloo, we have under this -- under this section, New  
9 Technologies, we have the -- an evaluation flexibility  
10 making --

11 Where is that, Oma? Under the -- am I looking at  
12 the wrong section?

13 MR. GILBRETH: 33(a).

14 MS. HALVORSEN: 33(a).

15 MR. GILBRETH: New technologies,  
16 procedures.

17 MS. HALVORSEN: The Department has the  
18 ability to look at new technology. We just didn't want to  
19 require the -- be required a pilot facility. So we could  
20 look at a new -- a new technology. Whatever the engineer  
21 would submit to us, we would look at it as a --

22 BOARD MEMBER DEURLOO: So did they need  
23 a -- so I see this.

24 MS. HALVORSEN: I see what you mean. Maybe  
25 we should have left "pilot facility" and just dropped it at

1 a permanent to construct. "Pilot facility. If an  
2 applicant wishes to conduct a pilot facility, to  
3 demonstrate a particular technology or generate the data  
4 necessary to prove the technology" -- we just didn't want  
5 them to have -- that -- that paragraph meant that they had  
6 to get a -- a permit to construct that facility. We took  
7 out that requirement, they have to get the permit. But  
8 under (a), we would -- or (b) -- (a) and (b), basically, we  
9 would look at whatever they would -- they would submit to  
10 us, but they wouldn't have to have a permit to construct  
11 that facility is what (b)'s saying. But anything that they  
12 wanted to submit to us to look at, we would take a look at.

13 BOARD MEMBER DEURLOO: Okay.

14 MS. HALVORSEN: Does that make sense?

15 BOARD MEMBER DEURLOO: Yeah, it does. As  
16 long as we're encouraging trying new things that work.

17 MS. HALVORSEN: Yeah, that's --

18 BOARD MEMBER DEURLOO: Okay. Thank you.

19 MS. HALVORSEN: You're welcome.

20 Okay. So Part J, page 111, these are  
21 environmental restoration standards. This has been  
22 updated. I just did some -- tried to do some cleanup of  
23 the section. This is not, again, an EPA regulation. Our  
24 statute indicates that we will put into rule our cleanup  
25 standards. So basically when we go out -- the State does

1 cleanup. When we go out and do cleanup, we will go to  
2 maximum contaminant levels in groundwater, and then we do a  
3 soil analysis to find out when clean is clean. When it's  
4 clean enough. So this section just provides basically our  
5 engineers doing work for us; all the equations to come up  
6 with the cleanup standards for telling when -- when we're  
7 out doing remediation when clean is clean, basically.

8 All I did was basically go through and try to  
9 clean it up and do some editorial and consistency things,  
10 that kind of thing.

11 So we get over to page 129, Part K. That's  
12 editorial on that first page. Page 130, at line 5494, we  
13 are changing that date that we can red-tag a facility.  
14 Red- tag means we would -- we could prohibit delivery of  
15 fuel to that facility. That's per EPA rule. If they  
16 haven't paid their tank fees by April instead of September,  
17 we thought three months was long enough to pay tank -- tank  
18 fees are due January 1. So we can -- we can red-tag the  
19 facility if they don't have it paid by April instead of  
20 September. The rest of that's all editorial.

21 Next page, 131, we've added -- so this whole  
22 section here, as -- as reasons for restricting fuel  
23 delivery. All the way through line 5548. So these were  
24 some of the -- these last three items, starting on line  
25 5537, these were added per EPA reasons -- we can restrict

1 fuel delivery based on their new -- their new rules.

2 So the rest of that page, 131, is editorial. The  
3 rest of this page -- until we get down to page 133, 5624,  
4 we didn't have a one-time fuel delivery allowance. There's  
5 some tests that if they don't have fuel, they can't run the  
6 test to get fuel -- to get back in compliance to get fuel.  
7 So we added a one-time -- we were allowing them to do that,  
8 but we thought we should have it in rule that they can get  
9 fuel to run the test.

10 So Part L on page 131.

11 BOARD MEMBER DEURLOO: 134.

12 MS. HALVORSEN: Oh, 134. I'm sorry. Thank  
13 you.

14 Editorial. This is our licensing section for  
15 tank operators, installers and testers have to be licensed.  
16 This section, again, wasn't in EPA regulation per se. They  
17 have -- EPA has a lot of different ways you can go about  
18 getting a license. And we don't have staff to review --  
19 say Maverik comes up with their own -- we're going to --  
20 we're going to license -- we're going to test our  
21 license -- our operators this way, and then Flying J says,  
22 well, we're going to test our operators this way. Well  
23 then Oma and his crew has to go through all those -- every  
24 scenario people can come up with -- all these companies  
25 could come up with. So we have actually put it in rule

1 what we were going to allow, and that is the ICC exam.  
2 That's been in our rule since the rule -- since our rule is  
3 written in 2007, based on EPA guideline.

4 The problem with the way the EPA guidance -- or  
5 EPA law was written was they said if you didn't have -- the  
6 states didn't have primacy -- that states that had  
7 primarily could just go about doing what they've been  
8 doing. The states that didn't have primacy, you had all  
9 these other options that you could look at. Again, we  
10 don't have resources to look at all those other options.  
11 So per statute this year, statute says that they will have  
12 to take an exam. So that -- this -- this section now has  
13 been modified and updated to reflect the statute and just  
14 what we have been -- it's basically what we have been doing  
15 for licensing testers and installers. So there's a lot of  
16 editorial things in here.

17 We moved, on page 136, that -- starting on  
18 line 5729, that inspection has all been moved to I think  
19 Section 13, which is the inspection section. So we tried  
20 to get wherever there was an inspection talk -- when  
21 they're talking about inspections in the rule, we want  
22 inspections all in one place, not scattered throughout. So  
23 we've done some rearranging and we updated some references.

24 Get over to page 142, line 6008, that implement  
25 date's past, so we took out that paragraph.

1           We get to page 143. This is Part M. These are  
2 those field constructed tanks and airport hydrant fuel  
3 distribution systems. This is basically verbatim from EPA  
4 regulation 280.250 through 280.252, which brought those  
5 tanks now into the regulation.

6           Then you skip over to -- so that's just all --  
7 that's verbatim from EPA. Skip over to page 149, Part N,  
8 Financial Assurance For Underground Storage Tanks. That  
9 was the old Chapter 19 for financial assurance, and we  
10 brought into this chapter to reduce the number of chapters,  
11 per the governor's initiative.

12           Page 161, we just eliminated Appendix A, like we  
13 talked about, that eliminated about 30 pages. And, again,  
14 we only regulate six hazardous tanks. But if one of these  
15 tanks came in with one of these substances, we're covered  
16 because it's covered under CERCLA, and it's covered --  
17 we'll have a guidance document that basically lists all  
18 these.

19           So that's it in a nutshell.

20           BOARD MEMBER HANSON: Pretty big nutshell.

21           BOARD MEMBER KIRKBRIDE: I have some really  
22 basic questions about the whole thing. Let's go back --  
23 financial assurance, for instance. There are assurance  
24 policies available for protection? Is that what that  
25 means? Or just somehow -- well, what does that mean? What

1 does an operator have to have to be financially  
2 responsible?

3 MR. GILBRETH: Under federal regulations,  
4 these operators, if they are -- have less than I think it's  
5 15,000 gallons throughput, they have to have \$500,000 worth  
6 of financial assurance. Everybody else has to have a  
7 million dollars worth of financial assurance. And if they  
8 have over 101 tanks nationwide, they have to have  
9 \$2 million financial assurance.

10 In 1990, I think it was, the legislature created  
11 a financial responsibility account. That allowed  
12 operators -- that helps cover operators for that million  
13 dollars worth of financial responsibility. However, the  
14 legislature also said that they had to have -- if they have  
15 a judgment, a third-party impact, the State will cover up  
16 to a million dollars. However, the owner-operator has to  
17 come up with 30,000 as, quote unquote, a deductible. Okay?  
18 So this --

19 BOARD MEMBER KIRKBRIDE: The State's  
20 insuring?

21 MR. GILBRETH: It's a noninsurance proviso  
22 in the statute, but it is -- they're covering them. We'll  
23 just say that. However, this part here, it says if they  
24 don't pay their fees, they're not eligible for that. So  
25 they have to have this financial assurance if they don't



1 pay those fees.

2 BOARD MEMBER KIRKBRIDE: Okay.

3 MR. GILBRETH: But, yes, the State is  
4 covering them.

5 MS. HALVORSEN: Madam Chairman.

6 Mr. Kirkbride, it's a judgment -- it has to be a judgment  
7 against the owner -- tank owner that they affected a third  
8 party. So a third party would have to go out and sue the  
9 tank owner for damages, and then we would cover the --  
10 whatever that judgment was, the tank owner pays the first  
11 30,000, and then the State pays \$30,001 up to a million.

12 The State program, though, the corrective action  
13 account, cleans up third-party sites affected by source  
14 sites. So that million-dollar financial assurance account  
15 has never been used because everyone -- the tank owners are  
16 all in our program. They stamp on their fees, and then we  
17 cover a third-party cleanup. The State does third-party  
18 cleanup under the corrective action account.

19 BOARD MEMBER KIRKBRIDE: Second question.  
20 What about a small cont -- you know, farm -- on-farm fuel  
21 storage? Small business. Local, you know, individual who  
22 just has his own supply of fuel. What about those kind of  
23 things?

24 MR. GILBRETH: Mr. Kirkbride. Madam  
25 Chairman. Under state statute, underground -- we only

1 regulate underground storage tanks and retail aboveground  
2 storage tanks. The underground storage tanks -- now, if  
3 you have aboveground storage tank at your farm, it's not  
4 covered under our program. It's not regulated. However,  
5 if you have an agricultural tank and it has a capacity of  
6 greater than 1,000 gallons -- is it 1100?

7 MS. HALVORSEN: Some small amount.

8 MR. GILBRETH: I think it's 1100 gallons.

9 If the underground tank has capacity of larger than  
10 1100 gallons, then it's regulated by our program. However,  
11 most of the farms have thousand-gallon underground tanks.

12 BOARD MEMBER KIRKBRIDE: Okay. My third  
13 question. What about the pipelines? Pipelines in the big  
14 substations and surely there are tanks and things. There's  
15 a lot of fuel going -- going passing through. What -- how  
16 does that come in --

17 MR. GILBRETH: Those are specifically  
18 exempted by statute. Those are exempted from our program  
19 by statute. Interstate pipelines and processing  
20 facilities.

21 BOARD MEMBER KIRKBRIDE: So that's -- EPA  
22 is in charge of that. Or what -- is that what that means?

23 MS. HALVORSEN: Madam Chairman.

24 Mr. Kirkbride, Oil and Gas Commission probably has  
25 something to do with those, but I -- I don't know. We only

1 regulate the piping associated with, say, a gas station.  
2 That piping is in our program. But those big interstate  
3 pipelines and pressurized pipelines and process facilities  
4 at your refineries, those are not regulated by our program.

5 BOARD MEMBER KIRKBRIDE: Okay.

6 MS. HALVORSEN: I think it's Oil and Gas,  
7 under Water Quality.

8 CHAIRMAN BEDESSEM: Uh-huh.

9 BOARD MEMBER KIRKBRIDE: Okay. Thank you.

10 MS. HALVORSEN: You're welcome.

11 BOARD MEMBER HANSON: Madam Chair.

12 CHAIRMAN BEDESSEM: Klaus.

13 BOARD MEMBER HANSON: I understand this  
14 basically now. And, of course, it's, in many ways,  
15 protection of ground that is being covered here.

16 As a city official, of course we've just gone  
17 through the same thing with waste removal and -- and we --  
18 we need to line the pits where the garbage or whatever is  
19 being disposed. And I wonder whether there is something in  
20 here about -- for underground tanks, that there has to be  
21 extra lining. Is that required in accordance to the  
22 regulations, or is the lining of the tank itself enough  
23 protection? Because we -- we've been asked to, you know,  
24 create this -- these lined cells. And they're frightfully  
25 expensive for a city to construct, et cetera. So I was

1 wondering, that's not something that's coming into play  
2 here, in these regulations, is it?

3 MS. HALVORSEN: Madam Chairman.

4 Mr. Hanson, no, because all tanks now have to be double-  
5 walled.

6 BOARD MEMBER HANSON: Sure.

7 MS. HALVORSEN: So that is basically your  
8 lining. So you can think of a tank within a tank. So if  
9 your inner tank fails, you're going to find that release in  
10 the interstice of your outer tank. And so that's -- it  
11 basically is a lined system, if you will. A secondarily  
12 contained, but it's basically a lined system.

13 BOARD MEMBER HANSON: But did you not make  
14 a statement before that that outside lining often is not  
15 strong enough?

16 MS. HALVORSEN: Madam Chairman.

17 Mr. Hanson, that's true, it can fail. But we -- because of  
18 the way the systems are set up to alarm, they can -- they  
19 would know right away that they've got a problem they can  
20 get that tank drained.

21 I don't know if you've got anything to add, Oma,  
22 but...

23 So we can have a release. We could. And there's  
24 some single-wall tanks still in the ground that we could  
25 have a release, but we can't go in and re-line under those

1 tanks anyway. If they remove any of those single-wall  
2 tanks, they have to replace with double-walled  
3 interstitially monitored tanks.

4 I think the technology we've had so few releases,  
5 I think we might have only had maybe ten or -- less than  
6 ten last year, just because the new technology of the tank  
7 system. So it's different than your waste disposal, your  
8 solid waste disposal facilities in that regard, but, no,  
9 there's no requirement -- aboveground storage tanks have to  
10 be in a --

11 BOARD MEMBER HANSON: In a vac, don't they?

12 MS. HALVORSEN: Well, in a -- I don't know  
13 what you call it -- a containment system, but --

14 BOARD MEMBER HANSON: Yeah. I've seen  
15 those. Thank you.

16 MS. HALVORSEN: You're welcome.

17 BOARD MEMBER HANSON: I'm sorry to bring  
18 this up, but it occurred to me, as a city official, what  
19 the price is here, you know, and what we are putting on for  
20 those folks. Thank you.

21 CHAIRMAN BEDESSEM: Also, just these rules  
22 are just -- the kinds of tanks that aren't regulated  
23 through this program, it's just a good indication of what  
24 best practices are for maintaining those that are not  
25 regulated through this.

1            Shall we move on to going through comments?

2            MS. HALVORSEN: Comments. Okay.

3            Okay. So we received comments from -- well,  
4 first of all, we did public outreach. We've been doing  
5 public outreach since 2015. These regulations became  
6 effective in 2015 for all tank owners in Wyoming because we  
7 don't have primacy. So we've been doing outreach for that  
8 long. So we didn't receive the -- quite the number of  
9 comments that we might have. And we've also been working  
10 with the Petroleum Marketers for a couple of years.

11           Do you want me to go through each one, Madam  
12 Chairman?

13           CHAIRMAN BEDESSEM: Is it possible to group  
14 them?

15           MS. HALVORSEN: I don't know.

16           CHAIRMAN BEDESSEM: I know. There's a lot.

17           MS. HALVORSEN: I think -- well, I don't --

18           CHAIRMAN BEDESSEM: Just whatever's  
19 easiest.

20           MS. HALVORSEN: Okay. So I'm just going to  
21 go through each one.

22           CHAIRMAN BEDESSEM: Uh-huh.

23           MS. HALVORSEN: Okay. So from Petroleum  
24 Marketers from January 18, 2017, they sent a document with  
25 these first set of comments in it. The Marketers wanted to

1 make sure the Department does not require under-dispenser  
2 containment inspections and some containment inspections  
3 annually. They -- or the Marketers wanted to make sure the  
4 Department --

5 THE REPORTER: I'm sorry. You're going to  
6 have to slow down.

7 MS. HALVORSEN: Okay. Sorry.

8 EPA requires that under-dispenser containment  
9 inspections and some containment inspections be done -- to  
10 be done annually. The Marketers wanted to make sure we  
11 were not going to require that monthly, and we agreed with  
12 that comment and we required annually.

13 The next comment was that they want -- that  
14 Marketers -- EPA allows the owners and operators the  
15 flexibility to maintain either paper or electronic records.  
16 The Marketers wanted electronic records. We agreed. And  
17 we are allowing electronic records.

18 Third one, Code of Federal -- in the Code of  
19 Federal Regulations preamble, EPA stated that the final  
20 regulation does not require owners or operators to perform  
21 inventory control in addition to automatic tank gauging.  
22 Chapter 17 required both.

23 Our response was we agree that the preamble does  
24 not require both inventory control and automatic tank  
25 gauging. However, the regulation, which takes precedence

1 over the preamble, states that automatic tank gauging  
2 equipment must meet the inventory or other test of  
3 equivalent performance. And this other test of equivalent  
4 performance is typically inventory control. So we're  
5 basically saying that the owner-operator can find another  
6 test of equivalent performance to inventory control, we  
7 will evaluate that option. But we've also pointed out that  
8 the fire code required inventory control for underground  
9 storage tanks.

10           The next comment was the five-year Operator A and  
11 B retesting needs to be changed. One-time testing and  
12 passing -- to one-time testing and passing, and retesting  
13 should take place if NOV is issued. We disagreed with  
14 that, and the operator -- or the Marketers came around to  
15 our disagreement, I guess. So, therefore, no changes were  
16 made to our rule on that one.

17           Sump sensor replacement was a topic that we  
18 talked about, and we worked with the Marketers in the rule  
19 to sort through how those sump sensors are going to be  
20 replaced.

21           The next meeting with the Marketers on May 4th  
22 came up with seven more comments. The Marketers wanted to  
23 be able to submit data electronically. We agreed, as long  
24 as it was done within enough time for the inspectors to go  
25 through those records before they went to the field.



1           They wanted changes to -- 16(c) are conflicting,  
2 and we agreed, so we fixed that in the regulation. The  
3 Marketers want to use third-party contractor to complete  
4 the monthly walk-through. And we are allowing the monthly  
5 walk-through inspection to be completed by a third party.

6           We were not willing to allow a third party be a  
7 Class B operator, because definition of Class B operator is  
8 someone with day-to-day responsibility of the system.  
9 Therefore, a third party really doesn't have day-to-day  
10 responsibility. And the Marketers came around to that as  
11 well.

12           Comment four, Marketers were concerned with the  
13 amount of contaminated water that will be generated due to  
14 hydrostatically testing sumps per the EPA regulation. And  
15 we had the same concern. So we are allowing the facility  
16 to submit a sump testing method for the Department's  
17 approval. And we actually did come up with a method for  
18 those sump tests that the marketers agreed to and that's  
19 been reflected in our rule.

20           The Marketers would like the Department to allow  
21 stake-type sacrificial anodes connected to piping flex  
22 connectors to be replaced by a licensed cathodic protection  
23 tester without being designed by a cathodic protection  
24 expert. And that was reflected in the rule. We agreed  
25 with that comment.

1           The Marketers requested the Department remove  
2 paragraph 13(g)(x), which required submittal of fuel  
3 throughput, which they believed was confidential. We  
4 agreed and we removed that paragraph.

5           And the Marketers agreed with the Department's  
6 current five-year operator licensing requirements. So that  
7 was not changed in our rule.

8           We received a comment by email from the  
9 Marketers. Can the facility have a contractor rather than  
10 an employee on-site during our inspections, and we agreed  
11 that they could have a third-party contractor on-site while  
12 we do our -- while our inspectors are out there.

13           Comments received outside of the Wyoming  
14 Petroleum Marketers Association. Rather than placing a  
15 tank in temporarily out of use each fall, can we remote  
16 camera technology -- can we use remote camera technology to  
17 daily monitor the level of fuel in our tank during the  
18 winter season? And this commenter has aboveground storage  
19 tanks that are only used during the summer months, and we  
20 agreed they could use remote camera sensing.

21           These were comments, then, that were received --  
22 so those comments you all received. These are comments  
23 that were received during the public comment period from  
24 Robert Largent, AAFES; is that Air Force?

25           UNIDENTIFIED MALE: Army Air Force Exchange

1 Service.

2 MS. HALVORSEN: Thank you.

3 The comment was tank operators that utilize  
4 interstitial monitoring should not be required to inventory  
5 control for their systems. Inventory control allows  
6 1 percent throughput plus 130 gallons release before  
7 becoming reportable. Double-wall systems should not allow  
8 any reportable releases.

9 Our response is that per the proposed rule  
10 inventory control is not required for UST that have both  
11 double-wall tanks and double-wall piping. Inventory  
12 control may be for systems with double-wall piping and  
13 single-wall tanks with automatic tank gauging when -- when  
14 automatic tank gauging is used for tank leak detection.  
15 The proposed rule reflects the federal rule.

16 We did want to point -- so our rule, basically,  
17 reflects what's in the federal rule. That's in the EPA  
18 rule. So we can't change what's in the EPA rule. We can't  
19 be more or less stringent than was in the EPA rule. We  
20 wanted to note that the fire code requires all motor  
21 fueling facilities that have USTs to perform inventory  
22 control. We don't enforce the fire code, but we do notify  
23 the fire marshal when it appears tanks are being operated  
24 outside the fire code.

25 Travis Deti with Wyoming Mining Association had

1 five comments. That we should take time to simplify and  
2 revise Section 4 regarding applicability. And our response  
3 is that we -- we understand that applicability of the rules  
4 can sometimes be difficult, but we have to balance what's  
5 presented in our rules with what is required by the EPA and  
6 state statute. So it's easier rather -- the AG's Office  
7 has said we don't want to redefine those things that are in  
8 statute because somebody could come back and say, well,  
9 actually the rule does apply to them, but because the way  
10 our applicability statement is written, they think it  
11 doesn't, and there's an issue. So due to the number of  
12 tanks regulated, it can be difficult to address every  
13 instance without citing EPA regulations and state statute.

14 We did make -- we have committed to doing a  
15 guidance document to try to help with applicability for  
16 people who have a hard time understanding, going back and  
17 forth between the rule and the statute.

18 Their second comment was it is cumbersome to  
19 conclude the aboveground storage tanks that are regulated  
20 by the rules are those used by dealer to dispense gasoline  
21 or diesel. We agreed, and we have put that clarification  
22 in our applicability statement.

23 Section 4(c) does not belong in Section 4. We  
24 agreed. We moved that to Section 6 in the rule.

25 And the Division could be more thorough in public

1 notices providing a clear statement of applicability. And,  
2 again, we do the best we can. And we are going to work on  
3 the guidance document.

4 We got 17 comments from Petroleum Testers, so  
5 I'll just go through each one of these.

6 Section 16(c)(i)(D), the paragraph can lead to  
7 misunderstandings about when inventory control is required.  
8 Delete the paragraph. Our response is that paragraph is  
9 contained in Federal Regulation 280.43 and we can't delete  
10 it, so it needs to stay in the rule.

11 Second comment was Section 16(a)(vii)(B). He's  
12 talked about being negative on inventory control records  
13 for two months is quite normal in operating tanks and does  
14 not indicate that a release has occurred. Again, this is  
15 language from Federal Regulation 280.50(c)(iii), requires  
16 reporting a release when inventory control fails for two  
17 consecutive months. So to maintain consistency, the  
18 Department proposes no change, to continue to use two  
19 consecutive months for the trend.

20 THE REPORTER: I'm sorry. You're going to  
21 have to slow down.

22 MS. HALVORSEN: Sorry. So we propose no  
23 change for that comment.

24 The next comment. There's no technical  
25 justification for the addition of 130 gallons in

1 determining if inventory control balances or not. I  
2 believe that the regulations would be much improved if the  
3 leak test result was 1 percent of throughput plus 130  
4 gallons or 3 percent of throughput, whichever is the  
5 smaller number. Again, Federal Regulation 280.43(a) states  
6 that 1 percent of throughput plus 130 gallons is to be used  
7 for inventory control. Therefore, we propose no change.

8 16(d), when EPA revised 40 CFR 280, the  
9 regulation was revised so that it does not allow the  
10 installation of vapor monitoring as a leak detection method  
11 on any new facility. There are few, if any, facilities  
12 using this method in Wyoming. Vapor monitoring should be  
13 removed. Our response is that Federal Regulation 280.43(e)  
14 does allow vapor monitoring. We currently have two  
15 facilities using vapor monitoring. We can't be any more or  
16 less stringent than EPA. Therefore, that regulation --  
17 that allowance for vapor monitoring will remain.

18 Our next comment. Section 16(c), groundwater  
19 monitoring is another method that EPA will not allow for  
20 new installation as a method. Groundwater monitoring was  
21 never common in Wyoming. Groundwater monitoring should be  
22 removed. Our response was Federal Regulation 280.43(f)  
23 allows groundwater monitoring. We currently have one  
24 facility using groundwater monitoring. Therefore, that  
25 groundwater monitoring will remain in our regulation.

1           Next comment. Section 16(i), passive acoustic  
2 sensing is a method that is only applicable to large  
3 aboveground storage tanks. Section 36 (a) (v) covers  
4 passive acoustic sensing for aboveground storage tanks and  
5 should be removed from Section 16. We agreed that it can  
6 be removed from Section 16 because it's included in the  
7 aboveground tanks, so we removed it.

8           Next comment. Section 15, manual tank gauging  
9 was a fairly common method of leak detection for small used  
10 oil tanks at one time. Almost all tanks that could use  
11 this mod have been removed. I believe that the last tanks  
12 using this method are equipped with automatic tanks gauges.  
13 This section should be removed. Our response was Federal  
14 Regulation 280.43(b) allows manual tank gauging. We  
15 currently have 15 facilities using manual tank gauging.  
16 Therefore, manual tank gauging will stay in our regulation.

17           Next comment. Section 12(c), has EPA removed API  
18 Publication 1627 from the CFR? The removal of the  
19 publication may leave the state with nothing if methanol/  
20 gasoline blends become common. Our response was that EPA  
21 has removed the publication. Methanol is a listed RCRA  
22 hazardous substance. The owner-operator would be required  
23 to prove capability with the substance stored under  
24 substance -- under Section 12(a). And the hazardous  
25 substance tank rule provides requirements for hazardous

1 substance tanks under Section 17.

2 So we believe that even though that publication  
3 has been removed, the State will be covered for methanol/  
4 gasoline blends based on Section 12 and 17. So we propose  
5 no change.

6 Section 17 -- next comment. Section 17, since  
7 2008, all systems in Wyoming have been required to be  
8 double-walled systems. The entire section on hazardous  
9 waste tanks should be removed. Our response, Section 17 is  
10 Federal Regulation 208.42. We currently regulate six  
11 hazardous substance tanks. If a tank is discovered that  
12 falls into this category, the Department would have no  
13 rules for that tank or the existing hazardous substance  
14 tanks if this section were removed. This section would  
15 also cover the methanol/gasoline blends discussed in the  
16 previous comment. The Department proposes no change.

17 Next comment. Section 6(a)(iii)(C), ACT is the  
18 Association For Composite Tanks and is not part of the  
19 Steel Tank Institute, STI. The reference to STI should be  
20 removed. Our response, the Association For Composite Tanks  
21 no longer exists. The Steel Tank Institute acquired the  
22 ACT standards. The citation is correct. The Department  
23 proposes no change.

24 Next comment. Section 11, the section has been  
25 retitled to include all corrosion protection systems. The



1 definition of the term "CP," has been broadened to include  
2 systems that are not cathodic protection systems. However,  
3 Section 11 applies only to cathodic protection systems.  
4 The definition of the term "CP" should not be modified and  
5 this section should remain a section that only applies to  
6 cathodic protection systems. Our response is that we agree  
7 with the State -- with their comment, the CP definition in  
8 Section 5 will be revised, and Section 11 will remain as to  
9 only comply to cathodic protection systems. And the title  
10 of Section 11 was also revised.

11           Next comment. Section 12(c)(v), this is a new  
12 section that was inserted by the EPA into 40 CFR 280 to get  
13 EPA out of a bind of their own creation. Language should  
14 be inserted in Section 12(c)(v) that would allow the  
15 Department to reject any self-certification if it can be  
16 shown to be inaccurate. Our response is the Department has  
17 no way to prove an inaccurate self-certification. The STP  
18 rule cannot be any more or less stringent than federal  
19 rule. We propose no change.

20           Next comment. Section 19, the section on  
21 suspected release reporting has been modified to require  
22 all suspected releases to be reported to the local fire  
23 department. Our response was that we agree that reporting  
24 suspected releases would be cumbersome to some local fire  
25 authorities and is not necessary. Therefore, the word

1 "confirmed" was added so that only confirmed releases are  
2 reported to the local fire authority. And we changed the  
3 heading on that section as well.

4           Next comment. Section 22, why is the spill and  
5 overfill reporting procedure being complicated so much?  
6 Our response is that we have -- the Department has  
7 attempted to standardize the way spills are reported by  
8 requiring the use of an online database. However, due to  
9 some internal issues that can arise at times tank program  
10 is not notified of a release through the online reporting.  
11 Therefore, we want to make sure that the tank program is  
12 notified so that we can be on-site immediately. That helps  
13 if we have a remediation system operating, that helps us to  
14 get out right away and make sure that our remediation  
15 system isn't compromised, and if we need to be out there,  
16 we can make sure that the spill's taken care of.

17           So it is -- we've added another layer by having  
18 them call the tank program, but we don't think it's unduly  
19 cumbersome and we think it protects the state better.

20           The next comment -- so we proposed no change.  
21 The next comment. Section 25, again, the reporting of a  
22 confirmed release is being complicated by requiring both an  
23 oral and fax report and entry into discovery response  
24 database. And we just said see comment above -- response  
25 above. The Department proposes no change.

1           Next comment. Section 35, at the time that the  
2 aboveground storage tank regulations were promulgated, the  
3 requirement for a fire marshal plan review -- review seemed  
4 important. Since that time, the fire marshal plan review  
5 does not consist of reviewing a set of plans for  
6 conformance with the fire code. And the fire marshal  
7 requires a plan review for their own regulations, but DEQ  
8 need not require the same thing in their regulations. Our  
9 response was we confirmed that the fire marshal's office  
10 actually does complete a plan review to determine if the  
11 installation meets the fire code. We propose no change.

12           Next comment. Part M, does including previously  
13 deferred tanks in rule amount to expanding the scope of the  
14 corrective action account, the financial responsibility  
15 account. Our response is no. The EPA deferred tanks were  
16 never exempted by statute. Department proposes no change.

17           Our next comment. Section 53, the regulations  
18 could be simplified if all owner-operator were simply  
19 required to post \$1 million per occurrence and \$1 million  
20 in aggregate coverage, since that is already provided by  
21 the State. Our response is that portion of Section 53  
22 applies to owners-operators that are not eligible for the  
23 state coverage. The financial responsibility or amounts  
24 are stated in Federal Regulation 280.93. The Department  
25 proposes no change.

1           Next comment. Section 53, federal rules require  
2 operators who own more than 100 tanks to provide \$2 million  
3 in aggregate coverage for third-party liability. The  
4 requirement should be added to cover off-site liabilities  
5 up to \$2 million since the financial responsibility account  
6 is capped at 1 million. We agree, and that was added to  
7 Section 53 as 53(i).

8           CHAIRMAN BEDESSEM: Thank you.

9           MS. HALVORSEN: You're welcome.

10           Madam Chairman, would you like us to go through  
11 the changes that we made to the rules based on comments? I  
12 think we have four.

13           CHAIRMAN BEDESSEM: Sure. Go through those  
14 four, and then we'll take comments from the public.

15           MR. ESCH: Madam Chair, before we move on.  
16 I think with the response to comments that have been  
17 showed, we did a very robust outreach effort to all of  
18 regulated industry individuals and we want to extend our  
19 gratitude for those who commented. I think there was some  
20 give and take on both sides, which ended up resulting in  
21 a -- in a better rule package before you today.

22           You know, we worked very closely with Wyoming  
23 Petroleum Marketers. We solicited comments to the rest of  
24 the industry as well. And I think that was -- ended up  
25 being very beneficial to the agency.

1                   CHAIRMAN BEDESSEM: Thank you. Seems like  
2 all the upfront advance work is really helpful when you get  
3 down to the end to reduce the amount of comments.

4                   MR. ESCH: We certainly hope so.

5                   CHAIRMAN BEDESSEM: It's appreciated by the  
6 board too. Thank you.

7                   MS. HALVORSEN: Okay. So changes we made  
8 after the packet was submitted to the board on October  
9 30th. And, unfortunately, these refer to the clean pages  
10 on the clean version. So I don't know if you all have the  
11 clean version in your packet.

12                   CHAIRMAN BEDESSEM: We do.

13                   MS. HALVORSEN: So first of all, Table 2,  
14 where we replaced Table 2 on page 160 of the clean version.  
15 That table is our corrective action scoring sheet. And  
16 I've handed you that -- do we all need to catch up?

17                   BOARD MEMBER CAHN: Can you read the title  
18 on the -- of the file so I can pull it up? I don't think  
19 we have a hard copy.

20                   CHAIRMAN BEDESSEM: Yeah. It's in the --

21                   MS. HALVORSEN: This was --

22                   CHAIRMAN BEDESSEM: It's the first -- the  
23 clean tab. It's in the first section.

24                   BOARD MEMBER CAHN: No, but the comments.

25                   CHAIRMAN BEDESSEM: Oh, oh, oh.

1 MS. THOMPSON: So the file name is  
2 20171207changesmadeafterWWABpacketwentout.pdf.

3 CHAIRMAN BEDESSEM: So you sent us a  
4 revised Table 2.

5 MS. HALVORSEN: I sent you the revised  
6 Table 2, that's correct.

7 CHAIRMAN BEDESSEM: Under concentration  
8 soil, that's free product, correct?

9 MS. HALVORSEN: I don't have -- I don't  
10 have a Table 2.

11 CHAIRMAN BEDESSEM: I'll give you mine.  
12 Just where I have it circled, you just mean free product,  
13 right?

14 MS. HALVORSEN: Oh, yes. Yes. Let me --

15 CHAIRMAN BEDESSEM: You can keep that one.

16 MS. HALVORSEN: Can I keep this one,  
17 please?

18 CHAIRMAN BEDESSEM: Yes. You can keep that  
19 one.

20 BOARD MEMBER CAHN: Instead of free  
21 produce?

22 MS. HALVORSEN: Yeah, free produce.

23 CHAIRMAN BEDESSEM: Okay. Ready.

24 MS. HALVORSEN: Ready? Okay.

25 CHAIRMAN BEDESSEM: Yeah. We received a

1 hard copy in the mail. These are all very recent comments.

2 MS. HALVORSEN: Right.

3 CHAIRMAN BEDESSEM: Recent changes.

4 MS. HALVORSEN: Recent changes, yeah.

5 BOARD MEMBER CAHN: I didn't get it yet.

6 That's okay.

7 CHAIRMAN BEDESSEM: Okay. You may begin.

8 MS. HALVORSEN: Thank you, Madam Chairman.

9 The Table 2 was being replaced because we had  
10 revised the priority worksheet to capture additional  
11 criteria. These include considerations for land use,  
12 addresses vapor intrusion and more thorough -- more  
13 thoroughly, and addresses sensitive habitats that wasn't  
14 included in our previous version.

15 So the second one was on Section 5, paragraph  
16 (bbb) on page 1-13 of the clean version. That's the  
17 substantial modification definition. We just removed the  
18 word "spill and overfill controls" out of that definition.  
19 Because we are required, for on-site inspection, to go out  
20 for any substantial modification, and that costs the tank  
21 owners \$250 for us to go out, and we don't want to do -- we  
22 didn't want to add those spill and overfill controls as  
23 requiring an inspection and cost the tank owner our  
24 inspection fees.

25 The next one under Section 4, Applicability. How

1 we've written it up here, we've just tried to -- this is in  
2 response to the Wyoming Mining Association regarding  
3 applicability to be a little -- try to be a little more  
4 clearer, I guess. So that's the change we made,  
5 requirements of this chapter apply to all owners and/or  
6 operators of aboveground storage tank systems as defined in  
7 statute. Only aboveground tank systems used by dealer to  
8 dispense gasoline or diesel to the public are regulated by  
9 these regulations. The requirements of this chapter  
10 applied to all owners and/or operators of underground  
11 storage tank systems as defined in the statute, except --  
12 and then we list the exceptions.

13           And, again, it was hard to list every tank that  
14 we -- every instance. And, again, the AG's Office did not  
15 want us to try to redefine statute.

16           The next change we made was Section 4(c) on  
17 pages 1-7 and 1-8 of the clean version. Based on the  
18 Wyoming Mining Association, we moved that to Section 6(h).  
19 And then we moved -- 4(d) became 4(c).

20           The next change we made, on 16 -- oh, 69 on  
21 page 1-45, the clean version, will be removed. That was  
22 the list of -- where we wanted their throughput and we --  
23 we agreed that was -- or, no, this was -- addressed  
24 Petroleum Marketers' comment that this section only applies  
25 to aboveground tanks. That was the one that was removed.



1           The next comment. Section 5(x) on page 1-10 of  
2 the clean version will be revised. This is, again, to  
3 address Petroleum Testers' comment that CP -- so we added a  
4 definition for corrosion protection. And then the next  
5 comment we add a definition for CP, which means cathodic  
6 protection. And then the next change we made, Change 8, we  
7 just changed the section heading from Operation and  
8 Maintenance of Corrosion Protection to Operation and  
9 Maintenance of Cathodic Protection. That addressed  
10 the Petroleum Testers' comments regarding cathodic  
11 protection -- the use of that term.

12           The next comment. Section 19, on page 49 of the  
13 clean version. We changed the heading to just say -- we  
14 took out the word "suspected." So the Section 19 is just  
15 now Release Reporting. And we added in that paragraph all  
16 confirmed releases shall be reported to the fire  
17 department. This, again, addresses petroleum -- Petroleum  
18 Testers' comment that all suspected releases we were  
19 requiring them to be reported to the fire department. That  
20 was cumbersome.

21           The next section, 53(i), owners and operators, we  
22 added -- 53(i), owners and operators of 101 or more USTs  
23 eligible for the state corrective action account shall  
24 demonstrate with financial responsibility for compensating  
25 third parties for bodily injury or property damage caused

1 by accidental releases arising from the operation of  
2 petroleum USTs, the amount required is \$1 million, such  
3 that a total aggregate amount of 2 million is reached when  
4 the financial responsibility of 1 million is provided by  
5 the State. That addressed a Petroleum Testers comment that  
6 for those -- for owners having more than a hundred tanks,  
7 they need to provide 2 million in financial responsibility.  
8 The State only provides 1.

9 BOARD MEMBER KIRKBRIDE: May I --

10 MS. HALVORSEN: And there is my Table 2.

11 BOARD MEMBER KIRKBRIDE: I'm sorry.

12 MS. HALVORSEN: I'm sorry.

13 BOARD MEMBER KIRKBRIDE: May I ask how many  
14 operators we have in the state with that many tanks or  
15 more?

16 MS. HALVORSEN: It's -- Madam Chairman and  
17 Mr. Kirkbride, it's 101 tanks nationwide.

18 BOARD MEMBER KIRKBRIDE: Oh, nationwide.

19 MS. HALVORSEN: So we don't have -- do we  
20 have any --

21 MR. GILBRETH: Yes.

22 MS. HALVORSEN: -- just with a hundred in  
23 our state alone?

24 MR. GILBRETH: Actually, Kum & Go I think  
25 has. And Maverik may have.

1 MS. HALVORSEN: But it's a national -- a  
2 nationwide.

3 BOARD MEMBER KIRKBRIDE: Oh, good. Good.

4 MS. HALVORSEN: I think I'm done.

5 CHAIRMAN BEDESSEM: Okay. What we'd like  
6 to do is -- considering the timing, we'd like to get -- to  
7 have our public comment before we break for lunch.  
8 Appreciate everyone's patience who may be in the audience  
9 here before you get to speak, but we would like to call  
10 people up at this moment, so...

11 BOARD MEMBER CAHN: Can we take a quick  
12 break?

13 CHAIRMAN BEDESSEM: Yes. Let's take a  
14 five-minute break and then --

15 BOARD MEMBER HANSON: That would be great.

16 CHAIRMAN BEDESSEM: That would be great.  
17 We'll have a five-minute break. And then hopefully we have  
18 a sign-in sheet that someone can give me so we might be  
19 able to call people in order. Okay? So we'll do that  
20 after our five-minute break.

21 (Meeting proceedings recessed

22 10:50 a.m. to 11:05 a.m.)

23 CHAIRMAN BEDESSEM: We'd like to reconvene  
24 the fourth quarter Water and Waste Advisory Board meeting.

25 We're going to proceed now to public comment

1 regarding the Storage Tank Program rules proposed Chapter  
2 1.

3 I'm looking at the sign-in sheet here. And at  
4 the end, if there's somebody who hasn't signed in, please  
5 let me know, but I'm going to go down through the first --  
6 skipping DEQ personnel and us.

7 Is this anyone from Big D Oil who would like to  
8 speak? No? Just listening?

9 Okay. U.S. Air Force.

10 MR. LESTER: I'll take a moment --

11 CHAIRMAN BEDESSEM: Sure.

12 MR. LESTER: -- if you don't mind, ma'am.

13 CHAIRMAN BEDESSEM: Can you introduce  
14 yourself?

15 MR. LESTER: My name is Ron Lester. I am  
16 with the United States Air Force Civil Engineering Center.  
17 I am the appointed regional environmental coordinator for  
18 both the EPA Regions 7 and 8. I'm out of Peterson Air  
19 Force Base.

20 One of our primary responsibilities is to monitor  
21 all regulatory and legislative activity. And that's why  
22 I'm here, just to observe.

23 I really don't have any specific comments at this  
24 time, but I will say that one of our major concerns here up  
25 at the F. E. Warren Air Force Base specifically is the

1 ability to comply fully with the federal regulations,  
2 which, obviously, are being adopted here. So I am relieved  
3 to hear that the State of Wyoming is adopting the federal  
4 regulations, and we are diligently working toward full  
5 compliance with the tank regulations.

6 As you know, F. E. Warren maintains missile  
7 facilities throughout a three-state area, so we are closely  
8 monitoring State activities on a regulatory front with the  
9 underground storage tanks. We are planning and programming  
10 to fully comply. Our concern is will we be able to fully  
11 comply in a sufficiently timely manner. So I just ask for  
12 your consideration on that front. I do assure you that we  
13 will be in full compliance. I just can't guarantee you  
14 when that's going to be.

15 So that's really all I have to say. Thank you  
16 for hearing me out.

17 CHAIRMAN BEDESSEM: Thank you for your  
18 comments, Mr. Lester.

19 Okay. The next company or business I see on here  
20 is CGRS.

21 UNIDENTIFIED MALE: No comments today.

22 CHAIRMAN BEDESSEM: No comments. Okay.

23 So I think the next one is Lewis and Lewis  
24 Kilgore. If I'm pronouncing that correctly? This was  
25 Tara Nelson? No? Okay.

1 Wyoming Petroleum Marketers.

2 MR. LARSON: Thank you, Madam Chair.

3 Members of the board. I'm Mark Larson. I'm the executive  
4 vice president for the Wyoming Petroleum Marketers  
5 Association. We're the licensed fuel distributors that are  
6 now streaming from the refineries and turbo racks. And  
7 because most of my members own convenience stores, we also  
8 represent the 355-plus convenience stores in the state.  
9 Our guys have storage tank programs and the storage tanks,  
10 and so we're one of the primary users of the program.

11 I'm testifying not because of concerns that I  
12 have with the rulemaking, moving forward, but to explain  
13 why we think the rule is ready for prime time. WPA members  
14 are proud to be of a compliance record that we have  
15 mutually achieved through Oma's leadership and STP,  
16 consistently being one of the highest in the country, if  
17 not the highest many times. We're proud of that record.

18 The Marketers recognize the importance of storage  
19 tank regulations that assure Wyoming's environment is not  
20 negatively impacted by our necessary operations.

21 DEQ STP has done an exemplary job in engaging the  
22 regulated community in every step of the process, for  
23 reviewing the bill -- from reviewing the bill, updating  
24 statutes and providing a platform for this rulemaking, to  
25 the several meetings they have endured with us on getting

1 into the details of the regulations, to the significant  
2 outreach that they held around the state that I attended  
3 each of those.

4 DEQ STP has worked hard and is effective in  
5 coming out with well-reasoned regulations. Did we get  
6 everything we asked for? Obviously not. But we did  
7 receive ample opportunity to exchange ideas and suggestions  
8 regarding the proposed rule.

9 Given the fact that Wyoming is not a primacy  
10 state yet, DEQ STP has applied operational realities and  
11 generally listened to the regulated community, assuring the  
12 EPA guidelines are also followed. We hope at some point  
13 they receive primacy as one of the best state programs in  
14 the country.

15 This is necessarily not an easy process. We  
16 understand that. However, from our perspective, the  
17 necessary due diligence has been performed and admirably  
18 so. The WPMA requests that the WWAB forward the proposed  
19 rule. I'll stand for any questions.

20 CHAIRMAN BEDESSEM: Any question?

21 BOARD MEMBER KIRKBRIDE: Madam Chair.  
22 Question.

23 CHAIRMAN BEDESSEM: Uh-huh.

24 BOARD MEMBER KIRKBRIDE: I was just  
25 curious. What percentage of the convenience stores and/or

1 Marketers do you represent? Of the state.

2 MR. LARSON: The ones we don't represent is  
3 probably Loaf 'N Jug and some of the big-box fuel -- fuel  
4 pumps. Maverik, Kum & Go, Big D, Bailey Oil.

5 BOARD MEMBER KIRKBRIDE: What about small  
6 ones like on the reservation and other places?

7 MR. LARSON: Madam Chair. Mr. Kirkbride,  
8 the reservation's a different story in that EPA and DEQ  
9 work independently on how they do it. They don't -- they  
10 haven't deemed us as being a necessary entity because we're  
11 predominantly with state legislative and state regulatory  
12 issues.

13 BOARD MEMBER KIRKBRIDE: Okay. Thank you.

14 MR. LARSON: Thank you.

15 CHAIRMAN BEDESSEM: Thank you very much,  
16 Mr. Larson.

17 Are there any other members of the audience that  
18 would like to come up and speak to these rules today? No  
19 one else?

20 Okay. Well, thank you very much for being here.  
21 And appreciate the comments that we did receive in addition  
22 to all the previous sets of comments.

23 Okay. Then we'll kind of close that open forum  
24 and give that to you.

25 MS. THOMPSON: Thank you.



1                   CHAIRMAN BEDESSEM: And now we'll move on  
2 to any more board comments or corrections.

3                   BOARD MEMBER CAHN: Madam Chair. DEQ, I  
4 just want to say that in my 16 years on this board,  
5 17 years, this is absolutely the best package that I have  
6 seen in terms of thoroughness with which comments were  
7 responded to. I think there's no question in anybody's  
8 mind why. If you disagreed, you changed it -- or you  
9 didn't change it, and if you did agree, you changed it. I  
10 think it's just extremely thorough. It made it really easy  
11 as a board member to go through it and understanding what  
12 your rationale was, so I just wanted to say thank you,  
13 because it's really, really well done. Very thorough.

14                   So I do have -- and as I always have comments, I  
15 have extremely minor comments. So none of them are  
16 substantive, so I will defer those until other members, if  
17 they have some substantive comments.

18                   BOARD MEMBER KIRKBRIDE: I have none.

19                   BOARD MEMBER HANSON: Only one comment. I  
20 think it's very necessary to regulate this very carefully,  
21 because I deal with it on the other side, as I mentioned  
22 before, and groundwater contamination, I think, is a major  
23 concern of the state these days, and this addresses a part  
24 of that. And I think that's a very important issue. Thank  
25 you.

1 BOARD MEMBER DEURLOO: I have no comments.

2 CHAIRMAN BEDESSEM: Okay. Well, thank you,  
3 Board Members.

4 I wanted to make the additional comment that this  
5 was a great situation where you've been working with  
6 these -- the majority of the content of these rules for  
7 many years to know what the pitfalls are and also what  
8 things that you might improve within the constraints of  
9 trying to get primacy through, you know, by EPA. And so it  
10 seems like you've taken all that knowledge to improve the  
11 rule and working with your regulated community to do that.

12 So I think -- I mean, as far as substantive  
13 changes, the rationale for what was -- what comments were  
14 accepted and what weren't is very clear, and the board does  
15 not have any substantial comments related to that. So I  
16 think we can just move on at this point to some -- whatever  
17 minor comments or there might be for minor corrections, and  
18 then we'll just discuss whether to move the packet forward.  
19 Okay?

20 And so at this moment I'm going to pass it to  
21 Lorie. Ms. Cahn.

22 BOARD MEMBER CAHN: I would just like to  
23 say that I am pleased with the style guide that you've  
24 adopted. I like not having numbers included in  
25 parentheses. I just find it easier to read. Not -- you

1 know, numbers are spelled out if less than 10, except when  
2 expressing units of time or measurement. And units of time  
3 or measurement always in numerals. So I like that. I find  
4 it easier to read that way. It's more what I'm used to. I  
5 think that's a good choice. I know it's inconsistent  
6 within DEQ, and I know Gina can work on that -- or is  
7 working on that.

8           So I just want to note for the record that on  
9 Table 2, the new Table 2 that -- that you passed out -- or  
10 you emailed us that there's -- free produce is changed to  
11 free product, so -- and I have to go to my electronic  
12 version.

13           CHAIRMAN BEDESSEM: So this is wonderful.  
14 We're going to take care of these small comments here and  
15 now, as opposed to having to do any kind of offline  
16 discussion to get corrections done. So we'll be able to  
17 wrap this up. So this is very good.

18           BOARD MEMBER CAHN: Maybe somebody can help  
19 me. I'm trying to find my comments on the commented --  
20 there's a way of --

21           CHAIRMAN BEDESSEM: Yeah. Okay.

22           BOARD MEMBER CAHN: All right. Where is  
23 it, though?

24           CHAIRMAN BEDESSEM: So be patient for  
25 technical items here.

1 MS. HALVORSEN: Madam Chairman, are we  
2 looking at the one with the comment -- with the comments  
3 on the --

4 CHAIRMAN BEDESSEM: The one with the  
5 comments.

6 MS. HALVORSEN: Thank you.

7 BOARD MEMBER CAHN: Okay. And I don't have  
8 line numbers on this version.

9 CHAIRMAN BEDESSEM: I might be able to help  
10 with that.

11 BOARD MEMBER CAHN: I'm on page 1-48 of the  
12 marked-up -- or the redline/strikeout copy.

13 CHAIRMAN BEDESSEM: Is this the  
14 redline/strikeout with comments or the initial  
15 redline/strikeout?

16 BOARD MEMBER CAHN: This is with comments.

17 CHAIRMAN BEDESSEM: Okay.

18 BOARD MEMBER CAHN: So page 1-44.

19 MS. HALVORSEN: 44.

20 BOARD MEMBER CAHN: 1-44. Sorry. 1-48.

21 MS. HALVORSEN: Okay.

22 BOARD MEMBER CAHN: And it's capital letter  
23 B. So the second paragraph. Let's go back to.

24 BOARD MEMBER DEURLOO: 2090, right?

25 BOARD MEMBER HANSON: Be equipped with --

1 BOARD MEMBER CAHN: Starts out, "Be  
2 equipped with an automatic line leak..."

3 BOARD MEMBER HANSON: It's 1-48. And it  
4 starts line 2074. That's, I think, what you're referring  
5 to.

6 BOARD MEMBER CAHN: Can I -- so the actual  
7 line number -- oh, but yours --

8 BOARD MEMBER HANSON: That's that one,  
9 yeah.

10 BOARD MEMBER CAHN: Third line down. Hmm.  
11 This is going to be --

12 CHAIRMAN BEDESSEM: This is going to be  
13 harder than originally --

14 BOARD MEMBER CAHN: So let's go back up to  
15 what section we're in. We're in (g)(i)(B).

16 CHAIRMAN BEDESSEM: Yep, capital B. It's  
17 on the top of page 1-48.

18 BOARD MEMBER CAHN: Okay. It starts with  
19 "Be equipped with an automatic line leak..."

20 CHAIRMAN BEDESSEM: Right. Uh-huh.

21 BOARD MEMBER CAHN: Okay. Good. Okay.  
22 Third line down in (b), you removed "which," which is  
23 correct, and inserted "that," but the comma after sensors  
24 needs to be deleted. So the -- the line should read  
25 automatic line leak detector methods, including sump

1 sensors that alert the owner and/or operator to the  
2 presence of the leak, et cetera. I'd say no commas when  
3 the "which" is removed. And thank you for going on the  
4 "which" hunt and removing --

5 MS. HALVORSEN: I tried to go on the  
6 "which" hunt. So the second comma, comma is removed.  
7 Okay.

8 BOARD MEMBER CAHN: Okay. I had a question  
9 on page 1-88. Capital letter C. So we're under (i)(C) of  
10 (c).

11 CHAIRMAN BEDESSEM: You're on 88, and it's  
12 (C) --

13 BOARD MEMBER CAHN: The sentence starts out  
14 Whenever groundwater is encountered..."

15 BOARD MEMBER DEURLOO: Whenever a  
16 groundwater table is encountered, is that what it says?

17 CHAIRMAN BEDESSEM: It's on -- on the  
18 comment copy, it's on page 1-87.

19 BOARD MEMBER DEURLOO: Yeah.

20 MS. HALVORSEN: Capital C in parentheses.

21 CHAIRMAN BEDESSEM: Yes.

22 MS. HALVORSEN: Whenever groundwater  
23 encountered --

24 THE REPORTER: Slow down.

25 CHAIRMAN BEDESSEM: Yes.

1 MS. HALVORSEN: Sorry. Okay.

2 BOARD MEMBER CAHN: And my question has to  
3 do with -- it says "If groundwater is encountered in more  
4 than one borehole or excavation, up to three groundwater  
5 samples shall be collected." And I'm wondering if we  
6 should clarify somebody could do it temporally or they can  
7 do it spatially. So they can take three groundwater  
8 samples out of the same one well in time, or are you  
9 talking them taking one sample from at least each three  
10 different wells, which I'm assuming is what you mean?

11 MR. DUCHARME: Correct.

12 BOARD MEMBER CAHN: So I would prefer to  
13 see clarification on that, up to three groundwater samples  
14 from -- or a groundwater sample from each of at least three  
15 wells shall be collected or something -- do you understand  
16 my question?

17 MS. HALVORSEN: Does that make sense,  
18 Adrian?

19 CHAIRMAN BEDESSEM: I think that's a good  
20 question.

21 MR. DUCHARME: From each borehole is kind  
22 of the --

23 BOARD MEMBER CAHN: So if you only have  
24 two boreholes --

25 MR. DUCHARME: Up to three groundwater

1 samples --

2 BOARD MEMBER CAHN: -- are you going to  
3 take --

4 THE REPORTER: One at a time.

5 MR. DUCHARME: I do understand your  
6 observation.

7 BOARD MEMBER CAHN: Yeah.

8 MR. DUCHARME: I don't have a fix right off  
9 the --

10 BOARD MEMBER CAHN: Let me ask a clarifying  
11 question, if you will. If there are only two boreholes,  
12 then two samples will be taken in time from one borehole  
13 and one -- oh, it says up to three. Okay. So we're still  
14 talking about one sample from each borehole.

15 MR. DUCHARME: That encounters groundwater.

16 BOARD MEMBER CAHN: Okay. So -- okay.  
17 Let's just say at the end, up to three groundwater samples  
18 shall be collected, one from each borehole. And I think  
19 that --

20 MR. DUCHARME: One sample.

21 BOARD MEMBER CAHN: One sample from each  
22 borehole.

23 CHAIRMAN BEDESSEM: Sample from each  
24 borehole.

25 BOARD MEMBER DEURLOO: At least one.



1 BOARD MEMBER CAHN: And I think that would  
2 clarify that.

3 CHAIRMAN BEDESSEM: You're talking  
4 spatially --

5 MR. DUCHARME: We don't want two from the  
6 same borehole is the concern.

7 BOARD MEMBER DEURLOO: Gotcha. Yep.

8 BOARD MEMBER CAHN: Okay. Is that  
9 language --

10 MR. DUCHARME: Yep.

11 BOARD MEMBER CAHN: Okay. And then --

12 CHAIRMAN BEDESSEM: That works.

13 BOARD MEMBER CAHN: And the only other  
14 comments I have are in the definitions, so let me get  
15 there, because I didn't --

16 BOARD MEMBER HANSON: Starts on 1-9.

17 BOARD MEMBER CAHN: 1-9? Okay. So I have  
18 a general comment in definitions where sometimes when an  
19 acronym is used and defined, sometimes when the acronym is  
20 spelled out, you use all lower case for that acronym and  
21 sometimes you use all upper case. And I think that's  
22 inconsistent. And you may have a reason, but -- for  
23 instance, AL -- ALLD means an automatic line leak detector.  
24 Those are lower case. But when you get to, for example,  
25 maximum contaminant level, then maximum, contaminant and

1 level are all initial upper cap. And so I would prefer to  
2 see them lower case, unless there's some very real reason  
3 why they should be upper case for acronyms. Sorry.

4 MS. HALVORSEN: Madam Chairman. Ms. Cahn,  
5 some of them it's -- it's because of the way it's standard  
6 in the industry. So that's why some are upper, some are  
7 lower. It's a -- it's just the way the industry standard  
8 is.

9 BOARD MEMBER CAHN: Okay. Then that's it  
10 for my comments.

11 And just, again, excellent job. It's obvious  
12 from the fact that we have a lot of interest from the  
13 public, but very few -- no public comments saying please  
14 change this or please change that. You've really done your  
15 outreach well, and I think your packet reflects, you know,  
16 really hard work and good work on your part, especially  
17 including stakeholders. So, anyways, thank you very much.

18 MR. ESCH: Thank you.

19 MS. HALVORSEN: Thank you.

20 BOARD MEMBER HANSON: I don't know whether  
21 that problem was sufficiently solved now. This CP acronym  
22 meaning two different things, and I wonder whether you  
23 either spell it out or -- because I think it will depend on  
24 the context to know which one you mean in a particular  
25 situation for a layman like me. I probably can't figure it

1 out which one is meant. So I -- I don't know whether you  
2 want to spell CP out or what you want to do, because it can  
3 mean either of two things. As a matter of fact, it's  
4 listed here as CP or CP tester.

5 MS. HALVORSEN: Madam Chairman.  
6 Mr. Hanson, we fixed that in the changes that were made  
7 after this packet.

8 BOARD MEMBER HANSON: Yeah.

9 MS. HALVORSEN: CP will now be CP as  
10 cathodic protection. And we spelled out corrosion  
11 protection. So it's -- it's been -- it's been fixed.

12 BOARD MEMBER HANSON: It's been fixed.

13 Okay. Thank you.

14 MS. HALVORSEN: You're welcome.

15 BOARD MEMBER HANSON: Because I read this  
16 before and I thought which one is it now?

17 MS. HALVORSEN: Yes. Yes.

18 BOARD MEMBER HANSON: Thank you.

19 CHAIRMAN BEDESSEM: Any other comments from  
20 the board?

21 Okay. Can we entertain a motion?

22 BOARD MEMBER CAHN: I move that we forward  
23 this on to the EQC as modified in this meeting.

24 BOARD MEMBER HANSON: Second.

25 CHAIRMAN BEDESSEM: Thank you.

1                   So we have a motion and a second. All --

2                   BOARD MEMBER DEURLOO: Discussion?

3                   CHAIRMAN BEDESSEM: Any discussion?

4                   BOARD MEMBER DEURLOO: No.

5                   CHAIRMAN BEDESSEM: Thank you for reminding  
6 me.

7                   All those in favor, respond with aye.

8                   BOARD MEMBER DEURLOO: Aye.

9                   BOARD MEMBER CAHN: Aye.

10                  BOARD MEMBER KIRKBRIDE: Aye.

11                  BOARD MEMBER HANSON: Aye.

12                  CHAIRMAN BEDESSEM: Aye.

13                  Opposed?

14                  Hearing none, motion passes and this packet is  
15 forwarded on to the EQC.

16                  BOARD MEMBER HANSON: Congratulations.

17                  CHAIRMAN BEDESSEM: Yes. Congratulations.

18                  MS. HALVORSEN: Madam Chairman, Board,  
19 thank you.

20                  CHAIRMAN BEDESSEM: This is the first  
21 program I've seen that just has one chapter now of  
22 regulations. So this is your baby and best of luck with  
23 EQC.

24                  Thank you. We will now, at 11:30, go ahead and  
25 break for lunch. And get back here in an hour? An hour

1 15? Okay. So that we'll be back here at 12:45. Okay?  
2 And then continue with -- well, we'll do elections of  
3 officers and proceed with the Water Quality Division  
4 package.

5 (Meeting proceedings recessed  
6 11:30 a.m., December 13, 2017.)

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

C E R T I F I C A T E

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

Dated this 2nd day of January, 2018.

  
KATHY J. KENDRICK  
Registered Professional Reporter

