

WWAB Meeting

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WYOMING WATER AND WASTE ADVISORY BOARD

RE: WATER AND WASTE ADVISORY BOARD MEETING

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 15th day of March, 2022, at the hour of 9:06 a.m., before the Wyoming Water and Waste Advisory Board, Ms. Lorie Cahn, Acting Chairman presiding, and Mr. Brian Deurloo, Mr. James Cochran, with Mr. Brian Dickson and Mr. James Peters, Attorney for the Board, also in attendance virtually.

Ms. Nicole Budine, Attorney for the Division; Ms. Jennifer Zygmunt, Water Quality Administrator; Ms. Lily Barkau, Groundwater Section Manager; Mr. Keenan Hendon, Water and Wastewater Section Manager; and Ms. Gina Thompson, Water Quality Division, in attendance, as well as various members of DEQ staff and the public in attendance virtually.

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I N D E X

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PAGE

4 CALL TO ORDER

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5 ADMINISTRATOR'S BRIEFING

9

6 RULEMAKING WQR CHAPTER 29

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7 BRIEFING UPCOMING REVISIONS TO WQR CHAPTER 1

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8 WQR CHAPTER 12

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1 Lily to walk through the rule and give you an outline how
2 this process will go.

3 MS. BARKAU: Good morning. So I'm going to
4 just walk through Chapter 29, Geological Sequestration
5 Special Revenue Account Requirements. Starting with
6 Section 1, I'll just give a brief overview of that
7 particular section and ask if there's any questions that I
8 can help clarify.

9 So in Section 1, this describes the authority of
10 the regulations of the Environmental Quality Act that
11 allows us to implement this rule.

12 Are there any questions on Section 1?

13 ACTING CHAIR CAHN: No.

14 MS. BARKAU: Section 2 provides definitions
15 that are included in this rule that may need further
16 clarification or definition for them, to include carbon
17 dioxide stream, what a Class VI well is, and so forth.

18 Are there any questions on the definitions?

19 BOARD MEMBER DEURLOO: Madam Chair, I've
20 got one, please.

21 On Class II well, it states "means any commercial
22 or non-commercial well used to dispose of water or fluids
23 directly associated with" and goes on. Water or fluids,
24 there's -- I wonder if there would be any value just
25 changing that to "material," so it includes "solid, gases,

1 and liquid." When you do inject down there, there's
2 part -- it's getting into the minutia of the detail, but
3 when you do an injection, whether it's CO2, water, or
4 waste, or something like that, where there's inherently
5 going to be gases, liquids, and solids in that waste. But
6 if you only want water and fluids, that's what you get.
7 But I wanted to have you consider changing it to
8 "material."

9 MS. BARKAU: I think we can certainly take
10 that back to consider it. However, this is a definition as
11 provided by the Wyoming Oil and Gas Conservation
12 Commission --

13 BOARD MEMBER DEURLOO: Okay. I wondered.

14 MS. BARKAU: -- which we are using their
15 definition verbatim.

16 BOARD MEMBER DEURLOO: Fair enough. I'm
17 fine with that.

18 MS. BARKAU: Section 3, Applicability.
19 This chapter just applies to all owners, operators, and
20 permittees of Class VI wells.

21 Pretty short section. Any questions on that?

22 BOARD MEMBER DEURLOO: That's the shortest
23 section I've seen.

24 ACTING CHAIR CAHN: I would like to go back
25 to the definition -- Definition, Section 2. Sorry.

1 MS. BARKAU: Okay.

2 ACTING CHAIR CAHN: Just minor editorials
3 in carbon dioxide stream (a), is "any processing" and
4 any -- the words "any substances," are those words
5 necessary? And maybe, again, this is a definition from the
6 legislature, and then we can't do anything with it. But I
7 would -- I would say carbon dioxide stream means carbon
8 dioxide plus associated substances derived from the source
9 materials and process -- source materials, processing and
10 substances added to the stream.

11 MS. ZYGMUNT: Madam Chairwoman,
12 understanding the suggestion right now, that definition
13 matches what we have in Chapter 24.

14 ACTING CHAIR CAHN: Okay.

15 MS. ZYGMUNT: I think we would be hesitant
16 to reopen Chapter 24 to also change it there.

17 ACTING CHAIR CAHN: Sure.

18 MS. ZYGMUNT: But we can consider those
19 proposed edits for a future time.

20 ACTING CHAIR CAHN: Yeah. That's fine.

21 MS. ZYGMUNT: Sure.

22 ACTING CHAIR CAHN: And then on (c)(i). I
23 think there's an extra comma after geologic sequestration.
24 So "Is not experimental in nature and injects carbon
25 dioxide stream for geologic sequestration beneath the

1 lowermost formation..." I'm not sure between
2 "sequestration" and "beneath" the comma is necessary. So I
3 think it would read better without it.

4 MS. BARKAU: Again, that is one of those
5 that matches the definition in Chapter 24.

6 ACTING CHAIR CAHN: That's fine. These are
7 just editorial suggestions, so...

8 MS. ZYGMUNT: We will note that for the
9 future.

10 ACTING CHAIR CAHN: Thank you. That's all
11 I have on 2. Sorry.

12 And then -- does anybody have anything on 3 from
13 the Board?

14 BOARD MEMBER COCHRAN: I have kind of a
15 general comment, if I could.

16 On the fee, is that consistent with other
17 injection wells?

18 MS. BARKAU: Currently Wyoming does not
19 collect fees on our other UIC wells. I can only speak for
20 Class I and V. I believe the Class III wells are
21 associated with the mine permit under Land Quality
22 Division. The Class II wells I'm not familiar if there is
23 a fee associated with that, since that's under the old
24 Wyoming Oil and Gas Commission.

25 BOARD MEMBER COCHRAN: So how is the fee

1 set, I guess?

2 MS. ZYGMUNT: Yes. Thank you for the
3 question, and I think Lily will walk through that once we
4 get into Section 4 --

5 BOARD MEMBER COCHRAN: Oh, okay. Sorry.

6 MS. ZYGMUNT: -- here, and she'll outline
7 the process, and I think we may answer your question during
8 that description.

9 MS. BARKAU: All right. Moving on to
10 Section 4. These are the Requirements. This goes over how
11 we will be collecting the fee and utilizing the fee.

12 So to begin with, we are proposing a seven cents
13 per ton of carbon dioxide injected for the storage during
14 the period of injection into the subsurface geologic
15 formations. The fee will be based on reporting
16 requirements outlined in our Water Quality Rules Chapter
17 24.

18 The Administrator will provide written notice of
19 the amount of the fees on an annual basis, and those fees
20 are due upon receipt.

21 Failure to pay those fees is considered a
22 violation of Chapter 24.

23 Once those injections cease and the Administrator
24 receives a plugging and abandonment final report, the
25 Administrator will assess any remaining fees for that

1 calendar year and provide written notice of those fees to
2 be provided upon receipt.

3 No further fees are assessed for the special
4 revenue accounts if injections are not occurring.

5 Upon site closure, the -- this is when use of the
6 funds occur. An owner or operator may apply for site
7 closure if they demonstrate the requirements of Section 24
8 of Chapter 24. There's a pretty extensive list of
9 requirements to receive site closure certification. We
10 also will verify the release of all financial assurance
11 instruments. Those financial assurance instruments are
12 required during all phases of the carbon sequestration
13 project. So bonds, liability insurance are required. They
14 are returned to the owner or operator after the site is
15 closed.

16 We will be discussing some edits to this section
17 coming up in regards to the liability bill that's recently
18 passed legislation, which also includes the transfer of
19 title. But our primary -- primary focus is certification
20 of site closure and issuance of a project completion
21 certificate.

22 We will be evaluating the proposed cost estimate
23 to ensure that the monies in the special revenue accounts
24 are sufficient to address monitoring, measurement, and
25 verification after site closure. Any funds that are needed

1 will be recommended to the director to require those
2 additional fees.

3 And they will -- the owner or operator will need
4 to make that additional payment prior to receiving their
5 certificate of project completion, as well as certification
6 of site closure.

7 Upon the conditions of site closure, then the
8 Director will administer the funds in the account. And
9 that is the process for developing and utilizing the
10 special revenue accounts, and I'm open for questions now.

11 BOARD MEMBER COCHRAN: I'm good, thanks,
12 Madam Chair.

13 BOARD MEMBER DEURLOO: Madam Chair, I have
14 a few questions.

15 Seven cents for each ton, where did that amount
16 come from?

17 MS. BARKAU: Yes. That amount is actually
18 consistent with North Dakota, as mentioned the second state
19 to have primacy. Their assessment came from a worst-case
20 scenario of cleanup for a corrective action site or a state
21 Superfund site of what it would take to address additional
22 measures that are required.

23 BOARD MEMBER DEURLOO: So that calculation
24 came from the state of North Dakota --

25 MS. BARKAU: Yes.

1 BOARD MEMBER DEURLOO: -- by way of
2 consultancy, doesn't matter --

3 MS. ZYGMUNT: With our review.

4 MS. BARKAU: With our review.

5 MS. ZYGMUNT: Let me just take the seven
6 cents. Lily had looked extensively at the research that
7 North Dakota had completed, and we feel that it is
8 appropriate for the same purposes here in Wyoming.

9 BOARD MEMBER DEURLOO: Okay. What's a
10 typical well -- what's a typical CO2 well? I know they're
11 different, like snowflakes, but how many tons can you put
12 in a well per day?

13 MS. BARKAU: For example, as part of our
14 valuation for the seven cents per ton, if we took a project
15 that was going to be injecting 50 million tons over a
16 25-year span, you would be looking at about 2 million tons
17 per year. So the annual -- annual cost would be
18 approximately \$140,000 per year, with -- at the end of the
19 25 years you're looking at \$3.5 million to be included in
20 the special revenue account.

21 While it's in the special revenue account,
22 there's also interest. And at the end of the project, if
23 we feel that the 3.5 million is not appropriate or
24 sufficient based on cost estimates, we will require
25 additional funds to be included. So a standard corrective

1 action project, a worst-case scenario, can range anywhere
2 between \$1 million and \$5 million price.

3 BOARD MEMBER DEURLOO: That's just for
4 plugging and abandonment of a CO2 -- or sequestration well.

5 MS. BARKAU: Excuse me, sorry. Plugging
6 and abandonment is actually -- that occurs prior to site
7 closure, and would not be included in this -- this cost.
8 That cost would be directly paid for by the owner and
9 operator --

10 BOARD MEMBER DEURLOO: Right.

11 MS. BARKAU: -- prior to site closure.

12 MS. ZYGMUNT: And if I may add to that. So
13 just to remind the Board, we're talking very long time
14 frames for Class VI permits.

15 BOARD MEMBER DEURLOO: Uh-huh.

16 MS. ZYGMUNT: Injection may occur for
17 25 years. But before they can get to site closure, as Lily
18 mentioned, Chapter 24 outlines some very robust procedures
19 they have to follow after they cease injecting to get to
20 site closure. And primarily using both modeling and
21 data -- and this is further supported by requirements in
22 the Environmental Quality Act, that they have to show at
23 least three years consecutive -- three years of consecutive
24 data that this plume is stable.

25 So by the time they get to site closure, by the

1 time they get to permit termination, it could be another
2 50 years after site closure -- after they have ceased
3 injecting. So we're talking about long periods of time.

4 But it's important that we get this injection
5 fee, and that we get it right and we have the ability to
6 require additional funds as needed at the cost estimate
7 when they are putting in for site closure, because the
8 State will be responsible for the long-term site care after
9 the site closes and the permit is terminated.

10 So that's our goal is to ensure we have enough
11 money in that account to carry out the activities the State
12 will be responsible for in the long-term, which could be
13 another 50 years after that. So we're talking about very
14 long periods of time. Obviously none of us will be in our
15 various positions at that time to make those decisions, but
16 we are trying to set up the structure to ensure that funds
17 are available. And the special revenue account was first
18 envisioned by the 2019 carbon sequestration working group.
19 That concept was ultimately put into statutes, now being
20 put into rules. So for some context on the scope of time
21 that we're looking at and why it's important that we get
22 this funding and operate to the best that we can.

23 BOARD MEMBER DEURLOO: Thank you.

24 A follow-on question, Madam Chair.

25 Is there any value to indexing this cost per ton

1 to the consumer price index to allow for inflation and
2 other things like that? I'm sure that's something you
3 considered.

4 MS. BARKAU: Yes. That is actually
5 incorporated into the cost estimates. So they're -- during
6 the life of the project and the injection, they will be
7 providing an annual cost estimate that includes inflation.
8 So while the seven cents per ton is for the immediate use,
9 that cost estimate for the site closure will account for
10 inflation. And that's where if funds are insufficient at
11 the end of the site closure, that cost estimate will be
12 used to require that additional fund.

13 BOARD MEMBER DEURLOO: Thank you. I'm just
14 trying to make sure we don't get in a pickle that we've
15 been in in the past, with PNAs and all that stuff.

16 MS. ZYGMUNT: Understood.

17 BOARD MEMBER DEURLOO: I have other
18 comments, but that's the only one on that one. Thank you.

19 ACTING CHAIR CAHN: Any other Board
20 questions for Ms. Barkau?

21 BOARD MEMBER DEURLOO: Madam Chair, I have
22 more comments on Number 4, if you want me to continue.

23 Okay. On 29-2, at the bottom of the page, I
24 think it's letter (v), "consider project-specific risk
25 assessments and projected timing of activities." Can we

1 just change that to schedule of activities or estimated
2 schedule? That is a recommendation changing that. You can
3 do with that what you may.

4 ACTING CHAIR CAHN: What line are you on?

5 BOARD MEMBER DEURLOO: The very bottom,
6 (v).

7 ACTING CHAIR CAHN: What line number?

8 BOARD MEMBER DEURLOO: Oh, sorry. 91.

9 Changing the words "projected timing" to "schedule of
10 activities." Line number 94, on the next page (vi). It's
11 a very weak statement, it reads basically the Administrator
12 will "consider whether sufficient funds are available to
13 carry out the required activities." I would make a
14 recommendation that you consider changing it to stronger
15 language like Administrator will "evaluate and make a
16 determination whether the funds are sufficient to carry out
17 the required activities."

18 MS. ZYGMUNT: Madam Chairwoman.

19 Recognizing the comment, and we're happy to consider
20 stronger wording there, we do need to keep a delineation of
21 duties in that the Administrator can only consider and
22 recommend. It will be Director's responsibility to finally
23 determine if there are sufficient funds or insufficient
24 funds --

25 BOARD MEMBER DEURLOO: Okay.

1 MS. ZYGMUNT: -- as outlined under (g)
2 there.

3 BOARD MEMBER DEURLOO: I see.

4 MS. ZYGMUNT: But if there is a better way
5 to strengthen the Administrator's activity there, we -- we
6 could say evaluate and consider whether sufficient funds
7 are available. But, again, it -- my next step then would
8 be to recommend to the Director, and then he will make the
9 final decision.

10 BOARD MEMBER DEURLOO: I see. Okay. I --
11 I like direct language, very direct and not passive, which
12 most regulations are written, you get a bunch of passive
13 verbs and so forth.

14 In any case, line number 103, it reads
15 "...special revenue account to ensure that sufficient funds
16 are available to carry out the required..." "Carry out,"
17 I'd just change that to "execute the required activities."

18 And then line 104, following on there, it reads
19 "...activities on the date at which they may occur." I
20 see. So that holds -- that reads "ensure that sufficient
21 funds are available to execute the required activities on
22 the date in which they may" -- never mind. Okay. Strike
23 my thought there.

24 Then the next line, 106, it says "Upon
25 determining the special revenue account..." It seems to me

1 that would probably read better if it starts with "If the
2 special revenue account balance, including accumulated
3 interest, is sufficient to cover the proposed cost
4 estimate," and then insert the word "'then' the Director
5 shall administer the funds in the account..." So make it
6 an if/then statement there. That's my only comments on
7 Section 4.

8 MS. ZYGMUNT: Would you mind reading your
9 proposed edits one more time? I didn't catch --

10 BOARD MEMBER DEURLOO: That last one?

11 MS. ZYGMUNT: Yes.

12 BOARD MEMBER DEURLOO: Yeah. Sure. So I
13 would strike -- starting on line 106, strike "upon
14 determining the" and insert the words If the carrying on
15 special revenue account balance.

16 And then on line 107, between the word "estimate"
17 and "the," where -- just put the word "then," t-h-e-n.

18 MS. ZYGMUNT: Okay. Thank you.

19 BOARD MEMBER DEURLOO: Thank you.

20 ACTING CHAIR CAHN: Are there any other
21 questions from the Board or comments?

22 MS. ZYGMUNT: So before we wrap up the
23 discussion, if we can show you the additional proposed
24 language following discussion of the sequestration
25 language.

1 Go ahead and go up to Section 1, make sure we
2 have everything.

3 So first change would be simply updating your
4 cross-reference. So the proposed legislation, the past
5 legislation creates some new sections of statute. So we
6 simply need to update the applicable sections of statute to
7 this rule. So instead of just 313 to 318, we will add 319
8 and 320.

9 ACTING CHAIR CAHN: Can you tell us what
10 the title of those rules are?

11 MS. ZYGMUNT: I can. So Section 35-11-318
12 will now be titled Sequestered and Injected Carbon Dioxide;
13 Definitions.

14 The new Section 35-11-319 will be Certificate of
15 Project Completion, Release, Transfer of Title and Custody.

16 And then Madam Chairwoman, the new Section 320 is
17 the Geologic Sequestration Special Revenue Account,
18 previously Section 318, now Section 320, with addition of
19 the two other sections.

20 ACTING CHAIR CAHN: So 318 changed to
21 Sequestered and Injected CO2?

22 MS. ZYGMUNT: Correct.

23 The next proposed revision we have added to the
24 rule would be (iv), under (f), and it adds language that
25 the Administrator shall "Verify that title to the stored or

1 injected carbon dioxide has been transferred to the State
2 if a certificate of project completion has been issued."
3 So this refers to a process in the legislation that
4 establishes a certificate of project completion and just
5 adds a step here for the Administrator to verify that the
6 title has been transferred if that certificate has been
7 issued.

8 BOARD MEMBER COCHRAN: Madam Chair, what
9 title is that? That's not a surface title.

10 MS. ZYGMUNT: No. It would be title to the
11 injected carbon dioxide.

12 BOARD MEMBER COCHRAN: It's like a
13 subsurface ownership?

14 MS. ZYGMUNT: Correct.

15 BOARD MEMBER DEURLOO: Madam Chair. Just
16 for clarity. The recommendation, can you scroll back up on
17 that?

18 I might consider changing that around, again,
19 just making it start with "If a certificate of completion
20 has been issued, then the Administrator will verify that
21 title to restore carbon --

22 THE REPORTER: I'm sorry. I can't hear you
23 very well.

24 BOARD MEMBER DEURLOO: I'd just turn it
25 around. My -- my exposition writer in high school would

1 say start with "If a certificate of project completion has
2 been issued, then the Administrator shall verify that title
3 to the stored or injected carbon dioxide has been
4 transferred to the State.

5 ACTING CHAIR CAHN: We wouldn't put in
6 "Administrator shall," because that's on line 78, and we
7 don't need that.

8 BOARD MEMBER DEURLOO: Take it for what
9 it's worth. I just recommended maybe turn that around,
10 because you're hanging the action on the end of it.

11 ACTING CHAIR CAHN: So it would just be, If
12 a certificate of project completion has been issued, verify
13 that title -- or verify title to the stored or injected --

14 BOARD MEMBER DEURLOO: Has been transferred
15 to the State.

16 ACTING CHAIR CAHN: -- has been transferred
17 to the State.

18 MS. ZYGMUNT: Yeah, we don't have any
19 concerns if you prefer moving that "if" statement to the
20 beginning, and the action's still "Administrator verifies."

21 BOARD MEMBER DEURLOO: Yes, please.

22 MS. ZYGMUNT: Okay. Then moving on the
23 next change. Under (g), adding (ii), The Department shall
24 not issue a certificate of project completion, if we
25 determine that there are insufficient funds in the special

1 revenue account.

2 So, again, this is just an additional way to
3 strengthen this rule, meaning that if we do not feel we
4 have enough funds in that account for the State to do its
5 job after site closure, we would not issue a certificate of
6 project completion, and the injector would remain liable
7 for future activities. So just an additional way to
8 strengthen our ability to make sure that all requirements
9 have been met before liability is transferred to the State
10 and the State begins its activities of long-term site care.

11 BOARD MEMBER DEURLOO: Madam Chair. And to
12 be clear, as far as somebody in the industry disagrees with
13 your assessment, how would they contest that? Would they
14 take that to the EQC, or how would that be contested?

15 MS. ZYGMUNT: Yes. That's a good question.
16 And, you know, during this stage, during the review where
17 they have submitted a site closure plan, and we're
18 reviewing that to make sure they have met all requirements
19 of Chapter 24 I think inherent in that process, there would
20 be discussion with the company if we had concerns. I think
21 there would be ample opportunity to go back and forth with
22 that company to document our concerns, see if they can
23 provide more information. There are many public comment
24 opportunities during that process as well.

25 BOARD MEMBER DEURLOO: Okay.

1 MS. ZYGMUNT: So that would be another way
2 to formally document concerns. But then the next answer
3 would be yes, if we make a formal decision, it would be
4 appealable to the Environmental Quality Council.

5 BOARD MEMBER DEURLOO: Got it. Thank you.

6 MS. ZYGMUNT: And then last but not least,
7 under (h), simply updating the statute reference there,
8 35-11-318 to 320.

9 So Madam Chairwoman, that concludes the
10 additional revisions we're proposing for Chapter 29.

11 ACTING CHAIR CAHN: Any further Board
12 discussion?

13 How about members of the public? Is there
14 anybody in the public that would like to comment?

15 Hearing none, I'll entertain a motion.

16 BOARD MEMBER DEURLOO: Can I ask one more
17 question, Madam Chair, please? I wrote it on the front
18 page, and so I forgot to look at it.

19 You said this is becoming more -- this is
20 becoming maybe popular, that sequestration. Is there a
21 carbon -- just out of curiosity, is there a carbon credit
22 scheme that we're working with in the state that's going to
23 incentivize or entice industry to inject CO2 in this state,
24 or is there something that's going to drive this?

25 MS. ZYGMUNT: Madam Chairwoman. That's a

1 great question. I believe so. I am not up to speed on
2 those discussions. I have heard some discussions about
3 carbon credit markets. I believe Wyoming Energy Authority
4 would be the better agency to reach out to for more
5 information. I know we saw at the -- we saw some proposed
6 legislation early on about carbon credit markets. At this
7 time, I'm not aware of any further structure, but Lily's
8 looking at me in a way she may know more than I do. So
9 I'll let her speak.

10 MS. BARKAU: Madam Chair. So the carbon
11 credit incentive is being somewhat discussed from the
12 Wyoming Business Council and the Wyoming Energy Authority.
13 But in regards to incentives, there is a tax credit called
14 45Q that is based on -- currently, it's \$50 per ton for
15 injections over 12 years. Then the current -- there's --
16 there are current discussions at the federal level to
17 increase that to possibly \$85 per ton. So lots of
18 incentives there. For enhanced oil recovery it's about
19 \$35 per ton. So the incentives are higher in regards to
20 the storage.

21 BOARD MEMBER DEURLOO: Follow-up question.
22 So we're charging seven cents, and they're going to get an
23 80 -- \$50 -- so I can see the incentive for sure.

24 Okay. Well, in the world of -- I'm an industry
25 rep, so I can't -- I need to be careful how I state this.

1 But, you know, the boom and bust economy, that's not a bad
2 idea to store up when you can. I'll leave it at that.

3 MS. ZYGMUNT: Well, and if I can add a
4 comment. Again, when the operator is injecting, they have
5 to carry significant financial assurance.

6 BOARD MEMBER DEURLOO: Absolutely.

7 MS. ZYGMUNT: Have to carry -- it's a very,
8 very robust procedure for them to do risk assessment and
9 establish bonds and financial assurance during the time
10 they are ability and responsible during the permit term.

11 And, again, this special revenue account is just
12 funding for long-term maintenance of that site. And I just
13 wanted to note that because there was confusion as we
14 worked through this discussion during legislature. The
15 special revenue account isn't the sole financial backup.
16 During the time they are carrying an active permit, they
17 have to carry financial assurance for any unforeseen
18 circumstances. I know that doesn't directly address your
19 questions, but it -- there are I think some very well
20 thought-out processes in terms of the financial
21 responsibility of the company while they're injecting, and
22 then what the role of the special revenue account is.

23 BOARD MEMBER DEURLOO: I understand.

24 MS. ZYGMUNT: Again, we think seven cents
25 per ton is appropriate, but, again, this is going to be a

1 long-term process. And if we have reason to believe in the
2 future that's not sufficient, I would imagine we'll be back
3 before you with rules revisions at that time.

4 BOARD MEMBER DEURLOO: I've connected the
5 dots in my head. Thank you.

6 ACTING CHAIR CAHN: Where are the fees
7 assessed? The seven cents, where is that written in the --

8 MS. ZYGMUNT: So Madam Chairwoman, the
9 process, as outlined, again we have the seven cents per ton
10 established in the rule. Per reporting requirements under
11 Chapter 24, two times per year they need to submit a report
12 to us that will tell us how many tons of carbon dioxide
13 they've injected. So once per year we will send them an
14 invoice just multiplying that per-ton fee times the number
15 of tons to come up with the assessed amount that they need
16 to pay for that calendar year.

17 ACTING CHAIR CAHN: So to change that fee,
18 then you come back before the Water and Waste Advisory
19 Board to go out.

20 MS. ZYGMUNT: Correct. It would be a rule
21 revision that we would bring before the Board, per our
22 normal procedure.

23 ACTING CHAIR CAHN: Thank you.

24 BOARD MEMBER DEURLOO: I have no further
25 comments, Madam Chair. Thank you.

1 BOARD MEMBER COCHRAN: I'm good.

2 ACTING CHAIR CAHN: Any more Board
3 questions? Discussions?

4 Hearing none, I'd entertain a motion.

5 BOARD MEMBER DEURLOO: Let's see what to --
6 let's discuss what we want to move here.

7 ACTING CHAIR CAHN: I'm assuming you would
8 like to have us recommend that this go forward to EQC, with
9 the suggested changes that you have made and not
10 necessarily -- you'll look at the changes we suggested, but
11 some of them can't be done. So without the ones that would
12 affect the def -- or discussions of other rules.

13 I think Brian had some moving, and you have some
14 changes. So I'm assuming that's what you're looking from
15 us is a motion that would move this forward with the
16 changes as discussed to EQC.

17 MS. ZYGMUNT: That is correct.

18 BOARD MEMBER DEURLOO: Okay. I move that
19 we approve this -- we approve Chapter 9 to be forwarded to
20 the Environmental Quality Council with the suggested
21 changes from this Board, as well as the additions to the
22 chapter as they may become necessary through new
23 legislation.

24 ACTING CHAIR CAHN: And I would just
25 discuss our Board cannot approve, so I would just change

1 the language you used to recommend.

2 BOARD MEMBER DEURLOO: Fair enough.

3 BOARD MEMBER COCHRAN: I would second.

4 ACTING CHAIR CAHN: Any further discussion?

5 I have a motion on the table. All in favor say aye.

6 BOARD MEMBER COCHRAN: Aye.

7 BOARD MEMBER DICKSON: Aye.

8 BOARD MEMBER DEURLOO: Aye.

9 ACTING CHAIR CAHN: Aye.

10 Motion carries. Thank you.

11 MS. ZYGMUNT: Madam Chairwoman, next on the
12 agenda would be about a 20-minute presentation from Lindsay
13 Patterson and David Waterstreet about Chapter 1. We can
14 continue on. Lindsay and David are joining virtually. We
15 can start that presentation now or we can take a break.

16 ACTING CHAIR CAHN: I would like a
17 five-minute break, if we could. So we'll come back at
18 10:15.

19 (Meeting proceedings recessed
20 10:08 a.m. to 10:17 a.m.)

21 ACTING CHAIR CAHN: We're back on the
22 record. And Lindsay Patterson will be giving us a
23 presentation on Water Quality Rules Chapter 1. Thank you.

24 MS. ZYGMUNT: Go ahead and take it away,
25 Lindsay.