

1 BEFORE THE WATER AND WASTE ADVISORY BOARD

2 STATE OF WYOMING

3 -----

4 HEARING TO DISCUSS SOLID WASTE LANDFILL MONITORING

5 PROGRAM REIMBURSEMENT PACKAGE FOR CITY OF LARAMIE AND

6 CHAPTER 4 AND CHAPTER 6 RULEMAKING

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9 TRANSCRIPT OF HEARING PROCEEDINGS

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11 Transcript of Hearing Proceedings in the above-
12 entitled matter before the Water and Waste Advisory
13 Board, commencing on the 29th day of March, 2018, at
14 9:00 a.m., at the Wyoming Department of Environmental
15 Quality Office, 152 North Durbin, Casper, Wyoming,
16 Ms. Marjorie Bedessem presiding, with Board Members
17 Ms. Lorie Cahn, Mr. Brian Deurloo, Mr. Klaus Hanson and
18 Mr. Alan Kirkbride also in attendance.

19 Also present were Mr. Craig McOmie, Mr. Dale
20 Anderson, Mr. Richard Lemm and Ms. Emily Sundell from
21 DEQ. Present from the City of Cheyenne were Mr. Randy
22 Melton and Mr. Matt Theriault.

23 Appearing for DEQ via videoconferencing from
24 Cheyenne were Ms. Gina Thompson and Ms. Suzanne Engels.

25

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

2 (Hearing proceedings commenced

3 9:00 a.m., March 29, 2018.)

4 CHAIRMAN BEDESSEM: Let's go ahead and
5 begin the first quarter Water and Waste Advisory Board.
6 We're going to go ahead and first introduce the members
7 of the board. First, I'm Marge Bedessem. I represent
8 the public at large. I'm the chair.

9 MR. KIRKBRIDE: Alan Kirkbride. And I
10 live near Cheyenne. And I represent agriculture.

11 MS. CAHN: Lorie Cahn. I represent the
12 public at large.

13 MR. HANSON: Klaus Hanson, public
14 official, city official.

15 CHAIRMAN BEDESSEM: And then Brian Deurloo
16 will be here shortly. And he represents industry.

17 MS. THOMPSON: That's correct. So I'm
18 Gina Thompson. I'm with the Water Quality Division of
19 the DEQ. And as you may know, members of the audience,
20 Water Quality Division and Solid and Hazardous Waste
21 Division, we share this Water and Waste Advisory Board.
22 And so I'm representing Water Quality Division today.
23 Our administrator, Kevin Frederick, is unable to attend
24 with us. But he sends his regards. And then Luke Esch
25 also wanted to let you know he apologizes for not being

1 in attendance today. Somehow we managed to schedule this
2 meeting at the same time as an Environmental Quality
3 Council hearing. And they had a pretty full docket for
4 all the divisions today. So everyone has just hustled
5 out of the building to attend the EQC hearing.

6 Today I don't have any items for the board that
7 require your vote. My time with you today is
8 informational. We wanted to give you a status update on
9 some of the work that you guys have been doing with us.
10 Back in September, you had voted to recommend -- are we
11 getting some feedback? So can you check the setting on
12 the TV to make sure the box is routing the audio and not
13 the television.

14 (Pause in proceedings.)

15 MS. THOMPSON: So the chapters that we
16 presented to you back in September, Chapter 1, our water
17 quality surface standard and the operator certification
18 chapter, you had voted to recommend adoption to the
19 council for both of those chapters. We proceeded through
20 official rulemaking and presented those two chapters to
21 the council in February, and they voted to adopt those.
22 And now they're in the last phase of official rulemaking
23 where they're going through Legislative Services Office
24 review, and then the governor will sign that later next
25 month. So those two rules that you voted on in September

1 are nearly complete.

2 The financial assurance chapter for the
3 commercial oil field waste disposal facilities, you had
4 voted on that last summer back at your June meeting. And
5 the council heard that rule in December and voted to
6 adopt it. Governor Mead signed that one into effect
7 in -- I believe it was February. I forgot to write down
8 the date, so I apologize.

9 But that new financial assurance chapter where
10 we removed the grandfathering -- or, the clause that
11 allowed for grandfathered facilities to not have to do
12 financial assurance, that chapter is now in effect, and
13 we're working with the grandfathered facilities. They're
14 quickly putting together their financial assurance
15 paperwork, and our DEQ staff are reviewing those at this
16 time. And then they should be submitting their actual
17 financial assurance instruments for those facilities
18 later next month also.

19 We wanted to give you a heads-up. We have some
20 additional rulemaking that we'll be bringing to you later
21 in the year. So the next two or three quarter meetings,
22 Water Quality Division will have rules to bring to you.
23 The first one is a new chapter for permitting for
24 commercial oil field waste disposal facilities. We're
25 going to consolidate the permitting requirements for

1 those facilities. Right now they take requirements out
2 of multiple chapters. And then they also have a guidance
3 document. And it's a little cumbersome for those
4 facilities to put together a permit. So we're going to
5 consolidate those requirements into one chapter. We're
6 still in the draft phase. And then our administrator,
7 Kevin Frederick, will review it.

8 We need to do some outreach to make sure that
9 we haven't -- that we haven't missed anything and that we
10 haven't worded anything in a way that makes it more
11 difficult for industry. We expect to have you a draft of
12 that rule hopefully by the third quarter.

13 We also have updates to bring to you for
14 Chapter 27, which is our underground injection control
15 program rule. And this legislative session, the
16 legislature made an adjustment to the water quality
17 statutes to clarify the authority for Class I
18 nonhazardous injection wells, and they established
19 authorities for Class V CBM injection wells to require
20 financial assurance for those well types.

21 So now that we have the authority clarified and
22 established for those two well types, DEQ will be
23 promulgating a rule to clarify that we require financial
24 assurance for those. Our draft on that is also under
25 way. And that one we will be bringing to you at the next

1 quarterly meeting.

2 When they completed the statutory amendments,
3 they embedded a deadline of July 1st to start rulemaking.
4 And as our next meeting will probably be in June and the
5 one after that will be in September, we prefer to stay on
6 the good side of the legislature and not be out of
7 compliance with our own statute. So we'll be bringing
8 you our revisions to that chapter next quarter.

9 And then the last item I just wanted to cover
10 is we'll be sending out a Doodle poll probably in the
11 next week or two to set up the next quarterly meeting. I
12 don't want you guys to forget about me. I like to be on
13 your calendar at all times. So we'll be bringing that
14 Chapter 27. I believe the hazardous waste program will
15 potentially have a rule ready for you. And depending on
16 your votes today or the outcome of Dale's solid waste
17 rules today, we would potentially or maybe not need to
18 accommodate an additional rule presentation depending on
19 your feelings towards the end of the rules presentation.

20 So, at a point earlier in the year, I believe
21 we had discussed potentially having a meeting in Laramie.
22 I believe that would suit at least three out of five of
23 the board members, being so geographically close. And
24 Laramie is gorgeous in June. So we wouldn't have this
25 snow issue. Right? Well, at least the campus is always

1 gorgeous in June. I don't know.

2 So, if that suits the -- if that suits the
3 board, we could start looking at a June meeting in
4 Laramie. And I checked Administrator Frederick's
5 schedule. And our initial thought would be the week of
6 the 18th through the 22nd. It's the third week of June.
7 So, if any of you has any vacation scheduled for June,
8 let me know. We'll eliminate that right off. But I will
9 send an official poll so that you guys can go home and
10 check your calendars, and we'll make sure that as many of
11 us can attend as possible.

12 MS. CAHN: Gina?

13 MS. THOMPSON: Yes, ma'am.

14 MS. CAHN: Is the week after that
15 possible?

16 MS. THOMPSON: I believe so. Let me check
17 the calendars very quickly here.

18 MR. HANSON: You're talking 25th, 26th.

19 MS. CAHN: Actually, I'm fairly -- it's
20 okay that week so far.

21 MS. THOMPSON: So it looks like both the
22 administrators would have free time for both of those
23 weeks. But like I said, I'll send out a poll and stuff.
24 If those last two weeks of that month, off the top of
25 your heads, if those work for you, I'll send out a poll.

1 We'll get that next meeting scheduled. We'll firm up the
2 agenda and proceed there. This part of the briefing
3 usually makes more sense at the end of the meeting. So I
4 apologize for the goofy confusion here.

5 Does the board have any questions for the
6 Division regarding schedule for the next year or any
7 priorities?

8 (No response.)

9 MS. THOMPSON: No? Okay. Well, I will
10 let Kevin know that we've updated you on our priorities.
11 And I think that's all I had. If there's no other
12 questions, I'll go ahead and turn it over to the Solid
13 and Hazardous Waste Division. And perhaps we can go
14 ahead and start by introducing all of the staff. That
15 might take up a few minutes so we can buy ourselves some
16 time here.

17 MR. McOMIE: You mean staff in the admin
18 room?

19 MS. THOMPSON: Yeah. Everyone. Just take
20 them down the hall.

21 MR. McOMIE: We'll grab a little bitty cam
22 there, and we'll go and surprise people.

23 MS. THOMPSON: Yeah.

24 MR. McOMIE: So I'm Craig McOmie with the
25 cease and transfer and remediation programs. Beside me

1 is Dale Anderson with permitting and corrective action.
2 And I don't know if -- Gina, can you guys see behind us
3 with respect to -- we have Rich Lemm and Emily -- I don't
4 know how to say your last name.

5 MS. SUNDELL: Sundell.

6 MR. McOMIE: Emily Sundell and Rich Lemm
7 are behind us, making sure that Dale and I don't mess up.
8 And we have some gentlemen from the City of Cheyenne with
9 us here from the public.

10 And I'm assuming you guys are here for the
11 Chapter 6 and 4 stuff. So Matt and -- you guys probably
12 work -- I'm assuming Suzanne knows them.

13 MS. ENGELS: Never heard of them. Just to
14 introduce myself, since Craig's not going to, I'm Suzanne
15 Engels out of the Cheyenne office, solid waste permitting
16 program.

17 MR. McOMIE: I was getting to the stalker
18 in the background.

19 MS. ENGELS: What?

20 MR. McOMIE: I said I was going to get to
21 the stalker in the background, and then I realized I was
22 talking over you as the court reporter was trying to --

23 MS. ENGELS: I know. We're already
24 violating the rules, so we're in trouble.

25 MR. McOMIE: Well, I thought Gina can

1 lecture us momentarily, and that might buy us some more
2 time.

3 MS. ENGELS: That's all part of our plan.

4 MR. McOMIE: So, to make small talk
5 momentarily, Gina, the court reporter and myself were
6 talking this morning. Was Oil and Gas booked up today or
7 something? Is that why we're here? Or is this going to
8 be the new normal when we're in Casper?

9 MS. THOMPSON: No. The VR setup at Oil
10 and Gas is harder to get it to work well. And the TV in
11 the room there is identical -- all the equipment there is
12 identical to what we have in Cheyenne. And we don't have
13 to port along additional equipment. And it's also a free
14 location, so we generally have an easy way of checking if
15 the room is available. And we don't have to pay. No
16 matter what Mike Jennings tells you, we're not paying for
17 use of that room.

18 Mike's going to love that part when he reads
19 the transcript.

20 So I think it depends. If we feel that we're
21 going to have a lot of attendance, if we have a lot of
22 members of the public that are interested in the rule,
23 then going to OGCC is a good idea because it can
24 accommodate quite a few participants. But if we don't
25 anticipate a lot of public participation, it's

1 logistically easier to handle a meeting out of the Casper
2 field office there. So that's why. It was purely
3 logistics. And it's nice for the Solid and Hazardous
4 Waste staff, too, because you just walk up the hall. You
5 don't have to go drive across town when it's time for
6 your presentation.

7 MR. McOMIE: So, to be clear, there will
8 be no in-kind compensation for Mike, such as lunches or
9 anything, for this?

10 MS. THOMPSON: That is correct. It's a
11 gratis situation. He's doing -- he helped us for free.
12 So, yeah. That's on the record.

13 CHAIRMAN BEDESSEM: I have a question.

14 MS. THOMPSON: Yes, ma'am.

15 CHAIRMAN BEDESSEM: If a member of the
16 public was interested in hearing these proceedings but
17 was not able to be here physically, how do they access?
18 Or can they?

19 MS. THOMPSON: They would have to contact
20 us at DEQ so that we can share the meeting link. We are
21 still working on figuring out a protocol for handling web
22 conferences for meetings. Generally, we use them for
23 ourselves to accommodate travel, or we use them to
24 accommodate board meeting -- board members' schedules.
25 And Keith Guille, our public information officer, he's

1 working with us to figure out how to best do that going
2 forward.

3 We used to have -- we used to have the
4 compressed video service where we could do a statewide
5 meeting. And so, if an interested party went to various
6 locations throughout the state, they could join the
7 meeting remotely. And we have some -- we have some
8 limitations with Google through the meet service that we
9 use. And so we have some participation limit on the
10 number of people that can join at any one time.

11 We have the ability to do some things through
12 YouTube, but it means if we do it through YouTube, that
13 we're mostly casting video, and then the public has to
14 participate through a side chat. So we haven't -- we're
15 still working out the bugs of using this Google stuff.
16 But if a member of the public wanted to know if that was
17 available, they could contact DEQ. We could see how to
18 accommodate that.

19 CHAIRMAN BEDESSEM: So, basically, a
20 person knows ahead of time that they're not going to be
21 able to make the meeting. Then they can call you and
22 arrange to get the link and be able to participate via
23 WebEx. But if they decide at the last minute, then
24 they're out of luck?

25 MS. THOMPSON: Right. For instance, if we

1 knew all five board members were going to be attending in
2 person and we didn't have any remote DEQ staff, we
3 wouldn't necessarily have the proper equipment with us to
4 set it up. Like if we were near Cheyenne or Casper, it
5 would be easy enough to quickly accommodate such a
6 request. But if we're, for instance, in Jackson, that
7 meeting we had in September, I had to bring my own
8 equipment because Game and Fish in Jackson didn't have a
9 camera set up in the room we were in.

10 So it's similar to when a member of the public
11 needs a special accommodation due to a handicap or a
12 disability. We recommend that they contact the office in
13 advance so that we can accommodate them. I think that
14 even if the need to attend remotely isn't due to a
15 physical issue, that we need advance notice so that we
16 can help that concerned party.

17 CHAIRMAN BEDESSEM: Thank you very much.

18 Now that our board member has arrived, we can
19 move on to the item on the agenda regarding
20 reimbursements. So thank you very much, Gina.

21 MS. THOMPSON: Thank you.

22 MR. McOMIE: For the benefit of the
23 record, would the fifth member please identify
24 themselves? And then I will as well for you.

25 MR. DEURLOO: Delayed board member is

1 Brian Deurloo of Casper, Wyoming.

2 My apologies for being late, Madam Chairman. I
3 had the day wrong.

4 CHAIRMAN BEDESSEM: Glad you're here.
5 Appreciate that.

6 MR. McOMIE: Well, Madam Chairman and
7 Board, I'm, again, Craig McOmie with the Solid and
8 Hazardous Waste Division. I'm here today to present a
9 monitoring reimbursement request from the landfill
10 monitoring groundwater grant program.

11 Real briefly, this was a program that was
12 enacted in 2006 to install monitoring wells throughout
13 landfills in the state of Wyoming to ensure that there
14 were adequate networks at those facilities to detect
15 release to groundwater if one were to occur. Largely,
16 that effort was conducted from 2006 to 2010.

17 Since that time, we continued to look for
18 opportunities as there's still some monies available in
19 that program that, should a landfill need additional
20 information to drill down on what's going on there -- no
21 pun intended -- then there are still monies available to
22 conduct those activities.

23 In the instance of today, two monitoring wells
24 were installed at the City of Laramie's landfill. And
25 one was plugged and abandoned with the -- well, there

1 were two, but one eligible. And so before you today in
2 the board packet is the information regarding that and
3 the Department's recommended reimbursement amount for
4 those activities.

5 I don't know if Mike generally runs through
6 these for you, Madam Chairman, or if we simply ask if
7 you've had an opportunity to review those and have any
8 questions.

9 MR. KIRKBRIDE: I do have a question on
10 what you just said. You said two were drilled and one
11 was abandoned.

12 MR. McOMIE: Yes.

13 MR. KIRKBRIDE: One of the two or
14 additional one?

15 MR. McOMIE: No. There were two
16 additional wells that were abandoned. They were
17 P and A'd. And there were two brand-new wells installed
18 for the network.

19 CHAIRMAN BEDESSEM: As replacements?

20 MR. McOMIE: Yeah. And of those, the two
21 that were plugged and abandoned, one of those were deemed
22 eligible for the program likely because it was
23 implemented during that window, and we deemed that that
24 well wasn't producing information that was necessary to
25 keep it in the network and paying to monitor it.

1 MR. KIRKBRIDE: Thank you.

2 MS. CAHN: I had a question. What's MU?

3 MR. McOMIE: Markup.

4 MS. CAHN: Thanks. Just a suggestion.

5 When you guys use -- I know P and A is plug and abandon.

6 But maybe just -- if you could, for people that aren't

7 used to the acronyms, just put once, at least, what it is

8 in your writings, that would help.

9 MR. McOMIE: I agree. As the one that had

10 to review these in Mike's absence, I had a few questions

11 myself. If you know Mr. Jennings well, he does not

12 respond well to cell phones. So I sent him one with my

13 questions this morning and was going to ask a couple

14 questions. And I finally backed into the markup on that.

15 And so, yes, I'll suggest to Mike that we write those out

16 when we use abbreviations.

17 MR. DEURLOO: Madam Chairman, can I ask a

18 question?

19 How are the wells working, and why did you

20 P and A that one well?

21 MR. McOMIE: Well, the two that were

22 plugged and abandoned, oftentimes we'll review the

23 monitoring networks to ensure that we're getting viable

24 information out of the wells that were installed. If

25 they're not, there's obviously expense to the City or to

1 the entity that has the well system installed to monitor
2 those. And so, if something is not yielding something,
3 that might have been a well that didn't make water, for
4 instance. During the drilling of it, there could have
5 been the sidewall smeared or something, and water never
6 came in, or it might have been screened at a wrong level,
7 you know, the depth, and the water came up higher, and so
8 that can have an impact on the data that's retrieved from
9 the well.

10 So the City can ask the Department to abandon
11 wells that aren't being seen as viable or producing
12 valuable data.

13 MR. DEURLOO: Thank you.

14 MR. McOMIE: Hope that answered your
15 question.

16 MR. KIRKBRIDE: I have another question.
17 I assume such wells need to have some pretty
18 sophisticated equipment to detect things, right, other
19 than just a water well? Obviously, they do.

20 MR. McOMIE: I can let Dale speak to that
21 more eloquently than myself. He's far more expert in
22 that field. But those wells are two-inch wells. They're
23 not like a four-inch water well or anything like that.
24 So they'll be primarily a two-inch well. Sometimes we'll
25 put dedicated pumps in them, for instance, to make sure

1 that the material, when we're purging those, that we get
2 clean samples and so forth. Other times they'll just
3 switch balers between wells.

4 MR. KIRKBRIDE: So to bring water to the
5 surface where it's analyzed? Is that right? Is that
6 what happens?

7 MR. McOMIE: Correct.

8 MR. HANSON: Just a question. Are any of
9 the new lined cells?

10 MR. McOMIE: The wells that were
11 installed?

12 MR. HANSON: Yeah.

13 MR. McOMIE: I believe they -- well,
14 they're on the east. They're on the old hundred acres or
15 so, aren't they? We have the area where there's new
16 wells. And before, they probably didn't line that area.
17 And Suzanne's actually -- this is one of her facilities.
18 But before they line that area, we would have installed
19 an adequate network there.

20 We do have an old area that's to the -- I think
21 it's to the east and to the, maybe, southeast, whereas
22 we're trying to fill in that network because we do have
23 some information saying that there is contamination at
24 the landfill. And so this is kind of a step towards the
25 landfill remediation program to make sure that we have an

1 adequate network in there before we start out in another
2 path.

3 MR. HANSON: So they are basically
4 monitoring unlined --

5 MR. McOMIE: These particular wells that
6 were installed are, yes, sir.

7 MR. DEURLOO: Madam Chairman. Do you
8 perceive any future costs? Is this the end of the
9 program with the costs?

10 MR. McOMIE: I would defer. Suzanne, do
11 we believe that --

12 CHAIRMAN BEDESSEM: Craig, I don't know
13 that he's asking about this particular facility.

14 I think you're asking for the program. Right?

15 MR. McOMIE: Are you asking
16 programatically?

17 MR. DEURLOO: I guess a two-part. Thank
18 you, Madam Chairman. Two questions. As part of the
19 program, are there future costs that will need to be
20 reimbursed? And, also, as part of this facility, will
21 there be future costs?

22 MR. McOMIE: I'll try to break that down
23 into a couple of answers. So, with respect to this
24 facility, this should be all that you'll see for these
25 wells that were installed and P and A'd. Future wells

1 may be necessary depending on the information retrieved
2 from the installation of these wells. But there is a
3 secondary program that came after this program called the
4 landfill remediation program. And that's where the City
5 would enter into a written agreement with the Department,
6 and we would begin a nature-and-extent investigation.
7 And wells installed after that point would be all covered
8 through that program.

9 MR. DEURLOO: That's a long way down the
10 way. That's quite a ways down the road.

11 MR. McOMIE: Laramie, they're in the 20s,
12 I believe, on the landfill remediation list, where their
13 status is. So they're down there a ways.

14 MR. DEURLOO: What do you mean, "in the
15 20s," sir?

16 MR. McOMIE: There's 83 facilities on the
17 landfill remediation list. So they're prioritized by
18 impacts and threats to receptors. And so we have eleven
19 high-priority landfills, we call them, that are the first
20 that we're in. We've got active remediation ongoing
21 under that program. Well, not active remediation.
22 Active investigations at Campbell County's two landfills,
23 Sheridan's two landfills and City of Casper's one.

24 And then we're in -- we're working with several
25 others in the top eleven. So Laramie will be prioritized

1 accordingly. But should data retrieved from these wells
2 or something else indicate that it's worse than we
3 thought, they can be re-prioritized. It could move up.

4 MR. DEURLOO: Okay. Thank you.

5 CHAIRMAN BEDESSEM: In the program in
6 general, aren't some of those funds being utilized for
7 other purposes from the -- the official funds for
8 groundwater -- excuse me -- for groundwater monitoring?

9 MR. MCOMIE: Of the groundwater grant
10 program, there has been \$1.75 million taken off of some
11 of the remaining fund for this program that have been
12 moved over for further investigations under the landfill
13 remediation program. And we're starting to utilize those
14 funds now. We've just issued our first contract to
15 investigate some of the high-priority landfills to get
16 more information.

17 This program has largely wound down, as I
18 believe this is the first reimbursement for over a year
19 for this program. So we don't anticipate a lot more work
20 being done here. But this certainly, when we request --
21 because it is a costly endeavor. And when we request an
22 entity to install additional wells, we always want to
23 look and see if those wells can help us fill in a network
24 and that they're not investigatory in nature that would
25 trigger a different program.

1 MS. CAHN: I found this package less
2 intelligible and harder to understand than previous ones.
3 And I think part of it, it was fairly faint. The
4 handwriting wasn't very clear. And so I really struggled
5 with reading through this. And I haven't in past
6 packages. I don't know what the difference is between
7 this one and previous ones.

8 MR. MCOMIE: My smile is due to my printer
9 at home. Perhaps we were running out of ink in the
10 cartridge.

11 MS. CAHN: Klaus's is clearer than mine.
12 Mine is really faint.

13 MR. HANSON: They didn't want you to read
14 it.

15 MR. MCOMIE: If need be, I can certainly
16 get you -- I have the original, Lorie, and I can
17 certainly fill in any gaps you might have. I do have a
18 board copy. And my board copy is considerably fainter
19 than the original, obviously. But I think, not to
20 confuse you with all the highlighting that he did on the
21 originals -- were you able to get through it, Lorie?

22 MS. CAHN: Eventually. It took a while.

23 MR. MCOMIE: Hopefully not too much eye
24 strain.

25 MS. CAHN: Just looking at like this one

1 sentence here, Three average pulled fill and two -- it
2 looks like B-A-C-S -- but I know we're talking about
3 bags, so -- of sand placed in screen. And it looks like
4 S and T, but I think it's screen site.

5 CHAIRMAN BEDESSEM: That's someone's field
6 notes. And none of that stuff matters except the part
7 they highlighted to figure out which one was related to
8 which P and A'd well.

9 MR. McOMIE: Oh, that was the backup
10 notes?

11 CHAIRMAN BEDESSEM: Right. Those are just
12 a copy of field notes. And like I said, none of that
13 stuff matters except it was just used to allocate time
14 between the one well that was P and A'd that was eligible
15 and the other well that was P and A'd and wasn't
16 eligible. So you had to go back and look at the field
17 person's notes to see what time they allocated to each of
18 those wells.

19 MR. McOMIE: I'm assuming that's a field
20 note where he circled and said "ineligible" at the bottom
21 of the field note. That was the one well that was
22 plugged and abandoned, 13-B.

23 CHAIRMAN BEDESSEM: Because the employee
24 didn't divvy that up on their time sheet, so they had to
25 go back to the field notes to do that.

1 MR. McOMIE: This was backup that he
2 provided just to try to give additional clarity to the
3 invoicing.

4 Being a rookie at this, Madam Chairman, I'm not
5 certain if we move to a motion if you agree to reimburse
6 a recommended amount.

7 CHAIRMAN BEDESSEM: Do we have any
8 additional questions on this reimbursement?

9 (No response.)

10 CHAIRMAN BEDESSEM: So I'm looking for a
11 motion to approve.

12 MS. CAHN: So moved.

13 MR. KIRKBRIDE: Second.

14 CHAIRMAN BEDESSEM: We have a motion and a
15 second. All those in favor, aye.

16 MR. KIRKBRIDE: Aye.

17 MR. DEURLOO: Aye.

18 MS. CAHN: Aye.

19 CHAIRMAN BEDESSEM: All those not in
20 favor, same sign.

21 MR. McOMIE: All those recused too.

22 MR. HANSON: Recused, I presume. We
23 didn't get a ruling on this, but I presume.

24 CHAIRMAN BEDESSEM: So motion passes.

25 MR. McOMIE: With that, I will yield to my

1 colleague on the rules.

2 CHAIRMAN BEDESSEM: And, Craig, I will
3 fill this in with the DEQ recommendation, sign and hand
4 it back to you.

5 MS. CAHN: While she's doing that, just in
6 the future, I guess I would have liked to have seen --
7 says one of two wells abandoned was eligible for
8 reimbursement. So why was one and not the other? I
9 mean, that kind of explanation in here would help -- be
10 helpful, I think.

11 MR. MCOMIE: Sure. And I will -- I concur
12 with that. And I'll ask Mike to get a little longer
13 explanation to outline that activity. Thank you, Lorie.
14 Thank you, Board.

15 CHAIRMAN BEDESSEM: Before Dale gets
16 started here, I'm just going to pass this to Craig so
17 that I don't keep these forms.

18 The floor is yours.

19 MR. ANDERSON: Thank you, Madam Chair,
20 board members. By way of introduction and why I'm here
21 today, first off, Bob Doctor is out of state. Luke Esch,
22 the Administrator of the Solid and Hazardous Waste
23 Division, was going to be here in his place. But as Gina
24 mentioned earlier, Luke is previously occupied with an
25 Environmental Quality Council meeting in Cheyenne. So I

1 was tagged to represent our program with the rulemaking
2 information for you folks.

3 MR. McOMIE: He drew the short straw.

4 CHAIRMAN BEDESSEM: I hope you've had lots
5 of advance notice.

6 MR. ANDERSON: Sort of. My schedule is
7 really jammed. I found out two weeks ago, but I was
8 really busy until yesterday.

9 MS. CAHN: And what's your title, and
10 where are you --

11 MR. ANDERSON: I was just about to get
12 into that. I'm one of the three district supervisors for
13 the solid waste permitting corrective action program.
14 I'm based here in Casper.

15 30 seconds or less of my background. I've got
16 a bachelor's and master's degree in geology, spent a
17 couple years doing precious metals and industrial
18 minerals exploration, evaluation, spent ten years working
19 for environmental consulting firms before moving to
20 Wyoming. I've been with the solid and waste permitting
21 program for the last almost 20 years, between 19 and 20
22 years.

23 The area I've worked in, for the most part, is
24 the northern part of the state. So I know more about
25 that than anything else. But I am the next senior member

1 to Bob, which was one of the other convenient things with
2 me being in Casper. I'm next in longevity with the
3 program and have more background for that reason.

4 MR. DEURLOO: Did we get your name?

5 MR. ANDERSON: Sorry. Dale Anderson.

6 MR. DEURLOO: Dale Anderson. Thank you.

7 MR. ANDERSON: My apologies.

8 For the record, if I may, about two or three
9 minutes of introduction of the rules and the process we
10 went through to get here, paraphrasing from documents
11 that I believe you folks have first from the response to
12 comments and the statement of principal reasons.

13 In June of 2017, the Solid and Hazardous Waste
14 Division gave public notice of proposed changes to
15 Chapters 4 and 6 in solid waste rules and regulations and
16 announced that we would hold a series of three informal
17 outreach meetings throughout the state. The outreach
18 meetings were held in Sundance on July 12th, Rawlins on
19 July 13th and Casper on July 14th, all in 2017. There
20 were sixteen people that attended the outreach meetings.
21 And there was also a public comment period that was open
22 related to that in addition to the public meetings. And
23 that ended July 14th of 2017 but was then extended
24 another couple of weeks, until July 31st, to give the
25 public an opportunity to comment using a new-at-the-time

1 online comment process to comment on rules and other
2 items before the Department.

3 During the normal and extended informal online
4 comment period, no comments were received online. And
5 because of that, all of the responses that are identified
6 in the response-to-comment document that you have are
7 comments and discussion that was held from the informal
8 outreach meetings.

9 There was also -- as part of the public notice
10 for this meeting and presentation, there was an
11 additional public comment period. And as I understand
12 it, we received no comments from the public during the
13 most recent public comment period either.

14 Next, as noted in the draft statement of
15 principal reasons that you folks should also have, just
16 on the first page there, there's three principal reasons:
17 To reduce the number and length of rules and eliminate
18 obsolete, unnecessary and duplicative rules, pursuant to
19 the governor's April 9, 2013, memo directing agencies to
20 streamline our rules; to simplify and streamline
21 permitting for construction/demolition waste landfills
22 and solid waste transfer, treatment and storage
23 facilities by consolidating related standards into
24 individual sections; and third and last, to update the
25 rules to be consistent with current statutes and

1 previously revised chapters of solid waste rules and
2 regulations.

3 That is the end of what I had planned to say
4 for an introduction. While familiarizing myself with the
5 rule changes, I did find five, I believe, items that I
6 would like to mention, four of which are formatting or
7 inconsequential things. But I would point them out if
8 you would like.

9 First, on the draft statement of principal
10 reasons for adoption, on the first page, each item in
11 this document has gone through a numbered consecutively
12 or sequentially -- I'm not sure of the appropriate word.
13 You'll see at the very bottom of the page, General
14 Summary of Proposed Changes, Number 3. That should be
15 Number 4 because there are three items in the section
16 immediately above that. That will cause a ripple through
17 all subsequent numbers through the document. So I've
18 already flagged that to bring that to our program
19 manager's attention.

20 A consistency item on page 5 of 16 towards the
21 top of the page, Number 23, there should be a period
22 after "standards" just to make it consistent with the
23 entire rest of the document.

24 And moving to Chapter 4 of the proposed rule
25 change --

1 CHAIRMAN BEDESSEM: And which version,
2 since we have three?

3 MR. ANDERSON: The version with revisions.

4 CHAIRMAN BEDESSEM: But not comments in
5 the margin?

6 MR. ANDERSON: Correct. Yes. With the
7 revisions accepted.

8 CHAIRMAN BEDESSEM: It's a clean copy?

9 MR. ANDERSON: Yes, the clean copy. It
10 wouldn't matter because it's in the table of contents.

11 Or it shouldn't have -- well, actually, the clean copy --

12 MR. HANSON: Can we do a clean copy?

13 MR. ANDERSON: Yes. It says "Revisions,
14 February 5," is the last line in the title page.

15 MS. CAHN: They all say that. We have
16 three versions. We have a clean version. We have a
17 version with red-line strikeout with comments. And we
18 have a red-line strikeout without comments. So we have
19 three versions.

20 MR. ANDERSON: Good. Bob only gave me
21 two. It's the clean version.

22 MR. MCOMIE: You have one that we don't.

23 MR. HANSON: Give us page numbers.

24 MR. ANDERSON: Romanette iii in the table
25 of contents. Top of the page, bold letters, it says

1 "Error! Bookmark not defined." It's just a formatting
2 issue. Romanette iii.

3 MS. CAHN: That's not in the clean
4 version.

5 MR. DEURLOO: It's on Romanette (iii).

6 MR. ANDERSON: Yes. Flip the page one
7 more.

8 MR. DEURLOO: It's like the second line
9 down from the top.

10 MS. CAHN: Oh, okay. I see.

11 MR. ANDERSON: You have the red-line
12 version, Marge --

13 CHAIRMAN BEDESSEM: Oh, okay.

14 MR. ANDERSON: -- not the clean version.
15 Sorry. I just saw the red on your --

16 CHAIRMAN BEDESSEM: This is clean. This
17 is red-line. I'll mark it on the front.

18 MR. ANDERSON: Over on the right side, it
19 says "Error! Bookmark not defined." Then the clean
20 version of Chapter 6, also in the table of contents,
21 Romanette ii, Item 8 towards the middle of the page --

22 MR. HANSON: Roman numeral ii?

23 MR. ANDERSON: Roman number ii, Section 8
24 towards the middle of the page, it says "Air 12." That
25 12 is a page number. There should be a row of periods

1 there. And I've got these flagged for Bob to get through
2 the formatting. Then the last is the only item of any
3 substance that I found, also in Chapter 6 in the clean
4 version, page 6-10, middle of the page, paragraph that's
5 marked with Romanette (ii). In that paragraph, it talks
6 about well construction, design, installation,
7 abandonment standards. And there are two references to
8 Chapter 11 of the water quality rules. That should be
9 Chapter 26. So we'll be making those changes.

10 MR. DEURLOO: That was a good catch.

11 CHAIRMAN BEDESSEM: So the two copies that
12 Bob gave you are which two copies?

13 MR. ANDERSON: I have the red-lines with
14 comments in the margin, which explain if it was added,
15 moved and so on. And then I've got a clean version.

16 And that was all I wish to say by way of
17 introduction, other than Bob asked me to pass along, as
18 mentioned in the agenda, that our hope is that, after
19 discussion, any additional comments today, that the board
20 would be making a recommendation for us to move forward
21 with rulemaking for these chapters.

22 MR. HANSON: Just a question. From
23 reading -- Section 8 is the new section, isn't it, that
24 was just added?

25 MR. ANDERSON: It's one of the new

1 sections. What Bob did with the rules is he moved
2 information from the old rules and rearranged it so that
3 there may have been a Section 8 in the previous version,
4 but the content of that Section 8 would be different than
5 the new Section 8. So it's new in terms of content. But
6 it may not -- there may have been a Section 8 in the
7 previous version.

8 MR. HANSON: But that was more or less
9 what I understood what was being introduced into the
10 documentation, right, the monitoring standards? Or were
11 they there before?

12 MR. ANDERSON: I'm sorry. Marge?

13 CHAIRMAN BEDESSEM: You're just asking
14 about one section?

15 MR. HANSON: Yeah, that Section 8. I read
16 the introduction, and I thought that was the section that
17 we were concentrating on because it was new in its
18 format. Is that correct or not correct?

19 CHAIRMAN BEDESSEM: My opinion, there
20 seems like there's lots of changes. And those are
21 associated in the red-line strikeout copy. You'll see
22 what's red.

23 MR. HANSON: I gave up on the previous. I
24 read the clean section. I can't go through all this and
25 figure out what's red, what's green, what's blue,

1 whatever.

2 CHAIRMAN BEDESSEM: So, Dale, the previous
3 meeting we had last time, I think the underground storage
4 tank program went over some rule changes proposed last
5 time. Luke was at that meeting. And that was a meeting
6 we had in Cheyenne. It was the last quarter of '17, so
7 it was the last meeting. And they went through the
8 documents using the red-line strikeout with comments,
9 which was really helpful, and actually went through it
10 page by page and said, "These are all the changes. These
11 are why we did it. Do you have any questions?" And so
12 that made it very easy for us to go through and see if
13 there were any issues. And we were able to vote on it
14 that day. And I think we passed that at the last quarter
15 meeting.

16 So I guess my question is are you finished with
17 what you're presenting, or are you going to go through
18 the comment version so that we can make sure that we have
19 all the questions answered kind of -- it's not really
20 chronologically, but as we go through the document?

21 MR. ANDERSON: Okay. I think I have a
22 three-part answer. I was finished. I will, if you all
23 like, go through the red-line version with the comments.
24 And third and last, to address the board member's comment
25 about new information, the section on collection and

1 management of samples and groundwater monitoring, there
2 was information in the rule previously. It's been moved
3 to a new location and revised a bit, so it's not
4 brand-new in the rule, if that helps.

5 MR. HANSON: Thank you.

6 CHAIRMAN BEDESSEM: Perfect. Thank you
7 very much.

8 MR. McOMIE: I, likewise, with Klaus'
9 question, as you'll notice, when you're trying to go
10 through the strikeout -- and I asked Dale this
11 previously. It's not gone. It was just rearranged so
12 that it would flow. So that was one of the things that
13 helped me understand that, okay, what did we do? Is
14 everything blue brand-new and everything red is gone,
15 gone? No. The red can be struck but just moved for
16 rearrangement purposes. It is hard to read and follow
17 the flow.

18 CHAIRMAN BEDESSEM: So blue is brand-new.
19 Red there somewhere is what's stricken?

20 MR. McOMIE: Some of the blue can be where
21 the red was moved. The red will be struck, and then it's
22 moved, and it appears in blue. And so that's why I
23 say --

24 CHAIRMAN BEDESSEM: So you can't
25 definitively tell, when you have something blue, whether

1 it was just moved from somewhere else or just brand-new
2 language?

3 MR. McOMIE: You can, yes.

4 MS. CAHN: But the comments can tell you
5 that. And I would just like to say that I appreciated
6 having the version with the comments very much because it
7 made it much easier to read the red-line strikeout when
8 you knew why those changes were made. So I appreciate
9 that. I thought that was a nice addition. Thank you.

10 CHAIRMAN BEDESSEM: And please extend that
11 appreciation to Bob. Because I know the previous rules
12 that he did, there was some discussion about whether to
13 provide us the version with the comments more than
14 electronically and the paper copies, and it was decided
15 not to do that. And I think it's a really good idea to
16 do it because I think it makes our understanding a lot
17 easier. So tell Bob that's great, yeah. Because I know
18 he wanted to do it last time.

19 MR. ANDERSON: I will do that. And my
20 apologies. Bob did not mention that he had walked
21 through previously the changes with you folks. So I was
22 unaware that was something that you would like to have
23 done, or I would have kept talking and not said I was
24 done.

25 CHAIRMAN BEDESSEM: No problem.

1 MS. CAHN: I have a question before you
2 proceed. I am interested in the response to comments.
3 So I don't know if we should take that at the end or if
4 we should take that first up front. What do you guys
5 think?

6 MR. DEURLOO: Gina, you're on mute. I
7 think she had a comment.

8 MS. THOMPSON: We were just discussing
9 process here, so we didn't want to be on the record.

10 CHAIRMAN BEDESSEM: So, trying to
11 determine what order to go through, I think it would be
12 preferable to go through what the changes in the rule
13 are. And then as we talk about specific areas, if
14 there's a comment that addresses it, we can bring it up,
15 and we can check the set of comments at the end to see if
16 we missed anything.

17 MR. ANDERSON: I'm here at your pleasure.

18 CHAIRMAN BEDESSEM: That sounds good. And
19 I don't honestly -- Dale, I don't recall if the last time
20 Bob did a rule, whether he went through every comment.
21 But that was what happened when we did the underground
22 storage tank ones, which was just last quarter. And it
23 went very smoothly that way.

24 MR. ANDERSON: I'm good with that. So
25 shall we start with Chapter 4 with the red-line version

1 with the comments in the margin? And a very small item.
2 In each section, for those of you that aren't familiar,
3 the box that says "commented" and there's a "DB1," "2"
4 and so on immediately after that, the "DB" is for
5 "Doctor, Bob," because he did all the work and all the
6 changes on this, if anybody wonders.

7 Section 1, the "Act" was added in line 2 in
8 blue. And that's just as a shorthand version to let
9 people know in the future it would be referred to that
10 way. My apologies. I missed the very first line.
11 Construction, slash, is a red-line strikeout and addition
12 in the title block.

13 CHAIRMAN BEDESSEM: You don't have to go
14 to that level of detail.

15 MR. ANDERSON: Thank you. As I speak, if
16 I'm -- please tell me so I can adjust.

17 CHAIRMAN BEDESSEM: Right. Just kind of
18 more substantive --

19 MR. ANDERSON: Blocks of things?

20 CHAIRMAN BEDESSEM: -- and a general idea,
21 like B, C and D were eliminated because of -- so the
22 simple things, we're good with. Just kind of general so
23 we can go through it relatively rapidly and it won't be
24 painful for you or us.

25 MS. CAHN: For example, the fact that

1 permits will be issued for the operating life of the
2 facility, that's a little more substantive than saying
3 this is shortened. So I don't need to hear that this was
4 shortened and this is not. More of the substantive
5 changes.

6 MR. ANDERSON: So shortening or
7 reorganizational things? If it's reorganized, like
8 towards the bottom of the first page, Comment 3, "Permit
9 transition moved up from Section 2," that's just a note
10 that it's a reorganization from somewhere else. You
11 folks can follow that?

12 CHAIRMAN BEDESSEM: Yeah. You can tell us
13 that, too, as we're going just to remind us so we don't
14 ask you questions about stuff that really isn't being
15 changed. So this is just kind of as a guide so we can
16 expedite it.

17 MR. ANDERSON: I will be pausing, then, to
18 read through the comments to try and fit things into the
19 general flow. And I will speak up with a page number
20 when I find something that fits in the context of what
21 we're talking about.

22 Page 4-6, towards the middle of the page,
23 paragraph (A), "anticipated closure," there was text
24 added there to clarify. Because, as noted in Comment 9,
25 the text was added because closure permit applications

1 have to follow a statutory process. So it was added just
2 to help clarify what that process is.

3 CHAIRMAN BEDESSEM: So the comment says
4 "Except those for low hazard/low volume facilities must
5 follow this statutory process."

6 MR. ANDERSON: Correct.

7 CHAIRMAN BEDESSEM: So is there an
8 exception somewhere?

9 MR. ANDERSON: They're in statute.

10 CHAIRMAN BEDESSEM: No. But I mean in the
11 rule, you reference that. So does a low hazard/low
12 volume facility have to submit a closure permit
13 application by this description?

14 MR. ANDERSON: I think that information is
15 actually in a different location. And this is one of
16 those levels of questions that --

17 CHAIRMAN BEDESSEM: So I guess the -- I'm
18 just going to say you're probably going to get a number
19 of questions like this because -- I appreciate what the
20 Department is doing as far as trying to consolidate
21 multiple permit requirements in kind of one place for
22 those three different -- for different kinds of
23 facilities. But I guess the low hazard/low volume, it
24 doesn't really matter because this is just the
25 construction and demolition. Right?

1 MR. ANDERSON: Yes. And that might --
2 that might actually be the answer that I wasn't picking
3 up on. Because those are covered in Chapter 6.

4 CHAIRMAN BEDESSEM: Right. Because
5 they're in Chapter 6 as opposed to this, this chapter.
6 So I think that's the answer to your question.

7 MR. ANDERSON: I believe you are correct.

8 CHAIRMAN BEDESSEM: But, anyway, there's a
9 lot of compilation for various facilities so that you can
10 condense the rule. And so you might get more questions
11 like that so you know that there aren't unanticipated
12 changes just because they got combined. They were an
13 inadvertent kind of thing.

14 MR. ANDERSON: I would anticipate more of
15 those in Chapter 6 than here.

16 CHAIRMAN BEDESSEM: I think you're right,
17 yeah. Because this is just C/D.

18 MR. ANDERSON: And thank you for bringing
19 me back to Chapter 4. I appreciate that. My brain was
20 elsewhere.

21 CHAIRMAN BEDESSEM: So the general gist of
22 the front end is that permits are going from six years to
23 the life of the facility and closure?

24 MR. ANDERSON: And that is a true life of
25 the facility, which is different than the so-called

1 lifetime permit for municipal landfills.

2 To digress a moment, for municipal solid waste
3 landfills, a few years ago the legislature added what was
4 called a lifetime permit. But it was a lifetime or 25
5 years. So, if you have a municipal landfill that has a
6 life of 45 years, they would need to renew their permit
7 in 25 years even though it's called a lifetime permit.
8 Here, it's truly for the life of the facility. So, when
9 we issue a permit, that will take them through the
10 operating life of the facility.

11 CHAIRMAN BEDESSEM: So I have a
12 suggestion. Because you weren't necessarily planning to
13 go through all the changes -- I think that's probably an
14 unreasonable burden on you at the moment. I just think
15 it just might be easier if, as we go through, just say
16 there's changes related to this -- say, "Does anybody
17 have any questions on pages 4-5 through 4-9?"

18 MS. CAHN: Section 1.

19 CHAIRMAN BEDESSEM: Yeah, or on Section 1.

20 MR. ANDERSON: Just ask the question
21 rather than --

22 CHAIRMAN BEDESSEM: Right. Yeah.

23 MR. ANDERSON: That works for me.

24 CHAIRMAN BEDESSEM: Because if there's
25 nothing anybody is concerned about, we can move on and do

1 it quicker.

2 MR. McOMIE: Madam Chairman, for the
3 benefit of the board, to dovetail on what Dale was just
4 talking about -- he can elaborate if needed. So the true
5 lifetime in this case, unlike in Chapter 2 and the MSWs,
6 that's a true lifetime unless they make a -- a
7 significant change to the facility would be the only time
8 they would need to notify the Department in that period.

9 Correct?

10 MR. ANDERSON: Yes, which is different
11 than an actual renewal permit.

12 MR. McOMIE: Would be a minor or major
13 amendment, in other words?

14 MR. ANDERSON: Yes.

15 MR. McOMIE: But other than that, they
16 won't have to go through the expense of re-upping their
17 permit every four years or six years.

18 MR. ANDERSON: Any other questions in
19 Section 1 of Chapter 4?

20 MS. CAHN: The top of page 4-7.

21 CHAIRMAN BEDESSEM: I don't have any
22 questions.

23 MR. ANDERSON: Oh, I'm sorry. I thought
24 you were introducing --

25 MS. CAHN: No. That's a no.

1 CHAIRMAN BEDESSEM: We can move to Section
2 2.

3 MR. ANDERSON: Section 2, any questions?

4 CHAIRMAN BEDESSEM: And that goes through
5 mid page 4-15?

6 MR. ANDERSON: Correct.

7 I'm pausing to wait and make sure everybody's
8 got there. Any questions?

9 MR. DEURLOO: Yeah, Madam Chairman.

10 Page 4-13, line 476 reads "Any necessary plan revisions
11 for the remaining life of the facility and any request
12 for approval of amendments." It seems like it's a
13 hanging sentence or something like that. I'm not sure
14 what it actually means there.

15 MS. CAHN: You have to look at the
16 sentence above, "Renewal applications shall contain."

17 MR. DEURLOO: Oh. Thank you.

18 MS. CAHN: In that sense, it's easier to
19 look at the clean version. You have to sort of look back
20 and forth between the two.

21 MR. DEURLOO: Yeah. Good thing I'm not
22 color-blind.

23 MS. CAHN: You're color-blind?

24 MR. DEURLOO: No, I'm not. I'm thinking
25 about it, though.

1 MR. ANDERSON: So Section 3, any
2 questions?

3 MS. CAHN: So we're going from -- if you
4 could tell us the pages.

5 MR. ANDERSON: That takes us through the
6 top of page 4-17.

7 Hearing none, are there any questions on
8 Section 4, which takes us through the top of page 4-20?

9 (No response.)

10 MR. ANDERSON: Section 5, which is all
11 contained on page 4-20.

12 MR. DEURLOO: Madam Chairman, can I back
13 up one second on Section 4, please? Line 745, it says
14 "New units and lateral expansions shall not be located in
15 wetlands." And I've worked with the DEQ a lot. And I
16 know there's -- obviously, there's some definitions of
17 what a wetland is. Do you refer back anywhere in here as
18 to what a wetland is? Do we have to or not?

19 MR. ANDERSON: We do not, because there is
20 a definition in Chapter 1 of the solid waste rules for
21 wetlands.

22 MR. DEURLOO: Okay. That takes care of
23 that, then. Thank you.

24 MS. CAHN: And same with low hazard/low
25 volume facilities. There's a definition back in --

1 MR. ANDERSON: Yes, ma'am.

2 MR. DEURLOO: And hazardous waste as well?
3 There's a definition for hazardous waste?

4 MR. ANDERSON: I'm pausing because I'm not
5 sure about that one.

6 CHAIRMAN BEDESSEM: It might just
7 reference federal statutes.

8 MS. CAHN: That was something that was
9 hard for me, was, typically, we see a rule with the
10 definitions in the rule. And so maybe a reference for us
11 on the board where we can find those -- reference the
12 definitions in our packet so that we can go and pull
13 stuff up online and find the definitions and make sure
14 that those definitions are still covered. Does that make
15 sense?

16 MR. ANDERSON: Yes.

17 MS. CAHN: That was not in our rule
18 packet.

19 MR. ANDERSON: That would be just for the
20 board's use, not a comment to put it in the rule?

21 MS. CAHN: Yes, yes, yes. No. When we
22 get our packet, just even a little note or even an
23 e-mail.

24 Did you hear me?

25 MS. THOMPSON: Sorry. My mouse wouldn't

1 work. I didn't hear all of that. I heard part of it.
2 You're looking for some statutory definitions included in
3 your packet?

4 MS. CAHN: Just a reference from you where
5 we can find the definition. So a lot of times we look at
6 rules, and they have the definitions in them. So we can
7 switch -- and that's something that the board does a lot,
8 is we check the definitions and make sure that it's clear
9 and it's covering what's being discussed.

10 And in this case, there were things like low
11 volume/low hazard, hazardous waste, other terms used in
12 here that I wanted to go back and look -- I'm not asking
13 for the definitions to be in this rule. I'm just
14 thinking where -- if you can point to us as board
15 members, when we get our packet, whether it's through an
16 e-mail or whether it's just a note or whatever, where we
17 can find online those definitions that are in here so we
18 can be doing our cross-checking, or providing us with
19 that copy just for our reference of where those
20 definitions are.

21 Does that make sense?

22 MS. THOMPSON: It does. And the staff, I
23 can discuss that with you off-line just to determine --
24 I'm not as familiar with this rule, since it's outside of
25 my division. But there may be a way going forward to

1 cross-reference things in the rule to where it's more
2 clear where one could find the definition. But that
3 could be an off-line staff discussion. But we can
4 find -- I think we can find a way, Lorie, to accommodate
5 that request because I can see where that would be
6 confusing.

7 MR. ANDERSON: Section 5 on page 20. It's
8 very short. Section --

9 CHAIRMAN BEDESSEM: I didn't understand
10 why geology and hydrology was in a separate section.
11 What it's describing is information that the application
12 should include. Right?

13 MR. ANDERSON: Yes.

14 CHAIRMAN BEDESSEM: So, looking at the --
15 I mean, yes, we definitely want geologic and hydrologic
16 information. I have no problem with the content. It's
17 just the organization is confusing to me in that we have
18 these chapters that are standards, and then we have one
19 section that was permit application requirements. And I
20 guess I don't understand why it's just not in the permit
21 application requirements.

22 MR. ANDERSON: I can answer that question.
23 It's sort of a multi-part answer that will take me just a
24 moment. If you refer back to page 7, the red-line
25 strikeout version, page 7 -- and I apologize. The copy

1 Bob gave me doesn't have line numbers or I would
2 reference line numbers. In Section 2, paragraph (a),
3 Romanette (i), the first blue line text there, what Bob
4 did was, to condense the rule, he just put a sentence in
5 here that says "Permit applications for new facilities
6 and renewal permit applications shall contain a completed
7 application form and a written report containing the
8 applicable information in Sections 3 through 17 of this
9 chapter."

10 Previously, there was a chapter that said
11 here's everything that has to be in a permit application,
12 and then there was a section farther back that had, for
13 example, all the design information and then all of
14 the -- yeah, the design information, then the
15 construction information, then the operating standards.
16 So it was pretty duplicative and made things kind of
17 unwieldy to work with.

18 So his idea was to just say, rather than here's
19 everything that needs to be in the application in great
20 detail, we did it this way.

21 CHAIRMAN BEDESSEM: So that sounds great
22 to me. Because I remember having to go through the old
23 one, and it was just a million things that said the same
24 thing over and over again. It was just crazy trying to
25 go through the application. But what I don't understand

1 is why what's in Section 5 isn't just under Section 3(h).
2 Section 3(h) says "(h) Potential to impact surface and
3 groundwater quality. An evaluation of the facility's
4 potential." And it seems like that's where you have your
5 geologic and hydrologic stuff that you want to include.

6 MR. McOMIE: What line were you on, Marge?

7 CHAIRMAN BEDESSEM: I was looking at the
8 clean copy right there. So I apologize. But I can find
9 that.

10 MR. McOMIE: That's okay, Marge. I've got
11 it right here.

12 CHAIRMAN BEDESSEM: It's just that a whole
13 section for a paragraph, it just seems like that you
14 could just put it in there. That's what needs to be
15 submitted looking at Section 5, "Application shall
16 include a summary description of available local geologic
17 or hydrologic information." But that whole paragraph is
18 all information that you need to do 3(h).

19 MR. ANDERSON: Looking back -- the reason
20 I'm pausing is I'm looking back at Chapter 2 because
21 these chapters were reorganized to be as close as
22 possible parallel construction with Chapter 2.

23 CHAIRMAN BEDESSEM: So you're trying to
24 say that Chapter 2 has geology and hydrology, and that's
25 why it was done that way?

1 MR. ANDERSON: Section 3 in Chapter 2 has
2 a section on the potential to impact surface water and
3 groundwater. And then there is a second or a separate
4 Section 5 for regional geology and 6 for site-specific
5 geology that goes into more detail in Chapter 2 than this
6 does in Chapter 4.

7 CHAIRMAN BEDESSEM: Because this Section 5
8 is only about site-specific geology. It says available
9 local geologic or hydrologic information. And it looks
10 like it's all site-specific. So I was just wondering, if
11 that is the case, why it would be under 3(h). But you're
12 saying it's to parallel 2, but it seems like there's a
13 difference from 2 if 2 talks about regional.

14 MR. ANDERSON: It does. And Chapter 2 had
15 regional information and site-specific information going
16 back before I started. It's a bigger-picture kind of
17 thing because municipal landfills are more complicated,
18 in essence.

19 CHAIRMAN BEDESSEM: Well, it's just a
20 suggestion. Look at that and see if it warrants a
21 section all by itself for that one paragraph when it is
22 very related to 3(h).

23 MR. ANDERSON: I would have a question, if
24 I may. Section 5 is essentially -- that one paragraph is
25 a greatly condensed description of the subsurface

1 information and well construction information and all of
2 that. Would it be more clear if there were -- if that
3 was broken out into geologic conditions, groundwater
4 information, supporting documentation, if there were a
5 couple subheadings to make it clear?

6 I think Bob was going as much as possible for
7 brevity in light of these are construction/demolition
8 landfills, which, while that waste is not inert, it's
9 more benign than municipal waste is.

10 CHAIRMAN BEDESSEM: So I'm not for, like,
11 expanding it. I was just thinking that, considering that
12 we've got it this little, that you could probably just
13 put it in 3(h). But that's just a suggestion.

14 MS. CAHN: I think I understand some logic
15 for why it was separate, and that is Section 3, location
16 standards. So you have the hydrogeologic conditions.

17 CHAIRMAN BEDESSEM: I don't think I
18 meant -- oh, gotcha, gotcha, gotcha.

19 MR. ANDERSON: It is a location standard.
20 No. That's --

21 CHAIRMAN BEDESSEM: I was looking under
22 permit requirements. This is not updated. This is the
23 old one.

24 MR. ANDERSON: Section 3 is general
25 facility information. We've got copies in the back.

1 CHAIRMAN BEDESSEM: In the clean copy,
2 there's a -- this is the red line. And the red line with
3 comments has the whole table of contents. "Potential to
4 impact surface and groundwater quality." So, anyways,
5 just a suggestion. Take a look and see what you think.
6 But I don't think -- I mean, you're wanting to make it
7 smaller, not bigger.

8 MS. CAHN: And I would put it before the
9 "Potential to impact surface and groundwater quality."
10 The first one, identify what the general facility
11 information is in terms of geology and hydrogeology and
12 then what's the potential impacts?

13 CHAIRMAN BEDESSEM: Right. So (h) could
14 be geology and hydrogeology. And (i) could be potential
15 to impact surface and groundwater quality. It just seems
16 like if you had it all together, it would be easier.
17 But, anyway, that's the only comment I had.

18 Does anybody have anything else on that
19 section? Because that sort of is Section 4 and
20 Section 5.

21 MR. ANDERSON: Yes. And Section 6, any
22 comments? Which would take us through page 23, middle of
23 the page.

24 CHAIRMAN BEDESSEM: Section 6 goes to the
25 middle of page 23. Does anybody have any comments with

1 respect to that?

2 MR. HANSON: I have a question. In
3 Section 6, there is this breakdown into or breaking off
4 into facilities not open to the public and facilities
5 for public -- public facilities. What are the facilities
6 not open to the public? I thought they were all open to
7 the public.

8 MR. ANDERSON: Madam Chairman. Klaus,
9 there are, for example, industrial landfills that are
10 permitted through an oil company to take only waste from
11 a particular oil field.

12 MR. HANSON: Okay.

13 MR. ANDERSON: There was, from my memory,
14 one construction/demolition landfill that was permitted
15 that closed many years ago that was for a company to take
16 construction/demolition waste to. So it's not an
17 absolute that every facility is open to the public.

18 MR. HANSON: Thank you for clarifying that
19 for me, because I thought, where are these things? Thank
20 you.

21 CHAIRMAN BEDESSEM: So, on line 830 and
22 the one with comments (e), "Structural disability," says
23 "Engineering measures shall be incorporated" -- now, I
24 know this isn't something you guys changed. It's from
25 before.

1 MR. KIRKBRIDE: What's the line item,
2 Marge?

3 CHAIRMAN BEDESSEM: It's line 830.

4 MS. CAHN: He doesn't have the line
5 numbers.

6 MR. ANDERSON: I'm there, though. Craig
7 does, so I'm already there.

8 CHAIRMAN BEDESSEM: So I know this is from
9 before. It's not something you're suggesting changing.
10 But I didn't know if this was an issue from before or
11 not. Because this part says this is a standard where
12 engineering measures shall be incorporated into the
13 landfill design to ensure stability of these components.

14 And so this is just a question. And maybe
15 you've answered my question already in the part where Bob
16 said anything in Sections 3 through 17, you address in
17 the permit application. Because there's no location
18 standard regarding unstable areas or seismic impact
19 zones. And there isn't -- normally, if there wasn't a
20 location standard or there wasn't a specific requirement
21 to provide that information, the application wouldn't
22 even let you know if they were on stable areas or seismic
23 impact zones.

24 Is it covered by the sentence that Bob included
25 where he went anything in Sections 3 through 17? Because

1 most of the other stuff is mirrored. It's got a location
2 standard, and then you got to address that standard.
3 This one doesn't have anything comparable that says
4 identify seismic zones and whatever. It's kind of there
5 by itself.

6 MR. ANDERSON: You are correct. It is
7 there by itself, I think, in part, because some of those
8 location standards went -- but I'd have to go check that
9 and see.

10 CHAIRMAN BEDESSEM: Do you still want it?

11 MR. ANDERSON: I would say it would need
12 to be there because there's the possibility that someone
13 could end up in a seismic impact zone with a landfill
14 that had an engineered system in it. So it would be
15 applicable in some circumstances. And it would be
16 covered under that to address everything in Sections 3
17 through 17.

18 CHAIRMAN BEDESSEM: And where was that
19 again, the line for -- oh, it's in the first part of the
20 permit application requirements.

21 MR. ANDERSON: Yes, which is Section --

22 CHAIRMAN BEDESSEM: It was Section 2,
23 little (i). Okay. So you're saying don't worry about it
24 because we've got that overall sentence, and that covers
25 things like that that happen to be by itself?

1 MR. ANDERSON: Yes.

2 CHAIRMAN BEDESSEM: So then there's kind
3 of an important part at the end of Section 6. Did
4 anybody else on the board have any comments about that?

5 MR. HANSON: Page 24?

6 CHAIRMAN BEDESSEM: 4-23.

7 MS. CAHN: "Engineered containment."

8 MR. DEURLOO: No, I don't have any more on
9 Section 6. Thank you.

10 CHAIRMAN BEDESSEM: It says "Administrator
11 may require an engineered containment system," all fine
12 and good. The administrator may require that if it
13 doesn't meet standards established by the administrators.
14 Are there standards established by the administrator? Is
15 that what's in the guidance document? What do you think?

16 MR. ANDERSON: I would not call it a
17 standard. We do have a memo that we've been working with
18 that has been updated and is under review right now that
19 has a minimum distance that -- minimum separation
20 distance from the base of waste to groundwater and very
21 limited other information. But then there's also the
22 "or" clause. And we do not have hard standards to answer
23 that specific question.

24 CHAIRMAN BEDESSEM: So there aren't
25 standards established by the administrator. There's kind

1 of a guidance document?

2 MR. ANDERSON: Correct. Unless one would
3 consider the "or" that leads you to be -- to be a
4 standard. And the idea with that "does not meet
5 standards" is to provide a lot of flexibility for
6 site-specific conditions that people may encounter that,
7 at one part of the state you may have very nice,
8 homogenous unfractured clays that overly very poor
9 quality groundwater at very shallow depths as opposed to
10 a very sandy interval where your waste is being deposited
11 in the sand interval over a drinking water supply, to
12 just throw out a couple of kind of extreme examples.

13 So we would talk to people about this situation
14 at their specific site in those kind of cases. But to my
15 knowledge, we do not have specific standards to answer
16 your question.

17 MS. CAHN: So should it say if the
18 facility does not meet guidance established by the
19 administrator?

20 CHAIRMAN BEDESSEM: But I don't think you
21 can put guidance in a rule because that's why it's a
22 guidance.

23 MS. CAHN: Requirements? I don't know.
24 We don't have standards.

25 CHAIRMAN BEDESSEM: Or do we just have it

1 there because you think there's going to be standards in
2 the future? I don't know. I don't know quite how to
3 handle that one.

4 MS. CAHN: If the administrator does
5 not -- determines that the facility requires engineered
6 containment because --

7 CHAIRMAN BEDESSEM: It seems like you can
8 require it anytime you think it's impacting the
9 groundwater.

10 MS. CAHN: Well, that's (B). The (B) has
11 the impact to groundwater.

12 CHAIRMAN BEDESSEM: No. That says or they
13 can't prove that it isn't.

14 MR. ANDERSON: That's a more formal
15 demonstration than a simplistic sort of thing. The
16 approach we've been taking for a number of years is,
17 after doing some fairly simple fake transport modeling
18 looking at leachate for construction/demolition
19 landfills, we established a 20-foot separation distance
20 from the base of waste to groundwater, thinking that that
21 would be applicable broadly across the state.

22 And the same document that that's in also says
23 if a particular operator or engineer thinks that 20 feet
24 is too much for the condition they've got, then they can
25 talk to us, and we can have a discussion on a site-

1 specific basis about being less than 20 feet from the
2 groundwater.

3 CHAIRMAN BEDESSEM: So, basically, what
4 you're referring to is the guidance where, if you've got
5 less than 20 feet, you may be required to put in an
6 engineered containment?

7 MR. ANDERSON: I'm referring to that
8 guidance-related standards. And the conversation would
9 be a little more complicated than that. But, yes. Yeah.

10 CHAIRMAN BEDESSEM: Yeah. Right. I
11 realize that was an oversimplification, but's it's the
12 same general idea.

13 MS. CAHN: You think the attorneys would
14 be able to help with the verbiage? If you're referring
15 to standards that don't exist --

16 MR. ANDERSON: With the criteria -- if we
17 use the word "criteria" --

18 MS. CAHN: "Criteria."

19 CHAIRMAN BEDESSEM: Yeah. "Criteria," I
20 think, is better because I don't think those standards
21 actually exist. And I don't think you want to put
22 "guidance" in there because you're going to get in
23 trouble for saying guidance in a rule. Thank you for
24 wordsmithing. I think that's great.

25 MS. CAHN: I think he came up with it.

1 Somebody did.

2 CHAIRMAN BEDESSEM: One of you guys did.

3 That's wonderful.

4 So then the next -- when it says "Engineered
5 containment systems, if required by the administrator,
6 shall be designed and constructed as specified in
7 Chapter 2," so the engineered containment system in
8 Chapter 2 is pretty much state of the art for municipal
9 solid waste and relatively expensive. Is there an
10 opportunity to propose alternative liner designs or ECS
11 systems tailored to site-specific conditions and
12 constituents? Because the way this is, you either don't
13 need a liner system or you need a system that's got to
14 be --

15 MS. CAHN: The Cadillac.

16 CHAIRMAN BEDESSEM: Right, the Cadillac.
17 So do we need some flexibility here?

18 MR. ANDERSON: Madam Chair, I believe
19 that's what capital (B) is. I think there might need to
20 be an "if" at the beginning. But the administrator may
21 require an engineered containment system, then jumping to
22 where it says, "or (B)," "The operator cannot demonstrate
23 that concentrations will not exceed," that that would be
24 a demonstration for the alternative liner design that is
25 consistent with what Chapter 2 currently says, that

1 someone could propose an alternative that's less than a
2 composite liner.

3 CHAIRMAN BEDESSEM: So that's what (B) is
4 intended to do, is to give an opportunity for alternative
5 designs?

6 MR. ANDERSON: Yes.

7 MR. McOMIE: Would that be such as PBD,
8 performance-based design?

9 MR. ANDERSON: Performance-based design.
10 That language in (B) is the same basic approach that we
11 use right now for alternative designs for municipal
12 landfills. And it is generally consistent with the
13 language that is in subtitle (d), the federal rules for
14 municipal landfills. So we've borrowed that concept for
15 people to be able to make a demonstration using some
16 alternative between unlined for 20 feet and a full
17 composite liner.

18 CHAIRMAN BEDESSEM: So that's what you
19 mean. Because that was my question. What type of
20 demonstration would be required? So what you're saying
21 is you can propose an alternative design to show that
22 that alternative design is protective of human health and
23 the environment?

24 MR. ANDERSON: Yeah.

25 CHAIRMAN BEDESSEM: You answered my

1 questions. I appreciate that.

2 MS. CAHN: Do we need to, in Roman Numeral
3 (ii), say "Engineered containment systems, if required by
4 the administrator, shall be designed and constructed as
5 specified in Chapter 2," or an alternate approved
6 design -- somebody could propose an alternative design to
7 municipal solid waste -- or, municipal facility design.
8 And then if the administrator approves it, they could go
9 ahead with that rather than the full-blown Cadillac.

10 MR. ANDERSON: Madam Chair, Lorie, I think
11 it might be more straightforward to either address that
12 in capital B just above or add a term Romanette (ii) into
13 an A and B to allow for the construction of an engineered
14 containment and keep that as a stand-alone subject and
15 not mix and match. Because Romanette (i) talks about the
16 administrator requiring an engineered containment system
17 including those components. And if we mix and match an
18 alternative performance-based design with that engineered
19 containment in the same sentence, it could get confusing.

20 So we could add or clarify in capital B that
21 that would -- that capital B would be saying something
22 like "or a performance-based design that demonstrates."
23 And then that leads you down the path of whatever that
24 design is is what they have to use.

25 CHAIRMAN BEDESSEM: Because I think -- I

1 mean, I think you've got bases covered. But I don't
2 think it's clear to, like, the reader that they have an
3 opportunity for an alternative design. Is it obvious to
4 you?

5 MS. CAHN: No, because the whole title is
6 "engineered containment." So I agree with you that (B)
7 is a good place to do it, where you're saying (B) is
8 letting you get out of the engineered containment.

9 CHAIRMAN BEDESSEM: So, in other words,
10 the administrator can ask you if your facility -- let's
11 say it's unlined -- does not meet the criteria that you
12 guys have set up. And then if your -- your applicant can
13 show through performance-based design that we have an
14 alternative.

15 So I think it says the same thing. I just
16 don't know that right now it's necessarily clear to an
17 applicant that they have an opportunity. They may just
18 have to prove that their unlined system does not --

19 MR. ANDERSON: Understand.

20 CHAIRMAN BEDESSEM: So thank you. If you
21 could see if there's anything -- I don't think it will
22 really change. It doesn't seem to me that the request
23 changes what your intent was. You still have to get the
24 same stuff, what you intend. But I think it will just be
25 clearer.

1 Anybody else have anything on Section 6?

2 (No response.)

3 CHAIRMAN BEDESSEM: Can we move to
4 Section 7?

5 MS. CAHN: I would suggest they word it --
6 I'll leave it up to you guys -- to add in a
7 performance-based design. Are we going to suggest
8 wording?

9 CHAIRMAN BEDESSEM: Certainly if you want
10 to make a suggestion, and they'll have to mull it over.

11 MR. ANDERSON: We would need to think it
12 through and come back.

13 MS. CAHN: I guess the question is if, in
14 the end, you want us to go forward with this today with
15 recommending it to go on to the EQC --

16 CHAIRMAN BEDESSEM: Why don't we get
17 through the whole thing and come back to it if we need
18 to.

19 7.

20 MR. McOMIE: When the board needs a break,
21 we might need to talk and see if we can work through it.
22 Because Lorie is correct. We'd have to come back.

23 CHAIRMAN BEDESSEM: 7.

24 MR. ANDERSON: Section 7, which takes us
25 through page -- through the top of page 29.

1 MS. CAHN: I have an editorial. On
2 page 28, 4-28, line number 1088, it should be "ensure" or
3 "insure" instead of "assure." So it would read "The
4 application shall include a waste screening" -- "shall
5 include waste screening procedures that shall ensure or
6 insure disposal of authorized waste." And if you could
7 please -- I didn't do a search for "assure." But make
8 sure if you use "assure," it's assuring a person, and
9 "ensure," "insure" is ensuring an outcome. If you could
10 just do a word search for "assure."

11 MR. ANDERSON: We will do that.

12 Other comments on the remainder of 7?

13 MR. DEURLOO: Madam Chair, I have a
14 couple. On page 4-17, line 1058, it reads "If
15 groundwater contamination exceeds Department standards."
16 Should we put in there "as outlined in section or in
17 standards"? Because it just says "If groundwater
18 contamination exceeds the Department standards." Maybe
19 it's fine how it is. I'm kind of asking a question.

20 CHAIRMAN BEDESSEM: I think -- I mean,
21 usually when you're talking about exceeding a standard,
22 you say "groundwater protection standards" or something.
23 This is like a new phrasing that isn't anywhere else in
24 the rules, "exceeds Department standards." Usually you
25 say "exceeds groundwater protection." But "exceeds

1 Department standards" is like a new phrasing that I
2 haven't seen before.

3 MR. DEURLOO: It's like which one? I'm
4 just trying to think. You're going to have a bunch of
5 people come in and say -- if we cut up any questions
6 before they walk in and they know right where to go to
7 see where the standards are, that would be helpful and
8 save time and effort on your end on that.

9 And I have another one. Line 1074, "Discharge
10 to surface waters is prohibited." Insert the word "is"
11 before "prohibited."

12 MS. CAHN: On that one, I disagree because
13 it's not a sentence. It's telling you, when you look at
14 the paragraph, what the paragraph is about.

15 MR. DEURLOO: Oh, it's a header. You're
16 right. But the next line, "Facilities shall be operated
17 such that leachate is not allowed to enter any surface
18 waters." "Is not allowed" -- I don't remember what
19 Mr. Conneman [phonetic] wrote and told me time and time
20 again. Passive verbs are not a good thing. And I would
21 just suggest that you underline that if you want to
22 rework that, because you use "shall not" a lot and "will
23 not" a lot, but I don't see "is not allowed." I don't
24 see that very often in standards. So you might consider
25 rewording that.

1 MS. CAHN: It could be "such that leachate
2 does not enter surface waters."

3 MR. DEURLOO: Something like that.

4 CHAIRMAN BEDESSEM: I'm sorry. I have a
5 couple. So, on groundwater quality, so if groundwater
6 contamination exceeds Department standards, again, maybe
7 that's groundwater protection standards. I just don't
8 want to have a new term, "Department standards." But if
9 that's groundwater protection standards, great. "At a
10 relevant point of compliance established by the
11 administrator, the leaking area shall probably be closed
12 on a schedule approved by the administrator."

13 And then it says "Future units shall be." And,
14 again, this is, I think, the same issue. It's the same
15 thing as the last one. This looks like you have two
16 choices. You close or you meet standards established by
17 the administrator -- which we now are calling criteria.
18 Right? -- or that concentrations will not exceed -- so
19 here we're exceeding groundwater protection standards for
20 a relevant point of compliance.

21 MR. MCOMIE: Exceeding a GPS, which would
22 be different than the previous standards.

23 CHAIRMAN BEDESSEM: So what is the -- I
24 don't know what the previous standard is.

25 MR. ANDERSON: The previous standard, I

1 believe, would also be the groundwater protection
2 standard.

3 CHAIRMAN BEDESSEM: So they should be
4 matching?

5 MR. ANDERSON: Yes.

6 CHAIRMAN BEDESSEM: So there's a couple
7 things that I'm concerned about, and this relates to the
8 groundwater monitoring. And I know this is before that
9 part, but it impacts thoughts about the section. Because
10 this section is pretty restrictive. It kind of says if
11 you exceed groundwater protection standards, you need to
12 close right away or you need -- or you can demonstrate
13 that you meet standards.

14 MR. McOMIE: Madam Chairman, the word
15 "promptly," is that what's causing -- I can -- well, I
16 can only think of a couple of landfills in the state
17 where, once you've demonstrated that you've exceeded a
18 groundwater protection standard, there's not a lot of
19 options because you proved there's a pathway to
20 groundwater. You would almost have to have a unique
21 situation like Moorcroft, where it's very deep at 190
22 foot, that you could say, well, if we moved over there,
23 we have a much better chance of doing a PBD, for
24 instance.

25 CHAIRMAN BEDESSEM: Let me bring up a

1 scenario, and you can tell me if I'm imagining things.
2 So I see this differently than what you have in
3 Chapter 2. Because in Chapter 2, you have Appendix A,
4 which has a lot of -- that you're monitoring the
5 landfills for that have VOCs and pretty much, you know,
6 mostly anthropogenic compounds.

7 If you've got something violating a groundwater
8 protection standard, you're leaking something from the
9 landfill. This construction/demolition chapter, you guys
10 did a great job explaining why it was appropriate to do
11 Appendix C first because it will save the people that run
12 construction/demolition landfills a lot of money in
13 sampling and monitoring. There was one of these
14 documents -- I think it was the response to comments --
15 where you established why that was important and was
16 appropriate for the C and D landfills. And that's great.

17 The concern I have for that is some groundwater
18 protection standards for the things in Appendix C are
19 naturally occurring constituents. So you can have a
20 groundwater with -- that the chloride concentration goes
21 up enough to move it from -- let's say it was at the high
22 end of class of use. And you could just have earthwork
23 that can increase TDS and chloride without it necessarily
24 being leachate and increase it enough to go from one
25 class of use to another class of use. And you'd be

1 closing a landfill because you've got 255 milligrams per
2 liter of chloride instead of 245. Because now we've
3 exceeded the groundwater protection standard that was
4 250.

5 And I don't know that that might necessarily
6 make sense. And I'm concerned that you are limiting your
7 flexibility because you want to be able to apply sound
8 science and say I'm going -- do I want to shut down this
9 landfill for that? I just see there's a difference here
10 because we're looking at Appendix C as monitoring, and I
11 just want to make sure that you're giving the Department
12 enough flexibility to make sound technical decisions as
13 opposed to hamstringing yourself, where you're saying,
14 "You're closing."

15 MR. ANDERSON: Madam Chair, paragraph (ii)
16 there allows for that demonstration. For example,
17 topography of a landfill varies, and you've got distances
18 from 20 to 100 feet from a proposed base of waste to
19 groundwater, that if somebody is operating an area where
20 groundwater is only 20 feet deep, they could stop there,
21 move to another area where they've got a greater
22 thickness for attenuation and continue as long as they
23 can show they wouldn't continue to cause a problem like
24 that. Or they could do something like shallow up the
25 depth of their disposal area or other options from a

1 design-operating perspective. It's not a "you must
2 close." Or they could line, but that would be excessive
3 and very expensive.

4 CHAIRMAN BEDESSEM: Yeah. Because I think
5 if they -- I see that there's a possibility that you
6 wouldn't be able to prove that your facility isn't going
7 to -- that you've already gotten to 255, and maybe it
8 will stay at 255. But it just doesn't seem like there's
9 a whole lot of flexibility there.

10 MS. CAHN: Especially when you're looking
11 at ions, cations and anions that are natural occurring.

12 MR. ANDERSON: Agreed. However, from my
13 experience looking at data from a whole bunch of
14 landfills, we don't often see a constituent, is one
15 problem, with the exception of landfill gas, which I
16 would not expect a lot of from construction/demolition
17 landfills. If we're going to see something leaching from
18 a landfill, it's going to be across a spectrum of things,
19 like sulfate and chloride and nitrogen, because even C/D
20 landfills have nitrogen in them.

21 CHAIRMAN BEDESSEM: I just think you need
22 to build in a little more flexibility here. Because I
23 think it's actually worse for the Department to not have
24 that flexibility. Because if you find yourself in a
25 situation where the operator can't demonstrate and you've

1 got this change in chloride and so the result is you're
2 going to have to close the facility, it looks worse if
3 the Department is closing the facility for an increase in
4 the chloride that's minuscule. It seems like you need a
5 lot more flexibility in how you apply that.

6 And I agree with the concept beautifully. I
7 just think you don't have enough words in here to give
8 you the flexibility when you want it, when it makes
9 sense. And most other places in the rule, you
10 accommodated that, except for this one. And because I
11 think you -- you say, for the most part, you won't get
12 it. It's true for the most part. Chances are, you'll
13 pass the rule, and then six months after, you'll get that
14 one case that's going to louse you up, and you're going
15 to be feeling like you got shot in the foot.

16 So, if you put some flexibility in there, you
17 may not have to ever use it, but it's better than not
18 having it, I guess is what I'd say. Because then you're
19 not going to be happy, and the applicant's not going to
20 be happy. And you just don't want to hamstring yourself.
21 So that's just my opinion on this. Because I think when
22 you're focusing on that Appendix C, we have natural
23 occurring constituents. There's a lot of things to
24 consider, and you want to give yourself a little bit of
25 flexibility to value what's really important and what

1 isn't when there's not necessarily any health hazard
2 associated with this when we're changing a minuscule
3 amount.

4 MR. HANSON: I kind of agree. Because I
5 think the first sentence and the second sentence, they
6 don't necessarily follow each other without some more
7 wording. Let me suggest something here. Solid waste
8 water disposal -- first sentence says "shall not be
9 allowed to alter groundwater quality, as determined by
10 groundwater monitoring," when, as a demonstrated result
11 of solid waste disposal, groundwater contamination
12 exceeds, et cetera. Then you take care of the natural
13 occurrence.

14 CHAIRMAN BEDESSEM: A lot of times it's
15 hard to prove.

16 MR. HANSON: It's hard to prove. "As a
17 demonstrated result of solid waste disposal," or
18 something like that.

19 CHAIRMAN BEDESSEM: Sometimes you can't
20 demonstrate. So, if you can't demonstrate, then --

21 MR. HANSON: You have to leave it loose.

22 MS. CAHN: How about borrowing language
23 from the federal rules about "or can demonstrate" -- and
24 I'm paraphrasing -- "the contamination is from a source
25 other than the landfill," or something like that?

1 CHAIRMAN BEDESSEM: I think it's the same
2 intent here. You have that.

3 MR. ANDERSON: Madam Chair, I don't think
4 we get here until -- back in the groundwater monitoring
5 section, it has that language. So we have to go through
6 the monitoring --

7 CHAIRMAN BEDESSEM: Right. To get here.

8 MR. ANDERSON: -- to get here, is part of
9 the answer. But it still doesn't address your concern.
10 And sitting here thinking, I understand what you're
11 talking and getting at. I just can't think of a way to
12 do that that isn't sort of that slippery-slope problem.

13 CHAIRMAN BEDESSEM: Yeah. I don't want to
14 dilute this. I agree with what you're doing completely.
15 But I want to give you some leeway. Because as soon you
16 say that issue is not going to come up, it's going to
17 come up, and then you're going to go, "Dang, why did we
18 write it that way?" I don't have a way to make, like I
19 said, a decision based on sound science because we -- you
20 know, we do a lot of these statistical things where we
21 get a significant increase. And you look at this long
22 list of things, and you go, "That's not important.
23 That's not important."

24 MR. McOMIE: Madam Chairman, is there
25 opportunity for language or flexibility that would

1 address that?

2 CHAIRMAN BEDESSEM: Well, I didn't come to
3 this meeting with suggested language. I apologize for
4 that. But I just think that you will be happier if you
5 have more flexibility in there.

6 MR. McOMIE: We'll work on some language.
7 Dale and I don't get a break.

8 CHAIRMAN BEDESSEM: Sorry. Because it's
9 just a slightly different -- it's kind of more stringent
10 than Chapter 2 and RCRA subtitle (d) because neither one
11 of those says you've got to close. These do. And I can
12 understand it's not as important. It's not like garbage
13 is going to pile up on the street so that this is an okay
14 option to close. But you want to make sure it's closing
15 for the right reason and give yourself some flexibility
16 to make those decisions.

17 MR. McOMIE: And, Madam Chair, that
18 doesn't address that directly. But when I have
19 "promptly," we don't make anybody promptly close. We put
20 people in a glide path that they can comply with with
21 getting the cell full with waste instead of dirt and
22 things like that. And I can't envision us doing that any
23 differently here, for instance.

24 CHAIRMAN BEDESSEM: Because it says "on a
25 schedule approved by the administrator." So you got that

1 covered. So I think we're worried about the "promptly"
2 part. I just, like I said, think -- you know, like in
3 the description of one of these -- I don't know if it was
4 in the statement of principal reasons where there was a
5 lot of touting added flexibility in the rule. And there
6 is. And you put that in a lot of places. It's good
7 because it allows you to make good scientific decisions.
8 So I see that all over this rule, which is great. But in
9 this part, I don't see it, and that's what I worry about.

10 Like I said, it's going to be worse for, I
11 think, the Department because you might feel like you're
12 stuck in a decision that may not make sense.

13 But, anyway, that's just my --

14 MR. HANSON: Madam Chair, above there is
15 the section on vector control. And I just wanted to
16 point out that in Laramie, we have a little bit of a
17 problem with that because, you know, we do aerial
18 spraying. And then comes the area of town where you have
19 an aquifer. And then the discussion becomes how are we
20 going to spray this area without harming the aquifer
21 underneath with the spray that we use?

22 So the statement on populations shall be
23 prevented or controlled using techniques appropriate,
24 it's a little open-ended. At this point, from what I
25 have seen happening in my particular situation on the --

1 what is it? -- the northeast end of town where we have an
2 aquifer fairly close to the surface and the spraying
3 because we had vector mosquitos was becoming a problem.
4 And so not that we found a solution to this, but I think
5 we didn't spray at all, if I remember right.

6 So the statement "shall be prevented" didn't
7 apply because of the groundwater situation. So I just
8 wanted -- I don't have a solution to offer here. But I
9 just wanted to point this out. There may be exceptions
10 to that particular vector control because of the
11 situation that we find ourselves in.

12 Thank you.

13 CHAIRMAN BEDESSEM: So that was Section 7.
14 Right? So we're on to 8.

15 MS. CAHN: Can we take a break?

16 CHAIRMAN BEDESSEM: We'll recess ten
17 minutes to 11:15.

18 (Hearing proceedings recessed

19 11:04 a.m. to 11:21 a.m.)

20 CHAIRMAN BEDESSEM: I think everyone is
21 back. Let's reconvene the Water and Waste Advisory Board
22 meeting. Do you know where we left off?

23 MR. DEURLOO: We just finished 7.

24 CHAIRMAN BEDESSEM: We finished Section 7?

25 MR. DEURLOO: Yeah.

1 MR. ANDERSON: Moving to Section 8 at the
2 top of page 29. That would take us through --

3 CHAIRMAN BEDESSEM: To the middle of
4 4-32?

5 MR. ANDERSON: Yes.

6 MR. THERIAULT: Pardon me, Madam Chairman.
7 I have a comment. And this is on a past -- we've already
8 gone through this section, but it's been nagging at me.
9 I was hoping that -- this is on 4-23 of the strikeout
10 section.

11 CHAIRMAN BEDESSEM: Can you identify
12 yourself for the court reporter?

13 MR. THERIAULT: I apologize. Matt
14 Theriault, City of Cheyenne.

15 MS. CAHN: Can you come up to the
16 microphone?

17 MR. THERIAULT: I was curious because --
18 and maybe this is addressed somewhere else. But
19 clarification. Are we going to be calling any water that
20 comes into contact with C and D leachate? And if so, are
21 we going to change the cover requirements for C and D,
22 which, currently, it's once a month? Because if you're
23 going to make C and D a leachate, treat it like so, then
24 I think a lot of people are going to be in for a shock
25 when it comes to covering treating things like that.

1 MR. ANDERSON: Madam Chair, which
2 particular -- where on the page?

3 MR. THERIAULT: I'm sorry. I'm referring
4 to (i), where it says "The administrator may require an
5 engineered containment system, including a composite
6 liner, leachate collection system and final cover with a
7 permeability less than or equal to" -- so on and so
8 forth.

9 MS. CAHN: So it's line 873?

10 MR. THERIAULT: Yeah. That's right.

11 MR. DEURLOO: What is C and D?

12 MR. THERIAULT: Construction and
13 demolition.

14 CHAIRMAN BEDESSEM: So is leachate defined
15 in Chapter 2? Chapter 1, that's where the definitions
16 are. Right?

17 MR. ANDERSON: Madam Chair, I have a few
18 thoughts. One, we do not have a definition in Chapter 1.
19 Second, with respect to this, this is with an engineered
20 containment system that's collecting leachate. I think
21 this question would get back to the previous discussion
22 about -- along the lines of discharge to surface waters
23 and controlling leachate in a landfill that doesn't have
24 an engineered containment system. You would control a
25 leachate so it's not getting off site as opposed to

1 having to try and collect it from an unlined landfill.

2 It would technically still be leachate.

3 Anything that passes through that waste of leaches,
4 anything from the waste would be a leachate. But in an
5 unlined system --

6 MR. THERIAULT: But currently it's not
7 considered a leachate.

8 CHAIRMAN BEDESSEM: So I think maybe what
9 he's asking is if you have C and D materials and you only
10 cover once a month, if you have runoff that contacts the
11 C and D material, does that now have to be collected in
12 an evap pond because it can't be in the storm water
13 because now it's considered leachate, like MSW leachate?

14 MR. ANDERSON: There would be a bit of a
15 gray zone as to the management. But we've always been
16 consistent that water that's come in contact with waste
17 has to be managed as leachate and prevented from running
18 off site and entering into storm water diversion channels
19 and things like that. So that isn't a change. It's a
20 bit of maybe bringing more of an awareness to management
21 of liquid specific to C/D waste. But we've always
22 considered any waste contact water to be a leachate that
23 has to be handled properly. But as long as you keep it
24 from leaving the disposal area and properly contain it,
25 there are ways to do that. Wouldn't necessarily have to

1 be an evaporation pond or something like that. But that
2 might be an option.

3 MR. THERIAULT: Thank you.

4 MR. HANSON: I think in our landfill,
5 where we have the contained landfill area, at the bottom
6 of it, there is a drainage system which then is pumped
7 out the -- whatever leaches down off the landfill matter
8 is contained at the bottom and is pumped out. I know
9 it's contained, anyway, or retained, whatever you want to
10 call it here. That's the way the system needed to be
11 constructed, I remember.

12 MR. ANDERSON: And that is the standard
13 approach for municipal solid waste landfills unless you
14 can demonstrate you don't need to do that. The general
15 approach we're looking at for construction/demolition
16 landfills is to not require that engineered containment,
17 that liner in the collection system. So that's, I
18 believe, where the question's coming from. Because you
19 don't have a system to collect that liquid. But the
20 waste only has to be covered once a month. So it's
21 sitting there open to precipitation, snow, whatever, for
22 a month.

23 And what happens to the runoff from that waste
24 during that month period I think is the difference there.
25 It's not going straight through and being collected

1 anywhere. It's running off on the surface.

2 CHAIRMAN BEDESSEM: So what if you have
3 construction/demolition debris piled but not disposed? I
4 guess it's the fine line between the clean fill material.
5 If it qualifies as clean fill, you don't have to worry
6 about it. But if it's not and it's actual construction/
7 demolition, then you need to be managing any liquid
8 runoff from it?

9 MR. ANDERSON: Yes. I think that's --

10 MR. KIRKBRIDE: I don't understand what
11 you mean by just covering it once a month. In other
12 words, new material has to be -- if you put something in
13 there, you cover that. But you don't have to worry about
14 more new material until another month. Is that right?

15 MR. ANDERSON: Correct. I don't know the
16 number, but somewhere in the operating standards, there's
17 a section that talks about routine cover that, on a set
18 frequency -- in this case, for C/D landfills, it's once a
19 month. You have to put a layer of dirt or another
20 approved material over it. And so, once you put that
21 dirt on -- say you do it the first of every month. Once
22 you put that on in June, any additional waste that's
23 disposed in that area for the next month doesn't have
24 dirt put on until the first of the next month.

25 MR. McOMIE: Laramie and windy places,

1 that usually happens more frequently because of other
2 reasons.

3 MR. HANSON: But I thought the assumption
4 was that construction waste really has little
5 contaminants that would leach into the groundwater to
6 begin with. It's not like a landfill, where you have all
7 kinds of stuff being dumped into it. And the problem is
8 only that you need to be able to enforce what goes into
9 the landfill. In other words, somebody's got to
10 watch that not somebody comes along and says, "I'm not
11 going to dump it in the landfill. I'm dumping it in the
12 construction site." And that I see as a problem. But I
13 think we've pretty well taken care of this by directing
14 people and say, "You go dump your stuff there."

15 MR. McOMIE: You're exactly right. And we
16 really -- screening is paramount. There are materials
17 such as drywall and stuff that can produce H₂S and things
18 of that nature that can go in C/D landfills. So it's not
19 completely inert. But screening is critical.

20 MR. HANSON: Thank you.

21 MR. ANDERSON: Madam Chair, just to
22 elaborate a bit, you can get low concentrations of
23 organic compounds that are mixed in with construction/
24 demolition waste. But it is widely accepted to be not
25 as --

1 MR. HANSON: Volatile.

2 MR. KIRKBRIDE: Toxic.

3 MR. ANDERSON: Thank you. I was going to
4 use the word "dangerous," and I knew that just wasn't
5 right.

6 -- as toxic as municipal waste leachate can be.

7 Section, 8 "monitoring standards," which would
8 take us, as Marge said, through the top of -- the middle
9 of page 32.

10 MS. CAHN: So I had just an editorial on
11 page 4-30, line 1173, "In approving a facility-wide
12 groundwater monitor system." And it's typically referred
13 to industry-wide as a groundwater monitoring system. The
14 problem is I looked it up in Chapter 2, and Chapter 2
15 also refers to it as a groundwater monitor system. So I
16 don't know what to do about it. It seems like a -- it's
17 typically called a monitoring system, not a monitor
18 system. So I would rather get it right here, and then
19 next time we do Chapter 2 --

20 MR. ANDERSON: Madam Chair, Lorie, are you
21 talking about the last line of capital (B)?

22 MS. CAHN: Yes.

23 MR. ANDERSON: Where it says "monitor,"
24 just add an I-N-G to it?

25 MS. CAHN: Yeah. But what I'm saying is

1 it's more of a -- and I would search for the use of
2 "groundwater monitor" and change it always to
3 "monitoring." Add the I-N-G.

4 MR. ANDERSON: In the context of "system"?

5 MS. CAHN: In this whole chapter if that
6 occurs other places. But the problem was I looked at
7 Chapter 2 to see how it was referred to in Chapter 2, and
8 it's also referred to as "monitor system," not
9 "monitoring system." But I prefer to fix this one. And
10 next time we get to Chapter 2, we can fix it there. And
11 I would just ask that you do a search for "groundwater
12 monitor system" and change it to "groundwater monitoring
13 system."

14 MR. ANDERSON: Other questions on this?

15 MR. DEURLOO: Madam Chairman, I have a few
16 comments. Line 1178, it says hydro -- the permit shall
17 consider hydrologic setting. And then also on 1184, you
18 list out other things they must consider when placing a
19 landfill, which is aquifer thickness, aquifer properties,
20 groundwater flow direction and rate, geologic information
21 on the soils, aquitards, aquicludes and so forth.

22 I would suggest -- I've done a lot of work in
23 drilling monitoring wells and so forth. And
24 "hydrogeologic" is a word we used a lot. And I think
25 including 1185, including the terminology "hydrogeologic

1 setting" or "hydrogeologic conditions" to be broad and
2 encompassing that the permittee shall look at the
3 hydrogeologic conditions when placing a landfill and so
4 forth.

5 So hydrologic and hydrogeologic are, as you
6 know -- I'm sure you know they're two different things.
7 Hydrologic is surface water. Hydrogeologic is
8 groundwater. I suggest adding on line 1185 in there a
9 comma -- after aquifer properties, comma, hydrogeologic
10 conditions, comma, groundwater flow. It makes the
11 hydrogeologists in the room happy.

12 MS. CAHN: How about at the beginning of
13 1184? Because, really, all of those things are
14 hydrogeologic conditions, aquifer thickness, aquifer
15 properties.

16 MR. DEURLOO: They are.

17 MS. CAHN: So, in some cases, they put a
18 heading of what that paragraph is going to be about. So
19 maybe it could be "hydrogeologic setting" or something to
20 parallel the "hydrologic setting," maybe. Would that --

21 MR. DEURLOO: I'm happy with that. Those
22 terminologies right there, Lorie, are not all-inclusive
23 with the study of hydrogeologic conditions is. It's just
24 a portion of it.

25 MR. ANDERSON: Madam Chair, if I may, in

1 the interest of parallel construction, other paragraphs
2 at that level don't have a real header. Would it work if
3 we said something like "The design of the monitoring
4 system must be based on hydrogeologic conditions,
5 including" --

6 MS. CAHN: Yes.

7 MR. DEURLOO: Yes, please. Thank you.

8 MS. CAHN: Site-specific hydrogeologic.

9 MR. DEURLOO: 1245 and 1246 -- I'll start
10 on 1245 -- "is approved by the administrator, the owner
11 or operator shall determine if there has been a
12 statistical significant increase over a groundwater
13 protection standard in each downgradient," blah, blah,
14 blah. Statistical significant increase of what? And I
15 think you mean of a constituent, a groundwater
16 constituent or something. That would just be more
17 definitive on what -- Dale, what you say there or what
18 the Department is saying, "statistically significant
19 increase over groundwater protection standard. It
20 doesn't say what's increasing. We all know it's a
21 constituent. But I think I would say -- I'd put the word
22 "constituent" in there.

23 MS. CAHN: Or could we put "contaminant"
24 to make it clear we're not --

25 MR. DEURLOO: No, I wouldn't put

1 "contaminant." It's just a constituent. You can
2 underline or look at it. You can discuss it.

3 And then moving on, so --

4 MR. ANDERSON: Madam Chair, if I may,
5 would it work to say "statistically significant increase
6 over a groundwater protection standard for each
7 constituent"?

8 MR. DEURLOO: Yeah.

9 MR. ANDERSON: Because this is the
10 assessment monitoring section.

11 MR. DEURLOO: Yeah, that would work.

12 MR. ANDERSON: "For each applicable
13 constituent," because this only applies to those that
14 have exceeded background. This is a subset.

15 MR. DEURLOO: Goes back to Madam
16 Chairman's point earlier where she was talking about the
17 chlorides and so forth. If I may, moving on, line 1253
18 starting on 1252, "The owner of the landfill, the owner
19 or operator shall, within fourteen days, notify the
20 administrator," I'd just change those words around a
21 little bit. I'd say "The owner or operator shall notify
22 the administrator, within fourteen days, of the
23 constituents detected above the groundwater protection."
24 So just take "notify the administrator" and move those
25 three words to right after the word "shall" on line 1253.

1 That's all I have, Madam Chairman.

2 CHAIRMAN BEDESSEM: Anybody else on
3 Section 8?

4 MS. CAHN: This is kind of a generic
5 comment. When we get into assessment monitoring -- and
6 this is really a problem I have going back to Chapter 2.
7 When you look at Appendix A, Appendix A is called
8 "detection monitoring," looking for 15 inorganics and 47
9 VOCs. But it's really more assessment monitoring. Here
10 we're talking about assessment monitoring. And so, if it
11 exceeds -- B, then, is detection monitoring. Sorry.
12 It's assessment monitoring.

13 CHAIRMAN BEDESSEM: But in this situation,
14 they switch things around, this construction/demolition,
15 where they're saying that detection monitoring, they're
16 doing Appendix C. So it's reversed from RCRA and the MSW
17 landfills. So they're doing C first, and then assessment
18 is either A or B, depending.

19 MS. CAHN: Even though A is called
20 "detection" in Chapter 2?

21 CHAIRMAN BEDESSEM: Right.

22 MS. CAHN: So I find that confusing. I
23 don't know what we do about it. We're going to say now
24 we're moving into assessment monitoring, so go do
25 detection monitoring in Chapter 2. Does that make sense?

1 I find it confusing.

2 MR. ANDERSON: Madam Chair, I understand
3 your point. But because we're dealing with a different
4 waste stream, in theory, those things in Appendix A won't
5 be there in any kind of substantial quantity. I
6 understand the concept, but I'm not sure there's a
7 solution without being repetitive and bringing all that
8 forward.

9 MS. CAHN: I know. It was just something
10 that was confusing to me. Because I would go back to
11 Chapter 2 and say what are you suggesting? Now we go
12 forward? Now we're in assessment monitoring, but we're
13 going to using an appendix that's called "detection
14 monitoring." So I just found it confusing. But I don't
15 have a fix for it.

16 CHAIRMAN BEDESSEM: It sounds like you
17 have to pick between being repetitive or needing a little
18 bit of clarification.

19 MS. CAHN: I didn't have a solution. I
20 just found it confusing. We can go on.

21 CHAIRMAN BEDESSEM: And this is something
22 that's in Chapter 2, and it keeps repeating. And I know
23 that it's probably understood, but for the layman, it may
24 not be. "Assessment monitoring" in (A), it says "If the
25 concentration of one or more constituents exceeds

1 background." But that's not really what you mean. You
2 mean if you have a statistically significant increase of
3 a background. Right?

4 MR. ANDERSON: Madam Chair, yes.

5 CHAIRMAN BEDESSEM: It's not just one
6 concentration, take a sample and the concentration
7 exceeds what you think is your background level.

8 MR. ANDERSON: Madam Chair, if we rework
9 that clause, the exact language is escaping me, but
10 something to the effect of, if there's a statistically
11 significant increase in the concentration of one or more
12 constituents above background.

13 CHAIRMAN BEDESSEM: Yeah. That would be
14 clear. And these are written well here. Because there's
15 a bunch of "main" in here. So, for example, if you had
16 just had your four baseline quarterly samples and then
17 another sample, it's conceivable to get a false positive
18 because you have so few samples that you're looking at
19 showing that you have statistically significant increase
20 above background. You can judge and say, yeah, that's
21 probably not anything of concern right now. Because it
22 all says "main" as opposed to say you have such-and-such
23 increase; therefore, you have to do this specific thing.

24 MR. McOMIE: Flexibility.

25 CHAIRMAN BEDESSEM: Any more in this

1 section?

2 MR. ANDERSON: Madam Chair, that would
3 take us to Section 9. It goes through page 33.

4 CHAIRMAN BEDESSEM: I don't have any
5 comments.

6 MS. CAHN: I don't either.

7 CHAIRMAN BEDESSEM: Anyone else?

8 MR. DEURLOO: I have one minor, minor one.
9 On page 4-33, line 1302, it reads "Dates when reclamation
10 activities take place." I thought maybe changing "take
11 place" to "occur" or "occurred." It doesn't necessarily
12 have to happen. But if you'd consider a change.

13 MS. CAHN: You could put "occur,"
14 parentheses, "RED" or "occur" or "occurred." Yeah, I
15 agree. I found it confusing. Some stuff was in past
16 tense, and some was in future tense.

17 MR. DEURLOO: "Take place" is kind of
18 colloquialism. That's it, Madam Chairman.

19 MR. ANDERSON: Madam Chair, moving on to
20 Section 10, comments, questions, observations? That
21 takes us through 34.

22 MS. CAHN: I have a question on line 1324
23 and 1325. "A summary description, not limited to the
24 cubic yards of estimated air space used." And I'm
25 wondering how is -- what is this, and how is it

1 estimated? And I looked in Chapter 2, Section 11, to see
2 if I could find out how you do that and what it is, and I
3 couldn't find anything. I'm assuming you're talking
4 about the void space in the landfill. How are they --
5 but you're compacting and changing that, so I'm confused.

6 MR. ANDERSON: Madam Chair, air space is
7 the volume occupied by -- in this context, by waste. In
8 a completely empty landfill, there is some amount of air
9 space above the bottom of the landfill and below the
10 final cover. That's the total air space of the landfill.
11 This is referring to the amount of air space physically
12 occupied by the waste that you put in, and then the void
13 spaces in the waste count as air space used because you
14 can't use them again. That's why compaction is so
15 important, is because it reduces the lost volume for
16 waste.

17 Air space is what you physically occupy that
18 you can't get more garbage into in the future. And for
19 the larger facilities, a lot of people now will fly their
20 landfill and compare a surface from a year ago with a
21 current surface and use a CAD package to calculate the
22 volume that's been filled. And if they have scales, they
23 know how many tons were brought into the landfill.
24 Otherwise, if you don't have that kind of an operation,
25 then it is, indeed, an estimate based on where the

1 operator has notes of where they were a year ago and
2 where they are now.

3 MS. CAHN: Can it be the cubic yards
4 estimated of waste? Cubic yards of the waste used? Or
5 is it the total?

6 CHAIRMAN BEDESSEM: The air space is
7 including the waste and cover material.

8 MR. ANDERSON: And voids in the waste.
9 Sorry, Madam Chair. And the voids in the waste. The
10 important point from an operations and money perspective
11 is the actual air space that the waste placed and any
12 cover material and whatever voids are in there. It's the
13 air space it occupies. Because that total volume is
14 removed from what you have in the future.

15 MS. CAHN: So it's basically the volume
16 underneath the current surface?

17 MR. ANDERSON: That was used in the last
18 year, since we're talking annual reports.

19 MR. McOMIE: Can we say estimated air
20 space where waste was placed?

21 MS. CAHN: It's a change in the surface --
22 if everybody knows what it means, then, fine. But I
23 just -- I didn't. I was thinking too literally of the
24 actual void space.

25 MR. HANSON: Could you add the words

1 "estimated prior" because it's now taken up by --

2 MS. CAHN. Would be the fill space. So
3 occupied space. It's the fill space. You're talking
4 about the volume of fill materials, including the air.

5 MR. ANDERSON: Madam Chair, Lorie, you're
6 correct. But air space is kind of the industry standard.
7 And my concern would be if we use a different term,
8 people won't know what we're trying to do.

9 MS. CAHN: I would suggest that perhaps
10 that needs to be in the definitions next time we get to
11 the definitions of what that is. And maybe it is there.
12 I didn't check the definitions.

13 MR. ANDERSON: Madam Chair, it is not.
14 But we will add that as a suggestion.

15 MR. McOMIE: Are there other questions in
16 Section 10?

17 CHAIRMAN BEDESSEM: Anybody in Section 10?

18 MR. ANDERSON: Madam Chair, hearing none,
19 moving to Section 11 on page 34, which takes us through
20 the top of page 39.

21 CHAIRMAN BEDESSEM: Any comments from the
22 board?

23 (No response.)

24 CHAIRMAN BEDESSEM: Moving on.

25 MR. ANDERSON: Moving on to Section 12,

1 which begins at the top of page 39 and takes us, I
2 believe, through the top of page 40.

3 CHAIRMAN BEDESSEM: I have a generic
4 question. How many just C and D landfills does the
5 Department regulate now?

6 MR. McOMIE: You mean that are only taking
7 C and D at the moment?

8 CHAIRMAN BEDESSEM: Yeah. That would fall
9 under this. Because if you have an MSW landfill that has
10 C and D, you're under MSW rules.

11 MR. McOMIE: Right. I can only think of a
12 couple, but that's expanding rapidly through the
13 cease-and-transfer program.

14 MR. ANDERSON: Madam Chair, if I may defer
15 for a moment to Suzanne in Cheyenne.

16 Suzanne, do you have any in your district?

17 MS. ENGELS: I'm sorry. The question was
18 how many C and D landfills are there?

19 MR. ANDERSON: Yes.

20 MR. McOMIE: C and D only.

21 MS. ENGELS: C and D only? Two. Three in
22 District 1.

23 MR. McOMIE: Baggs and Saratoga is on that
24 track.

25 MS. ENGELS: Saratoga and Douglas.

1 MR. MCOMIE: But Baggs and Douglas opening
2 right now.

3 MS. ENGELS: And Baggs. You're correct.

4 MR. ANDERSON: Madam Chair, that would be
5 four.

6 CHAIRMAN BEDESSEM: Saratoga, Douglas and
7 Baggs. And what's the fourth?

8 MR. ANDERSON: Campbell County.

9 MR. MCOMIE: Rawlins is also taking
10 C and D only. They're still under -- they're not
11 technically. They don't have a Chapter 4 yet, do they,
12 Suzanne? Rawlins?

13 MS. ENGELS: No. But that's
14 [unintelligible] 2023.

15 MR. ANDERSON: And, Madam Chair, I don't
16 believe there are any in the third district. There might
17 be over in the western part of the state, but I don't
18 think so.

19 MR. MCOMIE: Should you like, I'll e-mail
20 you a list that I just sent to EPA that details every
21 landfill, which ones take both, which ones --

22 CHAIRMAN BEDESSEM: That's important to
23 know.

24 So any other comments from the board with
25 respect to what Dale just went through or from the

1 response to comments?

2 MR. ANDERSON: If I may, we didn't make it
3 to the end of the chapter. Should we maybe --

4 MS. CAHN: We could take them as a lump.

5 CHAIRMAN BEDESSEM: Yeah. Take them as a
6 lump.

7 MR. ANDERSON: Yes. 13 through 17. It's
8 only two pages.

9 CHAIRMAN BEDESSEM: Any comments from the
10 board?

11 MR. HANSON: I still was kind of confused
12 on one. I'm still on Chapter 11 here. There is a
13 Section (d). Let me see. Before (e), "design and
14 construction standards," there's the "length of
15 post-closure period."

16 MR. KIRKBRIDE: Could you give us a line
17 number?

18 MR. HANSON: On the clean version, 792.
19 Because that's what I went by. And I thought it was kind
20 of redundant because it says that the period shall extend
21 for a period of not less than five years after completion
22 of activities -- closure activities. Following this
23 initial period, the post-closure period shall be
24 automatically extended until such time when the
25 administrator determines. That's not really -- the five

1 years is not really necessary. Could you not just strike
2 that and say until upon complete -- or, it's a minimum of
3 five years. And then it goes on. I thought it was kind
4 of a redundant statement. Because the administrator has
5 to determine when it can be closed. But it's a minor
6 point.

7 MS. CAHN: Would it help if we just got
8 rid of, on end of line 792 and beginning of 793, "a
9 period of" so we don't have so many periods in the
10 sentence? "Post-closure period shall extend for not less
11 than five years after completion of closure activities."

12 MR. HANSON: Yeah.

13 MS. CAHN: "Following this," and we can
14 get rid of "initial minimum period."

15 MR. HANSON: Something like that, yeah.

16 MS. CAHN: "The post-closure period shall
17 be automatically extended." Yeah, yeah, yeah.

18 MR. HANSON: The first isn't really
19 necessary because we're doing it automatically longer
20 anyway.

21 MR. ANDERSON: Madam Chair, the first part
22 would work to remove the -- I can't even remember. "For
23 a period of not less than"?

24 MS. CAHN: Got rid of "a period of."

25 MR. ANDERSON: "For not less than." Madam

1 Chair, that works. Removing language in the second
2 sentence starts to strip out some clarity. Because in
3 the next sentence, you're no longer referring to
4 anything, and it's left to the reader to infer that
5 you're talking about that minimum five years instead of
6 leaving in the initial minimum. And that is standard
7 language from subtitle (d) in Chapter 2 and other places
8 to clarify that it's a minimum of five.

9 MS. CAHN: Maybe we can say, the first
10 line, that the post-closure period shall extend for a
11 minimum of five years.

12 MR. ANDERSON: Madam Chair, Lorie, "a
13 minimum of" instead of "not less than"?

14 MS. CAHN: Sure.

15 MR. ANDERSON: "A minimum of not less than
16 five" strikes me as kind of redundant, but maybe that's
17 just me.

18 MS. CAHN: I think positive statements are
19 always easier to understand than negative.

20 CHAIRMAN BEDESSEM: She's just saying
21 instead.

22 MS. CAHN: "The post-closure period shall
23 extend for a minimum of five years after completion of
24 closure activities. Following this" --

25 CHAIRMAN BEDESSEM: Positive instead of

1 negative.

2 MR. HANSON: It could be up to five years
3 if the administrator is all right with this.

4 MS. CAHN: Next sentence could start
5 "Post-closure period shall be automatically extended
6 until such time." Don't even need "Following this
7 initial minimum period."

8 MR. HANSON: Still kind of thinking it's a
9 double -- the operator has to say, after five years, yea
10 or nay.

11 MS. CAHN: It could just be that the post-
12 closure period shall be automatically extended or shall
13 continue until such time when administrator determines
14 upon -- this period shall be not less than five years.

15 CHAIRMAN BEDESSEM: It is pretty standard
16 language, though. I think "a minimum" instead of "not
17 less than" is probably a good thing. Everything else is
18 probably okay.

19 MR. HANSON: That's basically what's
20 needed, not less than five years. Anything above, the
21 administrator decides.

22 CHAIRMAN BEDESSEM: I want to address our
23 lunchtime situation. First of all, I want to check. Do
24 we have any comments for the public on Chapter 4?

25 MR. THERIAULT: No.

1 CHAIRMAN BEDESSEM: Nothing in addition to
2 that clarification on leachate?

3 So what we'd like to do is, I believe at least
4 one board member has a couple of comments with regard to
5 the response to comments, but we'll just address that
6 after lunch. Mr. Deurloo will be gone from about 12:10
7 to 1:10, so suggest we take lunch at that time and come
8 back and finish up the response to comments on 4 and move
9 into Chapter 6 on treatment, transfer, storage. Are we
10 good with that schedule?

11 MS. THOMPSON: Sounds good.

12 (Hearing proceedings recessed
13 12:03 p.m. to 1:14 p.m.)

14 CHAIRMAN BEDESSEM: So we are now
15 reconvening the first-quarter Water and Waste Advisory
16 Board meeting. And I believe where we left off was
17 Chapter 4. We were going to talk a little bit about the
18 response to comments. I believe some of the board
19 members may have comments. So I'm going to pass it to
20 you because I know you mentioned that you had one.

21 MS. CAHN: Yeah. So, just for my own
22 edification, General Comment Number 1 on the first page,
23 and you talk -- I was just curious. It says that if you
24 have game animals, game parts, because we're concerned
25 about CWD, that these must be disposed in a permitted

1 landfill. And I'm just wondering which landfills are
2 permitted. I know this doesn't have anything to do with
3 this chapter, but just for my own edification.

4 CHAIRMAN BEDESSEM: Both C/D or MSW.
5 Either one. Right?

6 MR. ANDERSON: Can you point me to where
7 you --

8 MS. CAHN: The bottom of the response, it
9 says "Notably, to prevent the spread of chronic wasting
10 disease and other diseases to game animals, all whole
11 game animals, scraps from meat processors and compost
12 from game animals must be disposed in a permitted
13 landfill." And I'm just curious. In Wyoming, which are
14 the permitted landfills that can take CWD animals?

15 MR. ANDERSON: Any MSW landfill, from
16 DEQ's perspective, can take all of those materials, is
17 the shortest, simplest answer.

18 MS. CAHN: And does it have to be lined?
19 Is there any requirements?

20 CHAIRMAN BEDESSEM: But can a C/D waste
21 landfill also take?

22 MR. ANDERSON: That's why I stuck to the
23 short version, because it says all whole game animals.
24 And for C/D landfills, a whole game animal wouldn't be
25 something that we would want to go into a lined C/D

1 landfill. After it's been composted some, yes. But
2 that's why I drew the distinction. It gets a little
3 fuzzier when you start talking about construction/
4 demolition landfills.

5 And, Madam Chair, Lorie, with respect to does
6 it have to be lined or not, there's not a requirement
7 that it has to be lined. But in the not-too-distant
8 future, all of our MSW landfills will either have liners
9 with engineered containment or they will have a
10 performance-based design that has been determined to be
11 equivalent.

12 MS. CAHN: Which ones have a performance-
13 based design that aren't going to be lined?

14 MR. ANDERSON: As of right now, the
15 Torrington landfill, the Worland landfill, Washakie
16 County Solid Waste Disposal District and Evanston.

17 MR. McOMIE: Evanston Number 1 -- or,
18 Number 2, I mean.

19 MR. ANDERSON: Evanston Number 2, I
20 believe.

21 CHAIRMAN BEDESSEM: Is it the City of
22 Torrington?

23 MR. ANDERSON: It is the City of
24 Torrington. And I think those are the only three.

25 MS. CAHN: What about Sublette?

1 MR. MCOMIE: It's in Marbleton. They've
2 not got a PBD yet. They're still in their active permit.
3 And I'm not sure if the next -- upon the permit renewal,
4 if they'll have to be lined cells.

5 MS. CAHN: So, currently, they can dispose
6 unlined --

7 MR. MCOMIE: They currently are.

8 MS. CAHN: Excuse me?

9 MR. MCOMIE: They currently are.

10 MS. CAHN: And they can take CWD animals?

11 MR. MCOMIE: Yeah. They typically don't
12 come to the Department as CWD. I mean, they come in as
13 game animals.

14 MS. CAHN: Right. But I'm thinking if, in
15 the future, CW shows up in Teton County, I'm just curious
16 where we can take -- because we don't have CWD in the
17 county yet.

18 MR. MCOMIE: Idaho Falls.

19 MS. CAHN: But if it's coming, where can
20 those animals go? That's why I'm asking these questions.
21 I know it's not related to construction/demolition.

22 MR. ANDERSON: Madam Chair, Lorie, I
23 believe they transferred them all, don't they? They
24 stopped disposing at the landfill.

25 MR. MCOMIE: Theirs go down, I believe, to

1 Lincoln County currently through WYDOT. But on the
2 refuge, for instance, they leave them in place. But if
3 they have to be collected, I know Heather is looking
4 currently at a couple of outgoing hydrolysis procedures
5 for a large composting operation.

6 MS. CAHN: But in the interim, before
7 there's an incinerator or some kind of facility to
8 compost --

9 MR. McOMIE: They're going to Kemmerer, to
10 a lined landfill in Kemmerer.

11 MS. CAHN: They're going to Idaho, I
12 believe.

13 MR. McOMIE: I don't believe Idaho would
14 take them because they weren't on the CWD list.

15 MS. CAHN: But we don't have CWD yet. So
16 that's what I'm concerned about, is what happens if we
17 get CWD.

18 MR. McOMIE: Wyoming is dedicated as a CWD
19 state, though. So Idaho will not accept Heather's dead
20 animals. They literally have to stay in state.

21 MS. CAHN: And will there be any kind of
22 transport issues related to -- if you end up with a
23 county with CWD, can you transport to a landfill that
24 doesn't have CWD?

25 MR. McOMIE: So far, no landfills have

1 come out with restricting that movement. The Department
2 does advise that animals that come in are immediately
3 placed and buried and covered. But, yeah, I'm not aware
4 of any landfills that have said, "We won't take them."

5 MR. HANSON: You mentioned the word
6 "dedicated" or whatever, a special kind of landfill.
7 What was the way you can deposit the animals? What kind
8 of special --

9 CHAIRMAN BEDESSEM: Sometimes they have a
10 dead animal pit.

11 MR. HANSON: I forget the word that you
12 used, "special" or "dedicated" or whatever site on the
13 landfill.

14 MS. CAHN: Like a dead animal pit.

15 MR. HANSON: It's just a dead animal pit?
16 Okay. I thought Laramie had one.

17 CHAIRMAN BEDESSEM: They might.

18 MR. MCOMIE: They probably do, because I
19 don't think Brooks wants to run it through the baler. So
20 there's probably a specific area that they go to.

21 MS. CAHN: But a lot of those are closing.
22 It's just a potential future issue.

23 On page 5, for Section 7, I just was hoping
24 that you could -- I get a little confused in (s)(ii), a
25 little bit confused about waste management unit

1 boundaries versus area and units and maybe just groups of
2 units.

3 MR. ANDERSON: Madam Chair, Lorie, at a
4 relatively high level, they're the same. A unit's an
5 area. Sometimes people talk about trenches instead of
6 areas. A trench is a small area.

7 MS. CAHN: Okay. That's fine.

8 MR. ANDERSON: It's all the same. An area
9 fill is a disposal unit. They're more or less
10 synonymous. But different regulations use different
11 words. As I recall, subtitle (d) is very big on unit and
12 unit boundaries. But commonly a layperson or someone
13 that doesn't deal with a lot of solid waste issues,
14 disposal unit doesn't mean very much. We talk about
15 disposal areas or an area fill. And you could get into
16 things like you may have a disposal area that's 25 or 30
17 acres, but it's excavated in five-acre parcels. Some
18 people would call each five acres a trench even though
19 it's all part of one big area. It's just different
20 terminology for more or less the same thing.

21 MS. CAHN: So, if units are the same as
22 areas, then when we say "The operator shall demonstrate
23 that future disposal units or areas, in the case of an
24 area fill," do we want to just go with one -- since
25 you're essentially telling me they're one and the same,

1 do we want to go with one term?

2 CHAIRMAN BEDESSEM: I think they're using
3 it as both because, I think for most people, if you have
4 a trench, it's really easily definable, and you know that
5 that's your location. But an area, there's not -- it
6 might be the final map. When you go look at it, you
7 don't necessarily know your area is there unless you
8 looked at the map, because it's sort of --

9 MR. MCOMIE: They might be working in a
10 portion of that area, but the whole area is the unit.

11 CHAIRMAN BEDESSEM: Right. As opposed to
12 a trench, you'll go out and see the limits of the
13 excavation. But an area fill isn't a hole that they're
14 filling. They're an area and they're just kind of
15 progressing. And so, unless you looked at the map, you
16 might not necessarily know where that area ended. So I
17 think for a lot of operators, it's best to use both so
18 they know what it means for their facility. There's some
19 area fills. There's some trench fills. It's a standard
20 terminology called an area fill.

21 MR. ANDERSON: Madam Chair, Lorie, in
22 addition, there's also a distinction in the groundwater
23 monitoring network that a monitoring network can either
24 be specific to a part of a facility or a facility-wide.
25 And that superimposed on this conversation could lead to

1 some issues if you tried to limit it to unit or area.
2 Because a monitoring network that is used to monitor a
3 facility would have coverage of a relatively broad area
4 as opposed to one that may monitor specific units.

5 So, by taking part of this language out, it
6 would add complexities to other places with respect to
7 the monitoring and whether or not it's a unit-specific
8 monitoring network or a facility-wide monitoring network
9 or facility-specific. I notice from the language that
10 Bob added the "area" in particular to this. And I don't
11 remember all the specifics for why, but there was a very
12 good reason. Those are two I can think of for why he
13 added "area" to the unit language that was there.

14 CHAIRMAN BEDESSEM: I got really confused
15 because it says "Future disposal units or areas, in the
16 case of an area fill, shall be either." I thought it was
17 units or areas, both of those, in the case of an area
18 fill. And then I thought, well, if it's not in an area
19 fill, then what do you do? And I don't know if it's
20 because of where the commas are. You see what I mean?
21 First when I read it, I thought disposal units or areas
22 instead of disposal units. It seems like you need
23 another comma after "Future disposal units," comma, or
24 "areas, in the case of an area fill."

25 MS. CAHN: Yeah. And maybe parentheses

1 after "areas."

2 CHAIRMAN BEDESSEM: Parentheses "in the
3 case of an area fill," so it's clear that "in the case of
4 an area fill" refers to the term "areas."

5 MS. CAHN: I agree.

6 CHAIRMAN BEDESSEM: Because it was really
7 confusing. It's just the grammar. I wrote a note that
8 says what if it's not an area fill?

9 MS. CAHN: That's where I got confused
10 too.

11 CHAIRMAN BEDESSEM: So parentheses or a
12 comma or something.

13 MR. ANDERSON: Around --

14 MS. CAHN: Actually, the way to do it --
15 the comma's in the wrong spot. You could do it without
16 parentheses by saying "The operator shall demonstrate
17 that future disposal units," parentheses, "or areas in
18 the case of an area fill," parentheses -- not
19 parentheses. Comma. I meant to say comma. I'll read it
20 again. "The operator shall demonstrate that future
21 disposal units or areas, comma, in the case of an area
22 fill --

23 CHAIRMAN BEDESSEM: No.

24 MS. CAHN: Sorry. "Units," comma, "or
25 areas in the case of an area fill," comma, "meet

1 standards." My apologies.

2 CHAIRMAN BEDESSEM: Just move the comma up
3 two words.

4 MS. CAHN: Yes.

5 CHAIRMAN BEDESSEM: And then it won't be
6 so confusing. Then you have to do it again in (ii).

7 MS. CAHN: I was talking about (ii).

8 CHAIRMAN BEDESSEM: It's above also. It's
9 in (s), at the end of (s). It's in two places.

10 MS. CAHN: And then when you talk about
11 the waste management unit boundary at the bottom of (ii),
12 is that the largest setting -- subset? Is that the group
13 of all your units? Is that, then, your waste management
14 unit boundary, or are there -- if you have different
15 units, is each one of those waste management unit
16 boundaries?

17 MR. ANDERSON: Madam Chair, Lorie, I can
18 answer that because it just so happens we have a
19 definition specific to the relevant point of compliance
20 in Chapter 1. Waste management unit boundary, for the
21 purpose of establishing a relevant point of compliance
22 for municipal solid waste landfill, waste management unit
23 boundary means a vertical surface located at the
24 hydraulically downgradient limit of the municipal solid
25 waste landfill unit. And that vertical surface extends

1 down to the uppermost aquifer and is taken to be the most
2 downgradient unit. So we wouldn't -- you would not be,
3 ideally, monitoring in the middle of a landfill.

4 MS. CAHN: So that's intended to be your
5 bigger group of units? The biggest conglomeration of
6 units or area fills is then your waste management unit
7 boundary?

8 MR. ANDERSON: For purposes of monitoring
9 of the boundary, yes.

10 MS. CAHN: And then point of -- well, move
11 on. Point of compliance then can be a series of
12 monitoring wells at the downgradient vertical. Or it's
13 more than just a point of compliance. I think we went
14 through this when we did the definitions. But we're
15 talking about a surface. Could be more than one well.

16 MR. ANDERSON: Madam Chair and Lorie, yes.
17 You would have multiple relevant points of compliance in
18 some cases. In other cases, it may be able to be done
19 with one well.

20 MS. CAHN: So could be it's a downgradient
21 well or wells as your point of compliance.

22 On page 6, annual reports, Number 4, you had
23 to -- the question was whether the annual report apply --
24 in the Statute 35-11 apply only to municipal and solid
25 waste landfills with lifetime permits. And the answer

1 was yes. But I'm wondering if a change needs to be
2 made -- and maybe I missed it -- in the regulation to
3 make that more clear, that it's not applying to the C/D
4 landfills.

5 MR. ANDERSON: Madam Chair, Lorie, there
6 is an annual report that's required, but it is not the
7 annual report that's specified in the statute. Is that a
8 question?

9 MS. CAHN: So do we need to make that more
10 clear, that we're not referring back to that part of the
11 statute?

12 MR. ANDERSON: Madam Chair, give me a
13 moment. I want to look at the language before I answer
14 that.

15 CHAIRMAN BEDESSEM: I can understand why
16 the Department wants an annual report. But it wouldn't
17 have the same list of items that the annual report would
18 have. I don't remember if I saw it in there. Do they
19 have to provide closure cost estimates annually?

20 MR. ANDERSON: Madam Chair, the answer to
21 that would be only if it was not a government-operated
22 facility.

23 CHAIRMAN BEDESSEM: Does it say that in
24 there?

25 MR. ANDERSON: It does not. But the

1 general reporting requirement, Section 10(b) -- Madam
2 Chair, I apologize. I'm pausing just to try and make
3 sure I get this correct. Because when I read the
4 responses, I'm not 100 percent sure I'm going to.

5 Oh, I know what my problem is. I'm sorry. I'm
6 mixing and matching in the wrong chapter.

7 CHAIRMAN BEDESSEM: So is it just covered
8 under additional information, and you guys didn't feel
9 like you needed to let them know that if they were not
10 publicly owned, they also had to do the financial stuff
11 for reporting requirements?

12 MR. McOMIE: It typically comes up in the
13 conversations of the permit application and what are our
14 obligations and so forth.

15 CHAIRMAN BEDESSEM: So you're just
16 covering it under additional information, and as people
17 are preparing, you just let me them know they have to do
18 that. I'm just looking at the reporting requirements.

19 MS. CAHN: Section 10?

20 CHAIRMAN BEDESSEM: Yeah. (B) just says
21 additional information, compliance with these rules and
22 regulations, and if they're not publicly owned, that they
23 have to update the closure costs and so forth, I believe
24 annually. And so it doesn't say that in here, but it's
25 probably covered under the catch-all.

1 MR. ANDERSON: Madam Chair, I think I have
2 it sort of cleared up. Part of my problem is the table
3 of contents I have is not complete. So, for Chapter 4,
4 reporting standards in Section 10 talks about what needs
5 to be in that annual report.

6 MS. CAHN: And not what doesn't need to
7 be, which is good.

8 MR. ANDERSON: Right. The comment
9 response, I think, was just clarifying. Somebody was
10 asking is that the same report? The answer is no, it's
11 not.

12 MS. CAHN: I get that. Once I read, I
13 think what you have in Section 10 is good. So I retract
14 my question or whatever, my suggestion. I think it's
15 clear enough. I think this response to comments makes
16 that clear, so I'm satisfied. That's all I had in the
17 responses to comments.

18 CHAIRMAN BEDESSEM: Okay. Anybody else?
19 More comments?

20 (No response.)

21 CHAIRMAN BEDESSEM: If it's okay with you,
22 can -- these are kind of in a batch. Do you want to just
23 move to Chapter 6 and then discuss what we're going to
24 do, or do you want to discuss whether Chapter 4 should
25 move forward yet at this point?

1 MS. CAHN: Do you want to see them go as a
2 package? Or if Chapter 6 -- is it possible that
3 Chapter 6 can go forward and Chapter 4 couldn't? Or do
4 you want to keep them together?

5 MR. ANDERSON: I think we would defer to
6 the board's preference.

7 CHAIRMAN BEDESSEM: Let's go ahead and
8 move to Chapter 6, then.

9 So, hopefully, a lot of the questions we had on
10 4 are already done for 6. Right?

11 MR. HANSON: Yeah. A lot of it repeats
12 itself.

13 CHAIRMAN BEDESSEM: So we'll do the same
14 format and ask if there's any questions on these parts
15 and then end with anything in the response-to comments
16 document.

17 MR. ANDERSON: So, with that, Chapter 6,
18 Section 1, any comments, questions? Chapter 1 -- or, I'm
19 sorry. Section 1 will take us through the bottom of
20 page 3.

21 CHAIRMAN BEDESSEM: Any comments in
22 Section Number 1?

23 (No response.)

24 MR. ANDERSON: Moving to Section 2,
25 starting on page 3, which will take us through --

1 MS. CAHN: Takes us to the bottom of
2 page 6-5.

3 MR. ANDERSON: Thank you. I missed the 3.
4 I got to 4.

5 MR. DEURLOO: Madam Chair, I have a
6 comment. On page 6-4, line 265, in other parts -- I
7 think it was in Chapter 4 that we were talking about
8 earlier. Whenever you reference permits or closures
9 being signed by a professional engineer in the state of
10 Wyoming, you say it must be dated and signed here on line
11 265 by a professional geologist but not in the state of
12 Wyoming. Do you want your geologist to be licensed in
13 the state of Wyoming, or does it matter?

14 MR. ANDERSON: Madam Chair, yes and yes, I
15 believe.

16 CHAIRMAN BEDESSEM: For parallel
17 construction, we should add that.

18 MR. DEURLOO: So just put "state of
19 Wyoming" at the end of that or whatever you want.

20 MS. CAHN: I guess considered licensed.
21 Right? Licensed by the State of Wyoming?

22 MR. ANDERSON: We'll make sure we get the
23 language right. Bob's on the board.

24 CHAIRMAN BEDESSEM: He'll know what it's
25 supposed to be.

1 MR. DEURLOO: That's the only comment I
2 had, Marge.

3 CHAIRMAN BEDESSEM: And Gina probably is
4 the expert on this nomenclature here, but at the bottom
5 of 6-4, "3rd-party," "3" and the "rd," shouldn't that be
6 just "third"?

7 MS. THOMPSON: Probably. I think it
8 probably should be spelled out if you're going to use it
9 that way. But I don't have the authority to tell Bob
10 what to do. I would agree that it would probably look
11 better if it was spelled out hyphenated.

12 CHAIRMAN BEDESSEM: Yeah. I think it
13 looks better if it's the actual word.

14 MS. CAHN: Did you ask whether the hyphen
15 belongs there? If they spell out "third" T-H-I-R-D, is
16 the question whether the hyphen goes there or not?

17 CHAIRMAN BEDESSEM: That's an additional
18 question.

19 MS. CAHN: I'm okay with "third," hyphen,
20 "party costs."

21 CHAIRMAN BEDESSEM: Yeah. I think the
22 hyphen can stay because it's modifying "party."

23 MS. THOMPSON: Agreed. I think it's
24 modifying. I think it should probably be in.

25 CHAIRMAN BEDESSEM: So Section 2 goes all

1 the way to where?

2 MR. DEURLOO: 6-5. It's pretty short.

3 CHAIRMAN BEDESSEM: Any more comments on
4 Section 2?

5 (No response.)

6 MR. ANDERSON: Madam Chair, Board,
7 Section 3 will take us through the middle of page 15.

8 CHAIRMAN BEDESSEM: So this is another
9 just rules-structure question. But, actually, it's not
10 in Section 2. It's the first line of Section 4, so I'll
11 be quiet.

12 Anybody have anything in Section 3?

13 MS. CAHN: Could you just give a quick
14 Senate Enrolled Act 61 with regard to access agreements,
15 just what happened there requiring the change?

16 MR. ANDERSON: Madam Chair, Lorie, I --
17 Gina, do you know? Was that the trespass statute? That
18 Enrolled Act 61 was the statute that imposed penalties
19 for trespassing for data collection?

20 MS. THOMPSON: Sure. I think that's what
21 that was. And I was not following that one as closely as
22 the water quality specific ones. I can pull that up
23 while you're looking at the next thing, and I can let you
24 know what the end result was.

25 MR. DEURLOO: Did you just ask about that

1 one?

2 MS. CAHN: I'm asking about -- it's on
3 page 6-6, Enrolled Act Number 61.

4 MR. DEURLOO: I'm sorry. I was rereading
5 again when you asked your question. Are you asking if it
6 pertains to solid waste? Is that what you just asked?

7 MS. CAHN: No. I'm asking to get a
8 refresher on what Enrolled Act 61 says. Didn't look that
9 one up when I was reading through this.

10 MR. ANDERSON: Madam Chair, if I may
11 impose, would you mind checking? I think Gina is, from
12 the way she's inferring from her eyebrows.

13 MS. CAHN: We can move on.

14 MR. ANDERSON: We'll move on.

15 MR. DEURLOO: I have a comment about that,
16 if you don't mind. Because that piqued my interest as
17 well. Because I know it was two years ago that that
18 trespass bill came through the legislature. But on line
19 370, on that same section, on 6-6, it reads "that must be
20 kept under the conditions" -- starting -- where am I
21 starting? It is a long sentence. I'm going to start at
22 the beginning.

23 "The owner of the facility authorizes
24 Department representatives, upon the presentation of
25 credentials and other documents as may be required by

1 law, to access and enter upon the operator's premises
2 where a regulated facility or activity is located or
3 conducted, or where records must be kept under the
4 conditions of a permit, authorization or exemption; have
5 access to and copy, at reasonable times, any records that
6 must be kept under the conditions of any permit,
7 authorizations or exemption." I'll stop there.

8 "Any permit." And I think that's way too
9 broad. I think it should be "any Department permit." I
10 mean, that could be a county road permit. Some of these
11 places have all sorts of different permits. It just may
12 raise the hackles of some people. And as the industry
13 representative and working with the DEQ on several
14 different issues --

15 CHAIRMAN BEDESSEM: What line is that?

16 MR. DEURLOO: It's line 370. I think the
17 word "Department" should be between the word "any" and
18 "permit" on there. Because that's really what you're
19 authorized to go check out, is the Department permit.
20 Correct or not? Or EPA.

21 MS. CAHN: If somebody had a Forest
22 Service permit or a county permit, I would be interested
23 in that.

24 MR. ANDERSON: Madam Chair and Board, I
25 think we would need to talk to the AG's Office about

1 that. Because if this is, indeed, the Act I'm thinking
2 of, there was quite a bit of conversation in Cheyenne
3 amongst the AG's Office and different administrators and
4 staff that go out and inspect facilities to come up with
5 this language.

6 MR. DEURLOO: Okay.

7 MR. ANDERSON: If my memory is correct.
8 So I would want to defer to --

9 MR. McOMIE: I believe it's right out of
10 the --

11 MR. DEURLOO: Oh, is it?

12 MR. ANDERSON: And we would need -- so
13 we'd need to confirm before we did any wordsmithing to
14 it.

15 MR. McOMIE: I want to say they gave us
16 this language from multiple divisions.

17 MS. THOMPSON: That's correct. The AG as
18 a group, the ones that represent the agencies -- it was
19 like five of them -- they met together with all of the
20 administrators. They've come up with that. So, if we're
21 going to make any changes, they're going to have to weigh
22 in on that, and so will Director Parfitt. Because they
23 have like a work group. And we've been putting identical
24 language into permits across the agency. So it's not
25 just for solid and hazardous waste.

1 I was thinking that there was some -- there was
2 some stalling with that Senate Enrolled Act 61. I was
3 thinking that there had been like a court issue or
4 something. That might be something that we have to
5 research further and get back to you because I don't deal
6 with that subject matter every day. But based on some
7 other side projects I've been doing, I've heard it come
8 up. And I was thinking there was like a delay due to a
9 court issue or something of that nature. So I apologize.
10 I don't have a solution for that.

11 MR. DEURLOO: Madam Chair, then I would
12 just defer back -- it sounds like it's been run through
13 the wringer. Some of these comments are going to be
14 taken back. If we can insert "Department" in there and
15 it works for them, great. If not, I understand.

16 MR. MCOMIE: We can certainly ask that
17 question, at least.

18 MR. HANSON: Madam Chair, what you are
19 looking at, would a word like at least as a temporary
20 holder be "appropriate" or something, an appropriate
21 permit that speaks to the matter?

22 MR. DEURLOO: "Applicable"?

23 MR. HANSON: Yeah, "applicable."
24 Something like that as a placeholder, that's what is
25 meant here.

1 MR. DEURLOO: Yeah. That one line right
2 there is pretty broad, a pretty broad reach.

3 MR. HANSON: This is any permit.

4 MR. DEURLOO: Yeah. Got lots of permits.

5 MR. HANSON: A permit's a singular forest.

6 MR. DEURLOO: That's all I had on
7 Section -- whatever section we're on. 4.

8 CHAIRMAN BEDESSEM: Section 4 now. That
9 was Section 3.

10 MR. ANDERSON: Madam Chair, moving to
11 Section 4, if there are no other comments or questions,
12 which starts on 6-15 and will continue through the top of
13 page 20.

14 MR. HANSON: Madam Chair, there was a
15 question earlier about definitions. I think Lorie raised
16 it. And here is a statement about wetlands but, again,
17 no definition. It simply says facilities shall not be
18 located in wetlands. But I thought these were all
19 definitions.

20 MR. ANDERSON: If I may, in the red-line
21 version, as defined in Chapter 1, Section 1(e), it was
22 actually struck.

23 MR. HANSON: You have the definition?

24 MR. ANDERSON: The definition is in
25 Chapter 1, yes.

1 MR. HANSON: Maybe there should be a
2 reference here.

3 CHAIRMAN BEDESSEM: Are you sure it's
4 still in 1? Because sometimes we removed things in 1
5 because they were defined like in water quality or
6 something.

7 MR. MCOMIE: It was in 1.

8 CHAIRMAN BEDESSEM: It's still there?

9 MR. MCOMIE: That definition.

10 MR. ANDERSON: Madam Chair, it is still --
11 it's 1(c)(x)(v).

12 CHAIRMAN BEDESSEM: Okay. Great.

13 MS. CAHN: Can I ask just a question? Why
14 strike out the reference to the definitions? I mean, I
15 know we haven't put them in anywhere. But I would
16 certainly --

17 CHAIRMAN BEDESSEM: Well, I think you --
18 do you still have the reference just to the chapter, not
19 the specifics --

20 MR. ANDERSON: Madam Chair, as defined in
21 Chapter 1, Section 1(e) is struck. I don't know the --
22 if the entire reference was struck to even Chapter 1. I
23 don't know why. But I think brevity was the overarching
24 subject there.

25 CHAIRMAN BEDESSEM: I think it's really

1 helpful for the people reading the rule.

2 MR. ANDERSON: Madam Chair, I agree
3 completely. We've had comment from others that even
4 things that are in statute, there are location standards
5 now in statute that aren't in the rule anymore, that that
6 caused confusion before we even had the rules done for
7 Chapter 2. But that's the way I believe it came from the
8 Attorney General's Office.

9 And if I may, Gina or Suzanne, do either of you
10 know? Is that an agency-wide decision that we would
11 strike references to definitions, and if something's in
12 statute, that we would remove it from the rule because
13 it's elsewhere?

14 MS. THOMPSON: The direction from the
15 Attorney General's Office is that you can't redefine in
16 rule what's already been defined in statute. So, if it's
17 defined in the statute, you can cross-reference to the
18 statute, but you can't restate it, even. Even if you got
19 it identical on your first try, it makes the AGs nervous.

20 CHAIRMAN BEDESSEM: What about the
21 reference to --

22 MS. CAHN: The rule --

23 CHAIRMAN BEDESSEM: -- the rule?

24 MS. CAHN: -- that has the definition?

25 MS. THOMPSON: If the rule defines it, I

1 don't believe that's a problem. But wetlands, is it
2 defined in the statute?

3 MR. McOMIE: I didn't think so. I think
4 Section 1(e) may have been changed when Chapter 1 was
5 visited last time with you folks. And so that's an
6 incorrect reference. But you could just strike it after
7 Chapter 1.

8 CHAIRMAN BEDESSEM: Could say "in
9 Chapter 1."

10 MS. CAHN: And you could put, parentheses,
11 "definitions" so people know to go to that section and
12 look in the definitions.

13 MS. THOMPSON: Even if you wanted to
14 correct it to the current -- I'm not looking at your
15 chapter, so I'm going to make up a cross-reference here
16 as an example. Let's say it's gone from -- what is that?
17 1(e), and now it's 1(f)(iv). Then just put in 1(f)(iv).
18 We can just correct -- cross-reference if it's changed.
19 We don't have to take it all the way out. The only time
20 you would have to take out the cross-reference is if we
21 had defined it in that other chapter, really defined in
22 statute, and they were trying to correct two issues. If
23 wetlands isn't defined in the statute and you only
24 defined it in the rules, you can just correct the
25 cross-reference here.

1 MR. McOMIE: Or I would propose that you
2 only change it to just Chapter 1 definitions. As we
3 said, that way you wouldn't have to define that and
4 correct it in future rule changes. It just leaves it to
5 Chapter 1, which is the chapter of definitions.

6 MS. CAHN: Because the definitions are in
7 alphabetical order, I think it's easy if you get sent to
8 the chapter and definitions. Then Chapter 1, Section 2,
9 or whatever it is, then people can say, "Oh, I'm looking
10 for wetlands. That's W."

11 CHAIRMAN BEDESSEM: The only possibility,
12 I guess, that -- unless it says in the notes somewhere
13 why it was struck. Was it struck because there's future
14 plans to remove the wetlands definition from Chapter 1
15 because it's defined somewhere else in water quality
16 rules?

17 MR. ANDERSON: Madam Chair, I'm going to
18 go out on a limb and make sort of an educated deduction.
19 The definitions in Chapter 1 say, in addition to the
20 definitions in the Wyoming Environmental Quality Act, for
21 the purpose of these rules and regulations, and unless
22 the context otherwise requires, the definition for
23 wetland in Chapter 1 is not the same as it is in the Act.

24 So that pointer to Chapter 1 was probably to be
25 specific to make sure somebody didn't go read the

1 statutory definition.

2 CHAIRMAN BEDESSEM: Which means we need to
3 keep it.

4 MR. ANDERSON: Well, we should, at least
5 to point to Chapter 1. I'd be more than happy to go back
6 and annotate that and say you folks wanted to keep it.

7 MS. CAHN: In both Chapter 4 and
8 Chapter 6, I would prefer to see a reference when you use
9 a term that has a definition the first time. So low
10 hazard/low volume, waste management, unit boundary, those
11 types of things, I would like -- I just find it easier to
12 read the rule if I know where to go to find it. Because
13 we don't have the definitions in these two chapters. So
14 that would be my request. I don't know if the rest of
15 the board agrees. But maybe the first time it's used
16 within the chapter.

17 MR. HANSON: I agree with you because the
18 statement as it's listed there is useless. It says they
19 shall not be located in wetlands if you don't what they
20 are. So you should at least have a reference of some
21 sort.

22 MR. ANDERSON: Madam Chair, Board, so
23 noted.

24 MS. CAHN: And I don't think everything
25 needs -- use your sense of judgment. If it's

1 administrator versus director, I don't think we need to
2 say go to the definition for that or whatever.

3 CHAIRMAN BEDESSEM: So now we're moving to
4 Section 4?

5 MR. HANSON: Madam Chair, just for
6 example, (b), flood plains, it says it shall not be
7 located within the boundaries of a hundred-year flood
8 plain. That's specific enough. That gives you some idea
9 as to what a flood plain is supposed to be. And it
10 shouldn't be close to that. But this one really had
11 nothing.

12 MR. ANDERSON: Madam Chair, on to
13 Section 4?

14 CHAIRMAN BEDESSEM: So this has to do with
15 rule construction? Maybe you can help me out here. So
16 each section -- and I'm just talking about sections, not
17 all the other stuff -- has a title, and usually that
18 title is just by itself. It's just the title. I don't
19 know if there are exceptions to that. Oh, but it's not.
20 So like -- well, except -- yeah. It says Section 1 in
21 general.

22 MR. HANSON: They're all separate. 3 is
23 separate.

24 CHAIRMAN BEDESSEM: Except when you get to
25 Section 2, permit application requirements, then there's

1 a sentence stuck onto it. And so now all the lettering
2 is being changed. I'm just used to seeing sections as
3 just a name of the section. But now Section 2 has "All
4 facilities shall comply with the applicable standards of
5 this chapter," when, before, it was a subheading.

6 MR. ANDERSON: So, Madam Chair, if I'm
7 understanding what you're saying, the concept would be
8 for Section 2, the first line on page 3 would end after
9 "permit application requirements," period. And then
10 there would be -- lower case (a) would be "all facilities
11 shall comply."

12 CHAIRMAN BEDESSEM: That's what I'm used
13 to seeing. And in the Section 4, we have the same issue
14 because we have location standards. It's sitting there
15 on a line by itself. But then the line underneath, it's
16 got no designation in front of the paragraph. So, if you
17 had location standards by itself, then "New transfer,
18 treatment and storage facilities" would be (a), and then
19 all the other things would be the little things like they
20 were before. I'm just used to -- I mean, in the interest
21 of having it all be the same, usually the section -- it's
22 just the name of the section.

23 MR. ANDERSON: Madam Chair, may I ask --

24 CHAIRMAN BEDESSEM: Maybe Gina knows.

25 MS. THOMPSON: So I was looking at it

1 while you guys were discussing it. And I was telling
2 Suzanne that I think it might -- it is an inconsistency
3 that we should probably look at. A lot of the older
4 rules that are on the books have little weirdnesses like
5 that in them. And so I'm thinking that perhaps this is
6 an unconscious absorption of that. So I think we should
7 look at it offline and make it as consistent as we can.

8 CHAIRMAN BEDESSEM: Take a look. Because
9 in Section 4, anyway, we're creating that inconsistency.
10 Because, before, it used to start with --

11 MS. CAHN: Section 8 has that same
12 problem.

13 MS. THOMPSON: Yeah. I think that -- and
14 we do it in water quality in the old rules too. You'll
15 see that everything will be numbered or lettered. It
16 probably wasn't a conscious choice.

17 CHAIRMAN BEDESSEM: But if we're fixing
18 this, we may as well fix it and make it the same.

19 MS. THOMPSON: Yeah. We'll look at it.

20 MR. HANSON: Madam Chair, I've been
21 hunting and pecking for these section things. And, you
22 know, would it be possible to bold them and separate them
23 out? I think that way we wouldn't all be looking all
24 over the page. Where is it?

25 CHAIRMAN BEDESSEM: It is also easier to

1 find if it's just a title. When there's a paragraph, it
2 kind of blends in.

3 MR. HANSON: Section 4, it's in the same
4 line. I mean, if you bolded Section 4, the title of it,
5 "Location Standard" --

6 CHAIRMAN BEDESSEM: It probably has to be
7 the same in all the rules.

8 MR. HANSON: Well, I don't know.

9 MS. THOMPSON: I apologize for
10 interrupting. The Secretary of State prescribes how we
11 do the formatting. And I believe that bolding is one of
12 those items that they regulate. But we can look at their
13 rule on rules and determine if that's something that
14 we're allowed to do under the rules. But we would
15 potentially run into a situation where it would be a
16 consistency issue with the other rules. But I think it's
17 best, if the Division can, that we can look through and
18 see if there's a way to make those adjustments where it's
19 easier to find a section heading.

20 MR. HANSON: It would be easier to find, I
21 think.

22 MS. THOMPSON: We'll do our best within
23 the rule that they use to determine if we're in
24 compliance with their regulations. We'll see what we can
25 do. We'll make an effort to clean that up as best we

1 can.

2 CHAIRMAN BEDESSEM: We're in Section 4, if
3 anybody has any other comments.

4 MR. DEURLOO: Yeah, I do. I know I have
5 one in here somewhere.

6 MR. HANSON: You can't locate it. Right?
7 That's my point.

8 MR. DEURLOO: Well, I was waiting for the
9 "bold" conversation to end there. Section 4. What page
10 is Section 4 in?

11 MR. HANSON: In the clean version, 6-6.

12 MR. ANDERSON: Very top of page 20.

13 MR. DEURLOO: So my comment lies on
14 page 6-16, line 835, entitled "Wild and Scenic Rivers
15 Act." "Facility locations shall not diminish the scenic,
16 recreational and fish and wildlife values for any section
17 of river," and so forth. Would it be worth putting the
18 word "quality" in there as well, or is it redundant as
19 part of the Act?

20 MR. HANSON: Instead of "values"?

21 MR. DEURLOO: No. It's fish and wildlife
22 values, but it doesn't talk about the water quality.

23 CHAIRMAN BEDESSEM: What line are we on?

24 MS. CAHN: 836.

25 MR. HANSON: You want to add "water

1 quality," both words. Right?

2 MR. DEURLOO: Yeah, "water quality." My
3 apologies. Thanks, Klaus.

4 MR. HANSON: After "values," then?

5 MR. DEURLOO: Seems pertinent to add
6 "water quality" after the word "scenic."

7 MS. CAHN: "Scenic values, recreational
8 values and fish and wildlife values." "And water quality"
9 might go after "values"?

10 MR. HANSON: Yeah, after "values." That's
11 what I thought.

12 MR. DEURLOO: Okay.

13 MR. ANDERSON: Madam Chair, Board, I'll
14 check on that. Because it's referencing a federal
15 statute, there may be something that may be inappropriate
16 with adding "water quality" to that.

17 MR. DEURLOO: That's why I said it may be
18 redundant.

19 MR. ANDERSON: Madam Chair, the people in
20 Cheyenne just said, yeah, that's correct.

21 MR. DEURLOO: Thank you.

22 MR. KIRKBRIDE: "Values" covers a lot of
23 ground.

24 CHAIRMAN BEDESSEM: It's pretty broad.
25 Anything else in 4?

1 MR. DEURLOO: Not for me.

2 MR. ANDERSON: Madam Chair, moving on to
3 Section 5 at the top of page 20.

4 CHAIRMAN BEDESSEM: So bravo for combining
5 all those, the mobile facilities and the low hazard/low
6 volume, with location standards that don't really seem to
7 be that onerous. And it sure makes the rule shorter.

8 MR. MCOMIE: Fourteen pages.

9 CHAIRMAN BEDESSEM: Right. So I was
10 flipping back and forth because I was trying to find the
11 Section 5 thing. Because, before, when I said that
12 Section 5 in the Chapter 4 seemed out of place, I said
13 that not because I even noticed it in Chapter 4. It's
14 because I noticed it in Chapter 6 because it -- you go
15 through all these location standards, and the next --
16 Section 5 says "Geology and Hydrology," "Requirements for
17 mobile and full-size fixed facilities, "an evaluation
18 of." Well, that's not really a requirement for the
19 facility. It's a permit application requirement. And
20 so, when I read it, it seemed like what is this doing
21 here? It seems like it -- it just doesn't seem in place.

22 Or if you decide you need to leave 5 in where
23 it is in Chapter 4, then the language is noticeably
24 different in Chapter 4. Because in Chapter 4, you say
25 the application shall include. But right here it's like

1 the -- the requirements for the facility is an
2 evaluation? Help me out there.

3 MR. ANDERSON: Madam Chair, I apologize.
4 I was smiling for almost a completely different reason.
5 Because you pointed out you thought perhaps it might be
6 moved under the section that said "potential to impact
7 surface and groundwater" in the previous chapter. And
8 here that's exactly what it says that they have to
9 provide, is that evaluation. So, in terms of parallel
10 construction, I --

11 CHAIRMAN BEDESSEM: There's no problem,
12 basically, if you fix it.

13 MR. ANDERSON: We will see what we can do
14 to make it in parallel somehow.

15 CHAIRMAN BEDESSEM: But you see, also, the
16 part where it just says requirements for the facility,
17 but what's listed is things that you have to submit, not
18 a standard to the facility?

19 MR. ANDERSON: Madam Chair, yes. But it
20 will take me a moment to write that distinction down.

21 CHAIRMAN BEDESSEM: I had actually picked
22 it up in the Chapter 4. I picked it up in this one. And
23 then I looked back in Chapter 4 because this one seemed
24 more out of place after reading the location standards.
25 Because I was reading requirements for siting the

1 facility, and then these requirements are actually
2 submittal requirements.

3 MS. CAHN: So are these submitted in the
4 permit ap?

5 CHAIRMAN BEDESSEM: Uh-huh.

6 MS. CAHN: So maybe we should start out
7 with, wherever the section is going, the application
8 shall include, A, an evaluation of facilities potential,
9 B --

10 CHAIRMAN BEDESSEM: That's Section 2,
11 permit application requirements. So stuff has to be
12 submitted.

13 MS. CAHN: So this should go there.

14 CHAIRMAN BEDESSEM: Anyway, just look at
15 it. Because these other things, they say things like --
16 the table of contents is application requirements,
17 standards, standards, whatever, and then geology and
18 hydrology. It just sticks out.

19 So thank you for looking at that. Have I
20 rattled on long enough? Anything else in Section 5?

21 MR. DEURLOO: Madam Chairman, I have one
22 comment. This is just a recommendation. But I've had
23 enough hydrogeologists work for me that they feel left
24 out if their title is not in the section and stuff. But
25 geology and -- as the Section 5 title being entitled

1 "Geology and Hydrology and Hydrogeology." They're three
2 distinct sciences, I believe. And they're all germane.

3 CHAIRMAN BEDESSEM: Let's hope the title
4 actually doesn't end up in there. Because you're going
5 to move it, I hope.

6 MR. HANSON: And it's hyphenated.

7 MR. DEURLOO: No. It's one word.

8 Hydrogeology is one word.

9 MS. CAHN: There's no hyphen?

10 MR. DEURLOO: There's no hyphen.

11 CHAIRMAN BEDESSEM: So we can go to 6?

12 MR. DEURLOO: I have no more comments.

13 MR. ANDERSON: Yes, Madam Chairman.

14 CHAIRMAN BEDESSEM: And that goes to what
15 page?

16 MS. CAHN: That goes to page 6-24 at the
17 bottom.

18 MR. ANDERSON: If I may to that -- to
19 Brian's previous comment, add hydrogeology, something
20 just struck me. We will look at that. But it may be the
21 reason that it's not included is because "the site
22 hydrogeologic setting" was struck from the content. And
23 I've worked with Bob long enough that I think I can
24 hazard a guess that because these are transfer,
25 treatment, storage facilities, there are activities there

1 that can affect groundwater, but for the most part, the
2 activities are not ones that we would expect.

3 But I will make sure that we talk about that.
4 Because even while I'm talking, I can think of a couple
5 of treatment facilities and storage facilities we have
6 that have the ability to impact groundwater. So we will
7 bring that up. And, actually, if the board is agreeable,
8 I'll also ask him about striking "the site hydrogeologic
9 setting" if it may be appropriate to leave that text and
10 maybe add a clause that says, if appropriate, based on
11 site activities or waste to be managed or something like
12 that.

13 MR. DEURLOO: It's only a recommendation.
14 It's not a demand.

15 CHAIRMAN BEDESSEM: Okay. I think I
16 understand the first -- that first one is for -- you've
17 struck "site hydrogeologic setting" because you don't
18 need to do that for mobile facilities. But it gets put
19 back in in the second paragraph for the full-sized fixed
20 facilities.

21 MR. ANDERSON: Madam Chair, I think you're
22 correct. I think there may be two problems there.

23 CHAIRMAN BEDESSEM: Yeah. And the heading
24 goes for both.

25 MR. ANDERSON: Yes. And we'll ask --

1 we'll check into the heading in (a) and (b). Because one
2 is for mobile and full-sized fixed. And then there's --

3 CHAIRMAN BEDESSEM: Full-sized fixed.

4 MR. ANDERSON: Oh, those are additional
5 requirements in (b).

6 CHAIRMAN BEDESSEM: So it's really good
7 that he's got the comments on the right-hand side so you
8 can try to figure out the logic of it. Otherwise, we
9 would really be having a tough time with this
10 conversation without Bob.

11 MR. ANDERSON: We will check into that.

12 Madam Chair, Board, any other comments on
13 Section 5? I'm sorry. I'm the one that took us back to
14 5. We're on Section 6. My apologies.

15 MR. HANSON: I made it before, the one on
16 disease vectors at 1274, line 1274, that we have that
17 problem wherever we are running into water protection.

18 MS. CAHN: Line 1274?

19 MR. HANSON: 1274.

20 MS. CAHN: We're in a different -- we're
21 beyond Section 6.

22 CHAIRMAN BEDESSEM: Where does Section 6
23 end? Oh, Section 6 ends on 24. So it looks like we'll
24 have to get to that in a minute.

25 MR. HANSON: 1274. Right?

1 MS. CAHN: Yeah. But that's in a
2 different section. We're not there yet.

3 MR. HANSON: Sorry. Sorry. Sorry. See,
4 I told you these are hard to find. We're still in
5 Section 7.

6 MR. McOMIE: Section 6.

7 MS. CAHN: 6.

8 MR. HANSON: Which takes forever.

9 MS. CAHN: It starts on 6-20 and ends on
10 6-24.

11 MR. McOMIE: We'll move to Section 7 if
12 you don't have any questions on 6.

13 CHAIRMAN BEDESSEM: So, on Section 6, line
14 1042 --

15 MR. McOMIE: Access roads?

16 CHAIRMAN BEDESSEM: Yeah. So you have a
17 mobile unit. Let's say it's put somewhere for
18 summertime. Do you have to have an all-weather access
19 road for that? I guess, what do you mean by -- I'm just
20 thinking a mobile unit is probably not going to
21 reconstruct a road everywhere it goes. So, if you're
22 operating a mobile unit for a short period of time --

23 MR. McOMIE: A chipper, for instance.

24 CHAIRMAN BEDESSEM: Yeah. You have to
25 have an all-weather access road. I just think you might

1 want to consider a potential for some exceptions.

2 MR. McOMIE: Madam Chair, is that germane?

3 Because it starts out "Facility access roads." So, in
4 other words, if that mobile unit was to come to the
5 landfill, it would need to have all-weather road access?

6 CHAIRMAN BEDESSEM: Well, this is design
7 and construction standards, so they don't apply to
8 anything for a mobile unit? Nothing in the section?

9 MR. McOMIE: I would think very few would.
10 Fire lanes and buffer zones, things like that. It would
11 depend on what kind of mobile unit, I guess.

12 CHAIRMAN BEDESSEM: Because I was
13 telling -- because the comments on the right regarding
14 the fire lanes and buffer zones said they'll now apply at
15 mobile facilities. He says "Buffer zones were not
16 specifically required at low hazard/low volume facilities
17 in Chapter 6, but they are required in Chapter 1." How
18 are they required in Chapter 1?

19 MR. McOMIE: And that comment goes on to
20 address mobile units. He's calling them mobile
21 facilities.

22 CHAIRMAN BEDESSEM: So I'm confused about
23 what applies here to -- because most of the time, we're
24 combining everything to make this chapter shorter. So I
25 guess I'm just not sure.

1 MR. ANDERSON: The question was about a
2 buffer zone in Chapter 1. Correct?

3 CHAIRMAN BEDESSEM: Uh-huh.

4 MR. ANDERSON: Madam Chair, the definition
5 for low hazard/low volume includes, among other things,
6 solid waste transfer, treatment, storage and processing
7 facilities receiving 50 cubic yards or less of solid
8 waste per day occupying no more than 10 acres, including
9 a 20-foot buffer zone within a fenced facility boundary.

10 CHAIRMAN BEDESSEM: So the definition --

11 MR. ANDERSON: It's part of a definition
12 of a particular -- one type of low hazard/low volume
13 facility. The definition for low hazard/low volume
14 includes mobile transfer, treatment, storage facilities,
15 clean wood waste storage facilities, what I just alluded
16 to.

17 CHAIRMAN BEDESSEM: So only one of them
18 has a buffer?

19 MR. ANDERSON: I think that is correct.
20 As I quickly scan the definition, it looks like that is
21 correct. And, Madam Chair, if I may, I will make a note
22 on the access roads to look into that and see if we
23 should add some language such as is on the previous page,
24 on page 20, for fences and gates, where it says "other
25 than mobile." Flip that around and say "Facilities other

1 than mobile facilities may need an all-weather access
2 road."

3 CHAIRMAN BEDESSEM: So, with respect to
4 the buffer zone, Chapter 1 requires buffer zones. So I
5 guess what I'm asking you is if Chapter 1 requires buffer
6 zones for only a subset, us putting it in here in this
7 list now expands what was in the Chapter 1 definition to
8 all of those facilities, that they all have to have
9 buffer zones? That's what I'm trying to figure out. I'm
10 not quite sure. Because I didn't have a copy of
11 Chapter 1 with me when I was looking at it.

12 MR. ANDERSON: Madam Chair, I apologize.
13 I was still writing. Can you restate your question?

14 CHAIRMAN BEDESSEM: Yeah. Are you done?

15 MR. ANDERSON: I am.

16 CHAIRMAN BEDESSEM: So my question is I
17 don't have Chapter 1 to look at it in front of me. And
18 when you just read it, you said that Chapter 1 does
19 include a buffer zone requirement but for a subset of
20 facilities in that definition. And so what I'm wondering
21 is if we have this requirement for the buffer zones on
22 this list here, have we just now expanded it to the full
23 group that's in the definition? I don't have Chapter 1
24 to look at.

25 MS. THOMPSON: Madam Chair, I have "buffer

1 zones." Can you see that on your screen?

2 MS. CAHN: Yes.

3 CHAIRMAN BEDESSEM: Yeah. I'm not
4 concerned about the definition of buffer zone. I'm
5 concerned about the definition of was it low volume/low
6 hazard?

7 MS. THOMPSON: Okay. I'll scroll to that.

8 CHAIRMAN BEDESSEM: You're awesome. Thank
9 you.

10 MS. CAHN: Maybe we need to take out also
11 "any waste" so we're not talking about any waste. We're
12 just talking about the waste that's in this treatment,
13 storage, disposal --

14 CHAIRMAN BEDESSEM: So, under (g), the
15 question is was it necessary to have the word "any." So
16 I'm blind. I can't read that.

17 MS. THOMPSON: So I'll blow it up, and you
18 tell me when to scroll.

19 MS. CAHN: Can you read that? Do you want
20 me to read it to you?

21 CHAIRMAN BEDESSEM: Go for it.

22 MR. CAHN: Low hazard or low volume
23 treatment, processing, storage and transfer facility
24 means a solid waste management facility which accepts
25 only solid waste as described in the subsection. This

1 provision does not apply to facilities whose owner or
2 operator simultaneously owns or operates more than one
3 such solid waste management facility within one mile of
4 each other.

5 CHAIRMAN BEDESSEM: So is this not -- what
6 part were you reading that had the buffer in it?

7 MR. ANDERSON: Paragraph (c).

8 CHAIRMAN BEDESSEM: And (c) is for solid
9 waste transfer, treatment, storage and processing
10 facilities that are low hazard/low volume. Right?

11 MR. ANDERSON: Madam Chair, that's
12 correct. Receiving 50 cubic yards or less of solid waste
13 per day and occupying no more than 10 acres, including a
14 20-foot buffer zone within a fenced facility boundary.

15 CHAIRMAN BEDESSEM: But right now from
16 (a), we don't have a buffer -- from this definition, we
17 don't have a buffer zone required for a mobile transfer,
18 treatment and storage facility. Correct?

19 MR. ANDERSON: Correct. And there is,
20 Madam Chair, another --

21 CHAIRMAN BEDESSEM: But now it does. In
22 Chapter 6, that's what Bob's comment is on the right.
23 Now these buffer zones are going to apply to mobile
24 facilities as well.

25 MR. ANDERSON: Correct.

1 CHAIRMAN BEDESSEM: So I guess I was
2 confused because this section, "design and construction
3 standards," I guess I don't know if everything on this
4 list applies to transfer, treatment and storage, mobile,
5 low hazard/low volume. And we have this first (a) part
6 that was deleted as unnecessary that says what the
7 standards apply to. So, basically, it applies to
8 everything. He's just specifying by saying other than
9 mobile facilities when it doesn't. So everything on the
10 list goes. I mean, for everything except if it says
11 "other than mobile facilities."

12 MR. ANDERSON: Madam Chair, I believe
13 that's correct. I'm sorry. I was silent before because
14 I wasn't sure I understood your question.

15 CHAIRMAN BEDESSEM: Because the first
16 thing at the front was taken out because the thought is
17 design and construction standards are going to apply to
18 all of the facilities that this chapter addresses. And
19 then when it doesn't apply to mobile units, he's got
20 written "other than mobile facilities" next to the title.

21 So now we've added a requirement that even
22 mobile facilities have to have the buffer zone.
23 Apparently, you didn't get any comments that objected to
24 mobile unit having 20 foot. So now I understand the
25 rule. You've just added buffer zones to mobile

1 facilities. That's okay with me. But now I understand
2 it. It was like I was really confused. Got it.

3 MR. ANDERSON: Madam Chair, Board, any
4 other questions on Section 6?

5 CHAIRMAN BEDESSEM: Now that I know that
6 this applies to mobile units too, I think that's fine.
7 I'm good now that I know that. That's a good thing.

8 MR. ANDERSON: Moving on, Madam Chair,
9 Board, if you have questions, comments, observations on
10 Section 7, starting on page 24, continuing to page 31.

11 CHAIRMAN BEDESSEM: I think, Klaus, this
12 is where your comment was.

13 MR. HANSON: Yeah. That was my comment
14 that's on page 6-26 at line 1274, the disease vector
15 thing. And I have no solution. I just wanted to have
16 that noted that we have trouble spraying against these
17 things because then we have a water issue.

18 MR. DEURLOO: A what issue?

19 MR. HANSON: A water issue. Because it's
20 in the aquifer region. So it gets into the groundwater.
21 So we have -- I think we have not sprayed in that area.
22 And there are -- because there's the word "appropriate"
23 in there. There are some bug killers that are apparently
24 less contaminable, or contaminant. But then again, it's
25 a price question that comes up. So cities have kind of

1 trouble with this. At least we do.

2 MR. ANDERSON: Madam Chair, Klaus,
3 indirectly speaking to this occurrence in your earlier
4 observation about the landfill and covering wastes and
5 spraying, because it does say "techniques appropriate for
6 the protection of human health," that little clause would
7 give people the ability to say, "Well, we can't use that
8 method because it's going to cause us this other
9 problem."

10 But what people could look at doing is things
11 like if we're going to bury -- or, put things in our C/D
12 landfill like tires that might get water in them and
13 become a mosquito habitat for some period of time. Then
14 they have to cover more frequently to cover those tires
15 to prevent that problem. You can look at other
16 techniques that could offset problems like that that we
17 would have difficulty trying to anticipate everything and
18 build every occurrence in a rule. But that allows us
19 some ability to do that.

20 MR. HANSON: I was going to suggest to go
21 out with flyswatters.

22 CHAIRMAN BEDESSEM: On line 1529, it says
23 "Well placement: All facilities required to install
24 monitoring wells shall place them in accordance with the
25 Department's requirements." So you have, really, the

1 same requirement in Chapter 4. Can we use the similar
2 language where it says "Well locations must be approved
3 by the administrator prior to the installation"?

4 MR. ANDERSON: Madam Chair, at the top of
5 page 32, last sentence in that section, does that get at
6 what you're --

7 CHAIRMAN BEDESSEM: Right. So why do
8 we -- why do we need that sentence, then?

9 MR. ANDERSON: I'm sorry, Madam Chair.
10 Which sentence?

11 CHAIRMAN BEDESSEM: The first one.

12 MR. ANDERSON: Madam Chair, one talks
13 about the installation -- oh, "shall place them in
14 accordance."

15 CHAIRMAN BEDESSEM: Right. And it means
16 the same thing as locating. So can we combine those?
17 They're both about locating. They're not about the
18 specifics of how you're installing. So I think you can
19 combine them.

20 MS. CAHN: Maybe not all the requirements
21 are in that sentence. Is the rest of the paragraph
22 all-inclusive of the requirements or just some of the
23 requirements?

24 CHAIRMAN BEDESSEM: This is just about
25 well placement. There's requirements for monitor wells.

1 But I don't think that's what you're talking about.

2 MR. ANDERSON: Madam Chair, we will look
3 at the possibility of doing that, seeing if there's some
4 nuance in the "place them" that somehow infers
5 construction that is not immediately obvious.

6 CHAIRMAN BEDESSEM: You're required to do
7 that anyway. I don't think you have to restate that.
8 But wanting to get people your approval of where they're
9 put is a separate item.

10 MR. HANSON: What is the difference
11 between background groundwater and groundwater in that
12 section? Background groundwater and groundwater.

13 MR. ANDERSON: Madam Chair, Klaus,
14 background is typically taken to be upgradient. And the
15 later use where it says "and groundwater passing the
16 relevant point of compliance," that would generally be
17 the downgradient boundary. So that background is on the
18 upgradient side, and then groundwater passing the point
19 of compliance is the downgradient side.

20 CHAIRMAN BEDESSEM: Any other comments on
21 that section?

22 MR. ANDERSON: Madam Chair, Board, moving
23 on to 8, Section 8, ends on page 6-35.

24 CHAIRMAN BEDESSEM: Section 9.

25 MR. ANDERSON: No. We're on Section 8.

1 MS. CAHN: Where does it start?

2 MR. HANSON: Line 1515.

3 MR. ANDERSON: Page 31.

4 MR. McOMIE: And continues on to 6-35.

5 MR. HANSON: That one is really hard to
6 find because there's a whole paragraph attached to it.

7 CHAIRMAN BEDESSEM: It says "accord."
8 Should say "accordance." They probably mean the same
9 thing.

10 Any comments on Section 8? So does everybody
11 prefer "accord"?

12 MS. CAHN: I like "accordance."

13 MR. KIRKBRIDE: Where are we?

14 CHAIRMAN BEDESSEM: Section 8 under the
15 "air" part.

16 MR. KIRKBRIDE: Give me a line.

17 CHAIRMAN BEDESSEM: 1668. We're used to
18 saying "in accordance."

19 MR. ANDERSON: Madam Chair, you noted
20 three spots?

21 CHAIRMAN BEDESSEM: 1671 and 1675 and
22 1668.

23 MS. CAHN: Maybe you could just do a
24 global search for "accord."

25 MS. THOMPSON: Madam Chairman, we did a

1 Google search quickly. And, actually, they're slightly
2 different. "Accord" means that you're in agreement. But
3 "accordance" means that you're in compliance. So we're
4 thinking -- we'll evaluate it, or they'll evaluate it.
5 But we're thinking it probably should be changed to
6 "accordance" since we want them to be in compliance with
7 the rule.

8 CHAIRMAN BEDESSEM: Yeah. "Accord "is
9 more in agreement, if that makes sense.

10 MS. CAHN: I would agree with that.

11 MR. DEURLOO: So you guys are in accord?

12 MS. CAHN: Yes, we're in accordance.

13 CHAIRMAN BEDESSEM: We're in accord to use
14 "accordance." Thank you for looking it up.

15 MS. THOMPSON: You're welcome.

16 CHAIRMAN BEDESSEM: It's great what you
17 can get accomplished over there.

18 Are we done with 8?

19 MR. HANSON: 1683.

20 CHAIRMAN BEDESSEM: Klaus is saying it's
21 another one that's hard to find because there's a
22 sentence right after it. It's not a stand-alone title.

23 MR. MCOMIE: "Recordingkeeping"?

24 CHAIRMAN BEDESSEM: Anybody have any
25 comments on Section 9?

1 (No response.)

2 CHAIRMAN BEDESSEM: I don't hear any, so
3 we'll go to Section 10. We're in the home stretch.
4 Starts at the bottom of that same page.

5 MR. McOMIE: To bottom of the next page.

6 CHAIRMAN BEDESSEM: The only comment I
7 have on 10 is, it's the same thing, where people -- some
8 of these facilities need to file closure cost estimates
9 or anything like that, financial assurance. You have
10 little Roman Numeral (iv), "other circumstances specified
11 by the administrator."

12 MR. McOMIE: Where are you at?

13 CHAIRMAN BEDESSEM: 1758. So does that
14 cover if they have to do any kind of financial
15 assurance -- or, excuse me -- closure cost estimates,
16 updates for that? And I ask that just because the
17 construction -- if you look back at Chapter 4, they also
18 have something at the end, and it says "Additional
19 information of the administrator may require reporting of
20 additional information needed to demonstrate compliance
21 with these rules and regulations." And this one just
22 says "other circumstances specified by the
23 administrator." But is the intent for them to do the
24 same thing?

25 I don't know. I was just asking just because I

1 didn't know if they were -- I know you work with
2 permittees to figure out what they need to submit and
3 such. But the language is different in both, but I think
4 they say the same thing.

5 MR. ANDERSON: Madam Chair, we'll look at
6 the differences and see if being the same is -- and,
7 Madam Chair, just above the line you mentioned, under
8 "general facility changes," the last half of that talks
9 about financial assurance and submitting a permit
10 application prior to implementing a change affecting --
11 does that address the question you had?

12 CHAIRMAN BEDESSEM: Don't they have to
13 update closure costs every year anyway, Craig?

14 MR. MCOMIE: Not on these units. Not on
15 transfer stations.

16 MR. ANDERSON: Madam Chair, that's if bids
17 are used. If bids are used, they have to be updated
18 annually. Otherwise, it's not a requirement that they be
19 updated annually.

20 CHAIRMAN BEDESSEM: So only if bids are
21 used. Okay. So maybe there's a reason that these two
22 are different. It was just a question.

23 MR. MCOMIE: I think there is.

24 MR. DEURLOO: This seems fairly onerous on
25 contractors. I used to make them bid every year. It's

1 just like shopping bids. Make them bid every year. They
2 spend time, money and effort to bid on something they
3 know they're not going to do.

4 CHAIRMAN BEDESSEM: For 20 years.

5 MR. DEURLOO: For 20 years. And have to
6 get three bids. There's three people every year on every
7 project.

8 MR. ANDERSON: Madam Chair, Brian, at
9 least part of those closure costs are for an
10 unanticipated closure in the event a facility were to
11 close down unexpectedly. Like we have a storage facility
12 that stores used oil. It's a commercial company that
13 goes out and collects used oil, filters it and sells it
14 for fuel, and it gets burned. A facility like that has
15 financial assurance to take care of the cost of removing
16 the used oil and getting it appropriately managed,
17 cleaning the tanks out and getting the site cleaned up.
18 So it's unanticipated closure in some cases as much as it
19 is when the facility is intended to close 20 years from
20 now.

21 MR. DEURLOO: Sure. Okay. Thanks.

22 I have a comment on that same paragraph, Madam
23 Chairman. So line 1752, the sentence starts with "If
24 financial assurance is required, the operator shall
25 submit a permit amendment application to the

1 administrator." I've never been able to do anything
2 without approval of a permit. All you're saying is you
3 have to submit an application. No, there's no approval
4 before they have to do anything. So do you want permit
5 approval? You say "shall submit a permit amendment
6 application to the administrator." Do you want approval
7 before they do it or not?

8 CHAIRMAN BEDESSEM: What line?

9 MR. DEURLOO: Starting with 1752. "If
10 financial assurance is required."

11 MR. ANDERSON: Madam Chair, Brian, are you
12 suggesting we add a clause that says "and it must be
13 approved before"?

14 MR. DEURLOO: Yeah.

15 MR. ANDERSON: We will certainly look at
16 that.

17 MR. DEURLOO: Unless you're okay with just
18 having an application and then going forward as just an
19 application.

20 MR. ANDERSON: Speaking for myself, not
21 the programming department, I would be reluctant to tell
22 somebody to go out and do a whole lot of work without
23 making sure it was sufficient.

24 MR. DEURLOO: I would too. That's why I
25 say that.

1 CHAIRMAN BEDESSEM: I don't think that's
2 what you meant there.

3 MR. DEURLOO: And then just a wordsmithing
4 thing. Moving down two lines. On 1755 "Permit
5 amendments shall follow the requirements," I would say
6 "comply with the requirements of Chapter 1." "Permit
7 amendments shall comply with the requirements of
8 Chapter 1 of the solid waste rules and regulations."

9 That's all I have.

10 CHAIRMAN BEDESSEM: Can you do the last
11 set as a match so we can go right to the end, 11 through
12 13?

13 MR. ANDERSON: Madam Chair, I will do
14 whatever the board would prefer.

15 CHAIRMAN BEDESSEM: Does anybody have any
16 comments on Sections 11 to 13?

17 MR. HANSON: I just have an observation.
18 All of a sudden in Section 6, the word "standard" shows
19 up instead of "requirements" or whatever it is. "Design
20 and construction standards," and then it goes on
21 "standard," "standard," "standard," "standard." Are we
22 talking about requirements instead of standards here? It
23 all of a sudden struck me that once somebody got hit on
24 the word "standards," they thought, you know, that's my
25 word, and they kept on doing that.

1 CHAIRMAN BEDESSEM: It's historically been
2 the way all the rules have been set up, is that
3 requirements a lot of times were things like submission
4 requirements. But standards, these are the things you
5 have to comply with for like design and construction or
6 operating.

7 MR. HANSON: Yeah. But these are
8 requirements. You know, recordkeeping standards, for
9 example, that struck me, especially. I thought all of a
10 sudden these aren't standards. These are requirements.
11 These are what you have to do. Because it reads you have
12 to do this. You have to do that. You have to do this.
13 But somebody loved the word "standards." And it starts
14 in Chapter 6, and then it just keeps on standardizing, so
15 to speak.

16 MS. CAHN: You don't even necessarily need
17 standards in the title because it's really design and
18 construction, operation, monitor, recordkeeping,
19 reporting.

20 CHAIRMAN BEDESSEM: I like it in the title
21 because it says what it's the list of.

22 MR. HANSON: It just all of a sudden hit
23 me. I'm not a standard bearer of any sort, but --

24 CHAIRMAN BEDESSEM: I think Chapter 2 is
25 that way as well. It's requirements and then it's

1 standards. That's how you do it.

2 MR. HANSON: It's more or less an
3 editorial question.

4 MR. ANDERSON: Madam Chair, let me ask the
5 expert in the TV.

6 Gina, do you have --

7 MS. THOMPSON: I looked it up on Google,
8 like you do, and so I'm trying to find --

9 CHAIRMAN BEDESSEM: Chapter 2, table of
10 contents?

11 MS. THOMPSON: I don't have a good answer
12 for you on that. That might be an item you have to look
13 at a little bit more in a little bit more detail.
14 Because my basic Google search, I didn't get like a great
15 Merriam-Webster pop-up that clearly differentiated. It
16 seemed like both sides were mixing and matching.

17 MR. HANSON: Gina, it's not my purpose to
18 make your life more complicated than it is already. It
19 just struck me whether "standards" really is the word
20 here that describes that.

21 CHAIRMAN BEDESSEM: So we have a hard copy
22 of Chapter 2 here. And the requirements are at the
23 beginning, and then the standards are all kind of listed
24 thereafter. So it is kind of parallel construction of
25 Chapter 2.

1 MR. KIRKBRIDE: Madam Chairman, we have,
2 obviously, a number of permits required for different
3 things. Right? And I was just wondering what they look
4 like. How many pages would these permits -- what do they
5 look like?

6 CHAIRMAN BEDESSEM: You can run down the
7 hall.

8 MR. KIRKBRIDE: A blank one for, you know,
9 a significant facility.

10 MR. ANDERSON: A significant facility?

11 MR. KIRKBRIDE: Like a landfill for the
12 City of Casper if you were putting a new one in.

13 MR. ANDERSON: For a landfill, it would
14 generally be two- or three-, probably four-inch
15 notebooks, three-inch notebooks, like so. We finished a
16 couple of industrial landfills for drill cuttings that
17 were -- I think those were each a pair of four-inch
18 binders. A lot of that is taken up by oversized plates.
19 There may be 15 to 25 sheets of paper like this and each
20 one in a plastic sleeve that, a group of those that
21 thick, there may be ten or twelve plates that have
22 details in different -- you have to use in different
23 parts of the facility.

24 The very simplest, the low hazard/low volume
25 permit applications that are referenced, is the front and

1 back of a legal-sized piece of paper and a map showing
2 the facility location. And we've asked people for enough
3 information for us to be able to confirm that they're not
4 going to exceed the limits of what can be managed under
5 the definition for a facility like that.

6 And I did see in Chapter 6 that Bob added a
7 specification for people to make a demonstration that
8 they meet location standards. Because that wasn't
9 previously required for low hazard/low volume facilities.
10 And we thought about that some and realized that people
11 could -- while they have to comply with the standards, if
12 they don't have to give us the information and it doesn't
13 get checked on by anybody ahead of time, we could end up
14 permitting a facility and have somebody go build
15 something in a location that they're not supposed to be
16 there. And that would be problematic.

17 So then that might be a total of maybe ten
18 pages of paper or something like that. It just depends
19 on the complexity of the facility.

20 CHAIRMAN BEDESSEM: Before we wrap up
21 here, I just wanted to make sure that I didn't deny
22 anybody the ability to comment. Because I said we were
23 going to address anything that was in response to
24 comments. So I just want to check with everybody. Is
25 there anything in the response to comments that you

1 wanted to bring up?

2 MR. DEURLOO: I have one more comment on
3 this, if you don't mind.

4 CHAIRMAN BEDESSEM: Yes.

5 MR. DEURLOO: And it has to do with the
6 word "standards," unfortunately. It's really easy,
7 though, I think. Line 1864 starts -- 1863 starts
8 "Alternative remedies: If the selected remedy is not
9 meeting the corrective action standards, the owner or
10 operator shall implement other methods or techniques,"
11 blah, blah, blah. Just seems like it should say
12 "requirements" there. Because later on, I had a note --
13 I should have written it down. And I do have "corrective
14 action standards."

15 MR. HANSON: Yeah.

16 MR. DEURLOO: You do? Okay. Maybe it's
17 the right word, then.

18 MR. ANDERSON: Madam Chair, Chapter 2, the
19 section for corrective action is "corrective action
20 standards."

21 MR. DEURLOO: Do you want to put that "as
22 outlined in Chapter 2" on there or not?

23 MR. ANDERSON: Madam Chair and Brian, I
24 think not, because these are transfer, treatment, storage
25 facilities, and the -- leaving it with this more -- less

1 specific language gives us and operators a greater
2 latitude to look at different alternatives. The
3 corrective action standards in Chapter 2 are for
4 municipal landfills, and those pretty much -- they're not
5 quite verbatim with the federal requirements but very
6 close. So it would tie us into a process that wouldn't
7 be desirable.

8 MR. DEURLOO: That's fine. Thank you.

9 CHAIRMAN BEDESSEM: Any other comments
10 related to the response to comments?

11 MS. CAHN: I have one. On the last page
12 of the response to comments, first sentence, first full
13 sentence, "Operators may be required to submit monitoring
14 reports with supporting charts and/or maps that represent
15 the data." It seems like it's almost uniform and easier
16 to see data as a graph. So it's easier to see trends and
17 things. So I'm just curious why it wouldn't be required,
18 rather than some person in DEQ having to look through a
19 table and not have a chart to see if there's any pattern
20 to trends. I just think it would be easier.

21 CHAIRMAN BEDESSEM: I think it depends on
22 the complexity of the facility.

23 MR. ANDERSON: Madam Chair, Lorie, I'm
24 sorry. I'm not sure I'm following what your question or
25 comment is.

1 MS. CAHN: It says "Operators may be
2 required to submit monitoring reports with supporting
3 charts and/or maps." Is the "may be" -- they're
4 submitting monitoring reports, so the "may be" is the
5 charts and the maps represent the data. Which part is
6 the "may be"?

7 CHAIRMAN BEDESSEM: I think they probably
8 want the latitude that it depends on the complexity of
9 the facility.

10 MR. MCOMIE: Would hate to require of them
11 if it was something minimalistic we were looking at.

12 MS. CAHN: If somebody's providing a table
13 of data, just seems like it's a simple step to make them
14 make a chart. It's just so much easier to look at.

15 MR. ANDERSON: Madam Chair and Lorie, this
16 is, if I'm tracking correctly, for Chapter 6. And it may
17 follow that if monitoring is required, we would want them
18 to do that. But there are Chapter 6 facilities that
19 don't have any monitoring requirements. So saying that
20 you are required to submit something could be
21 problematic. But I will look at the very tail end of the
22 section and talk to -- we'll discuss that.

23 MS. CAHN: I'm just saying if there is
24 monitoring required and they have to provide data, let's
25 get them to chart it. That's all.

1 One of the things about this response to
2 comments that I found difficult to follow was that the
3 response -- the comment and response didn't necessarily
4 point us to the part in the proposed rule where we could
5 kind of check for how did you end up doing -- sometimes
6 you did, and sometimes it didn't point to it. And it
7 would be helpful to point to where -- if there was a
8 response that applied to someplace in the rule, that
9 would be nice to have a reference to that. It makes it
10 easier for the future.

11 CHAIRMAN BEDESSEM: Any more comments?

12 (No response.)

13 CHAIRMAN BEDESSEM: I think we've wrapped
14 up all the comments on 4 and 6. And I think I'm going to
15 step out on a limb here to say that there's enough things
16 that we've asked you to check on that we'll probably come
17 back for approval this next time. But please understand
18 that it's really the more unusual situation that the rule
19 goes the first time. It's usually that if we're just --
20 if there's nothing substantive and there's no comment,
21 then it goes through. So, if there's any changes or
22 anything that we might have difficulty understanding, it
23 typically goes two times. And if there's lots of issues,
24 sometimes we've done five or six. Right? We have done
25 that.

1 MS. THOMPSON: Yeah.

2 CHAIRMAN BEDESSEM: I think the set with
3 all the comments and stuff is really, really helpful. So
4 I don't anticipate any long thing happening. But don't
5 be disappointed that it's not going forward today,
6 because that's for the norm. It's really unusual that it
7 goes the first time.

8 MR. MCOMIE: That would be our preference
9 as well.

10 CHAIRMAN BEDESSEM: So I think, from what
11 you talked about today, it should be pretty easy to get
12 all the fine points of the I's dotted and Ts crossed so
13 that it goes through.

14 MR. DEURLOO: Madam Chair, I want to thank
15 whoever went through it and changed all the "whiches" and
16 "thats." Probably Gina had something to do with that.
17 Because we didn't talk about "which" or "that" one time
18 today.

19 MS. THOMPSON: We were having trouble with
20 those popping up everywhere.

21 CHAIRMAN BEDESSEM: It takes a lot of
22 effort to do. You guys explained to me the difference at
23 lunch, and I'm still not positive.

24 MS. CAHN: Anytime you want a refresher,
25 I'm happy to cover it over lunch.

1 MS. THOMPSON: Madam Chairman, we have one
2 more question before you leave for the day. We're
3 wondering if we have any comments, any additional
4 comments, or if the board feels that the comment period
5 is closed.

6 CHAIRMAN BEDESSEM: Would any of the board
7 members like to comment on that?

8 MS. CAHN: I would like to see it -- well,
9 except we are going to make some changes.

10 CHAIRMAN BEDESSEM: But I don't think
11 we're making substantive changes. We're adding
12 flexibility.

13 MS. CAHN: Maybe if you make substantive
14 changes after you talk to them, then we should do
15 comment. But if you determine they're not substantive,
16 then not, would be my preference.

17 CHAIRMAN BEDESSEM: I'm thinking that just
18 about everything we asked for, maybe we asked for a
19 little more flexibility, but I don't think there's
20 anything substantive that would require --

21 MR. DEURLOO: I don't recall if that's
22 really our call, though, is it? Is that our call?

23 MS. CAHN: Yeah, it is.

24 MR. DEURLOO: Is it?

25 MS. THOMPSON: Yeah.

1 MR. DEURLOO: Okay.

2 MS. CAHN: I think part of the fact is
3 that we didn't receive any comments the second go-round
4 is a good indication that there's not a lot of public
5 concern. I haven't gotten any phone calls from the
6 public. So I would just leave it up to your judgment.
7 When you go through and make these changes, if you guys
8 think, oh, geez, we think that we better -- it seems
9 substantive.

10 MS. THOMPSON: The other point on that,
11 too, is that we always invite the public to attend. So
12 they would be allowed to attend and make a comment to you
13 in person even if we didn't offer a written comment
14 period on the proposed changes that you've recommended.

15 MS. CAHN: Then maybe the announcement of
16 the meeting could say the public comments would be taken
17 at the meeting. Because I know if you are thinking about
18 making public comments and you go to a meeting where they
19 don't say public comments are being taken --

20 CHAIRMAN BEDESSEM: That's frustrating.

21 MS. CAHN: -- then you might not want to
22 bother traveling all that way.

23 MS. THOMPSON: Right. We just need to
24 make sure we set up our notice to where it's clear that
25 we're not taking written comments because we're closing

1 the written comment period but that the meeting is open
2 to the public and that we invite them to attend and
3 comment if they want to do so in person.

4 CHAIRMAN BEDESSEM: I think that's a good
5 compromise.

6 MS. THOMPSON: We'll make sure we set that
7 up and that Luke is comfortable with that statement so
8 that we don't make administrative trouble for ourselves.
9 We wanted to just verify that you were okay if we closed
10 the written portion.

11 Okay. That's all I needed.

12 CHAIRMAN BEDESSEM: Sounds goods. Are
13 there any other -- I mean, you discussed earlier, Gina,
14 the schedule, that you'll be sending out a Doodle poll
15 the third or fourth week in June for potential dates. So
16 we don't have our usual wrap-up. So is there anything
17 further, or can we conclude?

18 MS. CAHN: There were some dates in June
19 that weren't working for -- I think the 22nd and 25th of
20 June weren't working for some people.

21 CHAIRMAN BEDESSEM: The 22nd and 25th
22 doesn't work for me. I don't know who else.

23 MR. HANSON: 25th of --

24 CHAIRMAN BEDESSEM: That's a Friday and a
25 Monday.

1 MS. THOMPSON: Okay. That's fine.

2 MS. CAHN: In June.

3 MR. McOMIE: You'll address that in the
4 Doodle poll?

5 MS. CAHN: The week of the 18th to the
6 22nd is what you were asking, and I think we'll just say
7 the 22nd doesn't work.

8 MS. THOMPSON: I will be sending out that
9 poll to all the board members and also the staff that
10 will be involved. And I'll send that out within the next
11 couple of weeks, I believe, is the way we had --

12 CHAIRMAN BEDESSEM: And, also, you had
13 discussed potentially doing it in Laramie.

14 MS. THOMPSON: Yes, ma'am.

15 CHAIRMAN BEDESSEM: And Klaus had
16 mentioned over lunch that if you're looking for a
17 location, that the Air Quality Division has had a meeting
18 at the --

19 MR. HANSON: At the biodiversity folks.

20 CHAIRMAN BEDESSEM: -- the Berry
21 Biodiversity Center.

22 MS. THOMPSON: Is that that new BP center?

23 MR. HANSON: The what?

24 MS. THOMPSON: Is it the BP center?

25 MR. HANSON: Yeah. It was at the

1 biodiversity building, wasn't it?

2 MS. THOMPSON: I don't remember what the
3 name of the building was. I just remember it saying "BP"
4 on it somewhere.

5 CHAIRMAN BEDESSEM: When was your meeting
6 there?

7 MR. HANSON: When did we meet there? I
8 can't remember.

9 MS. THOMPSON: I'm not sure what you did
10 historically, but there's a meeting scheduled in Laramie
11 for Air Quality at the end of April at the new school
12 of --

13 CHAIRMAN BEDESSEM: Energy resources.
14 That's a different location than what Klaus is talking
15 about. It's different. It's on the same street, but
16 it's different.

17 MR. HANSON: We met before at the
18 biodiversity building. That's a brand-new building.

19 CHAIRMAN BEDESSEM: So just as a
20 possibility.

21 MR. HANSON: I have one more question.
22 Any news on our fee schedule?

23 MS. THOMPSON: Well, Mr. Hanson, we'll be
24 presenting that to the Air Quality Advisory Board again
25 at the April meeting. So that's -- best information I

1 have at this point is that we'll be making an additional
2 presentation to Air Quality, and we'll be taking a vote
3 of recommendations to the Council because that's our
4 statutory mandate.

5 MR. HANSON: They voted it down.

6 CHAIRMAN BEDESSEM: This was for the rules
7 that applied to all the divisions?

8 MS. THOMPSON: The public records rules.
9 And when we -- when we presented it to the Air Quality
10 Advisory Board, we received an indecisive vote, which is
11 why we're bringing it back to them.

12 CHAIRMAN BEDESSEM: But this board has
13 already passed that.

14 MS. THOMPSON: Yes. The way it works is
15 because it's a department-wide rule, we have to seek the
16 recommendation of all of the division boards. And so,
17 the water and wastewater board has passed it. The land
18 quality board has made their recommendation of adoption.
19 And the air quality, we received an indecisive vote. We
20 didn't have a quorum that was unanimous. And so it made
21 the math on the vote indecisive. And so we're coming
22 back.

23 CHAIRMAN BEDESSEM: Thank you for that
24 update.

25 And so I think with that, we're going to

1 conclude the first quarter Water and Waste Advisory Board
2 meeting.

3 (Hearing proceedings concluded
4 3:11 p.m., March 29, 2018.)

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C E R T I F I C A T E

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

Dated this 12th day of April, 2018.



RANDY A. HATLESTAD
Registered Merit Reporter