

WWAB Meeting

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WYOMING WATER AND WASTE ADVISORY BOARD

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RE: WATER AND WASTE ADVISORY BOARD MEETING  
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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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1 P R O C E E D I N G S

2 (Meeting proceedings commenced

3 9:06 a.m., March 15, 2022.)

4 ACTING CHAIR CAHN: Call this meeting to  
5 order, the Water and Waste Advisory Board for the state of  
6 Wyoming on the 16th of March.

7 BOARD MEMBER DEURLOO: 15th.

8 ACTING CHAIR CAHN: 15th of March. Oh,  
9 dear. Thank you.

10 I don't know if, Jennifer, you want to start off.

11 I would --

12 MS. ZYGMUNT: Sure.

13 ACTING CHAIR CAHN: I would -- actually,  
14 maybe just real quick. Our Board Chair Alan Kirkbride  
15 passed away recently, and I just thought -- we thought it  
16 would be nice to have a moment of silence for Alan.

17 (A moment of silence was observed.)

18 ACTING CHAIR CAHN: And I would like to  
19 invite -- if anybody on the Board would like to say  
20 something, please feel free or anybody in DEQ.

21 BOARD MEMBER DEURLOO: I'd just say he was  
22 a good guy. We joined the same day on the Board. We were  
23 Leadership Wyoming classmates. He was a gentle giant. Had  
24 the biggest hands I ever shook, I think, or darn near. He  
25 was a rancher, a gentleman, a Christian, and all-around

1 good guy, so I'll miss him.

2 BOARD MEMBER COCHRAN: He'll be missed.

3 MS. ZYGMUNT: Agreed. We'll miss his  
4 leadership and his kindness and his support for  
5 conservation and natural resources in Wyoming. He was a  
6 no-nonsense guy, and I'm sure he'd want us to continue on  
7 with the business today, and we look forward to the  
8 discussion, but we will miss him deeply. So thank you for  
9 the comments.

10 BOARD MEMBER DEURLOO: Thank you.

11 ACTING CHAIR CAHN: He was really  
12 thoughtful, kind, and fun to work with, and I just really  
13 enjoyed the good, kind person, so we will miss him.

14 Okay. With that, I think we'll do introductions,  
15 and then I'll turn it over to Jennifer.

16 So I'm Lorie Cahn. I'm the acting chair  
17 representing the public at large.

18 BOARD MEMBER COCHRAN: Jim Cochran,  
19 representing local government.

20 BOARD MEMBER DEURLOO: I'm Brian Deurloo.  
21 I represent industry.

22 BOARD MEMBER DICKSON: I'm Brian Dickson,  
23 representing the public at large.

24 MS. ZYGMUNT: Thank you, Madam Chairwoman.  
25 I'll do some DEQ introductions. My name is Jennifer

1 Zygmunt. I am the Water Quality Division Administrator.

2 MS. BARKAU: Lily Barkau, Groundwater  
3 Section Manager in the Water Quality Division.

4 MS. THOMPSON: Gina Thompson, Water Quality  
5 Division Policy and Planning Analyst.

6 MS. ZYGMUNT: And also in the room with us  
7 today we have Keenan Hendon, who is our Water and  
8 Wastewater Section Manager. And Anthony Rivers, also in  
9 the Water and Wastewater Section. They'll be presenting to  
10 us later on today regarding Chapter 12.

11 Via Zoom we will have Lindsay Patterson, our  
12 Standards Program Manager, and David Waterstreet, our  
13 Watershed Section Manager, to talk about Chapter 1 as well.

14 And then to note a couple other people. We have  
15 Nicole Budine, who is Water Quality Division's Attorney  
16 General. And then we also have Jim Peters on via Zoom. He  
17 is the Attorney General for the Board. So he is here to  
18 help with any questions that the Board may have  
19 procedurally. So please know that he is here as a resource  
20 as well.

21 So Madam Chairwoman, I think that covers  
22 introductions. At this point I would suggest to the Board  
23 that we could talk about elections and what the Board's  
24 preference to do there. If you would like to have  
25 reelections at this time or wait until we have a full board

1 again.

2                   ACTING CHAIR CAHN: Open it up for  
3 discussion. I think the two ideas on the table are to wait  
4 until we have a full board and Alan is replaced, or elect  
5 officers at this point. So open up for discussion.

6                   BOARD MEMBER COCHRAN: I guess I have to  
7 start with a question. What's the time frame typically to  
8 replace a board member?

9                   MS. ZYGMUNT: It depends. The governor's  
10 office is aware of the vacancy. Sometimes the governor may  
11 have a candidate in mind, otherwise we will be suggesting  
12 candidates to the governor's office. So I'll put the word  
13 out now that if you have suggestions for a good replacement  
14 for the Board, please feel free to pass those names on to  
15 me and we'll give them to the governor's office.

16                   Once they have candidates, I've generally found  
17 it may only take them a few weeks to review the nominations  
18 and make a decision. I would anticipate by the June -- or  
19 second quarter meeting we could have a replacement onboard.

20                   ACTING CHAIR CAHN: I would also like to  
21 add that it has taken over a year sometimes to replace  
22 board members. So just keep that in mind, that it doesn't  
23 necessary -- it'd be nice if it happened quickly, but  
24 doesn't necessarily.

25                   BOARD MEMBER DEURLOO: And point of

1 clarification on that board member. They can be  
2 nonpartisan now, so it doesn't matter if it's Republican or  
3 Democrat. And should be coming from agriculture, correct?

4 MS. ZYGMUNT: Correct. Right.

5 ACTING CHAIR CAHN: So does the  
6 conservation district count, if somebody was on the  
7 conservation district for agriculture?

8 MS. THOMPSON: I think it's just anyone  
9 whose background or job is related to agriculture. So the  
10 previous agriculture representative had been affiliated  
11 with -- hold on. I'm sorry. Apparently it's muted.

12 Thank you, Jim, for pointing that out. I believe  
13 for the discussion we're discussing reappointment of -- or  
14 appointments of the vacancy.

15 And so the agricultural representative, the  
16 previous gentleman was affiliated with one of the sugar  
17 factories in the state. So I don't -- I don't know if he  
18 was a grower or if he was just affiliated. So I think it's  
19 anyone in ranching or agriculture in general, which, you  
20 know, that's a good wide open sector, so hopefully we'll  
21 have a quick appointment, because there's more applicants  
22 and that kind of thing.

23 ACTING CHAIR CAHN: Any Board discussion?

24 BOARD MEMBER DEURLOO: If you're okay as  
25 the acting -- Madam Chairman, if you're okay as the acting

1 chairman for a while, I'm okay with delaying the vote for  
2 doing a vote on officers for the Board, if you're okay.

3 BOARD MEMBER COCHRAN: I would propose we  
4 put it on the agenda for the next meeting, and if we have  
5 somebody, that will be great. Otherwise, if it's going to  
6 drag on, we'll move forward.

7 ACTING CHAIR CAHN: Brian, any thoughts?

8 BOARD MEMBER DICKSON: This is Brian  
9 Dickson. I'm willing to wait until we have a full board.

10 ACTING CHAIR CAHN: Okay. So I have two --  
11 I hear two ideas on the table. One, wait for a full board,  
12 and one is to do it -- put it on the agenda for the next  
13 meeting. So do I have a motion?

14 BOARD MEMBER DEURLOO: I move that we  
15 conduct business in today's meeting with the Board as  
16 currently structured. And -- and open the discussion for  
17 voting for executive members of the board next meeting.

18 ACTING CHAIR CAHN: Okay. Do I have a  
19 second?

20 BOARD MEMBER COCHRAN: Second.

21 ACTING CHAIR CAHN: Discussion? Okay. All  
22 in favor of the motion say aye?

23 BOARD MEMBER COCHRAN: Aye.

24 BOARD MEMBER DEURLOO: Aye.

25 BOARD MEMBER DICKSON: Aye.



1                   ACTING CHAIR CAHN: Aye. The motion  
2 carries. We'll have this on the agenda at the next  
3 meeting, and in the meantime I'll act as the acting chair.

4                   MS. ZYGMUNT: Okay. Madam Chairwoman,  
5 continuing on. So just a real brief review of the plans  
6 for today. We have three rules to talk to you about. We  
7 will start with Chapter 29, which is a new rule, a fairly  
8 short one that I think we can get through pretty quickly,  
9 involving carbon sequestration permit fees.

10                  After that we'll take a break and hear from the  
11 watershed section about Chapter 1, which is our Surface  
12 Water Quality Standard. We're not going to get into  
13 proposed revisions on that chapter today, but that is a  
14 foundational rule to the Water Quality Division. So I  
15 asked Lindsay and David to start doing some 101 with the  
16 Board to get you prepared to see the changes with that  
17 rule, because they will be extensive. So I think it's a  
18 good opportunity to start reviewing that rule and why it is  
19 important to the Division.

20                  And then we will wrap up with a second  
21 presentation on Chapter 12, which is our Design and  
22 Construction Standards for Public Water Supplies, which we  
23 talked about in December, and we will walk through  
24 presentation and go through the summary of revisions and  
25 response to comments that we have prepared for you.

1           So that is the goal for today. We can see how  
2 the agenda goes and whether or not we go through lunch, and  
3 we can make plans accordingly at that time. But we --  
4 again, we look forward to the discussion on all three of  
5 those rules. These are all good rules. We feel we have  
6 good products, and we look forward to your input and advice  
7 on how we move forward.

8           Before we get into the rules, I did want to take  
9 an opportunity at the beginning of this meeting to just let  
10 the Board know about some concerns I have in both my role  
11 as the executive secretary for the Board and as the Water  
12 Quality Division Administrator. It has come to my  
13 attention that in the recent past we have had several  
14 instances of board members reaching out to Water Quality  
15 Division staff who aren't involved in the rulemaking  
16 projects with questions or concerns about the rules, and --  
17 without notifying me first. And this has been causing a  
18 few problems that I just wanted to discuss with you.

19           First, and simply put, it does undermine my  
20 authority as the administrator to bring rules before this  
21 Board. And I think it also undermines the authority and  
22 the action of this Board to provide advice to us on these  
23 rules before I make a recommendation to the Director to  
24 proceed forward with formal rulemaking.

25           The staff who have been contacted may not have

1 full access to the range of information that I use to make  
2 any decisions in terms of a rule that we bring before you  
3 and a rule that we bring to the Director. And while  
4 they're trying to be helpful in providing information,  
5 again, it may not be the most accurate information to  
6 inform the Board on what we're proposing to move forward  
7 with. It can put them in an awkward spot in that they,  
8 again, want to be helpful, but they may not have the right  
9 information and it could cause confusion. And my concern  
10 is that can cause delays with rulemaking, potentially  
11 overturning years of work that we've put into a rulemaking  
12 decision.

13           Finally, that kind of communication can be  
14 considered ex parte contact or biased decision making. I  
15 do not want to get into the ins and outs of that, but refer  
16 State of Wyoming Board Handbook and some executive orders  
17 that speak to ex parte contacts specifically. Namely, that  
18 if that kind of contact occurs, we may need to read it into  
19 the administrative record. And that's just in the interest  
20 of transparency and making sure that we have unbiased  
21 decision making. So my request to you all is that if you  
22 have questions or concerns, please notify me first. And if  
23 you can't get ahold of me, contact the section manager. We  
24 are more than happy to have that conversation, and we'll  
25 bring in the appropriate staff to have those questions

1 answered.

2           And, again, this is will just make sure we're  
3 following appropriate procedures, documenting things  
4 appropriately, maintain transparency, giving you guys the  
5 right information so that we make effective use of your  
6 time in the time that we have for discussion at these board  
7 meetings.

8           So that is the message I wanted to convey in my  
9 briefing to you all. I appreciate your attention, and I'm  
10 happy to open it up for questions briefly this morning. I  
11 don't want to spend a lot of time discussing this, but I'm  
12 also available offline if we have any questions or concerns  
13 about appropriate procedures as we work through these  
14 rules. Again, having that discussion is not a problem.  
15 There's just an appropriate way to do it to make sure my  
16 staff are protected and you guys, as board members, are  
17 protected in your authority to act under the Environmental  
18 Quality Act.

19           So, Madam Chairwoman, that's the briefing I have  
20 to give you all today, and so I'll stop there, and glad to  
21 take any questions, if there are any.

22           ACTING CHAIR CAHN: I have a question  
23 about -- so if we have a question for staff, we contact  
24 you. You'll then bring in the appropriate -- the  
25 appropriate people, or can we request certain people come

1 in, whether or not they're working on it directly or not --

2 MS. ZYGMUNT: Absolutely.

3 ACTING CHAIR CAHN: -- if they have the  
4 expertise?

5 MS. ZYGMUNT: Yeah. If you know of  
6 somebody within the Division that you would like to be part  
7 of that conversation, please let me know when you notify  
8 me, and we can bring in those staff into the conversation,  
9 if you feel they could help address questions and concerns.  
10 That's not a problem.

11 ACTING CHAIR CAHN: Okay.

12 MS. ZYGMUNT: But then, you know, I and the  
13 section manager can be there to make sure that in addition  
14 to what that staff knows, you also have the information  
15 that I've incorporated into my decision making to the  
16 Director.

17 ACTING CHAIR CAHN: Then I had another  
18 question kind of related to that. On the website -- you  
19 know, I represent the public at large. And on the website  
20 there's no way to contact any board members directly.

21 MS. THOMPSON: That's correct.

22 ACTING CHAIR CAHN: Can you just go over  
23 that again for the new board members why that is?

24 MS. THOMPSON: Sure. So that goes back to  
25 the ex parte concerns as well. Because if someone from the

1 public is contacting you, there's -- there's no anonymity  
2 when we're getting questions and comments from the public.  
3 If they want to contact you, it has to be transparent and  
4 in the public eye. And so we've set it up to where we have  
5 one uniform email address that we use to communicate with  
6 you. But if a member from the public wanted to contact you  
7 directly, they would be able to send an email to that  
8 address, but it ensures that all of you get it at the same  
9 time and that the Division is aware of what the comment is  
10 as well.

11           So everybody gets all the same information at the  
12 same time. It also protects your privacy a little bit,  
13 depending on your level of concern. Before -- you know, at  
14 one point we had all of your physical addresses and your  
15 direct phone numbers on there. And like the agency's  
16 approach for all the advisory boards -- and this is  
17 consistent with the Environmental Quality Council's  
18 approach as well -- is to have a uniform email address, to  
19 not post all of your private information, your contact  
20 information, directly on the website and to make sure that  
21 when one of you is being contacted, you're all being  
22 contacted at the same time.

23           BOARD MEMBER COCHRAN: Madam Chair, I have  
24 a question. A little clarification on that. But we're  
25 okay to reach out to entities that we're representing?

1 Like if I see a comment placed by the Town of Guernsey on  
2 something, I can contact them and get clarification or no?

3 MS. ZYGMUNT: I'm not aware of any concerns  
4 with that.

5 Jim Peters, if you're available to weigh in on  
6 that question, you might be the more appropriate resource  
7 to answer that question.

8 MR. PETERS: Yeah. Happy to chime in  
9 there.

10 I think that communication is fine, but the  
11 important piece, as Gina mentioned, is making sure that  
12 what the results of that communication do become part of  
13 the record. So if you do have communications with entities  
14 related to proposed rules that are outside of the process,  
15 what would be important is that we summarize the contents  
16 of those communications and share that with the  
17 administrators and staff and the fellow board members just  
18 to make sure that they're aware of the communication that  
19 occurred and that it is part of the administrative record.

20 BOARD MEMBER COCHRAN: Thank you.

21 BOARD MEMBER DEURLOO: Madam Chair, may I  
22 ask a question?

23 ACTING CHAIR CAHN: Yes.

24 BOARD MEMBER DEURLOO: Thank you. I hear  
25 you loud and clear on that. Thank you for that

1 clarification. I appreciate it.

2           May I ask a -- just a brief answer. What steps  
3 do you take to take onboard comments from your general  
4 staff? Like if you open up Chapter 12, and, you know,  
5 these folks have been in the field implementing these rules  
6 for the last couple decades, some of them, what steps do  
7 you take to say, Hey, folks, we're going to open this up.  
8 What comments do you have? If you give me an overview on  
9 that, please.

10           MS. ZYGMUNT: Yeah. Thank you for that  
11 question. We do consult heavily with all the appropriate  
12 staff, and that includes staff who you see before you at  
13 these board meetings and staff that don't come to these  
14 board meetings. As an example, for Chapter 12, which we  
15 talked about -- and Keenan will get into this in his  
16 presentation -- we spent several years with most of the  
17 engineers in water and wastewater section having an  
18 opportunity to weigh in on that chapter. Their feedback is  
19 heard, and I take it very seriously. It is very valuable.  
20 If I don't incorporate it into the final decision, it  
21 doesn't mean that it hasn't been heard, it's just been  
22 factored in along with other feedback that I've heard  
23 before to make a decision.

24           So it is standard for -- when we start the  
25 rulemaking process, to have kind of an internal scoping



1 session with staff throughout the section, not just the  
2 section manager, but the folks that are involved in  
3 implementing these rules on a day-to-day basis do get an  
4 opportunity to weigh in on the process as we draft the new  
5 rules.

6 BOARD MEMBER DEURLOO: Excellent. Thank  
7 you.

8 ACTING CHAIR CAHN: I have a question.  
9 What about in a situation where somebody doesn't feel that  
10 they're being heard, and they become like a whistleblower,  
11 let's say. So how are they then protected? How does that  
12 work, and maybe James can help us with this. But how are  
13 they protected, if they have tried and they don't feel like  
14 they're heard, what are the options and -- so...

15 MS. ZYGMUNT: If I understand your question  
16 correctly, you know, staff are always welcome to approach  
17 their supervisor, section manager or me with concerns.  
18 Again, I take those concerns very seriously. I take their  
19 feedback very seriously. And, again, that is weighed into  
20 final decisions that are made.

21 I support open communication with staff, and they  
22 have an opportunity to provide their feedback. But, again,  
23 per the Environmental Quality Act, it is my authority as  
24 administrator to take all that feedback and make a final  
25 decision about the content of the rules that we bring

1 before you and then the content of the rules I recommend  
2 the Director move forward with the formal rulemaking.

3 So I think that's the best way I can answer your  
4 question, Lorie, is that --

5 ACTING CHAIR CAHN: I'm not sure that  
6 answers the question. So, you know, I know that  
7 whistleblowers are protected. So what if -- if something  
8 moves into that kind of a situation, where they're not  
9 feeling like they're heard and they want to, you know, go  
10 outside as a -- like whistleblowing -- whistleblowers are  
11 protected, at least federally. I don't understand how that  
12 works necessarily.

13 MS. ZYGMUNT: Okay. I understand your  
14 question. And I don't know if one of our attorneys can  
15 speak to state laws about whistleblowers. I don't have any  
16 further information at this point in terms of state laws.

17 BOARD MEMBER DEURLOO: James? James is the  
18 attorney; is that right?

19 ACTING CHAIR CAHN: James, can you weigh  
20 in, please?

21 MR. PETERS: Yeah, I'm not sure I have a  
22 whole lot to add at this -- as I understand, I think the  
23 question is if there's, you know, a member of staff that  
24 potentially has concerns with the rules and those concerns  
25 are raised in the appropriate channels. Is your question

1 what -- what is sort of the remedy if that staff member  
2 feels that those concerns haven't been heard? Am I  
3 understanding the question properly?

4 ACTING CHAIR CAHN: Yeah, that's correct.  
5 So if they're -- they become, let's say, a whistleblower --  
6 I'll just use that term, because we all understand what  
7 that means -- and they want to go outside of DEQ, come to  
8 the Board or whatever, is that -- are they protected or is  
9 that not allowed or -- I dont know how that works in the  
10 state of Wyoming.

11 MR. PETERS: That is a great question that  
12 unfortunately I'm not sure I'm able to provide a lot of  
13 color on at this point. But I think as Administrator  
14 Zygmunt mentioned, I think the -- you know, the appropriate  
15 process would be to run that through the agencies, up the  
16 chain of command, essentially, within the agency, within  
17 DEQ.

18 I know that doesn't directly answer your  
19 question, but I'm not sure I've got a whole lot to add, and  
20 I apologize at this point.

21 MS. ZYGMUNT: I know it's not answering  
22 your question directly, Madam Chairwoman, but I can assure  
23 you that it is my policy and the agency's policy to have an  
24 open chain of command, and we encourage that communication.  
25 There is a chance to provide input, but at some point if

1 the decision makers need to make a decision, documentwide,  
2 go through this process with the advisory board, public  
3 notices and the EQC to get further feedback on the rule.  
4 So recognizing broader concerns about whistleblowers, I  
5 think we avoid that situation by having the open chain of  
6 command that we do, and open communication that is  
7 supported by myself and the Director.

8                   ACTING CHAIR CAHN: And I appreciate that,  
9 but I would like maybe, James, you could get back to us on  
10 kind of whistleblower, you know, in the event that somebody  
11 doesn't feel heard, you know, going through the channels,  
12 what kind of protection, you know, there is for  
13 whistleblowers. Just if you can get back to us, James, on  
14 what happens in the state of Wyoming. I appreciate that.  
15 Thanks.

16                   MS. ZYGMUNT: Okay. We will go ahead and  
17 move on to the next agenda item, which will be Chapter 29.  
18 The Board has the proposed rule. Again, you will be  
19 pleased to note this is only a two-and-a-half-page rule, so  
20 it should be a fairly straightforward discussion, but we  
21 are looking forward to talking with you about this proposed  
22 rule.

23                   This is a new rule that establishes injection and  
24 closure fees associated with carbon sequestration  
25 facilities, also known as Class VI Underground Injection

1 Control Wells. Very simply put, carbon sequestration is  
2 the process of injecting carbon dioxide into underground  
3 geologic formations for purposes of long-term storage.

4 As a reminder, Wyoming is the second state in the  
5 nation to have primacy to permit these Class VI wells. We  
6 are very proud of that primacy. North Dakota is the other  
7 state. And the Board reviewed not too long ago Chapter 24,  
8 which is the rule we have to establish the Class VI  
9 permitting process.

10 Wyoming Statute 35-11-13 gives DEQ the authority  
11 to promulgate rules for these injection and closure fees.  
12 And these fees can include a per-ton injection fee or  
13 closure fee during the time that the owner or operator is  
14 injecting carbon dioxide.

15 The funds from the fees go into what is called  
16 the special revenue account, which is also authorized by  
17 statute. And those funds are to be used by the State after  
18 the site closes, the permit is terminated, and then the  
19 State is responsible for long-term monitoring, measurement,  
20 verification of the site. So the funds that go into the  
21 special revenue account are only used for that purpose.

22 Interest in carbon sequestration is high. We  
23 have received one application to date. We are anticipating  
24 more. Lily is fielding quite a few calls from interested  
25 companies, so we do feel it is important to get this rule

1 on the books to make sure once people start injecting, we  
2 are collecting the appropriate fees so we can fund that  
3 special revenue account so the state can do its job after  
4 site closure.

5 I will note that we did not receive any public  
6 comments on this rule. And, finally, I will note that we  
7 will propose a couple additional revisions to the rule  
8 today based on some legislation that was proposed this year  
9 and did pass. That legislation, without getting into too  
10 much detail, was related to long-term liability of these  
11 carbon sequestration sites. So not directly within the  
12 scope of our authority, but it is indirectly related to our  
13 permitting process and site closure, and indirectly related  
14 to these permit fees.

15 So based on some of these discussions that came  
16 out during that bill and its review, we have proposed a few  
17 additional minor revisions to our rule to further  
18 strengthen it with regards to the discussions about  
19 liability. That bill has not yet been signed. We do  
20 anticipate the governor will sign it. If the bill does not  
21 get signed, it is very easy for us to pull out that  
22 language as needed. So we'll pull that up on the screen  
23 and walk you through the additional language that we will  
24 add at that point.

25 But let me stop there, and let me turn it over to

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.

1 MS. PATTERSON: Thanks. Good morning,  
2 Madam Chairwoman, Member of the Board and everyone else in  
3 attendance. I'm Lindsay Patterson, as they mentioned.  
4 Hopefully you can hear me okay. Please let me know if you  
5 cannot hear me. Okay. Speak louder?

6 BOARD MEMBER DEURLOO: No. You're good.

7 MS. THOMPSON: You're good.

8 MS. PATTERSON: Okay. Sorry. Your thumbs  
9 are small.

10 Yes, it's good to see many of you, familiar  
11 faces, and I'm looking forward to talking to the Water  
12 Quality Standards with you today and a bit more as time  
13 goes on. We just wanted to give you very high-level  
14 overview of the Water Quality Standards. None of the  
15 specifics yet. We're still in the process of developing  
16 proposed revisions, so hopefully this will help set the  
17 stage for our later conversations.

18 So at their most basic, the Surface Water Quality  
19 Standards, they provide water quality protections for all  
20 Surface waters of the state. So those are from our  
21 smallest ephemeral streams, you know, up to our largest  
22 rivers and reservoirs. So the primary ways that we use the  
23 surface Water Quality Standards are to develop effluent  
24 limits for point source discharges. Those are captured,  
25 the rules in Chapter 2, for instance.

1           And then to develop best management practices for  
2 nonpoint sources of pollution. And we used standards to  
3 determine attainment, whether the standards are being met  
4 or not. And in cases where the standards are being met, we  
5 can use them for protecting our surface waters to make sure  
6 that they stay that way. And if the standards are not  
7 being met, we can use them to -- for restoration planning.

8           So that would identify do we need to revise the  
9 effluent limits that we have for the existing point  
10 sources? Do we need additional or new best management  
11 practices? So those are the primary ways that we are using  
12 the standards. So like many of the other rules that you  
13 guys are talking about that implement both federal and  
14 state regulations, so the Environmental Quality Act, you  
15 guys are well aware, lays out the Administrator will make  
16 recommendations to the Director, specifically related to  
17 Water Quality Standards, the federal Clean Water Act and  
18 implementing regulations for the Clean Water Act, those  
19 provide a lot of the framework for the Water Quality  
20 Standards, sort of the essential elements. So when we  
21 develop the standards, we're going to keep an eye towards  
22 both the Environmental Quality Act and federal Clean Water  
23 Act.

24           So the Clean Water Act lays out a couple of  
25 unique elements that are maybe a little different than the



1 other chapters that you see. So the Clean Water Act  
2 requires that we review our Water Quality Standards at  
3 least every three years. That's known as triennial review.  
4 So we'll hear that word constantly when we talk about  
5 revising Water Quality Standards, only to come to visit you  
6 guys fairly frequently as we adhere to the requirements in  
7 the Clean Water Act.

8           And the Clean Water Act also has an EPA approval  
9 process associated with it, which does make it a little bit  
10 different. The Clean Water Act lays out that states need  
11 to submit their Water Quality Standards for EPA review, and  
12 that the Clean -- the standards aren't effective for Clean  
13 Water Act purposes until they're approved by EPA. And then  
14 in circumstances is where the standards fail to meet the  
15 requirements of the Clean Water Act, EPA can promulgate  
16 standards for states.

17           So back to the framework provided by the Clean  
18 Water Act and the implementing regulations essentially lay  
19 out that the standard should include three main components.  
20 Those are designated uses, water quality criteria, and  
21 antidegradation provisions. And then implementing  
22 regulations you also talk about the standards can include  
23 implementation methods. So we'll walk through each of  
24 these different components.

25           So the designated uses in the Water Quality

1 Standards are essentially what uses we have for the waters,  
2 what goals we establish, and they may not be goals that the  
3 water body is currently achieving. And Clean Water Act use  
4 this terminology of attainment, so they make -- these goals  
5 may not currently be attained.

6           So in Wyoming, the way that our rules are  
7 structured, we have the designated uses laid out across the  
8 top of this table. Drinking water. We have a game fish  
9 use that includes cold water and warm water subcategories.  
10 We have a nongame fish use, a fish consumption use,  
11 aquatic -- other aquatic life. We have recreational uses  
12 to subcategories, primary contact and secondary contact,  
13 wildlife, agriculture, industry, and scenic value uses. So  
14 those are our designated uses in Wyoming.

15           And then we apply those designated uses to  
16 surface waters using a classification system. So you can  
17 see the classes down the left side of the table. So  
18 there's 13 different classes in our Water Quality  
19 Standards. And essentially you can identify which  
20 designated uses apply to particular water bodies if you  
21 know the classification. So if a water body is a 2AB, warm  
22 water, you know, it's designated for drinking water, warm  
23 water game fish, nongame fish, consumption, and so on. So  
24 it's a good way to, you know, sort of structure the  
25 standards so you don't have to list out all of these uses.

1           So the way that the standards lay out of how you  
2 will identify which designated uses, which classifications  
3 apply to particular water bodies is in the Wyoming Surface  
4 Water Classification list. So it's a large document that's  
5 outside of the Chapter 1 -- outside of the rule, that --  
6 here's an example. You can see from the Belle Fourche  
7 drainage, you can see that the Belle Fourche River is  
8 designated as a 2AB warm water, so we know what uses are  
9 assigned to that particular water body based on its  
10 classification. And you can see some of the tributaries to  
11 the Belle Fourche River, Owl Creek, Crow Creek, they're 3B  
12 waters, so we know what designated uses apply to those  
13 designated water bodies.

14           So the Water Quality Standards also lay out the  
15 process for modifying designated uses and provide a process  
16 for the administrator to add or remove uses or to change a  
17 classification after taking public comment, and then also  
18 after completing a use attainability analysis, which is  
19 required under the Clean Water Act. Essentially,  
20 scientific assessment of the factors that affect attainment  
21 of uses. The Clean Water Act regulations lay out six  
22 different factors that you can use to modify uses. And so  
23 those are part of the UAA, use attainability analysis,  
24 process.

25           The regulations also lay out that at a minimum,

1 we have to protect existing uses on a water body. So if  
2 there is aquatic life in a water body, it has to be  
3 protected. That's just sort of as a minimum bar. And  
4 other requirements that we have to take into consideration,  
5 attainable uses.

6 And then just like the Water Quality Standards,  
7 many changes to designated uses are submitted to EPA as a  
8 revised Water Quality Standard. It's just that that  
9 process can happen outside of the rulemaking process, and  
10 you can make updates to that classification list outside of  
11 the rulemaking process.

12 So now that we've covered very briefly designated  
13 uses, we'll move on to water quality criteria. So water  
14 criteria also specified in Chapter 1 are the concentrations  
15 of pollutants or narrative statements that we have in the  
16 standards that are directly assigned with the designated  
17 uses. So we have these criteria that have to protect the  
18 designated uses. In some cases, it's not going to be  
19 appropriate for us to develop numeric criteria, like  
20 concentrations of pollutants. We're going to use a more  
21 general narrative for statements of things that might be  
22 more challenging to derive a specific numeric threshold to  
23 protect the use.

24 So similar to designated uses, water quality  
25 criteria can also be modified, and that's laid out in

1 Chapter 1. And that process, similarly the Administrator  
2 may make recommendations to the Council, but unlike  
3 designated use changes, which can occur outside of the  
4 rulemaking process, water quality criteria changes are made  
5 through the rulemaking process. But similar to designated  
6 use changes, they require the completion of a use  
7 attainability analysis because the water quality criteria  
8 and designated uses are so closely coupled they have to  
9 basically mirror one another. So if you're modifying the  
10 criteria you want to make sure that it's protective of an  
11 attainable use.

12 So that's criteria. And so moving on to  
13 antidegradation provisions. These are essentially the  
14 provisions in the Water Quality Standards that are intended  
15 to maintain and protect the water uses and water quality.  
16 They do provide for a lower net water quality, but only in  
17 certain circumstances. And these provisions are there to  
18 help meet, you know, the requirements of the Clean Water  
19 Act to restore and maintain water quality.

20 So there's three different tiers of  
21 antidegradation that are laid out in the federal  
22 regulations that are repeated in the Water Quality  
23 Standards. So Tier 1 are existing use protections. Tier 2  
24 are high-quality water protections. And then Tier 3 are  
25 existing water quality protections. And I'll just explain

1 each of those in turn so, again, we have kind of that basic  
2 understanding.

3           So the existing use protection -- some of this  
4 can get a little confusing, existing uses, existing  
5 quality, but hopefully this will make it clear. So  
6 existing use protection, basically the Clean Water Act lays  
7 out if a use exists on a water body or has existed since  
8 November 28 of 1975, we need to maintain that use and the  
9 level of water quality that's necessary to protect that  
10 use.

11           And this is sometimes considered kind of the  
12 floor of water quality protections, meaning that we can't  
13 go below that. That's kind of the minimum bar. We always  
14 have to protect that. And it applies to all waters  
15 regardless of, you know, what designated uses there are or  
16 what water quality criteria are applicable.

17           So the second Tier, the Tier 2, are high-quality  
18 water protection. It's a little bit different. It is  
19 specific to situations where the water quality is better  
20 than the Water Quality Standards, and so the intention here  
21 is to maintain that higher water quality except in  
22 circumstances we've gone through, basically a process to  
23 determine that lowering the water quality is going to be  
24 beneficial, you know, for some economic or social  
25 development as occurring in the area. So in that, water

1 quality is really necessary.

2           So in Wyoming, we apply that to all waters that  
3 are designated for drinking water and for fisheries. So  
4 that's our Class 2 waters. States can do it differently.  
5 They can apply it on a water-body-by-water-body basis.  
6 They can do it on a parameter-by-parameter basis. But in  
7 Wyoming we apply it to Class 2 waters. And so those water  
8 bodies are going to require an additional level of review  
9 before allowing new or increased sources of pollution.

10           So Tier 3 are existing quality protections. So  
11 this, again, will layer on top of the existing use  
12 protection. So existing quality protections are specific  
13 to water quality that was present at the time the water  
14 body was designated. So in Wyoming we apply these to our  
15 Class 1 waters.

16           These are Class 1 waters, otherwise known as  
17 outstanding aquatic resources in our policies. These  
18 waters are specifically designated by the Environmental  
19 Quality Council because they're, you know, something  
20 special in the state. They want to have unique protections  
21 applied to them and there's a number of levels of  
22 protection that are applied in the Water Quality Standards  
23 to make sure that we're maintaining the quality. So not  
24 just the uses, we have to maintain the water quality at the  
25 time it was designated.

1           So examples of these are things, like in Wyoming,  
2 national park waters are all Class 1 waters. Wilderness  
3 waters, as of 1999, those are all Class 1 waters, as are a  
4 number of other water bodies in the state that were  
5 specifically designated. I think the most recent  
6 designation happened around 1990. So that's our Class 1  
7 existing quality protections.

8           So now we've covered the three main components of  
9 Water Quality Standards laid out in the Clean Water Act and  
10 implementing regulations. The last component is  
11 implementation methods, which our water quality standards  
12 also include, but essentially these are the provisions that  
13 affect the enforcement application, you know, execution of  
14 surface Water Quality Standards.

15           So in our rules that includes things like how we  
16 are enforcing the standards. We have sections on mixing  
17 zones, testing procedures, how we determine, you know,  
18 flow, or developing effluent limits or looking at  
19 evaluating the standards, credible data requirements,  
20 something that comes over from the Environmental Quality  
21 Act, discharges of specific variances, something that's  
22 laid out until the federal regulations that we also provide  
23 a mechanism in our Water Quality Standards to do these  
24 time-limited modifications to the standards.

25           So that covers the main components of the Water



1 Quality Standards in the Clean Water Act and from the  
2 Environmental Quality Act. In terms of where we are in the  
3 rule revision process, we're currently determining kind of  
4 a scope, and we're working on a draft. I think Jennifer  
5 mentioned at the outset we're expecting the revisions to be  
6 substantive, as you guys have been seeing with your images.  
7 So we want to take our time, make sure, you know, we're  
8 proposing what we feel are appropriate revisions at this  
9 time to address comments that we've received through the  
10 scoping process from the Attorney General's Office.

11           Once we have a solid draft we'll do, you know,  
12 more internal review, make sure that the, you know, users  
13 of the Water Quality Standards are comfortable with the  
14 revisions that we're proposing, you know, make sure that we  
15 haven't overlooked any potential implications of what we're  
16 proposing. So we're looking forward to, you know, getting  
17 additional feedback from other staff.

18           We will have an EPA consultation. As I  
19 mentioned, EPA has a pretty critical role in the  
20 development, adoption, and approval of Water Quality  
21 Standards, so we'll involve them in the process as well.

22           Once we have a proposed draft, we'll come back to  
23 you guys at the advisory board for additional updates,  
24 probably, on more specifics with what we're proposing to  
25 change. And then at some point we will go through a formal

1 comment period and bring the proposed revisions before the  
2 Board.

3 So that is where we are with Chapter 1. I'm  
4 happy to answer any questions that you have.

5 MS. ZYGMUNT: Great. Thank you very much,  
6 Lindsay.

7 Let me first ask, if I may, David Waterstreet,  
8 whom you all know -- David, do you have any further  
9 comments you'd like to provide to the Board at this time?

10 MR. WATERSTREET: Not really particularly.  
11 The only thing I will comment on is the fact that you  
12 really have received just a very high level, a lot of  
13 generalities that is really the top level of our Water  
14 Quality Rules and Regulations. We will be bringing this  
15 back to you with much more detail, and we will make sure to  
16 provide the opportunity for you to get a good understanding  
17 of the rule before we start making decisions. So we'll be  
18 working with Jennifer on that.

19 But in the meantime, we wanted to just begin your  
20 thought process and just let you start to -- for those that  
21 have been familiar with our water quality rules, we do this  
22 on periodic basis. We wanted to give you a heads-up that  
23 we are in development right now. And that's all I have,  
24 Jennifer.

25 MS. ZYGMUNT: Thanks, David.

1           So great presentation, Lindsay. And, again,  
2 there is a lot packed into this rule. It is a very  
3 foundational rule for us. Decisions made in this rule  
4 affect other programs, primarily the point source discharge  
5 permitting program, WYPDES program. So, again, just an  
6 opportunity to get these terms out there. Again, start  
7 outlining the scope of what we'll be looking at before we  
8 bring the revisions to you.

9           Lindsay, David and others have done some very  
10 critical thinking and some very creative thinking on how do  
11 we best develop and revise Chapter 1 to make it more useful  
12 to ourselves and the public. So I'm excited to bring  
13 before you once we work through internal process and we'll  
14 continue with some 101, again, because there is so much of  
15 this rule that affects decisions for the state.

16           Any questions for Lindsay or David or thoughts on  
17 this chapter that we can answer for you now?

18           BOARD MEMBER COCHRAN: Madam Chair. I just  
19 have one question. Are there any new pollutants that you  
20 guys are considering standards for?

21           MS. PATTERSON: Yeah, that's a great  
22 question. We are -- because of the substantive nature of  
23 the changes, we're hoping to minimize the changes to the  
24 water quality criteria at this time, at least based on our  
25 initial discussions. So we want folks to be focused on

1 just, you know, the sort of content rather than the  
2 potential implications. We're trying to minimize the  
3 implications of the changes.

4 MR. WATERSTREET: And I'll just add, that's  
5 our beginning point. So for context, EPA provides guidance  
6 on values from time to time, and they have provided  
7 guidance on some criteria. However, we take that very  
8 seriously. We want to make sure we evaluate those very  
9 thoroughly. And then like Lindsay just mentioned, we do  
10 have some other substantive components of the rule that  
11 we're really wanting to focus on at this time. However, as  
12 we -- as we, Lindsay and myself, propose this up to  
13 Jennifer, we will have further conversation on the timing  
14 of the addressing any values that we have received as  
15 guidance from EPA.

16 ACTING CHAIR CAHN: So I have a question.  
17 If you find a stream that has been degraded since the last  
18 triennial review -- hard to say that -- would you then make  
19 changes to the designated uses, or would there be changes  
20 to the use attainability analysis? Because that was all  
21 fairly new three years ago, I think. The last time we did  
22 this, I think, is when I first saw that use attainability  
23 analysis, I think.

24 MS. ZYGMUNT: Sure. I'll take the first  
25 stab at answering that, and I think Lindsay can add more.

1 We've had use attainability analysis for years and years  
2 and years. It's kind of an evolving process in how we go  
3 about determining those. They can be challenging. In  
4 terms of if we monitor water body and decide that it's  
5 impaired or degraded and is not meeting standards, it goes  
6 on the 303(d) list, after which we then would pursue some  
7 kind of watershed planning effort, total maximum daily  
8 load, and then implement changes to point sources and  
9 nonpoint sources to address that, but in some cases we  
10 could consider site-specific criteria or looking at a UAA  
11 to make sure that they're appropriate designated uses. But  
12 Lindsay, help me out with the response there.

13 MS. PATTERSON: Sure. Yeah, are you  
14 talking, Lorie, about -- I'm sorry, Madam Chairwoman,  
15 apologies -- situations where water body may have changed  
16 since the uses were changed or --

17 ACTING CHAIR CAHN: Yeah, if -- you know,  
18 if you find a stream or a water body is becoming degraded  
19 by the uses that have been designated for it, what's the  
20 process for going about getting that changed if that -- is  
21 that going to be part of this triennial review or --

22 MS. PATTERSON: Yes. So we're required to  
23 review all the Water Quality Standards every three years.  
24 So when we solicit public comment, we open it up so that  
25 people can provide information. We wouldn't want to modify

1 the designated uses if a water body just had become  
2 degraded, you know, we would want to maintain the uses,  
3 whatever is attainable as part of the standards. So like  
4 Jennifer mentioned, if a water body is just degraded from a  
5 point source to nonpoint source, that's something we would  
6 want to address through our integrated report process,  
7 develop some kind of restoration plan for the water body.  
8 If through some other information you determine that the  
9 uses needed to be modified because of, you know, maybe it's  
10 hydrologically modified or, you know, something that  
11 prevents the water body from attaining the uses, that's  
12 where we would go in and modify the uses through the Water  
13 Quality Standards.

14 ACTING CHAIR CAHN: And how -- I'm not sure  
15 how to word this question. How much enforcement, like  
16 checking up on water bodies or enforcement, or is it more  
17 based on -- on -- let's see. Do you have a set number of  
18 streams or water bodies that you would go to to check, or  
19 do you rely on somebody providing information to you that  
20 there's a problem?

21 MS. ZYGMUNT: Yes, Madam Chairwoman.  
22 That's a great question. And that could probably be a  
23 whole separate presentation that David can have his staff  
24 put together in our surface water monitoring program. In  
25 summary, though, they do some random probabilistic surveys

1 to kind of get a high-level sense of what's going on in the  
2 basin, and then we also do targeted studies to assess water  
3 bodies and whether or not they're meeting their uses.

4 Those assessments are, you know, pretty in-depth  
5 studies, but then we also consider data collected by other  
6 entities around the state. Conservation districts may  
7 collect data. USGS, we look at their monitoring data. So  
8 that's a great question.

9 And we, as a part of the 101 that we provide you  
10 on Chapter 1, we can have Jeremy Zumberge speak. He's our  
11 surface water monitoring program manager and might be able  
12 to give you better review about how we look at the state  
13 and do these assessments.

14 David, feel free to add anything here if you'd  
15 like to.

16 MR. WATERSTREET: Just two minor points  
17 that I'll add. And in addition to what Jennifer mentioned,  
18 we do also have compliance and enforcement permitting  
19 program that also guides us in the condition of any  
20 particular stream. And then, yes, we do also take  
21 complaint calls. They're probably -- we probably get, I  
22 don't know, one or two a month during the warmer season.  
23 Sometimes they pick up, sometimes they slow down, but they  
24 also inform us how to proceed with monitoring streams.  
25 They don't directly correlate with our development of Water

1 Quality Standards. All of this information can help inform  
2 us as to the condition of our waters, which in --  
3 adjacently, it also helps Lindsay, when she's preparing her  
4 water quality rules and regulation.

5           However, we do have a lot of waters that are  
6 being monitored on an annual basis through a number of  
7 programs and number of stakeholders.

8           ACTING CHAIR CAHN: So, for example, if you  
9 know, a place where people are going, a pond where people  
10 go in the summer to bathe, swim, play with the kids, or  
11 whatever, got overlooked as a place that was for contact,  
12 and, you know, is full of livestock or something, what  
13 would be the process for getting that re-looked at as a  
14 contact?

15           MS. ZYGMUNT: Yeah, I think if there's a  
16 water body where the public has concerns, particularly in  
17 that example, for public health from recreation exposure.  
18 You know, one step is contact us, and we can look to see if  
19 we have any data, and, you know, discuss the situation and  
20 see if we have monitoring staff that we can go out to  
21 collect some data, or that is where, for example, the  
22 conservation districts often fill that role within a local  
23 area. Conservation districts have very active and  
24 monitoring for recreation use within their boundaries, and  
25 it could be a situation where the conservation district



1 provides some help to better assess whether there is a  
2 public health risk.

3 ACTING CHAIR CAHN: Thank you.

4 BOARD MEMBER DEURLOO: Madam Chair, I've  
5 got a question.

6 Will there be -- Lindsay, this is Brian Deurloo.  
7 Will there be any -- as you go through this assessment, are  
8 we going to look at trash in streams, stuff like that? I  
9 mean, we look at -- we look at selenium and sediment and so  
10 forth, but oftentimes trash is overlooked. Crow Creek is a  
11 perfect example. Killpecker Creek down in Sweetwater  
12 County. Would we be looking at that or not?

13 MS. PATTERSON: Yeah, we currently have  
14 narrative water quality criteria that address solid waste  
15 in our surface waters. So, yeah, we'll be looking at all  
16 of the narrative and numeric criteria that apply as part of  
17 the revision.

18 BOARD MEMBER DEURLOO: Good. Thank you.

19 MS. ZYGMUNT: Any further questions?  
20 Otherwise, just know that we'll continue on with this 101  
21 effort so that when we do provide a draft rule before you,  
22 it should facilitate the review and understanding of what  
23 we're trying to accomplish.

24 BOARD MEMBER DEURLOO: Thank you.

25 MS. ZYGMUNT: All right. Thanks, David and

1 Lindsay.

2 MR. WATERSTREET: Thank you, everybody.

3 BOARD MEMBER DEURLOO: Thank you.

4 MS. PATTERSON: Thank you.

5 MS. ZYGMUNT: Madam Chairwoman, are we good  
6 to continue on?

7 Okay. I will bring up additional staff, and  
8 we'll move on to the final business item of the day, which  
9 is Chapter 12.

10 ACTING CHAIR CAHN: While staff is coming  
11 up here, I believe I -- my question about whistleblower was  
12 probably misspoken. It was brought to my attention  
13 whistleblower, I wasn't using it in the right context.  
14 It's probably more for situation of some -- if somebody is  
15 doing something illegal and so it's -- I certainly don't  
16 mean at all to imply that anybody's doing anything illegal  
17 or there's a whistleblower. So I apologize. I don't think  
18 I understood the -- what a whistleblower really is. So my  
19 apologies. We can ignore --

20 MS. ZYGMUNT: Thank you for the  
21 clarification.

22 BOARD MEMBER DEURLOO: Squeaky wheel,  
23 maybe?

24 ACTING CHAIR CAHN: Yeah, more squeaky  
25 wheel than whistleblower.

1 MS. ZYGMUNT: Great. Thank you for the  
2 clarification.

3 ACTING CHAIR CAHN: I apologize for that  
4 misunderstanding on my part, so...

5 MS. ZYGMUNT: Thank you. And again, we're  
6 committed to having discussions with any of you guys, so  
7 please, please reach out if we can be of help.

8 Oh, Madam Chairwoman, we could use about a  
9 five-minute break, if folks need to use the bathroom and  
10 get some water, and that way we can switch screens to the  
11 different presentation.

12 ACTING CHAIR CAHN: Okay. We'll convene at  
13 five minutes to 11:00.

14 (Meeting proceedings recessed  
15 10:48 a.m. to 10:58 a.m.)

16 MS. ZYGMUNT: Madam Chairwoman, are you  
17 ready to proceed?

18 ACTING CHAIR CAHN: Yeah.

19 MS. ZYGMUNT: Okay. So as the last  
20 business item of the day the Chapter 12, second  
21 presentation to you following our December meeting. Based  
22 on the recommendation of the Board in December, it was  
23 requested that we extend the public comment for this rule,  
24 which we did, extending the comment opportunity through  
25 February 14th.

1                   So without me giving a further overview, I'm just  
2 going to turn it over to Keenan, who has put together a  
3 very good presentation, to walk us through the highlights.  
4 My recommendation is that we let Keenan get through the  
5 presentation and then circle back to specific questions,  
6 chiming in any public comment so that folks can get on with  
7 their day.

8                   Keenan and his team, which, again, I want to  
9 introduce Anthony Rivers as part of that team. I think  
10 he's done a fantastic job of responding to all the public  
11 comments that we received, including during the initial  
12 outreach and then the extended comment period as well. So  
13 he'll walk you through the comments and responses and any  
14 further revisions made to the rule based on those  
15 discussions.

16                   So take it away, Keenan.

17                   MR. HENDON: All right. Thank you,  
18 Jennifer. I'm Keenan Hendon, Water/Wastewater Section  
19 Manager for DEQ.

20                   We're here today to provide an overview of  
21 Chapter 12, how we got here, and a little overview with  
22 regards to this presentation. I want to provide an update  
23 on staff activities since the December WWAB meeting,  
24 provide a recap of the December WWAB meeting, more  
25 information on the 10 States Standards and the Great Lakes

1 Upper Mississippi River Board, also Chapter 12 development,  
2 what's taken place over the past roughly 10 years to get us  
3 to this place right now with our current document. And  
4 then provide a review of comments that we receive during  
5 this first December WWAB meeting, as well as public  
6 comments we received from the extended comment period there  
7 through February 15th.

8           After that, we're going to work our way through  
9 Chapter 12, the reason why we're here today. Go through  
10 Sections 1 through 9, which we did get through December  
11 WWAB meeting. And then we'll go through section by section  
12 with regards to Sections 10 through 19, which we didn't get  
13 through at the meeting.

14           So with that, we'll get started here.

15           Is there to -- oh, there we go.

16           All right. December meeting. We were able to  
17 get through Sections 1 through 9 during that meeting.  
18 There's two topics I think that were identified that we  
19 needed to provide a little more detail on. One of those  
20 was the Great Lakes Upper Mississippi River Board 10 State  
21 Standards or the 2018 Recommended Standards for Water  
22 Works, commonly known, I guess, probably in the industry  
23 with regards to the standards, or the 10 States Standard.  
24 We're referencing it within our document as the 2018 TSS.

25           And on the other item that we needed to review or

1 provide a little more clarity on was the timeline or how we  
2 get here today.

3 BOARD MEMBER DEURLOO: What's CH12D?

4 MR. HENDON: Chapter 12 development.

5 BOARD MEMBER DEURLOO: All right.

6 MR. HENDON: Thanks for the easy question.

7 So GLUMRB, GLUMRB is the abbreviation for Great Lakes Upper  
8 Mississippi River Board. We did have a couple of questions  
9 from the WWAB board with regards to participating in the  
10 Great Lakes Upper Mississippi River Board, and understand  
11 there's a process. Unfortunately, it is only open to the  
12 Upper Mississippi River basin -- or Upper Miss -- or, yeah,  
13 basin states.

14 We can participate in rulemaking and rulemaking  
15 process. We can participate in that process as we see fit.  
16 When they conduct that rulemaking process, they do that  
17 approximately every five to seven years.

18 ACTING CHAIR CAHN: You can or you cannot.

19 MR. HENDON: We can.

20 ACTING CHAIR CAHN: Can.

21 MR. HENDON: Can, c-a-n. They do allow  
22 folks to participate in that rulemaking process.

23 BOARD MEMBER DEURLOO: Because we are part  
24 of the Upper Mississippi watershed anyway.

25 MR. HENDON: Yeah.

1 BOARD MEMBER DEURLOO: Go ahead. Carry on.

2 MR. HENDON: Sounds good. Sounds good.

3 There's close to 40 states that participate -- or  
4 utilize the Great Lakes Upper Mississippi Board Standards.  
5 Numerous towns, special districts, cities, surrounding  
6 states, Montana, Idaho, Dakotas. The 10 states that  
7 comprise GLUMRB, include New York, Illinois, Wisconsin,  
8 Minnesota, Iowa, Indiana, Michigan, Missouri, Ohio and  
9 Pennsylvania. It also includes the province of Ontario,  
10 Canada.

11 The existing Chapter 12 was based off the 1982  
12 standards. And the Great Lakes Upper Mississippi River  
13 Board, they also develop wastewater facilities standards as  
14 well. So should we update Chapter 11, we'll likely see  
15 that document and identity again for incorporation by  
16 reference.

17 If you're looking for the document, this is  
18 essentially what you're going to see when you're reading  
19 the recommended standards for the Great Lakes upper  
20 Mississippi River Board. The document is housed at the  
21 state of Minnesota. I'm not sure if they drew the short  
22 straw or winning straw or how they got selected, but if you  
23 go to their website, this is what you're going to see with  
24 regards to how they refer to themselves as and calling them  
25 the 10 State Standards, GLUMRB.

1           If you want to purchase a copy of the Great Lakes  
2 Upper Mississippi River Board standards, it's available for  
3 19.99 for a hard copy. Digital copy is 13.99. And also  
4 that same -- same digital copy is located on our website  
5 for free. So there's a PDF searchable version available on  
6 our website.

7           So going through the Chapter 12 timeline. Back  
8 in 2013, we decided it was time to start taking a look at  
9 our -- perhaps previous to that too, I'm not sure. But in  
10 working with Gina, who's got -- she's been through the  
11 process from start to finish with regards to 2013 through  
12 today, outreach was originally started back in 2013 to get  
13 comments from public with regards to Chapter 12. Later on  
14 in 2013, the governor, as well as Wyoming DEQ, decided to  
15 reduce Chapter 12 size through the incorporation by  
16 reference.

17           Work was started by staff. There was numerous --  
18 in 2016 we started having working sessions. District  
19 engineers would have working sessions either in Lander,  
20 Casper, Cheyenne. Staff would travel -- in pre-COVID days  
21 where staff could travel and meet in-person and have a good  
22 working session.

23           In 2017, rules were paused due to a number of  
24 staffing issues with the water and wastewater section. But  
25 a little bit later on in 2017, district



1 engineer started more working sessions. In total, they  
2 started in February of 2016, wrapped up in 2019. So,  
3 again, this included all the district engineers as well as  
4 staff from the water/wastewater section, as well as Gina  
5 and perhaps others.

6 So there were a total of 19 working sessions with  
7 staff in order to take their comments, experiences and put  
8 it into the chapter that's before you today.

9 Excuse me. Taking a drink.

10 In 2019, the WWAB reviewed the acidization rules  
11 for wells with regards to Chapter 12 and recommended that  
12 portion of the rules proceed to the EQC. In 2019 -- or  
13 2020, February of 2020, the AG had the opportunity to  
14 review Chapter 12 and provide significant edits to Chapter  
15 12.

16 Subsequently with the public comment and outreach  
17 period heading into the EQC meeting in May, the chapter was  
18 pulled due to the number of public comments that we  
19 received at that time.

20 So what did we do? We decided to have some  
21 public comment outreach with those folks.

22 ACTING CHAIR CAHN: Can you go back to that  
23 last slide?

24 MR. HENDON: Sure.

25 ACTING CHAIR CAHN: Thanks.

1                   MR. HENDON: So after Chapter 12 being  
2 pulled in May and October, there was some public comment  
3 and outreach period. Meetings were held with Weston  
4 Engineering, Wyoming Association of Rural Water Systems.

5                   Heading into September and October of 2021, the  
6 Attorney General and district engineer had the opportunity  
7 to conduct final reviews on chapter.

8                   Heading into the December WWAB meeting, the  
9 public comment period was opened in November --  
10 November 5th, I believe, of 2021. We then held our  
11 December WWAB meeting on December 15th. Determined to  
12 extend the comment period -- comment period was extended to  
13 February 15th. Essentially the comment period's been open  
14 for 101 days with regards to Chapter 12, about three times  
15 your normal comment period for heading into a WWAB meeting.

16                  I just wanted to provide a general timeline,  
17 summary of staff activities with regards to the rulemaking,  
18 district engineering involvement, staff involvement,  
19 outreach to the public. We'll cover more outreach to  
20 commenters going forward with regards to commenters for the  
21 December meeting as well as the February meeting -- or this  
22 March meeting. My apologies.

23                  So, again, there were some kind of questions,  
24 comments, direction given at the December WWAB meeting.  
25 One of those was, again, can we participate. The answer

1 that we got back to us was no, based on that reason.  
2 However, we can participate in the rulemaking process,  
3 participate in the committees, so forth.

4 We do have the 2018 Recommended Standards for  
5 Water Works located on our website for free. It's the same  
6 digital version that's available for purchase. So we were  
7 able to work with Great Lakes Upper Mississippi River Board  
8 folks on getting that to our website.

9 There was kind of numerous comments with regard  
10 to can we introduce the incorporation by reference much  
11 earlier on in the document. So Section 4 has been revised  
12 and introduces the incorporation by reference and  
13 subsequent documents.

14 There was a question with regards to total  
15 elevation that is unclear on the engineering design report  
16 in Section 8 (e), (ix). So that passage has been revised  
17 to provide a total depth of the drilled borehole. We work  
18 with our groundwater folks, as well as district engineer  
19 folks to make sure that we have proper terminology with  
20 regard to calling out industry terms.

21 And then in December, we're thankful for Board  
22 Member Cahn and Gina Thompson. They had a couple working  
23 sessions to go through editorial comments with regards to  
24 the chapter. Hopefully that can aid us all today as we go  
25 through Chapter 12.

1           As we move forward, following the WWAB meeting we  
2 kind of regrouped internally, wanted to reach out to each  
3 of the commenters that provided us comments. Kind of have  
4 a working session more or less with these commenters, make  
5 sure we understood the intent of questions and their  
6 comments that they were providing and make sure that  
7 essentially we were on the same page and understood one  
8 another.

9           So this was done, again for both sets of comments  
10 for the December meeting, as well as folks from the --  
11 submitting for the March meeting here today.

12           ACTING CHAIR CAHN: To all commenters or  
13 just some of them?

14           MR. HENDON: We reached out to all of them.  
15 There we go. Dang technology.

16           So, again, we re-reviewed the comments. We did  
17 reach out to the commenters. Commenters were contacted  
18 initially via email, provided them with a copy of their  
19 comments as well as response to comments.

20           We also had a request in there to coordinate a  
21 meeting or phone call with us to go over their comments and  
22 get those reviewed. We reached out to Darwin Dick with  
23 Tetra Tech, Jason Palmer, Andy Hooten, Brian Sepe with the  
24 City of Green River, Dayton Alsaker and Jeff Rosenlund with  
25 DOWL Engineering.

1 THE REPORTER: You're going to have to slow  
2 down.

3 MR. HENDON: I got to slow down?

4 THE REPORTER: Yes.

5 ACTING CHAIR CAHN: Can you go over that  
6 list again?

7 MR. HENDON: Sure. We'll start at the  
8 beginning. Darwin Dick, Tetra Tech; Jason Palmer, Andy  
9 Hooten, Brian Sepe with the City of Green River; Dayton  
10 Alsaker and Jeff Rosenlund, DOWL Engineering; Dave Engels,  
11 American Council of Engineering Companies of Wyoming;  
12 Cheyenne Board of Public Utilities; EPA Region 8; Wyoming  
13 Association of Rural Water Supplies.

14 Two commenters responded back to us either in  
15 email or over a phone call that basically said they  
16 understood our responses, had no further comments.

17 Four commenters took us up on our offer to have a  
18 meeting and a review session. This included EPA, BOPU,  
19 Andy Hooten with the City of Green River, and Wyoming  
20 Association of Rural Water Supply.

21 Not wanting to get less than a hundred percent,  
22 we conducted further outreach with calls and emails to  
23 track down the outstanding four commenters, and so we were  
24 able to get meetings coordinated with Jason Palmer and  
25 Brian Sepe, with the City of Green River. And then we were

1 able to have phone call conversations with Dayton Alsaker  
2 and Jeff Rosenlund.

3           And just as a matter of course, these meetings  
4 were more than one session, just to make sure that we were  
5 getting their feedback with understanding them and them  
6 understanding us, and then kind of going back to the  
7 drawing board and meeting again to further vet out their  
8 concerns and our responses.

9           Through a phone call with Dave Engels, it was  
10 recommended that we schedule a kind of a Zoom meeting or  
11 info session to the Wyoming Engineering Society's annual  
12 meeting in February. So we reached out to the Wyoming  
13 Engineering Society to see if we can do this.  
14 Unfortunately their schedule -- their dance card was full.  
15 However, we were able to schedule a meeting on  
16 January 27th. We reached out to the Engineering Society.  
17 They sent out information on our meeting to their members.  
18 Reached out to the Wyoming Association of Municipalities to  
19 provide the meeting information to their members. Reached  
20 out to WARWS, provide the information to their members.  
21 And we also sent it out through our listserv available to  
22 us through the state government. And that listserv would  
23 likely contain all the operators, cities, towns, and  
24 engineers that opt into that listserv notification system.

25           Based on that Chapter 12 outreach, we then held a

1 follow-up Q&A session on February 1st with the folks that  
2 wanted to participate. It was a good session. It allowed  
3 people to -- we wanted it to be a week later to allow  
4 people to read, review the documents if they didn't have  
5 them, and then formulate their comments and responses  
6 heading into the February 15th comment deadline.

7 ACTING CHAIR CAHN: How many people  
8 participated in that?

9 MR. HENDON: I want to say we had six  
10 entities show up. A number of folks from WARWS and a  
11 handful of cities and towns.

12 So after the December WWAB meeting, the comment  
13 period was extended through February 15th. We received  
14 comments or submissions from five -- we received five  
15 submissions. Four were comments with regard to Chapter 12.  
16 One was an errant comment with concerns on their water  
17 quality that they were receiving out of the tap. We  
18 provided that individual with direction on where they  
19 needed to go to get that addressed. But the remaining four  
20 commenters provided us with a list of comments or pages of  
21 comments to look through and address, provide responses to.

22 Craig Barsness with Shoshone Municipal Pipeline  
23 had one comment. His comment was concerns with 24 mesh  
24 elevated tanks. And then, again, the remaining three  
25 commenters provided us with a variety of comments on

1 different sections.

2 Meetings were held in person or via Zoom. We had  
3 a good discussion. We had a good review. We had a good  
4 understanding of one another. Overall, it went well.

5 So as we go forward, it might be helpful to pull  
6 out your green version Chapter 12. I believe at the  
7 beginning of the meeting Gina kind of handed out this  
8 addendum to comments as well. There's a number of comments  
9 that, unfortunately, the February outreach we didn't get  
10 all the comments addressed prior to getting your board  
11 packets and materials prepared for you today. So the  
12 addendum kind of covers those outstanding comments that we  
13 were unable to get addressed.

14 And if you want to follow along with regards to  
15 DEQ's response or analysis to comments, that might be  
16 helpful or handy as well. Up to you.

17 MS. ZYGMUNT: But -- just to add to that.  
18 So we do recommend that -- so that we're all working off  
19 the same version, that we have focus on Chapter 12 changes  
20 since 11/5/21. We're also referring to that as the green  
21 strike and underline version. So I think it would helpful  
22 if we all speak from that version, as we have specifics.

23 MS. THOMPSON: You're going to call up that  
24 version?

25 MR. HENDON: No.



1 MS. THOMPSON: No?

2 MR. HENDON: I think we can pull that up  
3 later on, when we -- should we have discussion afterwards.

4 MS. THOMPSON: I would note --

5 MR. HENDON: Because in this presentation  
6 slides, I do have the information available to read off the  
7 slides, which should you want additional context or  
8 clarity, is the reason why I referenced the Chapter 12 as  
9 well as the addendum to comments.

10 MS. THOMPSON: Okay. So I'm getting some  
11 chats that there a lag. Somehow the slides are not moving  
12 along when you're changing.

13 MR. HENDON: So give a pause?

14 MS. THOMPSON: I'm not sure why they're not  
15 moving. Like I can see them move, but I can't see them  
16 move on -- from the Zoom. So just be aware, folks, that  
17 Keenan's reading from the slides, and we'll have them  
18 available at the end, and we will continue to trouble  
19 shoot, but we do have that information. We will have that  
20 information available.

21 ACTING CHAIR CAHN: Is it possible to email  
22 those slides to the people if they indicate in the chat  
23 that they want to see the slides, so that they can go  
24 along? I've had this problem with Zoom before, where it  
25 doesn't -- it goes back to the head -- to the header slide

1 and doesn't move forward for everybody else, even though it  
2 moves forward in the room.

3 MS. THOMPSON: Keenan, if I send that can I  
4 link so they can look, is that possible?

5 MR. HENDON: Uh-huh.

6 MS. THOMPSON: Okay.

7 MR. HENDON: That's probably the best way  
8 to do it.

9 MS. THOMPSON: Thank you.

10 MR. HENDON: So pause for a moment or two  
11 for technology. We'll post a to link the comment section.

12 BOARD MEMBER DEURLOO: Whoa.

13 MR. HENDON: We'll extend it for camera  
14 troubleshooting.

15 (Off-the-record discussion.)

16 ACTING CHAIR CAHN: Let's go ahead.

17 MR. HENDON: Go ahead.

18 ACTING CHAIR CAHN: Yeah.

19 MR. HENDON: Okay. As we move forward, I  
20 just want to bring your attention to the slide layout in  
21 regards to our chapters -- Chapter 12, our sections that  
22 we're going to be looking at.

23 At the top of each slide we're going to cover the  
24 original information that was presented with the change to  
25 each section as presented to the board in December.

1           The bottom portion of the slides are going to  
2 cover any changes that occurred after the December meeting.  
3 Looking to only cover and provide information with regards  
4 to changes -- significant changes in wording or technical  
5 content.

6           Hopefully this can aid in the presentation of  
7 information, maximize the use of everyone's time here  
8 today.

9           So, again, these were the Sections 1 through 9  
10 that we were able to get through at the WWAB meeting in  
11 December. I'm sure there's questions did you guys make any  
12 changes post that December WWAB meeting? The answer to  
13 that question is yes.

14           And so Sections 1 through 3, there were no  
15 changes.

16           Section 4, we updated to outline incorporation by  
17 reference earlier on in the document.

18           Section 5, there was a comment from a commenter  
19 as well as Madam Chair with regard to mechanically driven  
20 drives, changing to mechanical drives.

21           Comment 5(z), this has an asterisk on it, which  
22 is a good time to outline that any time you see an  
23 asterisk, that's a comment we were unable to address in  
24 your materials that were submitted to you by the March 2nd  
25 deadline for your board materials, and so that asterisk is

1 just bringing your attention to a passage that we're going  
2 to call out and explain to you a little further today.

3           Essentially this section the commenter wanted to  
4 provide definitions for each service section type. Section  
5 16 of the -- of Chapter 12 provides information with  
6 regards to connection types that we will refer the  
7 commenter to.

8           Section 6, 6(b), this one has an asterisk with it  
9 as well. It was reorganized due to a formatting issue and  
10 punctuation.

11           Section 7, based on some comments, we revised it  
12 to more clearly describe the two permit process.

13           Section 8, couple of wordsmithing changes with  
14 regard to 8(c)(i) as well as 8(e). On 8(e), the question  
15 was with regards to the design report with regards to well  
16 drawings. Typically you're going to see plans in well  
17 drawings, not a profile for a well.

18           Section 9, 9(a), we reorganized for formatting,  
19 corrected a couple of references.

20           9(g)(ii), we cleared up that passage that was  
21 concerned with regards to having -- having the requirement  
22 of audio narration with the video log. That portion has  
23 been taken out. So it's just a video log of the well  
24 inspection accompanied by a written description.

25           The next one -- ah, the next one, there was

1 concern should the system in the engineer -- or in the  
2 hydraulic model not have fire flow data or fire flow  
3 protection, so we modified that section to provide an  
4 off-ramp so that it's calibrated based on existing fire  
5 hydrant test flow data, when available, or it can be based  
6 on modeling.

7           Sections 10 through 19. 10 sections left to go.  
8 We've overall organized these sections for continuity,  
9 consolidating similar passages in conformity. Sections  
10 have been corrected to address grammar, spelling issues,  
11 remove requirements not within the statutory authority.  
12 And, again, we're looking to provide you information with  
13 regards to significant changes to passage or changes in  
14 technical content.

15           We did receive a number of comments with regards  
16 to does my facility need to come into compliance with this  
17 new chapter? The answer to that question is no. They  
18 remain permitted under their original permit.

19           ACTING CHAIR CAHN: Unless they make  
20 modifications.

21           MR. HENDON: Unless they make a  
22 modification, then they will need to come into compliance  
23 with new regulations.

24           So, again, this is Section 10, the top of the  
25 slide has the information with regards to Section 10 that

1 was modified and changed at the December meeting. We  
2 received several comments on this section, four comments  
3 resulted in the change. One of those comments was with  
4 regards to adopting NSF/ANSI 61 for coatings. This is an  
5 adoption that's referenced going to be commonly seen going  
6 forward within the chapter. NSF stands for the National  
7 Science Foundation, provides regulatory standards on  
8 products or systems. 61 is specifically for drinking water  
9 system components.

10 The remaining three comments were through  
11 conversations with EPA, and essentially ensuring that new  
12 systems are designed and built to requirements of the  
13 primacy agency conducting enforcement.

14 Several commenters provided us with comments to  
15 ensure that DEQ and EPA are on the same page with regards  
16 to design and enforcement requirements.

17 As we go forward in Section 11, 12, 15 and 16,  
18 those are the sections where we probably have the most  
19 content to cover, or the most comments from commenters.  
20 Section 11 we had 29 comments that --

21 ACTING CHAIR CAHN: I'd like to mention, I  
22 think NSF is National Sanitation Foundation and not  
23 National Science Foundation.

24 MR. HENDON: Okay.

25 MS. ZYGMUNT: We'll double-check that.

1                   MR. HENDON: Okay. 16 of the 29 comments  
2 we received resulted in a change. Number of the changes on  
3 the slide provide for better clarify after discussions with  
4 EPA as well as Weston Engineering. The section we're  
5 covering is source development. We received two comments  
6 that were not addressed prior to sending up to DEQ analysis  
7 of comments, back in the comment on our addendum with you  
8 here today.

9                   One of those comments was with regard to pump  
10 tests and providing a definition of a stabilized drawdown.  
11 That definition's now been provided as item in Section  
12 5(aa).

13                   We received another comment with regard to  
14 10 feet of either surface casing or a well with no surface  
15 casing, wanted to know where that kind of came from and  
16 that requirement. It's an existing requirement in their  
17 existing Chapter 12. In looking at surrounding states,  
18 consulting with their groundwater folks as well as district  
19 engineers, it's a standard of practice that takes place  
20 many other states with regards to how they construct wells.  
21 10 feet provides for some bore and well stability, as well  
22 as frost and freezing protection in the various areas  
23 across our state.

24                   Comments on this slide through discussions with  
25 EPA, Nelson Engineering, Weston Engineering. Again, you're

1 going to see a comment with regards to the NSF61 material  
2 addressing concrete aprons. Concrete aprons at one time  
3 were required by EPA, no longer required by EPA. So up to  
4 the designer on how they want to finish off the top of that  
5 wellhead. Should they use concrete, we'll now reference  
6 that as concrete surface or concrete wall. And we also  
7 provide an identified minimum requirements for spring  
8 setback distances, as well as spring wall thicknesses.

9 Two comments that were not addressed prior to  
10 sending our analysis of comments happened to be with the  
11 providing -- or setting the casing 10 feet minimum into the  
12 target aquifer.

13 Upon review and working with the commenter, we  
14 modified the section to align with SEO so that we're on the  
15 same page with regards to well design standards between our  
16 two agencies.

17 The additional comment that we worked on was with  
18 regards to Section 11(f)(i)(A). There was a question with  
19 regards to can various springs be developed? The answer to  
20 that question is yes, those springs can be developed, and  
21 upon further review the 3-foot requirement was deemed not  
22 to be required, so that section was removed.

23 Frost and freezing requirements are covered in  
24 the spring development section later on.

25 Section 12, which is Treatment. We're on the



1 first slide for those following along. We received 36  
2 comments for this section. 14 comments resulted in a  
3 change. A number of the changes on the slide provide for  
4 better clarity after discussions with EPA, Weston  
5 Engineering, Tetra Tech, City of Green River, or BOPU.

6 Just want to bring your attention, a number of  
7 those entities all have either large treatment systems or  
8 they do engineering work on treatment systems.

9 Section 12 added a number of different treatment  
10 options for ozone, ultraviolet, membranes, and media. And  
11 we leveraged the expertise and guidance from EPA in regards  
12 to our UV recommendations. Again, wanted to be on the same  
13 page with regards to design requirements and enforcement  
14 requirements.

15 Moving on to the second slide for Section 12.  
16 These changes were made after discussions with EPA, Weston  
17 Engineering, City of Green River, and BOPU. Again, a  
18 number of these items presented are to ensure that the --  
19 we're meeting -- we're providing design standards that are  
20 in alignment with enforcement requirements.

21 BOARD MEMBER DEURLOO: What's red water  
22 waste? Is that just iron?

23 MR. HENDON: That's just iron and manganese  
24 waste. We had a good conversation with Brian Sepe, the  
25 City of Green River, with regards to iron and manganese

1 waste after treatment and how to get that resolved. We've  
2 incorporated some sections of the 2018 TSS, as well as  
3 re-aligned and formatted Chapter 12 with regards to that  
4 portion, as well as -- we kind of reorganized that section  
5 with lime as well as alum and then red waste.

6 BOARD MEMBER DEURLOO: Thank you.

7 MR. HENDON: All right. Section 13 is a  
8 toughy. I think we're all thankful for the break, perhaps.  
9 But no questions or comments were provided for Section 13  
10 on Chemical Application.

11 Section 14 is Pumping Facilities. We received  
12 six comments. Three comments resulted in a change, and  
13 essentially we're now requiring a surge analysis to  
14 identify if any surge protection devices are necessary.

15 14(i)(i) is, again, to ensure that the design is  
16 meeting EPA requirements should they get inspected.

17 And then 14(i)(ii) was a clarification to ensure  
18 that the suction lines have similar operating conditions.

19 Section 15 is finished water storage. The first  
20 two comments essentially addressed tank turnover, as well  
21 as water age issues. We've kind of revised and provided an  
22 off-ramp with regard to 15(c)(ii), which is now 15(e). The  
23 original language just stated a minimum inlet velocity of  
24 10 feet per second. We revised that to include unless  
25 demonstration of employed mixing or lower inlet velocity

1 addresses water age issues.

2 15(c)(iii), again, is another tank turnover water  
3 age issue, specifically with smaller systems that have a  
4 large supply.

5 15(f)(i)(ii)(b), we've reorganized those passages  
6 with regard to overflows and vent mesh requirements.  
7 Number of comments we received did cover vents and concerns  
8 with regard to 24 mesh. So we wanted to cover that a  
9 little bit more with you today.

10 BOARD MEMBER DEURLOO: Keenan, does that  
11 seem to be a pretty big issue at this time?

12 MR. HENDON: Yeah.

13 BOARD MEMBER DEURLOO: As small as the size  
14 of a mouse or something, right?

15 MR. HENDON: Yeah.

16 BOARD MEMBER DEURLOO: As small --

17 MR. HENDON: That concern -- yes, the --  
18 it's a very small fly EPA is concerned getting into the  
19 supply of the system.

20 BOARD MEMBER DEURLOO: I see.

21 ACTING CHAIR CAHN: That's a tropical fly.  
22 Doesn't live in Wyoming. Hasn't been seen here yet.

23 MR. HENDON: And we do have the information  
24 here. We'll cover that here in just a second, thank you,  
25 with regards to EPA guidance on screen mesh.

1 BOARD MEMBER DEURLOO: Got it.

2 MR. HENDON: And it started --

3 ACTING CHAIR CAHN: I'm having a hard time  
4 finding the slides for those sections. Maybe they got  
5 renumbered. The slide before.

6 MR. HENDON: Okay.

7 ACTING CHAIR CAHN: So 15(c)(ii). So it  
8 was --

9 MR. HENDON: Is now 15(e). Or do I got it  
10 wrong?

11 MS. THOMPSON: No. I think 15(c)(ii)  
12 starts at line 2263.

13 ACTING CHAIR CAHN: Okay.

14 MS. THOMPSON: Then it goes into 15(e),  
15 15(f). Those are down along line 2276 and 2280.

16 ACTING CHAIR CAHN: Okay. Okay. Thank  
17 you.

18 MS. THOMPSON: Uh-huh.

19 MR. HENDON: So what are we requiring in  
20 our existing -- or our proposed Chapter 12? On overflows,  
21 we're recommending mechanical device, such as a flapper or  
22 duckbill valve on the overflow, and number 4 mesh to keep  
23 those mice or birds or bats out of that overflow. Or they  
24 can put 24 mesh on the end of that overflow as well.

25 For vents, openings need to be protected with

1 24 mesh. An existing Chapter 12 requirement for buried  
2 in-ground tanks is that the vent must be covered in  
3 24 mesh.

4 The existing Chapter 12 also states that 24 mesh  
5 may be used on elevated tanks.

6 ACTING CHAIR CAHN: "May be" or "must be"?

7 MR. HENDON: On the existing Chapter 12, it  
8 says "may."

9 ACTING CHAIR CAHN: And the new ones?

10 MR. HENDON: It will be 24 mesh.

11 ACTING CHAIR CAHN: Okay. So for vents,  
12 it's going to say "must," not "may."

13 MR. HENDON: So -- so I'm just covering the  
14 existing Chapter 12 requirements for ground and buried  
15 tanks. An existing requirement for the vents on a ground  
16 and buried tank is 24 mesh. We just wanted to let everyone  
17 know that the proposed and existing are the same.

18 ACTING CHAIR CAHN: Okay.

19 MR. HENDON: However, the existing Chapter  
20 12, on an elevated tank, it had the word "may" for 24 mesh.  
21 We are proposing 24 mesh to be protective vents for all  
22 tanks.

23 ACTING CHAIR CAHN: So elevated tank will  
24 be 24 mesh required.

25 MR. HENDON: Correct. Correct.

1           And so let's -- so we had a number of comments  
2 and concerns and outreach to us with regards to 24 mesh.  
3 So we followed up with the EPA. We'll cover that here in a  
4 little bit further as well.

5           But in talking with EPA, EPA's been requiring 24  
6 mesh on tank vents for all tanks that they inspect since  
7 2014. They inspect tanks in Wyoming, as well as tribal  
8 systems, so they require the implementation of 24 mesh  
9 either on the overflows as well as the tank vents, whether  
10 it's elevated, buried, or ground level.

11           We also had discussions with a commenter with  
12 regards to a new 2018 newly built tank, Cowley tank was  
13 getting built. EPA happened to be in the area, stopped by  
14 to see the construction, learned that the new tank and the  
15 tank vent was going to have 16 mesh installed. The mayor  
16 happened to be on-site at the time. EPA informed the mayor  
17 that, well, when we come by to inspect your new tank, it's  
18 going to have a significant deficiency. Your tank vent on  
19 your elevated brand-new tank is going to have to get in  
20 compliance.

21           So the engineer and the town scrambled to get  
22 that fixed during construction, rather than post  
23 construction. So I think that's an important example of  
24 where we need to ensure that we're requiring design  
25 standards that align with enforcement standards and

1 requirements.

2           So some examples of tank vents that can be  
3 utilized on an elevated tank that provides frost freezing  
4 protection, here's some examples. Almost locally  
5 manufactured, but these are manufactured down in Longmont,  
6 Colorado -- or Wellington, Colorado.

7           Another option. This option here is on an  
8 overflow. This is the city of Riverton. City of Riverton  
9 kind of did a modification on their overflow. When it's  
10 not overflowing, it's sealed with 24 mesh. During an  
11 overflow event, or should they have debris or anything up  
12 in there.

13           BOARD MEMBER DEURLOO: I like that.

14           MR. HENDON: It's a pretty slick and easy  
15 idea such that if it is plugged, it can extend, debris can  
16 wash away and perform during an overflow event. And  
17 it's -- it keeps staff busy, pretty easy.

18           BOARD MEMBER DEURLOO: Is that allowed by  
19 EPA?

20           MR. HENDON: Uh-huh.

21           BOARD MEMBER DEURLOO: Very good. Thanks.

22           ACTING CHAIR CAHN: What are the issues  
23 with that freezing in the winter?

24           MR. HENDON: So perhaps in the winter,  
25 during an overflow event, most tanks -- I mean, most tanks

1 operate at a lower level in the wintertime. So you  
 2 wouldn't see the fluctuation and volumes that you would see  
 3 in the summertime. So they up -- so instead of having a  
 4 tank full of water, they're going to operate at a lower  
 5 spectrum within their water system. Should they be up  
 6 during an overflow event, that water -- if it's a slow  
 7 trickle, perhaps there's a freezing concern. And perhaps  
 8 they do have issues, then they should perhaps look into a  
 9 flapper valve or duckbill valve.

10 BOARD MEMBER DEURLOO: That's a duckbill on  
 11 the right, correct?

12 MR. HENDON: And on the right, that's a  
 13 duckbill valve.

14 BOARD MEMBER DEURLOO: And that's allowed.

15 MR. HENDON: And that's allowed. So  
 16 there's several options --

17 BOARD MEMBER DEURLOO: Those are bomb proof  
 18 too.

19 MR. HENDON: Yeah.

20 BOARD MEMBER DEURLOO: Yeah, they just --  
 21 it just opens up.

22 MR. HENDON: Yeah, under slight -- and that  
 23 would open under air pressure. So if there's a concern in  
 24 our colder environments, if you're up in Teton County,  
 25 perhaps you don't want to use the Riverton solution, and



1 you want to put in a -- you want to put in that duckbill  
2 valve to avoid any frost or freezing concerns.

3 And, again, here's flapper valve options. Here's  
4 the screen mesh.

5 BOARD MEMBER DEURLOO: That's 24?

6 MR. HENDON: That's 24.

7 BOARD MEMBER DEURLOO: That means 24 holes  
8 per inch?

9 MR. HENDON: Yeah.

10 So this is a EPA Tech Tip Guidance document with  
11 regards to vents, overflows, drain lines, requirement of 24  
12 mesh. And this started -- this document, if we scroll in,  
13 is from April 3rd of 2012.

14 ACTING CHAIR CAHN: And the expense of  
15 flapper valves or duckbills, what kind of expense are we  
16 looking at?

17 MR. HENDON: With most things, they're  
18 going to go up depending on the size of your pipe. But we  
19 thought if you've got a smaller pipe, you're looking at  
20 \$20, \$30. Smaller size, depending on your system, is going  
21 to be in your thousands. But, again, if you're talking a  
22 million-, 2-million-gallon tank, 1500 bucks for a duckbill  
23 valve is a pretty reasonable and economical piece of  
24 equipment.

25 BOARD MEMBER DEURLOO: Thank you for the

1 slide.

2 ACTING CHAIR CAHN: Yeah.

3 BOARD MEMBER DEURLOO: It's very helpful.

4 MR. HENDON: So, again, we had folks  
5 send in numerous questions, concerns. So what did we do?  
6 Went back to EPA, said, Hey, EPA, we want to work with you  
7 on this 24 mesh. What kind of issues are you seeing with  
8 it? Is there a pressure vacuum issue of these tanks  
9 imploding, exploding, freezing, these types of concerns?

10 Again, they've -- in Wyoming and tribal lands,  
11 they've been requiring it since 2014. Initially they  
12 needed to -- initially there was pushback with regards to  
13 getting 24 mesh installed on the tank vents and the  
14 overflows. Now they say when they go out and do  
15 inspections, they hardly ever see anything but 24 mesh.  
16 They're not aware of any event, frost, freezing issues.

17 ACTING CHAIR CAHN: Have you made them  
18 aware of the issues that we've had in Wyoming?

19 MR. HENDON: We've discussed a couple of  
20 the items that at least I'm aware of. If there are other  
21 issues that haven't been brought to our attention, then  
22 they need to be shared with us. But from our  
23 understanding, there were some small, I believe, pipe  
24 separation issues with regard to a spring. But with  
25 regards to -- again, with the enforcement agency conducting

1 the inspections, they're unaware of any frost, freezing,  
2 vacuum pressure.

3 ACTING CHAIR CAHN: So they don't know  
4 about Pine Bluffs?

5 MS. ZYGMUNT: They are very aware of the  
6 town of Pine Bluffs, as are we. And Keenan --

7 MR. HENDON: Oh, so if we're talking about  
8 Pine Bluffs, they're very well aware of Pine Bluffs.

9 MS. THOMPSON: They did a study.

10 MR. HENDON: And they've done a study on  
11 Pine Bluffs. If we want to talk about Pine Bluffs, I think  
12 there's a number of issues that we could review on Pine  
13 Bluffs. We can start with the -- there was a new -- so  
14 they have an existing tank, and they were constructing a  
15 new tank. The contractor on-site crossed the wires on the  
16 pumps. So they continued to fill the old tank instead of  
17 filling their new tank.

18 So what happened? The old tank continued to fill  
19 and fill and fill until it overflowed. Apparently the  
20 overflow had -- it got clogged. So on the end of their  
21 outlet line, it was clogged. Their overflow line had  
22 24 mesh, which was interesting, because they had a flapper  
23 valve installed. So there's an issue, number one. They  
24 had a flapper valve. All they needed was to have a flapper  
25 valve and number 4 mesh installed, likely wouldn't have had

1 a problem.

2           If we go back to the contractor, the issue is the  
3 contractor constructing this system that continued to fill  
4 and fill this tank until it essentially ruptured. There's  
5 probably additional concerns with regard to that design as  
6 why those pumps did not shut off with the significant  
7 backpressure it was likely receiving from overflowing this  
8 tank.

9           So I don't think we can blame Pine Bluffs solely  
10 with regards to installing 24 mesh on the end of that  
11 overflow line. I think there's a number of issues that  
12 likely led to that scenario and that situation. I think  
13 the Town of Pine Bluffs at the time probably should have  
14 hired a forensic engineer to go in and evaluate exactly  
15 what took place and what happened. I know WARWS was  
16 on-site and did an inspection, and that seems to be the  
17 document that's widely circulated. But, again, the  
18 contractor and the Town should likely have had a legal  
19 proceeding to find a solution and the true problem with  
20 regards to what happened in Pine Bluffs.

21           ACTING CHAIR CAHN: What about Star Valley?

22           MR. HENDON: Star Valley? And what is the  
23 issue in Star Valley?

24           ACTING CHAIR CAHN: My understanding is  
25 there was a pump, had waste line number 24. And I think

1 there's somebody from Star Valley actually here, but that  
2 was below grade and it was pressurized and broke.

3 MR. HENDON: And was this a pipe  
4 separation? This is a pipe separation concern? And I  
5 think we're -- at the end of the day, regardless of --

6 ACTING CHAIR CAHN: Waste.

7 MR. HENDON: -- regardless of any system,  
8 we are committed to working with an entity. And I think  
9 this is part of where we're headed with regards to this  
10 slide. DEQ -- or not DEQ. EPA, whenever they issue a  
11 significant deficiency and a correction needed, for an  
12 entity, city, town, et cetera, they recommend hiring an  
13 engineer and getting in coordination with DEQ.

14 So with regards to that, should there ever be an  
15 issue with a city/town having to do retrofit, we're  
16 committed to working with that entity to find a workable  
17 solution. And having extended conversation with the entity  
18 and EPA with regards to if it's vent, drain line, overflow,  
19 or any other matter, truly, we're happy to have those  
20 discussions and find a workable solution for those  
21 entities.

22 MS. ZYGMUNT: Let me just add to that. We  
23 are very aware of the concerns with 24 mesh. And this has  
24 been a landing discussion with stakeholders and EPA. We  
25 have put a lot of careful conversation into this before

1 making the decisions that we had with this chapter, but as  
2 Keenan has outlined, we have to make sure we're not putting  
3 our communities out of compliance with another regulatory  
4 agency. It's just not giving them workable solutions and  
5 causing additional expense.

6 But that said, we are committed that if a  
7 community runs into a situation that they don't think they  
8 can solve with one of the engineering solutions that Keenan  
9 walked you through, we are committed to working with them  
10 and brokering that conversation with EPA to make sure that  
11 we're not leading to situations that go bad for that  
12 community.

13 So, again, we get the issues. We have to put our  
14 communities into compliance, and I think we've found the  
15 right balance of doing that, partnering with EPA, but  
16 advocating for communities.

17 BOARD MEMBER DEURLOO: Madam Chair.  
18 Correct me if I'm wrong, we've got -- we have a lot of the  
19 EPA requirements on it to maintain primacy, I guess.

20 MS. ZYGMUNT: Yeah, we -- EPA retains  
21 primacy or public water supervision system.

22 BOARD MEMBER DEURLOO: Oh.

23 MS. ZYGMUNT: Wyoming has never assumed  
24 primacy. So that's why there's this coordination. Other  
25 states -- all other states do the construction, permitting

1 and public water system supervision. In Wyoming EPA does  
2 the public water supervision. We do the construction,  
3 permitting. So it's more and more important that we're  
4 working together and I think we've had some productive  
5 discussions along these lines.

6           You know, regardless of how we feel about 24 mesh  
7 and whether it's necessary, this is EPA's decision. And  
8 I -- you know, further feedback on 24 mesh and that  
9 requirement should be directed to them, but, again, we  
10 think that between engineering solutions and then working  
11 through case-by-case situations we can make sure our  
12 communities have good solutions and avoid structural damage  
13 like the examples we talked about before.

14           ACTING CHAIR CAHN: What would it take  
15 for -- I can save my comments until later so that we can  
16 get to public comments.

17           MR. HENDON: Okay. Yeah. So along those  
18 lines with regards to the outreach to EPA, which should DEQ  
19 be doing going forward? Again, looking to strengthen  
20 community outreach, provide education, training.

21           We do -- thankfully the legislature approved the  
22 use of set-aside funds through the SRF program, so we can  
23 provide either through third-party outreach --

24           ACTING CHAIR CAHN: SRF?

25           MR. HENDON: State revolving fund.

1           So the state revolving fund set-asides, we can  
2 now use some of that funding either to utilize third  
3 parties. I understand WARWS and MAP, they're currently  
4 working in our communities providing outreach and  
5 education. Perhaps there's more that we can do.

6           And, again, DEQ's committed to working with our  
7 communities, whether it's a tank vent, an overflow, or any  
8 other matter with EPA, so...

9           Section 16. Whew. Section 16. We're in the  
10 Distribution Systems, talking about distribution piping.  
11 We have 31 comments on this section. Eight of those  
12 comments resulted in a change. These -- we worked with the  
13 folks from American Council of Engineering of Wyoming, DOWL  
14 Engineering, BOPU, City of Green River, and Nelson  
15 Engineering with our review.

16           Some sections were updated with regards to water  
17 services and plumbing information for either local or state  
18 plumbing codes to provide better direction and clarity.

19           Sections were updated to include direction on air  
20 relief valves, as well as hydrants and flushing hydrants.

21           And sections were updated to include -- include  
22 flow fill options from DEQ policy as well as separation  
23 distances.

24           We did receive a comment with regards to  
25 dewatered work, wanting to allow work in a watered -- or a



1 trench that may be partially full of water. We opted to  
2 remain and require dewatering in the trench. We think  
3 that's important to have a sanitary, safe trench when  
4 installing pipes, valves or hydrants.

5 BOARD MEMBER DEURLOO: Question, please.  
6 Where can you take that water? So if they have to --  
7 they're working on that -- this is point of interest, and  
8 they have -- they're working on a hydrant downtown, 1st and  
9 Main, or something like that, and they have a trench full  
10 of water, where can they take it? What do they do with  
11 that water?

12 MR. HENDON: Sure. So the City of Cheyenne  
13 currently has a large project going on in front of the  
14 Capitol. They're doing waterlines, as well as storm sewer  
15 lines, big trench, big pipe, high groundwater in that area.  
16 So they brought in their own -- either bring in your over  
17 water buffalo -- that's basically what they did. Bring in  
18 your own water storage tank, put that on-site. So they  
19 just pumped into one of those mobile water storage units.

20 BOARD MEMBER DEURLOO: And then they take  
21 it to --

22 MR. HENDON: And then they haul it offsite.

23 BOARD MEMBER DEURLOO: Thanks.

24 MR. HENDON: Sure.

25 BOARD MEMBER DEURLOO: Assume that because

1 the TSS is too high to pump down a storm sewer; is that  
2 correct? Or --

3 MR. HENDON: It depends on probably the  
4 city's storm sewer system.

5 BOARD MEMBER DEURLOO: Uh-huh.

6 MR. HENDON: And they could have done that  
7 as well, which they did on part of the sections. So  
8 they -- I'm going to guess it depends on your local entity  
9 with regards to where you're pumping that water. Part of  
10 that water within the city of Cheyenne was in a plume with,  
11 what is it, hydrochloric -- chemical for --

12 BOARD MEMBER COCHRAN: TCE?

13 MR. HENDON: TCE. It was in a plume for  
14 TCE. So some of that water did have to get cleaned before  
15 they could put it back into the storm sewer or dispose of  
16 it elsewhere.

17 BOARD MEMBER DEURLOO: I see. Interesting.  
18 Thank you.

19 MR. HENDON: It all depends, again, various  
20 metrics.

21 BOARD MEMBER DEURLOO: Location.

22 MR. HENDON: Section 17 is Laboratory  
23 Requirements. We didn't have any comments resulting in a  
24 change. However, the one comment we did receive resulted  
25 in a publication year being noted in Section 19 for

1 clarity.

2 Section 18, we received one comment, but no  
3 change was implemented based on that comment.

4 Section 19, Incorporation by Reference. If you  
5 want to be put to sleep, good section to read.

6 But we did receive two comments from City of  
7 Green River and Nelson Engineering with regards to  
8 including a C906 pipe alternative for 4-inch and up HDPE,  
9 which we included in a previous section, so we updated it  
10 here as well.

11 The other comment was with regards to a reference  
12 on AWWA C901, and wanted to make sure we incorporated  
13 reference -- or number 2020 -- Version 2020 for that -- for  
14 that component.

15 So with that, I guess we've reviewed sections 1  
16 through 9, re-reviewed it here today. It was originally  
17 reviewed at the December WWAB meeting. Presented Sections  
18 10 through 19 with the significant changes within that  
19 document.

20 Again, Chapter 12 is incorporating by reference  
21 the Great Lakes Upper Mississippi River Board 2018  
22 Recommended Standards for Water Works. Within our document  
23 it's referenced as the 2018 TSS.

24 And with that, I can turn it back to Jennifer.  
25 And I know we also have some public comments that we need

1 to address here as well.

2 MS. ZYGMUNT: Thank you, Keenan.

3 I don't have further comments at this time, so  
4 Madam Chairwoman, it sounds like your preference would be  
5 to go to public comments so people can go on with their  
6 day.

7 ACTING CHAIR CAHN: So I'd like to open it  
8 up now for public comments and please come -- when you --  
9 speak into microphone or come up to the table, give your  
10 name and who you're affiliated with. It's appreciated.  
11 Maybe spelling of it for Kathy. So thank you.

12 Mark, would you like to start?

13 BOARD MEMBER DEURLOO: While we're waiting  
14 for Mark to come up, Madam Chair, I'd like to extend my  
15 appreciation to that thorough review. Thank you. That was  
16 very helpful. And I'm glad that we went through another  
17 public comment period. It's such an important rule. It  
18 sounds like we had some very thorough review of some  
19 excellent Wyoming institutions and people. So I think  
20 we're on the right course here. Appreciate it.

21 MR. HENDON: Thank you.

22 MR. PEPPER: Thank you, Madam Chair. I'm  
23 Mark Pepper. I'm the executive director of the Wyoming  
24 Association of Rural Water Systems. We've been around  
25 since 1989. We work -- for those of you who may not be

1 that familiar with us. We work with all the public water  
2 systems in the state of Wyoming, enabling them to remain in  
3 compliance or come into compliance with the Safe Drinking  
4 Water Act, Clean Water Act, and increasingly the Resource  
5 Conservation Recovery Act, as it relates to solid waste  
6 leaching into groundwater or surface water.

7 Our membership consists of all 99 incorporated  
8 communities and about 150 special districts that own and  
9 operate water or wastewater facilities.

10 First, a kudo to the staff for taking on a  
11 rewrite. A lot of the infrastructure that we're starting  
12 to deal with is about 40 years old, 40, 50 years old. So  
13 nice to have new design standards that are going to be  
14 modern, up to date, versus what we have in the ground now  
15 as they start to replace all that.

16 And I think a general comment I'll make before I  
17 get started too much on just a couple of little bitty  
18 things, is I think we finally have 24 mesh solved. And I  
19 will agree that as it relates to the one tank failure, it  
20 was probably more, in retrospect, as we've gotten further  
21 away from it, it was probably more the overflow sensors and  
22 the pumping -- the pump sensors not turning off that  
23 created more of the problem as opposed to the 24 mesh. The  
24 24 mesh probably didn't help any, but it probably wouldn't  
25 have made much difference.

1           But I think we're all on the same page that if  
2   it's an existing tank permitted, and it's 16 mesh or  
3   greater, we're fine. It's when they make modifications,  
4   and they'll have to come up to 24. Or if they're putting  
5   in a new tank, again, it's nice to have the design  
6   standards.

7           Where I think we ran into a lot of issues was  
8   when retrofits were attempted without the use of a lot of  
9   engineering, and they just put 24 mesh on and the airflow  
10   was pretty well screwed up and it made a lot of different  
11   issues. That's pretty much been solved with the existing  
12   tank permit versus changes or new permits.

13           But a couple of the things that we would like to  
14   see a little bit more -- and I apologize for the lateness.  
15   I've been spending since about September with two of your  
16   other favorite topics, ARPA and the infrastructure bill.  
17   And if we ever get the infrastructure portions of the Build  
18   Back Better, that's even more fun.

19           But we're -- like to look at high water loss.  
20   And we've discussed in the current revision utilizing a  
21   high water loss being greater than 20 percent. We'd like  
22   to -- to entertain dropping that down. In Wyoming, we're  
23   an arid state. Some of the systems are facing a lot of  
24   shortages. 20 percent water loss seems a little high. We  
25   actually advocate in our work that we do that 10 percent is

1 about what we like to look at. We go in and do water loss  
2 calculations, and a lot of places we'll run into 30, 40,  
3 50, 60 percent water loss. Some of that is because the  
4 difference between produced water and the sold water. They  
5 don't sell the water to themselves, so they don't take into  
6 account the swimming pools in the parks or the parks and  
7 some of that kind of stuff. And so we try to go back, get  
8 them to meter all that. Once we get that done, then we  
9 look at the water loss. And if it's 10 percent or less,  
10 we're really happy.

11 If it's 10 percent or more and they've got a  
12 sector of town that's had a lot of water breaks, that's  
13 when we'd like them to kind of do some investigation and  
14 possibly looking at replacements of those sectors as it  
15 relates to -- and we've had a couple of pretty high profile  
16 breaks in the last little bit that require more notices and  
17 all sorts of good stuff. But they've had tons and tons of  
18 breaks, it seems like, in their system. Now with more  
19 money than we'll ever be able to spend probably timely,  
20 they should be able to replace every line in their town.

21 So we would look at 1.1.5(f), and possibly look  
22 at maybe shoot for greater than 15 percent. And -- because  
23 that's just a great indicator of --

24 ACTING CHAIR CAHN: Can you go -- 1.1.5(f),  
25 is that what you said?

1 MR. PEPPER: That's correct.

2 ACTING CHAIR CAHN: In the 10 States  
3 Standards.

4 MR. HENDON: Yes, that is reference to the  
5 10 States Standards.

6 MR. PEPPER: Yes.

7 MR. HENDON: And it's in reference for  
8 systems with -- I'll just read the language of (f). And  
9 it's essentially for systems with a high percentage of  
10 unaccounted for water (generally greater than 20 percent of  
11 water production) a water audit may be required by the  
12 reviewing authority.

13 MR. PEPPER: And we'd be good with less.

14 ACTING CHAIR CAHN: Okay.

15 MR. PEPPER: Just in our daily work we do.

16 ACTING CHAIR CAHN: So you would propose we  
17 would take out -- (f) is in there right now, and we would  
18 take it out.

19 MR. PEPPER: No, (f) is fine. Just drop it  
20 from 20 to 15.

21 MR. HENDON: And I think in order for us to  
22 facilitate that, we'd have to drop (f) and then reinsert  
23 language from F in the document.

24 ACTING CHAIR CAHN: With less than  
25 10 percent.



1 MR. PEPPER: Ah.

2 MR. HENDON: Yeah.

3 MR. PEPPER: Or -- well, okay. Okay. Like  
4 I said, sorry, it was late last night.

5 ACTING CHAIR CAHN: So these are included?

6 BOARD MEMBER DEURLOO: Okay. Thank you.

7 MR. PEPPER: And then 1.1.7.1(f) was  
8 included for surface water source protection measures.  
9 We'd kind of like to see 1.1.7.2 (h), considering that  
10 88 percent of the systems in Wyoming use groundwater. And  
11 while it's a voluntary source water protection planning,  
12 we'd kind of like to see a --

13 ACTING CHAIR CAHN: Can you go over those  
14 numbers slowly again?

15 MR. PEPPER: Okay. 1.1.7.2(h) addresses  
16 groundwater source water protection measures. And we'd  
17 like to see that added. And I'll give a quick -- as quick  
18 as I can, story. So years ago, we were working with a  
19 system doing the source water protection plan. And they  
20 were -- they had existing wells that were in a railroad  
21 right-of-way. And part of the project was they would cap  
22 and plug those -- those existing wells once the new  
23 wells were drilled. Of course, unfortunately, there was  
24 just all sorts of things. But the engineers ended up  
25 utilizing all the money for existing wells and didn't have

1 the money to cap it and abandon the existing wells. So we  
2 were able to work with the railroad, ultimately, and they  
3 ponied up the money to -- to cap those so they -- they  
4 didn't want the liability of open wells in their  
5 right-of-way.

6 In addition to that aspect of it, we filed the  
7 delineations of our source water protection plan for that  
8 particular community and those new wells with BLM. And as  
9 it worked out, one of the oil and gas companies was in the  
10 process of finalizing a permit to drill a new gas well and  
11 frack job. As it worked out, the frack job would have  
12 occurred directly underneath the new water wells. I mean,  
13 absolute positively directly underneath them. There was  
14 10,000 foot of strata, but still -- I know it was when  
15 Pavillion was kind of hot and heavy.

16 So they pulled their permit, reworked their  
17 drilling program, moved about a half mile away and drilled  
18 there as a down-gradient from the town's wells, and hit one  
19 of the largest gas producers in the United States. So they  
20 were happy when it was all said and done. But we just  
21 think source water protection in both groundwater and  
22 surface water should be addressed.

23 7.0.6, water storage age, has been omitted, and  
24 we know that many of the upcoming regulations, lead and  
25 copper revisions, disinfection byproducts review and in a

1 way, water age is going to become paramount. And TSS 2018  
2 recommends no longer than five days on water age. And we  
3 believe this is in agreement with AWWA recommendations. So  
4 we would advocate to add 7.0.6 on the water age.

5 Another area where we spend seems like an  
6 inordinate amount of time in our work, 8.7.2, Bedding, was  
7 omitted. It's important to protect the investments of the  
8 state systems by ensuring a quality bedding material is  
9 used. This isn't always the case. And so I think rather  
10 than giving too much leeway, we dial it in and put 8.7.2  
11 in.

12 And kind of dovetailing on that one is 8.7.9,  
13 which is Separation From Other Utilities, was omitted. And  
14 we find a lot of times where the water, wastewater, and  
15 then other lines are in a trench, tough to dig around them  
16 when you're making repairs, and ends up being more costly  
17 when it's all said and done than doing it -- allowing for  
18 the room to do those repairs to begin with. So we would  
19 ask for 8.7.9 to be added back in for separation from other  
20 utilities.

21 And that's all we really have right now. But --  
22 and, truly, the staff has done a remarkable job in fielding  
23 all of the concerns, as well as updating this thing. It's  
24 massive. We're going to probably be doing corrections and  
25 guidance forever, but -- but -- as things change. But

1 there's just those last few things we thought wouldn't be  
2 too bad.

3 But any questions or -- I'll get out of here --  
4 get out of your hair.

5 MR. HENDON: So we do have -- we do have --  
6 where to start?

7 For bedding, we do have it referenced. It's just  
8 the reference that's a requirement in Section 16 (c)(i), we  
9 recommend ASTM C12 classes for bedding, for distribution  
10 and transmission pipe.

11 ACTING CHAIR CAHN: Okay. Which line  
12 number are you on?

13 MR. PEPPER: Thanks.

14 MR. HENDON: So good news. Thank you.  
15 Good news, we do have that one in there.

16 I'd be happy to go back and take a look at the  
17 question on the water age. We do have a couple of sections  
18 that do address water age as to the tank mixing  
19 requirements in Section 15(c), as well as 15(e). But --  
20 but perhaps the best course would be for us to take your  
21 comments and provide a formal response.

22 MR. PEPPER: Like I say, you might want to  
23 revisit, just because of what's in the proposed revisions.

24 MR. HENDON: I'll take a better look at  
25 what you said with respect to that five days, and with

1 regards to utilities and options we can definitely take a  
2 closer look at that as well.

3 But looks like some of it we do have an answer  
4 to, some of it we need to take a closer look.

5 MR. PEPPER: I do think we do have 24 mesh  
6 solved.

7 MS. ZYGMUNT: Yeah, thank you for your  
8 comment. We'll take a closer look.

9 ACTING CHAIR CAHN: Thank you very much,  
10 Mr. Pepper.

11 MR. PEPPER: Anything else as it comes up,  
12 let me know, but...

13 MR. HENDON: If you get ARPA figured out  
14 too, let us know.

15 MR. PEPPER: I'm on mic.

16 MR. HENDON: That's a longer conversation.

17 BOARD MEMBER DEURLOO: We were just talking  
18 about this. American Recovery Act or something like that.

19 MR. PEPPER: ARPA, American Recovery -- is  
20 it Recovery?

21 BOARD MEMBER DEURLOO: American Recovery  
22 Protection Act.

23 MR. PEPPER: Protection Act.

24 ACTING CHAIR CAHN: Protection Act.

25 BOARD MEMBER DEURLOO: Protection Act,

1     yeah.

2                     MR. PEPPER:   And infrastructure bill.

3                     ACTING CHAIR CAHN:  I worked in munitions,  
4     ARPA is a -- is a munitions thing.

5                     MR. PEPPER:  Well, and that was part of the  
6     governor's veto the other day, because EPA just issued new  
7     ARPA guidance last week.  So we're trying to wade through  
8     all of that.

9                     MR. HENDON:  It was short guidance.  It was  
10    only 56 pages of the guidance.

11                    MR. PEPPER:  Small present.

12                    MR. HENDON:  Small present.

13                    MR. PEPPER:  Thank you.

14                    ACTING CHAIR CAHN:  Thank you very much.

15                    Is there anybody on Zoom that would like to make  
16    public comments, or maybe you're not on Zoom.  Maybe it's  
17    something else.  It is Zoom.  Is there anybody else on  
18    Zoom that would like to make public comments, and -- maybe  
19    one -- raise your hand.  Gina says raise your hand.

20                    MS. THOMPSON:  Not seeing any hands raised.

21                    ACTING CHAIR CAHN:  No hands raised.  I  
22    think this is probably a good time to take a lunch break.  
23    And it's 12:30.  We'll come back at 1:30, if that's okay  
24    with everybody.

25                    (Meeting proceedings recessed)

1 12:35 p.m. to 1:43 p.m.)

2 ACTING CHAIR CAHN: We're going to  
3 reconvene the Water and Waste Advisory Board. And at this  
4 point, I think -- are we ready, Keenan, to open it up for  
5 Board discussion? Do I need to repeat that or -- all  
6 right.

7 So I'm going to open it up for Board discussion.  
8 I don't know if we want to go through chapter by chapter or  
9 whether we want to --

10 MS. ZYGMUNT: If I may make a suggestion.  
11 So it sounds like there were maybe some more discussion  
12 points around the 24 mesh, and maybe we could start there.

13 ACTING CHAIR CAHN: Sure. That's a good  
14 idea.

15 MS. ZYGMUNT: Does that sound good?

16 ACTING CHAIR CAHN: Yeah.

17 MS. ZYGMUNT: Okay. So, Keenan, can you  
18 remind us which section that would be?

19 BOARD MEMBER DEURLOO: I didn't have any  
20 more comments on 24 mesh. Did you?

21 ACTING CHAIR CAHN: I would like a little  
22 bit of a discussion about primacy and how -- what Wyoming  
23 would need to do to get primacy. And maybe -- that would  
24 be helpful, I think, for me.

25 MS. ZYGMUNT: Sure. That is a good

1 question, Madam Chairwoman. Based on previous  
2 conversations I've had with past staff, at this time we  
3 were not considering requesting primacy for the public  
4 water supervision system. My understanding is that past  
5 cost feasibility analyses just indicate that it would be a  
6 significant expansion of the state, the agency's budget,  
7 and of our personnel to pursue that program. And  
8 recognizing that EPA would provide some funds to help  
9 implement that program, it would still be a pretty large  
10 financial burden on the state to pursue primacy. So at  
11 this time, we do not have any intention to pursue that  
12 primacy. Of course, that could be revisited at some point  
13 in the future, but not on the radar right now.

14 ACTING CHAIR CAHN: And I guess I  
15 appreciate that you guys are in a position because EPA has  
16 primacy that would pretty much -- we pretty much have to do  
17 what EPA wants us to do on this one. So it doesn't sound  
18 like there's a whole lot of wiggle room. I mean, I  
19 appreciate that, you know, we do have some -- and I'm going  
20 to get mixed up which -- for discharge or overflow that we  
21 do have some -- or is it air vents? Which one is the one  
22 where we have --

23 MR. HENDON: There are options on tank  
24 vents on the overflows. I guess not tank vents. I  
25 apologize. There's options on the overflows for tanks.



1                   ACTING CHAIR CAHN: Okay.

2                   MR. HENDON: So we can do the mechanical  
3 device --

4                   ACTING CHAIR CAHN: Okay.

5                   MR. HENDON: -- or 24 mesh.

6                   And then tank vents do require the 24 mesh for an  
7 elevated, ground, or buried storage tanks.

8                   ACTING CHAIR CAHN: Okay. And, you know, I  
9 think about, you know, hundred foot high elevated water  
10 storage tank and just wonder, you know --

11                  MR. HENDON: I think we're on the same  
12 page. I think we --

13                  ACTING CHAIR CAHN: -- how do you get up  
14 there inexpensively? I mean, you need a crane that's able  
15 to go a hundred feet?

16                  MR. HENDON: That is -- that is true --

17                  ACTING CHAIR CAHN: An expensive --

18                  MR. HENDON: -- on a retrofit, which would  
19 also be a good reason to ensure that new designs going  
20 forward on tanks are in compliance with the EPA  
21 requirements so that we're not continuing to create a  
22 burden for our communities, especially with these --  
23 perhaps a tank and these overflows.

24                  So there are various options with regard to  
25 pressure or vacuum release vents on tanks that entities

1 could pursue as well. There's also bypass vents that could  
2 be used on those drain lines in the smaller -- these  
3 smaller pipe diameter type systems. So there are numerous  
4 options that folks can pursue. And I think going forward,  
5 as I mentioned, there's the SRF set-aside funds that are  
6 going to be available, where we can provide better  
7 outreach, education, and training to our community, to our  
8 operators, to our public water systems, as well as our  
9 private water systems too, so that we can get these folks  
10 in compliance, have safe drinking water, and ensure that  
11 the design also meets the enforcement criteria.

12 ACTING CHAIR CAHN: And what kind of -- can  
13 you just go over the kinds of modifications that people  
14 would be doing that would require the upgrade and kinds of  
15 modifications that wouldn't require upgrading, that, you  
16 know --

17 MR. HENDON: Sure.

18 ACTING CHAIR CAHN: -- grandfathered in  
19 clause. Because I looked at the definition in the  
20 regulations, and it's not real clear to me.

21 MR. HENDON: Absolutely.

22 ACTING CHAIR CAHN: Maybe it's clear to  
23 everyone else, but to me it's clear as mud.

24 MR. HENDON: And you bring up a good point,  
25 that was a number of commenters kind of had similar

1 questions with regards to when does the permit start, when  
2 does the permit stop. Essentially if you're replacing a  
3 pump -- anything in-kind -- an in-kind replacement would  
4 not need a permit. So if you're needing -- if you had a  
5 pipe rupture and you need to go get that pipe fixed,  
6 replace a valve, address a hydrant, by all means, yes, get  
7 those things fixed, rather than waiting and coming to DEQ  
8 to get a permit.

9           However, if you're -- if you're doing that fix  
10 and you realize, Hey, this pipe is old, aged, and you start  
11 ripping up a number of blocks within -- number of city  
12 blocks to address this fix, then you need to come and get a  
13 permit. So generally anything over a block, half a block,  
14 we're looking -- as far as pipe distance goes, we would  
15 expect to see a permit. You're going to have a number of  
16 perhaps service connections, pressure differential, other  
17 things for us to look at and evaluate.

18           ACTING CHAIR CAHN: So one of the comments  
19 that I would have on your response to comments, a lot of  
20 times it just says, you know, look here for modifications.

21           MR. HENDON: Yeah.

22           ACTING CHAIR CAHN: And I guess my thought  
23 would be just put in a sentence like you said, you know --

24           MR. HENDON: Absolutely. And we are  
25 looking -- so internally we've discussed along with 24

1 mesh, along with what requires a permit, generating an FAQ  
2 page or section, so that folks know and they can get that  
3 information quickly on our website. And we can also  
4 address it within our comments -- response to comments as  
5 well. Because we think that would be a beneficial use for  
6 folks and provide them with clear -- better direction.

7                   ACTING CHAIR CAHN: Okay. And I should  
8 have started off by saying, you know, I really appreciate  
9 all that you guys have done. I know that I asked, you  
10 know, at the last meeting that you go back to commenters  
11 and staff, and you've done that. And I really appreciate  
12 what you've done. It's really helpful. And I think it's  
13 improved. You know, I think -- and I also am glad that we  
14 extended the public comment period, because I think we got  
15 some good comments. It's a pretty --

16                   MR. HENDON: We would agree with you.

17                   ACTING CHAIR CAHN: This is my doctor's  
18 appointment tomorrow, so I have to get it. I'm sorry.  
19 I'll be right back.

20                   MR. HENDON: Sure.

21                   (Off-the-record discussion.)

22                   ACTING CHAIR CAHN: Where was I?

23                   MS. ZYGMUNT: I think we agree.

24                   MR. HENDON: 24 mesh.

25                   MS. ZYGMUNT: Yeah. And we appreciate the

1 feedback from the December meeting.

2           And, again, Keenan has done a really good job  
3 about how to do effective outreach, and we've learned some  
4 things that we'll take to new rulemaking projects. So I  
5 think we have a better product because of comment. At this  
6 point in time I think we have good responses and have had  
7 good productive discussion with commenters. Again, we'll  
8 consider the comments that Mark Pepper gave to us this  
9 morning, and come up with written responses to those  
10 comments.

11           But I'll turn it back over to you in terms of  
12 where you'd like to take the conversation today.

13           ACTING CHAIR CAHN: Okay. I guess just  
14 another sort of big picture comment that I have is, you  
15 know, there's lots and lots of very small water systems in  
16 use in the state, campgrounds, rest stops, little parks.

17           MR. HENDON: Absolutely.

18           ACTING CHAIR CAHN: And, you know, I'm  
19 concerned about -- you know, I guess my question is, is  
20 there a way of having some kind of de minimis that says if  
21 you, you know, serve less than a certain number of  
22 households, people, or size system, that we can say you  
23 don't have to follow all of these regulations? So, for  
24 instance, I'm concerned about the storage. So if -- if  
25 people have to have, you know, small -- small systems,

1 campground, whatever, has to have a second well or storage  
2 tank that can store -- you know, so you have to have twice  
3 as much as your daily demand, whatever the term is, and  
4 you're only being used seasonally, you know, then you can  
5 have water aging problems in the tank, because you have too  
6 much water, and then you have to dump that water out.

7           And so it seems like one-size-fits-all doesn't  
8 seem to work. I think a lot of the problems in Wyoming  
9 where there's lots of small water systems, a small  
10 subdivision, a small, you know, restaurant. I mean, you  
11 can think of a million situations.

12           MR. HENDON: Scenarios, right.

13           ACTING CHAIR CAHN: Yeah, scenarios. Yeah,  
14 thank you.

15           So I'm just wondering if there's a way of saying,  
16 okay, if you're less than this, this doesn't apply,  
17 because, you know, these aren't year-round -- I don't know  
18 if it has to be year-round. Anyways, you probably thought  
19 of this, I'm sure, so I'll let you answer, but that's my  
20 concern.

21           MR. HENDON: We -- so absolutely we have  
22 thought of that with regards to your transient noncommunity  
23 water systems, your RV parks, campgrounds, things of that  
24 nature. You know, there is the two-well requirement or the  
25 storage requirement, as you mentioned. It is something

1 that we have looked into and addressed. Internally we've  
 2 discussed it. I want to say based on our internal  
 3 discussions, we left the criteria as-is, as it was existing  
 4 with regards to these systems. I'm not sure if Jennifer  
 5 has additional ideas or thoughts with regards to these  
 6 systems, on these types.

7 MS. ZYGMUNT: It's a good question, and  
 8 it's one that's on our radar, and one that we've been  
 9 talking with Mark, with Wyoming Association --

10 ACTING CHAIR CAHN: Mark Pepper.

11 MS. ZYGMUNT: Mark Pepper.

12 MR. HENDON: Mark Pepper.

13 MS. ZYGMUNT: -- about extensively and it  
 14 is a big need in the state to figure out how to help these  
 15 transient systems, and particularly, as we see more tourism  
 16 within the state, you know, some of these seasonal  
 17 facilities are seeing increased visitation. You know, they  
 18 may be overloaded. They may not have originally developed  
 19 the site to have their well and their septic system  
 20 appropriately sited, and they grow and become a public  
 21 water system well, and then they need to make some choices  
 22 about how to manage water/wastewater on the property. So  
 23 we're seeing a lot of challenges, and I think probably the  
 24 first thing that needs to happen is we need to find  
 25 resources for more technical assistance for those

1 facilities. And Keenan mentioned earlier that there was  
2 some legislation that opened up some state revolving fund  
3 set-aside money for the State to potentially pursue that  
4 could be used for technical assistance for these transient  
5 communities.

6           So we plan to continue having these discussions  
7 with WARWS and other groups, and I think the place to start  
8 would be better technical assistance to make sure they have  
9 appropriate resources and can be in compliance. I think in  
10 terms of the one-size-fits-all approach, I can absolutely  
11 understand that may be the case. I don't know that I'm  
12 able today to talk about specifics where we could make  
13 adjustments, but I think that's something that we can keep  
14 in mind as we continue to look at this rule and those  
15 systems while also making sure keeping those facilities in  
16 compliance with EPA PWSS system.

17           So I hear your concern. I can't give you  
18 specific commitments right now, but we will keep that in  
19 mind as we work with these transient systems.

20           ACTING CHAIR CAHN: Okay. I think that --  
21 to me, that's a real showstopper. That's a really  
22 important issue. So, yeah, if you can add it, you know,  
23 next time we look at this, if -- if we don't -- I mean, I'm  
24 only one person on the Board, but if the Board chooses to  
25 pass this on to EQC, then you'll be looking at it years



1 down the road. But if the Board chooses not to recommend  
2 going to EQC, then I would like to see you looking at that  
3 some more.

4 MR. HENDON: Sure.

5 ACTING CHAIR CAHN: I think it's really  
6 important.

7 MR. HENDON: Right.

8 ACTING CHAIR CAHN: You know, and I think  
9 about campgrounds where -- you know, state parks, whatever,  
10 where -- so the well runs dry, you just say there's -- you  
11 shut down that campground, and say, okay, we're done for  
12 the season a little earlier, this marina, this whatever --

13 MR. HENDON: Yeah.

14 ACTING CHAIR CAHN: -- you know, we're done  
15 a little early.

16 MR. HENDON: Yep. There's definitely  
17 likely some options that --

18 ACTING CHAIR CAHN: And I'm really  
19 concerned about -- not just -- I mean, it's one thing if  
20 they're going from seasonal to permit, or they've got way  
21 more people, what you're addressing on the opposite end of  
22 the scale where they -- I'm looking at the opposite from  
23 what Jennifer's looking at --

24 MS. ZYGMUNT: I see.

25 ACTING CHAIR CAHN: -- where are we

1       oversizing and making it too extensive for them, because,  
2       you know, they're seasonal and transient, whatever, so...

3               Thanks. Okay. That's kind of a big-picture one  
4       from me.

5               Okay. So I'm wondering if we want to start with  
6       Chapter 10, because we didn't get to 10 on --

7                       BOARD MEMBER DEURLOO: Section 10?

8                       ACTING CHAIR CAHN: Section. Thank you.

9       Sorry. Excuse me.

10                      MS. ZYGMUNT: Madam Chairwoman, if I could  
11       make a suggestion, and it might be beneficial, if we could  
12       ask if Mr. Dickson has any big-picture comments he'd like  
13       to share.

14                      ACTING CHAIR CAHN: Sure. Brian, do you  
15       have any big-picture comments? You'll have to go off mute.

16                      BOARD MEMBER DICKSON: No. I'm fine the  
17       way it is.

18                      ACTING CHAIR CAHN: Other board members  
19       have some big picture -- other comments, big picture?

20                      BOARD MEMBER DEURLOO: No, thank you.

21                      BOARD MEMBER COCHRAN: No.

22                      ACTING CHAIR CAHN: So I guess my question  
23       is do we want to go through chapter -- chapter, thank  
24       you -- Section 10 on, or do we want to start back at the  
25       beginning again with my questions?

1                   So I don't know. Keenan, whatever works best for  
2 you.

3                   MS. ZYGMUNT: Madam Chairwoman, I think  
4 we'll leave it to the Board's preference. You know, we are  
5 happy to answer any questions and thoughts that we would  
6 like to discuss. We are not planning on kind of going  
7 through a page-by-page, line-by-line review. I think given  
8 the presentation we heard this morning, I think we can go  
9 section by section, just open it up to questions or  
10 comments in that section. We can move forward that way.

11                   ACTING CHAIR CAHN: What do you guys  
12 prefer, starting with 1 or starting with 10?

13                   BOARD MEMBER DEURLOO: I like to plow new  
14 ground.

15                   ACTING CHAIR CAHN: Plow new ground? Okay.  
16 We'll start with 10.

17                   BOARD MEMBER DEURLOO: Plow new ground,  
18 sometimes plant the seed and -- so answer to your question,  
19 start at Section 10?

20                   ACTING CHAIR CAHN: Start at Section 10.  
21 So on page 12-16 of the green copy.

22                   BOARD MEMBER DEURLOO: 12-16.

23                   ACTING CHAIR CAHN: All right. So I -- my  
24 first question is on page 12-18. It's line 818. And I  
25 understand the change made was because EPA required that.

1 It deleted "for plants for the maximum daily flow of 50,000  
2 gallons per day or more..." And that is a little bit of my  
3 one-size-fits-all. We had something that allowed us to  
4 rethink that. So maybe you can talk about the discussions  
5 with EPA on that.

6 MR. HENDON: Sure.

7 ACTING CHAIR CAHN: And whether there's any  
8 wiggle room.

9 MR. HENDON: Sure. And with regards to the  
10 meters, we did a search for meters and meter cost. We  
11 didn't see a significant cost or rise with regards to a  
12 meter requiring instantaneous flow rate. They're going to  
13 be -- the meter would not provide additional burden to the  
14 entity or the user to provide an instantaneous flow rate.  
15 With it being a requirement with EPA from their guidance,  
16 we went ahead and incorporated that change.

17 ACTING CHAIR CAHN: Okay. And then I just  
18 have -- and I'll go over -- and I'll get with you on a few  
19 other editorials later. Okay. Let me just look -- I've  
20 got to look in all the places for Section 10 to see what I  
21 have. So in the response to comment from Ty Ross, on  
22 10(b)(i), on page 16 of the comments. I think the  
23 reference to 10(b)(iv) is wrong. I think it should be  
24 10(b)(ii).

25 That's the same doctor's office. I'm sorry.

1 BOARD MEMBER DEURLOO: Yeah, take it. You  
2 do what you got to do.

3 (Off-the-record discussion.)

4 ACTING CHAIR CAHN: Really sorry.

5 MS. ZYGMUNT: Madam Chairwoman, we're in  
6 agreement with that correction, and we'll modify that --

7 THE REPORTER: Excuse me.

8 MS. ZYGMUNT: We're in agreement with that  
9 correction, and we will modify that response to comments.

10 ACTING CHAIR CAHN: Okay. And then I guess  
11 it's the same -- let's see, page -- it's the same question  
12 about EPA comment on page 17, where the greater than  
13 .5 million gallons per day or population greater than 3300,  
14 that also disappeared, got deleted. And I'm wondering --  
15 I'm wondering if that's something with wiggle room.

16 So there was language, maybe it's in the -- maybe  
17 it's in the 10 States Standards.

18 MR. HENDON: Gotcha. In the -- so on that  
19 one, this was a comment where we were requiring --  
20 essentially EPA's giving us an off-ramp to allow either/or.

21 ACTING CHAIR CAHN: Okay.

22 MR. HENDON: So we viewed that as a win --

23 ACTING CHAIR CAHN: Okay.

24 MR. HENDON: -- versus the language that we  
25 had. And so they were saying you keep the language you

1 have, you're going to be doubling up your meters and  
2 providing an additional burden to your communities. But if  
3 you go with what we're proposing, you can get away with  
4 just a meter, or you can continue to have two of these  
5 meters.

6 ACTING CHAIR CAHN: Okay. So they required  
7 getting rid of that language --

8 MR. HENDON: They said, Hey, you know --

9 ACTING CHAIR CAHN: Give and take.

10 MR. HENDON: Yeah, it was a little give and  
11 take. They said, Hey, we can give you a bit of an off-ramp  
12 here with regard to benefits to your users.

13 ACTING CHAIR CAHN: That's all I have on  
14 Section 10.

15 MR. HENDON: Okay.

16 ACTING CHAIR CAHN: So...

17 Okay. Section 11, Source Development. And I'll  
18 ask the Board, please interrupt me or just raise your hand  
19 or -- if you have something on Section 10.

20 BOARD MEMBER DEURLOO: Sure. I'm good.

21 BOARD MEMBER COCHRAN: I have a comment on  
22 Section 11, if you're moving there.

23 ACTING CHAIR CAHN: Okay. Great.

24 BOARD MEMBER COCHRAN: Page 12-22, line  
25 978, it talks about a 10-foot setback for property lines.

1 It seems to me you need to be more consistent with your  
2 other setbacks, because you're either putting the burden on  
3 another landowner not to install things you're setting back  
4 from, or you're putting it outside the operator's capacity  
5 to stop those things from occurring. So I think they  
6 either need to have agreement from the other landowner that  
7 those things won't occur or your setbacks need to be  
8 consistent with your other setbacks.

9 MR. HENDON: Okay. And so in looking at  
10 page 12-22, you would recommend perhaps it follows the  
11 setbacks kind of at the top of the page, perhaps, with  
12 the --

13 BOARD MEMBER COCHRAN: Yeah.

14 MR. HENDON: -- 50-foot.

15 BOARD MEMBER COCHRAN: Or the -- you know,  
16 you've got 500 feet from absorption field.

17 MR. HENDON: Yeah. And I think that --  
18 yeah. That is -- that is definitely something for us to  
19 look at and consider, and I think we're probably looking at  
20 from a construction standpoint with regards --

21 BOARD MEMBER COCHRAN: At least design  
22 standards. If they can get agreement from the other  
23 landowner, I'm not going to put any of those things in  
24 there, that works for me too, you know.

25 MR. HENDON: Right.

1 BOARD MEMBER COCHRAN: Thank you, Madam  
2 Chair.

3 ACTING CHAIR CAHN: Anyone else from the  
4 Board have comments on Section 11?

5 Okay. So I have questions in terms of the 10  
6 States Standards. Why was 3.2.1.1, the source capacity,  
7 why was that removed? So that is under Quantity, Source  
8 Capacity, "The total developed groundwater source capacity,  
9 unless otherwise specified by the reviewing authority,  
10 shall equal or exceed the design maximum day demand with  
11 the largest producing well out of service."

12 MS. THOMPSON: That was in response to a  
13 comment from Mr. Ben Jordan --

14 ACTING CHAIR CAHN: Okay.

15 MS. THOMPSON: -- who noted that 3.2.1.1 is  
16 not agreed -- there was a conflict with I believe it was  
17 Section 11(e)(i). And so we looked at the concern and took  
18 out the reference --

19 ACTING CHAIR CAHN: Okay.

20 MS. THOMPSON: -- because of a conflict  
21 later in the section.

22 ACTING CHAIR CAHN: Okay.

23 MR. HENDON: Yes, I think we took out the  
24 reference to the 10 States Standards, but we already -- we  
25 essentially have that language within Chapter 12 under



1 (e) (i) on page 12-21.

2 ACTING CHAIR CAHN: All right. Then the --  
3 so let's see. I think -- I have a note that 3.2.6.5 in the  
4 10 States Standards conflicts with line 1067. And I --  
5 Gina, thank you for sending me a copy of this. It was  
6 really helpful for the review to have the 10 States  
7 Standards.

8 So 3.2.6.5 is limestone or sandstone wells.  
9 Actually, maybe that's now -- that's been changed. 1067  
10 has been changed. Right or not?

11 MR. HENDON: I think it may get changed  
12 with that proposed language change.

13 ACTING CHAIR CAHN: Do you remember what it  
14 was?

15 MR. HENDON: I'm going to guess it got  
16 moved down within the document.

17 ACTING CHAIR CAHN: Oh, is this the one  
18 where -- I'll have to see the new wording.

19 So this is for wells without permanent casing.  
20 And is this where the -- we going to be grouted into the  
21 next -- to the formation, right?

22 MR. HENDON: Yeah, this is in order to  
23 comply with SEO.

24 ACTING CHAIR CAHN: Okay.

25 MR. HENDON: So essentially the casing's

1 going to extend through that layer, and will be grouted in  
2 that layer.

3 ACTING CHAIR CAHN: Okay.

4 MR. HENDON: And then extend 10 feet  
5 minimum --

6 ACTING CHAIR CAHN: Okay.

7 MR. HENDON: -- into that target aquifer to  
8 comply.

9 ACTING CHAIR CAHN: So this 10 feet -- in  
10 the top 10 feet, that's gone now, that's on my --

11 MR. HENDON: Yeah.

12 ACTING CHAIR CAHN: Okay. Good. Thank  
13 you.

14 MR. HENDON: That should be gone.

15 ACTING CHAIR CAHN: Okay. Good. Thank  
16 you.

17 But so then is it necessary to have 3.2.6.5 for  
18 limestone or sandstone wells to have the 50 feet, "Where  
19 the depth of the unconsolidated is more than 50 feet, the  
20 permanent casing shall be firmly seated in uncreviced  
21 unbroken rock." And "Grouting requirements determined by  
22 the reviewing authority."

23 And if it's "...less than 50 feet, the depth of  
24 casing and grout shall be at least 50 feet or as determined  
25 by the reviewing authority." So I guess that gives us some

1 flexibility.

2 MR. HENDON: I think it provides  
3 flexibility.

4 ACTING CHAIR CAHN: Okay.

5 MR. HENDON: And the design engineers to  
6 work with our district engineers to make their case,  
7 either -- one way or the other.

8 ACTING CHAIR CAHN: Okay. And then the  
9 next thing is in citing 3.2.7 on line 838. It's a little  
10 bit confusing for me, with -- if you cite 3.2.7, but then  
11 say -- in my mind that implies all of 3.2.7, but I think  
12 you're not implying, because then it is broken down to  
13 3.2.7.3 and .4 and .6 and .7 and .8. So I'm wondering  
14 if -- and all that 3.2.7 says is a title, Well Pumps,  
15 Discharge Piping and Appurtenances. So I'm thinking you  
16 would delete the line that says 3.2.7, Well Pumps,  
17 Discharge Piping and Appurtenances.

18 MS. THOMPSON: Yeah. We can remove that  
19 from the paragraph.

20 ACTING CHAIR CAHN: Okay. Good.

21 And I guess that, in my mind, kind of brings up  
22 an issue of checking all of the citations in each section  
23 of the TSS to make sure that there isn't an overlying --  
24 you know, a bigger --

25 MR. HENDON: A bigger -- yeah, we're

1 covering something more than we need to.

2 ACTING CHAIR CAHN: It implies that  
3 somebody's confused, so just to check.

4 Okay. All right. So then on line 845, it's  
5 Section 11(c). So first -- okay. It just -- I'm thinking  
6 how this flows. The first thing we're talking about is  
7 source development, surface water intake structures, and  
8 then we go to service connections and groundwater source  
9 development, isolation distances, but between those we have  
10 transmission lines interconnecting process piping. And all  
11 that stuff seems kind of out of place. So it seems like  
12 transmission and piping should come after source  
13 development. So it just doesn't flow to me.

14 MR. HENDON: Okay.

15 ACTING CHAIR CAHN: So I would suggest  
16 moving that section.

17 MR. HENDON: Kind of a layout?

18 ACTING CHAIR CAHN: Yeah.

19 MR. HENDON: Okay.

20 ACTING CHAIR CAHN: So it's kind of  
21 organizational, as you're going through and thinking about  
22 this stuff --

23 MR. HENDON: Sure.

24 ACTING CHAIR CAHN: -- going from the  
25 source out to --

1 MR. HENDON: So you go from the --

2 ACTING CHAIR CAHN: -- the transmission --

3 you know, you're going from the --

4 MR. HENDON: To the transmission --

5 ACTING CHAIR CAHN: The source to --

6 THE REPORTER: One at a time, please.

7 ACTING CHAIR CAHN: Okay. Sorry.

8 MR. HENDON: Sorry, Kathy.

9 ACTING CHAIR CAHN: Okay. I'll let you  
10 guys figure out where it belongs, but...

11 Okay. Then I think there was a comment made --  
12 I don't remember who made it -- on line 938, which is  
13 Section 11(b)(i). That the language -- so the language  
14 reads "Proposed designs shall include a minimum of two  
15 wells supplying twice the daily demand, or one well and  
16 finished water storage that together equal twice the  
17 maximum daily demand."

18 And I think the question really is -- I know the  
19 answer, but the way it's written, it could -- you could  
20 argue each well would supply two times the daily demand.  
21 And I think what we mean is combined wells supply two times  
22 the daily demand. So I think the problem is with the  
23 wording "two wells supplying twice the maximum daily..."  
24 So I think we can either say two wells together supplying  
25 twice the daily demand, or two wells combined, or something

1 in there to indicate that it isn't each well supplying it  
2 two times, so...

3 And then --

4 BOARD MEMBER COCHRAN: But it is each well  
5 supplying once.

6 ACTING CHAIR CAHN: Yeah.

7 BOARD MEMBER COCHRAN: You can't have one  
8 well supplying one and three-quarter and one well supplying  
9 a quarter.

10 ACTING CHAIR CAHN: Yeah, you can. Because  
11 it's the --

12 BOARD MEMBER COCHRAN: Not if your big one  
13 shuts down.

14 ACTING CHAIR CAHN: Well, so you have twice  
15 the daily demand you have together with two wells. So if  
16 one -- oh, so you're saying if one -- oh, if one's only  
17 half of the daily demand, that --

18 MR. HENDON: Yeah, I think they both need  
19 to supply twice the maximum daily demand so that should one  
20 go down, the other is capable of providing the same supply.

21 ACTING CHAIR CAHN: So they each have to  
22 supply the daily demand.

23 MR. HENDON: Yes.

24 ACTING CHAIR CAHN: So then it would be --  
25 so if you had one smaller well, now you're going to drill a

1 new well to increase your capacity, you can't have one  
2 supplying a quarter of the daily, the new one supplying --

3 MR. HENDON: The combination --

4 ACTING CHAIR CAHN: -- 1.75.

5 MR. HENDON: -- gets you -- gets you all  
6 the way there? No. Short answer is no. It would need to  
7 be two wells providing twice the maximum.

8 ACTING CHAIR CAHN: Each well.

9 MR. HENDON: Each.

10 ACTING CHAIR CAHN: Each well provides  
11 twice the daily demand.

12 MR. HENDON: Each one.

13 ACTING CHAIR CAHN: So now you have four  
14 times the daily demand.

15 MR. HENDON: So I think that goes back to  
16 your original concern with regards to smaller systems.

17 ACTING CHAIR CAHN: Yeah. Definitely.

18 MR. HENDON: And an off-ramp for smaller  
19 systems.

20 ACTING CHAIR CAHN: Especially now I  
21 understand it to mean --

22 MR. HENDON: Yeah, for your smaller  
23 systems.

24 ACTING CHAIR CAHN: But if you have one  
25 well in the finished water storage, you only have twice the

1 maximum daily demand. So that doesn't make sense to me  
2 that the wells -- two wells would have to provide twice as  
3 much as a well and storage -- finished storage water tank.  
4 That doesn't make sense.

5 MR. HENDON: Noted. We can take a look at  
6 it.

7 MS. ZYGMUNT: We understand the concern.

8 ACTING CHAIR CAHN: Okay.

9 MS. ZYGMUNT: But, again, there's some good  
10 reasons for requirements, we'll take a look at the wording  
11 and make sure first that it's clear what we mean, and then  
12 recognize that ties into your one-size-fits-all comment.

13 ACTING CHAIR CAHN: The next comment I have  
14 is on Table 1, at the bottom of page 12-21. So if you go  
15 and reference to Chapter 15, the septic tank minimum  
16 distance to well for septic tanks for water supply wells is  
17 a hundred feet from a public water supply to a septic. So  
18 I'm wondering why we have 50 feet. And I'm going to pull  
19 up Chapter 15.

20 MS. THOMPSON: Did you mean Chapter 25, the  
21 small wastewater chapter?

22 ACTING CHAIR CAHN: Yeah, 25.

23 MS. THOMPSON: Okay.

24 ACTING CHAIR CAHN: Sorry.

25 MS. THOMPSON: That's okay. I wanted to



1 make sure --

2 ACTING CHAIR CAHN: I can't read my own  
3 handwriting.

4 MS. THOMPSON: I wanted to make sure,  
5 because I was thinking we had rescinded 15.

6 ACTING CHAIR CAHN: Sorry.

7 MS. THOMPSON: But it's --

8 ACTING CHAIR CAHN: It's so hard to keep  
9 track of what's in -- there's so many rules we've looked at  
10 over the years, it's hard to keep track of the chapter  
11 names. So, yes, I meant Chapter 25. I apologize. I was  
12 just going to pull it up, so I have it.

13 Okay. So Chapter 25 is septic tanks, soil  
14 absorption systems, and other small wastewater systems.  
15 And it's requiring a hundred feet so -- and I can -- I can  
16 search for that, if you want.

17 MR. HENDON: If you look at page 25-8, the  
18 top line for wells, the offset distance for the well to a  
19 septic tank is 50 feet. To the absorption system in  
20 Chapter 25 shows 100 feet. And the proposed Chapter 12, we  
21 have 200 feet.

22 ACTING CHAIR CAHN: Okay. I'm looking at  
23 septic tank, not the absorption. So looking at Table 4 in  
24 Chapter 25, Public Water Supply Wells, minimum horizontal  
25 setbacks for domestic wastewater in feet from public water

1 supply well to a septic tank or equivalent is a hundred,  
2 and here it's 50. So I'm on -- I don't have line numbers,  
3 but it's in -- it's the second row in Table 4.

4 MR. HENDON: Yep. I agree with you.

5 ACTING CHAIR CAHN: Okay.

6 MS. ZYGMUNT: We will review both tables  
7 and make any corrections to Chapter 12.

8 ACTING CHAIR CAHN: Okay.

9 MR. HENDON: Thank you, Lorie.

10 ACTING CHAIR CAHN: And how do you know --  
11 I'm not sure where I -- can't always follow my thinking.

12 So small wastewater systems defined -- oh, okay.  
13 In 35-11-103(c) (ix), a single residential unit serving no  
14 more than four families or 2,000 gallons per day -- gallons  
15 sewage per day is for a small wastewater system, and I'm  
16 wondering if that might be a place to help us with small  
17 public water supplies. You know, I don't know.

18 MR. HENDON: That 2,000 --

19 ACTING CHAIR CAHN: I don't know what the  
20 answer is for how to define a de minimis that could be more  
21 flexible. So that's a place to look.

22 MS. ZYGMUNT: Yeah. I 'm understanding  
23 your comment. We can consider that, but that might be a  
24 long-term project, particularly if we're going to propose  
25 statute changes, that's going to require legislative

1 authority to do that. But we'll think about that. We  
2 understand what you're asking us to consider.

3 ACTING CHAIR CAHN: Okay. And then in  
4 Table 12, septic tank distance -- isolation distance for  
5 domestic sewage flows greater than 2,000 gallons per day,  
6 septic tank you have 50 feet. And then Table 7 of Chapter  
7 25, which I have to find. I believe it's a hundred --  
8 hundred feet again. So there's a disconnect.

9 MS. ZYGMUNT: Yeah. We will do the same  
10 corrections there.

11 ACTING CHAIR CAHN: Next comment --  
12 question I have is on line 6961, says --

13 THE REPORTER: Lorie, can you keep your  
14 voice up when you read.

15 ACTING CHAIR CAHN: Sorry. Okay.

16 So line 60 talks about -- well, starting at line  
17 57. So it's 11(e) -- so hard to do this -- (ii)(C). "If  
18 domestic wastewater is the only wastewater present and the  
19 design domestic sewage flow is greater than 10,000 gallons  
20 per day, or non-domestic wastewater is present the required  
21 isolation shall be determined by a subsurface study in  
22 accordance with the requirements with Water Quality Rules  
23 Chapter 3, Section 17(b), but shall not be less than those  
24 required in Tables 1 and 2 of this Section."

25 So I wrote I'm confused because when I went to

1 Chapter 3, Section 17(b), public water supplies are exempt  
2 from 3-17(b) in the opening paragraph Section 17, unless I  
3 misunderstood it. Maybe you can --

4 MR. HENDON: I have this is the --

5 ACTING CHAIR CAHN: I don't have it pulled  
6 up. Maybe you can pull it up, Gina, and look at it.

7 MS. THOMPSON: This particular one I know  
8 we discussed it with our attorney. I'm just trying to find  
9 the response, because she explained -- and I don't want to  
10 word it improperly and confuse the record, so...

11 ACTING CHAIR CAHN: Do you want to get back  
12 on that one?

13 MS. ZYGMUNT: We will note it. Again, I'm  
14 recalling that conversation with our attorney as well. I'm  
15 feeling confident that that is the appropriate language,  
16 but we will double-check that --

17 ACTING CHAIR CAHN: Okay.

18 MS. ZYGMUNT: -- and run it by Nicole as  
19 well.

20 ACTING CHAIR CAHN: Get back with us on  
21 that.

22 MS. ZYGMUNT: We can respond back to the  
23 Board at some point, yeah.

24 ACTING CHAIR CAHN: Okay. Great. And  
25 again I'm going to bring up the acidizing section. Where

1 does that start? Oh, it starts on line 993. And last  
2 meeting we talked a little about -- little bit about  
3 acidizing, and that there was a situation, was it in  
4 Gillette, where DEQ thought the problem was from  
5 acidization procedures, but then it turned out not to be.  
6 And that that had brought up issues that hadn't maybe  
7 addressed.

8           And someplace else in here, in this chapter,  
9 there's actually -- no, it's in response to comments, where  
10 you say, well, we're not going to address that because it  
11 doesn't happen very often in Wyoming, or wherever. So I  
12 just want to point out that if this acidizing -- you know,  
13 we're talking about a page on acidizing, if it hasn't  
14 happened yet. So it is kind of regulating for the  
15 unhappened [sic] or the anticipated issue, whereas in the  
16 other place, you know, you bring up we don't have to worry  
17 about it, it doesn't happen much in Wyoming. So in my mind  
18 that's a little bit of a --

19           MR. HENDON: A disconnect?

20           ACTING CHAIR CAHN: -- disconnect. And I  
21 would suggest removing this acidizing stuff, and maybe it  
22 belongs in the policy that you're, you know -- because --

23           MS. ZYGMUNT: The concern's noted. And we  
24 can look in the response to comments and see a further one  
25 that you're thinking of, if we need to provide some more

1 rationale. It is my intent to keep the well acidization  
2 language in the rule at this time. I feel, again, the  
3 Gillette-Madison, while it ultimately did not prove to be  
4 the acidizing activities, it does raise some concerns that  
5 we could tighten up our regulations to make sure that we  
6 are protecting public water supplies, individual  
7 homeowners' wells, during those activities, even if it's  
8 not occurring very often or we think it's unlikely to  
9 occur. And I'm speaking partly on behalf of my predecessor  
10 who felt that it was important to keep this language in the  
11 rule.

12 ACTING CHAIR CAHN: And I guess I just feel  
13 like it's new -- a new day, you know.

14 MS. ZYGMUNT: I will note that the Board  
15 approved this language in 2019.

16 ACTING CHAIR CAHN: Yeah. I know that.

17 MS. ZYGMUNT: So we have had these  
18 discussions before. So at this time I'm not willing to  
19 take that language out of the rule. But I understand your  
20 concerns, and we can be consistent in our rationale.

21 ACTING CHAIR CAHN: And especially with  
22 trying to keep the rules concise --

23 MS. ZYGMUNT: Sure.

24 ACTING CHAIR CAHN: -- and shorten the  
25 rules, so -- and if it -- if you had any policy and then it

1 were to become an issue down the road -- you know, if you  
2 have it in policy, then it's in there for people as a  
3 guidance.

4 MS. ZYGMUNT: The key there is if it's a  
5 policy, it is not regulatorily enforceable. And so if we  
6 had concerns where we needed to take actions on these  
7 rules, it needs to be in the rule and not a policy.

8 ACTING CHAIR CAHN: Okay. I'm trying to  
9 remember I just have a note that on 1062 -- 1061, I think  
10 Ben Jordan had brought up that gravel pack wells. It's not  
11 really appropriate to have them gravel packed. You know,  
12 so I think -- I'm not -- I can't remember what your  
13 response was, but I think the response was you aren't going  
14 to change it.

15 MR. HENDON: We're planning not to change  
16 it. But if you also notice, we did change the language to  
17 include filter pack. Depending on the documents that you  
18 utilize or you read, gravel pack is a common term when  
19 doing wells. So filter pack is another terms that's used  
20 with regards to wells and providing that packing material.  
21 So we've provided both options, I guess both conventions  
22 with regards to the section. Going through the 10 States  
23 Standards, everything they reference is gravel pack.

24 ACTING CHAIR CAHN: So do they have a  
25 definition of gravel pack? We're not talking about big

1 pieces of gravel, as -- which would not be appropriate,  
2 so...

3 MR. HENDON: Yep. And also note we did  
4 talk this comment over with Ben, and he was -- he thought  
5 our solution was a good one.

6 ACTING CHAIR CAHN: Okay. All right.  
7 That's fine with me, then.

8 MR. HENDON: And I would say that when we  
9 met them, with their commenters, we did come to a mutual  
10 understanding.

11 ACTING CHAIR CAHN: Okay. Great. That  
12 sounds good.

13 MR. HENDON: So what we were intending to  
14 move forward with.

15 ACTING CHAIR CAHN: Okay.

16 MS. ZYGMUNT: And, Madam Chairwoman, if I  
17 could interject. We're at 2:30, just a little bit past. I  
18 think we have about an hour or less for Mr. Deurloo to get  
19 to his commitment. I would like to make sure we review the  
20 rest of the rule to make sure we get the Board's advice on  
21 all the sections. So while I don't want to rush the  
22 conversation, this is productive, I would just like to keep  
23 an eye on the time to make sure we can accommodate the  
24 board member.

25 BOARD MEMBER DEURLOO: Let me see if I can



1 push it back a little bit too.

2 ACTING CHAIR CAHN: We have the room until  
3 4:00; is that correct?

4 MS. THOMPSON: Uh-huh.

5 MS. ZYGMUNT: Yes.

6 BOARD MEMBER DEURLOO: I have until 4:00  
7 too. So thanks.

8 ACTING CHAIR CAHN: And then -- okay. On  
9 line 1089, on page 12-25, with regards to flowing wells.  
10 It says "Overflows shall discharge a minimum of 18 inches  
11 above grade..." and those wells, it's going to be hard to  
12 protect from freezing, so how do you -- you know, if the  
13 water's not flowing back into the well, why -- why couldn't  
14 you also, you know, allow a below-ground vault or be in the  
15 side of a hill or being partially buried or something that  
16 can allow additional ways to keep the wells from freezing,  
17 because if you have -- if you're not, you know, you get a  
18 cold snap and got water in that part of the well.

19 MR. HENDON: We can look at that comment  
20 and see if we do not have it addressed somewhere else in  
21 the section.

22 ACTING CHAIR CAHN: And then on line 1095,  
23 in the mineralized water, the -- one of the commenters  
24 wanted it to be put up to a thousand, and we have it  
25 defined back in the front as 500. So I guess one of the

1 things -- and this might not be the place for it, but the  
2 total dissolved solids is a secondary standard from EPA,  
3 and not at 500 and not a primary drinking water standard,  
4 so I'm just thinking -- and they consider anything over a  
5 thousand to be un -- unfit for human consumption. So there  
6 are mineralized water sources that people are using in  
7 Wyoming. So when we get back to the definition, if we  
8 could allow up to the thousand, you know -- so are we --  
9 because it's being used in the state -- it's being used  
10 successfully, so --

11 MR. HENDON: Yeah, I think it was -- so  
12 the -- we did discuss this with the commenter as well. We  
13 did leave it at the 500, as existing in our current Chapter  
14 12. Of the 16, 17 or so commenters, we only did receive  
15 the one comment with regards to mineralized water. We did  
16 leave it at the 500 secondary requirement.

17 MS. THOMPSON: Additionally, in the comment  
18 response we are requiring treatment. We're just saying if  
19 you are encountering that mineralized water with the TDS,  
20 we just want to protect that new well from that. So we  
21 aren't requiring treatments down to -- we aren't requiring  
22 treatment of that mineralized water.

23 ACTING CHAIR CAHN: Okay.

24 MS. THOMPSON: It's that we don't want it  
25 mixing with other nonmineralized water.

1                   ACTING CHAIR CAHN: Okay.

2                   MS. THOMPSON: Because obviously you if  
3 hadn't planned on treating it and you had an incident, now  
4 you get to treat, right?

5                   ACTING CHAIR CAHN: Okay. But then we go  
6 down to line 1103, applications that propose to use  
7 mineralized water as a public water supply shall  
8 demonstrate the treatment will comply with the Drinking  
9 Water Quality Standards required by 40 CFR. Now, 40 CFR  
10 141 has both the secondary and primary drinking water  
11 standards in it. So if you say you must comply with this,  
12 now you're taking a secondary standard and saying you must  
13 comply with a secondary standard. And I'm -- it seems  
14 like -- in the -- it seems like that needs to be reworded.  
15 So maybe you say shall demonstrate the treatment will  
16 comply with the Primary Drinking Water Quality Standards  
17 required by 40 CFR 141. So you're not implying they're  
18 going to have to treat to a secondary standard, so...

19                   MS. ZYGMUNT: We'll look into clarifying  
20 that.

21                   ACTING CHAIR CAHN: On line 11 -- 1112, so  
22 1-1-1-2, (viii), the casing shall be a required size to  
23 convey liquid. I think the word "size" is kind of  
24 indeterminate. Are we talking about length? Are talking  
25 about, you know, interior -- inside diameter, whatever? So

1 perhaps I think you're meaning diameter. So maybe just  
2 change it. I don't know if you mean -- I'm okay with  
3 either -- just leave it at diameter. Not inside or  
4 outside, but just diameter.

5 MR. HENDON: Okay.

6 ACTING CHAIR CAHN: And then I would --  
7 after pressure -- so "Casing shall be of required diameter  
8 to convey liquid at a specified injection/recovery rate and  
9 pressure," then you had ", shall be a required size..." So  
10 I think you can just go "comma and" to allow for sampling.

11 So -- and then I think then Jordan had mentioned  
12 in one of his comments that all of (viii) could be -- and  
13 (ix) could be deleted if you incorporated the 10 States  
14 Standards 3.2.4. And so I had -- I didn't understand why  
15 you wouldn't just incorporate by reference 3.2.4.

16 BOARD MEMBER DEURLOO: You want this here?  
17 Anthony, you want this?

18 MR. RIVERS: Are you done with it?

19 BOARD MEMBER DEURLOO: Yeah. Go ahead.

20 MR. RIVERS: Thank you.

21 BOARD MEMBER DEURLOO: Thank you.

22 ACTING CHAIR CAHN: I mean, I guess that's  
23 something just to take away and not necessarily answer  
24 today. But I thought, you know, if all of that -- all  
25 Section 3.2.4 looked good, since you're already

1 incorporating by standard -- by reference --

2 MS. ZYGMUNT: We'll look at that one, Madam  
3 Chairwoman.

4 ACTING CHAIR CAHN: Okay. On line 1179, in  
5 your response to comments you said you would change this to  
6 say the finished grade should slope at 1 inch per foot, and  
7 it didn't get changed in my copy, so just -- I'm sorry. I  
8 said see my note, now I don't know where my note is.  
9 Sorry.

10 Okay. Okay. I have a question on line 1198,  
11 where it says "Each well shall have a device capable of  
12 measuring the total well discharge and shall have a device  
13 capable of measuring the total discharge from the field if  
14 there's more than one pump in operation. And I just -- I  
15 don't understand why the total well filled -- like if each  
16 well meant -- it's just a question. I don't understand it.  
17 If each well measures its flow, why need each well to  
18 measure total discharge from the whole field? Why wouldn't  
19 you just add them up? So I'm missing something.

20 MR. HENDON: Yeah, I thought we changed  
21 this.

22 MS. THOMPSON: If that's easier, we had a  
23 discussion with the commenter where -- because it was one  
24 of Mr. Jordan's comments.

25 MR. HENDON: Yeah, I thought we changed

1 this to just a meter at each well.

2 MS. THOMPSON: I thought so too.

3 ACTING CHAIR CAHN: Okay. Great. Good.

4 MR. HENDON: So to do just what you said.

5 ACTING CHAIR CAHN: Okay. Great. I missed  
6 that.

7 MR. HENDON: I thought we changed that,  
8 but --

9 ACTING CHAIR CAHN: Okay. Good. Thank  
10 you. It's a little hard when I think those changes came in  
11 last night or something. Okay.

12 BOARD MEMBER COCHRAN: Madam Chair.

13 ACTING CHAIR CAHN: Yes.

14 BOARD MEMBER COCHRAN: You guys already  
15 have a requirement to meter at each well. I wonder if this  
16 one is more towards you need to measure the total -- or,  
17 you know, some way to calculate the total field.

18 MR. HENDON: We can look at that and see if  
19 that -- if it's just capable under meter at each well,  
20 or -- because most systems should already have --  
21 theoretically should have this data and the information and  
22 technology available to capture that well field data and  
23 provide that information.

24 BOARD MEMBER COCHRAN: That's why I thought  
25 this one was more leaning towards the total aquifer --

1 MR. HENDON: Gotcha. Gotcha.

2 BOARD MEMBER COCHRAN: -- production.

3 MR. HENDON: We'll look at it, clarify it.

4 ACTING CHAIR CAHN: I have one more on  
5 Section 11, and it's page 12-28, line 1240 to 1242 and I  
6 believe in the response to comments you have said you'd  
7 make a change, but I don't see the change in my copy, so...

8 MR. HENDON: Thank you.

9 ACTING CHAIR CAHN: Okay. That's all I  
10 have. Oh, wait a minute. One more.

11 For line [sic] 12-84, (vii), very last part of  
12 the chapter, it says "Spring boxes shall comply with the  
13 finished water storage requirement of Section 14 of this  
14 Chapter," And I believe they're in Section 15.

15 MR. HENDON: You are correct.

16 ACTING CHAIR CAHN: Okay.

17 MR. HENDON: Yep.

18 ACTING CHAIR CAHN: And let's see, this  
19 brings up my concern about small systems. So if springs  
20 don't supply fire water, do they need these requirements,  
21 so no air vents and all these associated problems with that  
22 24 mesh screen and water levels in the spring aren't going  
23 to fluctuate very much, half a foot or something. So it  
24 seems like here's another example of where maybe we don't  
25 have to --

1                   MR. HENDON: Again, I think we have to  
2 ensure we're providing design standards that comply with  
3 the enforcement agency.

4                   ACTING CHAIR CAHN: Okay. Enough said,  
5 huh?

6                   MR. HENDON: So we can --

7                   ACTING CHAIR CAHN: See if there's wiggle  
8 room.

9                   MR. HENDON: We can pursue those options,  
10 but, again, I would hate to put an entity behind the 8-ball  
11 and have to pursue additional costs to upgrade their  
12 system.

13                   ACTING CHAIR CAHN: Okay. All right.  
14 Section 12.

15                   So I hope I'm going to get through these. I'm  
16 afraid by 3:30 I'm not, but I'm trying. I don't want to  
17 speak too fast for Kathy.

18                   Okay. Section 12, the list of TSS things we're  
19 citing are out of order, so it jumps from 3.4. -- 4.3.4.9  
20 to 4.3.1. And 4.3.4.2 out of place. And 4.36, those are  
21 out of place.

22                   MS. ZYGMUNT: We'll double-check the order.

23                   ACTING CHAIR CAHN: Then, yeah, 4.4.3 is  
24 out of place. (A), (b) and (d) are out of place.

25                   MS. THOMPSON: We can go through and make



1 sure that is in the correct order.

2 ACTING CHAIR CAHN: Then when you list 4.6  
3 on line 1302, when you list 4.6 through 4.6.14, that is all  
4 of 4.6. So I think you should just state 4.6.

5 Then on line 1300, it says 4.4.5 --

6 THE REPORTER: Can you repeat those? I'm  
7 sorry.

8 ACTING CHAIR CAHN: Sorry.

9 THE REPORTER: They just run together.

10 ACTING CHAIR CAHN: Okay. Line 1300, it  
11 says 4.4.5 through 4.4.5, so it's the same thing.

12 MS. THOMPSON: So that's going to appear  
13 several times in the remainder of that paragraph. So we  
14 can go through and make those shorter as appropriate, if  
15 there's -- if it's not including the whole section, we  
16 would leave it in, but if it is including that whole  
17 section, we'll take out that "through" for consistency with  
18 how we're citing it in the rest of the chapter.

19 ACTING CHAIR CAHN: And then I note that  
20 when it's 4. -- no, you fixed that. Okay.

21 And then same thing with 9.3. It implies all of  
22 it. So it should probably say through whatever. Okay.  
23 I'll let you guys. I'll move on.

24 MS. ZYGMUNT: We'll do a thorough review of  
25 all the TSS citations and make sure they're clear, so I

1 don't think we need to spend our time going through each of  
2 those, recognizing that those are really good catches. We  
3 will ensure we do a thorough review of those.

4                   ACTING CHAIR CAHN: Okay. On line -- let's  
5 see. Page 12-36, I have a note -- oh, it just says -- I  
6 think it could be changed to the maximum feed point  
7 backpressure shall not exceed 110 psi unless a chlorine  
8 solution pump is used, because then you go on "Where the  
9 backpressure exceeds 110 psi, a chlorine solution pump  
10 shall be used." I think that can just be shortened. Would  
11 mean the same thing.

12                   MS. ZYGMUNT: To the back -- I'm sorry.  
13 Could you read --

14                   ACTING CHAIR CAHN: Okay. So after not --  
15 line 1581, after 110 psi, it would just state "unless a  
16 chlorine feed solution pump gets used," and then get rid of  
17 the next sentence.

18                   MS. ZYGMUNT: Yep. Thank you. Understood.

19                   ACTING CHAIR CAHN: I can go over this  
20 other stuff with Gina. Go over this with Gina. Okay.  
21 That's another one for Gina.

22                   Okay. Line -- page 12-39, line 1748. This -- I  
23 found reading this thing about -- about pipe diameters  
24 really confusing to read, and so is it additional pipe  
25 length above the minimum may be required in accordance with

1 the manufacturer's guidelines rather than additional pipe  
2 diameters above the minimum? So -- the whole thing of  
3 consisting of a minimum of 10 pipe diameters use straight  
4 pipe upstream, are we talking about --

5 BOARD MEMBER DEURLOO: Taking a 10-inch --  
6 you have a 10-inch pipe, turn it on the side, it's going to  
7 be 10-inch -- how many?

8 BOARD MEMBER COCHRAN: Needs to be a  
9 hundred inches above.

10 BOARD MEMBER DEURLOO: Needs to be hundred  
11 inches above.

12 ACTING CHAIR CAHN: So could we say the  
13 piping configuration shall consist of a minimum length  
14 equivalent to 10 pipe diameters?

15 MS. THOMPSON: I believe that language is  
16 consistent with the EPA guidance manual. I believe that  
17 they use the -- that's how they are gauging it --

18 ACTING CHAIR CAHN: Okay. All right.

19 MS. THOMPSON: -- is in pipe diameters.

20 BOARD MEMBER DEURLOO: Pretty typical  
21 engineering speak.

22 ACTING CHAIR CAHN: Okay. Good.

23 All right. Page 12-41, line 1823. I don't think  
24 there is hydrofluosilic acid. I think it's  
25 hydrofluorosilicic acid. So I would spell it

1 h-y-d-r-o-f-l-u-o-r-o-s-i-l-i-c-i-c. And same on line  
2 1831. I Googled that and couldn't find it.

3 BOARD MEMBER DEURLOO: You're amazing.

4 ACTING CHAIR CAHN: I'm a nerd.

5 BOARD MEMBER DEURLOO: Yeah.

6 ACTING CHAIR CAHN: I'm a grammar nerd.

7 I'm the person who corrects books that I buy. It's a  
8 curse, believe me.

9 Okay. I can go over these ones with Gina.

10 On line -- on page 12-43, line 1894, the word --  
11 and the next line, the word "absorption" with a B, and  
12 adsorb is used. But granulated activating carbon adsorbs,  
13 not absorbs. So those should be adsorption and adsorb.

14 On page 12-44, line 1950, where you mention the  
15 membrane filtration guidance manual, which I know is in the  
16 back, but in order to find it in the back, could we add  
17 that it's U.S. EPA Membrane Filtration Guides so that  
18 somebody could go to the back under U. S. EPA?

19 MS. ZYGMUNT: We can do that.

20 MR. HENDON: Yeah.

21 ACTING CHAIR CAHN: Okay. All right. Then  
22 on line 1964, we talk about "Bag and cartridge filters  
23 shall comply with following requirements:" and then we say  
24 "Facilities that proposed bag or cartridge filters shall  
25 comply with the procedures..." So it seems like there's

1 some redundancy there. So maybe Gina and I can work on how  
2 to shorten that up. Maybe bag and cartridge filters shall  
3 comply with the following requirements, and then (i) would  
4 be "...procedures identified in Section 6 of this Chapter."

5 MS. ZYGMUNT: Uh-huh.

6 ACTING CHAIR CAHN: So I thank you for  
7 fixing the -- the reference was for membrane filters,  
8 should have been for bag and cartridges,, so good catch  
9 there.

10 On line 2006 on the next page, you were going to  
11 add "or shall demonstrate that combined filtration and  
12 disinfection shall provide 3-log removal" and that didn't  
13 get added on my copy.

14 MS. ZYGMUNT: Uh-huh.

15 ACTING CHAIR CAHN: Okay. The next  
16 question I have is on page 12-46, line 2030. And we talk  
17 about simple well systems. And so it says "The sanitary  
18 and laboratory waste from water treatment plants, pumping  
19 stations or simple well systems shall not be recycled to  
20 any part of the water plant." So my question is what's a  
21 well system -- simple well system and where's it defined,  
22 and what have you done differently for a not simple system?  
23 So is there -- is there -- if it's not simple, what is it?

24 MR. HENDON: We'll look into that and get  
25 back to you.

1                   ACTING CHAIR CAHN: Okay. All right.

2 Chapter 13. Section -- Chapter -- ah, Section 13.

3                   BOARD MEMBER DEURLOO: I have just a couple  
4 on 12.

5                   ACTING CHAIR CAHN: Okay.

6                   BOARD MEMBER DEURLOO: Minor. Madam Chair.

7                   So on page 12-33, line 1465, it states that  
8 "...two identical pumps shall be provided." I might  
9 recommend that say "...two pumps with similar  
10 specifications," rather than being identical. Sometimes  
11 they go out of stock, you know.

12                  MR. HENDON: You can only get what they  
13 got.

14                  BOARD MEMBER DEURLOO: Yeah. Then just  
15 kind of a note for punctuation on 12-37 -- on page 12-37, I  
16 recommend consistency. I see you have (ii), and then you  
17 go down (a) ends with semicolon, (b) ends in semicolon, and  
18 the (d) you stop with the semicolons. It should be  
19 semicolon, semicolon all the way down, and then the period  
20 isn't until the very end of the listing.

21                  MS. THOMPSON: We'll check that to make  
22 sure that there aren't any weird sentences in there, and  
23 we'll correct the construction of the grammar at the end as  
24 well.

25                  BOARD MEMBER DEURLOO: It's all over the

1 place, I've noticed it. I'm only pointing it out on this  
2 page, but there's missing semicolons and colons.

3 MS. ZYGMUNT: Mr. Deurloo, what page is  
4 that?

5 BOARD MEMBER DEURLOO: This one's 12-37.

6 MS. ZYGMUNT: Thank you.

7 BOARD MEMBER DEURLOO: If I can just set  
8 somebody down for an hour and I go through every one of  
9 them.

10 MR. HENDON: Yeah. Thanks.

11 BOARD MEMBER DEURLOO: I had something  
12 else, but it was minor. No big deal.

13 ACTING CHAIR CAHN: Go ahead.

14 BOARD MEMBER DEURLOO: I don't remember  
15 where it was.

16 ACTING CHAIR CAHN: Well, interrupt us if  
17 you think of it.

18 Any other Board comments on Section 12?

19 BOARD MEMBER DEURLOO: No, ma'am.

20 ACTING CHAIR CAHN: Okay. Hearing none,  
21 Section 13, so...

22 BOARD MEMBER DEURLOO: 14 -- oh, 13.

23 ACTING CHAIR CAHN: 13. In line 2094,  
24 5.1.11, it says "...herein incorporated by reference for  
25 day tanks," but 5.1.11 is day tanks. So I think we can

1 delete "...is herein incorporated."

2 MS. THOMPSON: I see that happening in that  
3 section. We will take that out.

4 ACTING CHAIR CAHN: Okay. I'm on Section  
5 14. We might actually get through Section 16 today. Okay.  
6 Pumping Facilities. So line 12 -- on page 12-49, the very  
7 top of the page, line 2165 through 2167, (iv). And we're  
8 talking here about "Pump design shall comply with the  
9 following requirements:" It seems like to me -- and I'm  
10 not an engineer, but "The calculated total dynamic head for  
11 pumping units shall be based on pipe friction, pressure  
12 losses from pipe entrances, exits, appurtenances such as  
13 valves and bends, static head of the design flow." To me  
14 that seems like really unnecessarily prescriptive. That an  
15 engineer doing the design is going to know that. It's kind  
16 of like -- I don't know.

17 BOARD MEMBER DEURLOO: If you're building a  
18 house, make sure you have a roof and walls and floor?

19 ACTING CHAIR CAHN: Yeah. Yeah. Exactly.  
20 That's a good analogy.

21 MR. HENDON: It kind of goes along those  
22 lines of what Board Member Deurloo had to say.

23 ACTING CHAIR CAHN: I would think if  
24 they're designing it, if they have to take that into  
25 account, just didn't seem like we need to mention it.



1 So...

2 Okay. My last comment on Section -- oh, I have  
3 editorials, so...

4 I don't understand what 2209 through 2211 means.  
5 Each pump shall either have an individual suction line or  
6 the lines shall have multiple suction lines that  
7 demonstrates similar hydraulic and operating conditions.  
8 Oh, it's an "or."

9 MS. THOMPSON: So this was -- this was an  
10 edit that we did to address a comment on the term  
11 manifolded. So the line previously read that each pump  
12 shall either -- each pump shall have an individual suction  
13 line or the line shall be manifolded such that they will  
14 ensure similar hydraulic and operating conditions. And I  
15 believe the manifolded was being used in an unusual and  
16 unclear way. So the -- in order to keep the intent of the  
17 passage, we reworked it so that each pump shall either have  
18 an individual suction line or shall have multiple suction  
19 lines that demonstrate similar hydraulic and operating  
20 conditions.

21 ACTING CHAIR CAHN: I don't understand that  
22 they demonstrate similar hydraulic and operating  
23 conditions. So similar between --

24 BOARD MEMBER COCHRAN: Each other.

25 ACTING CHAIR CAHN: -- each of the multiple

1 lines?

2 MS. THOMPSON: Yes.

3 ACTING CHAIR CAHN: And what about the  
4 individual --

5 BOARD MEMBER DEURLOO: Basically what it's  
6 saying is you can have a pump with, say, one 4-inch inlet  
7 or three 2-inch inlets coming into it, and it would have  
8 similar flow characteristics on the inflow of the pump.

9 ACTING CHAIR CAHN: So the demonstrating  
10 similar hydraulic operating conditions is not between the  
11 multiple suction lines, it's between each of the multiple  
12 suction lines. It's between --

13 BOARD MEMBER COCHRAN: It's the pumps.

14 BOARD MEMBER DEURLOO: It's the pumps.

15 BOARD MEMBER COCHRAN: So you want your  
16 pumps to have the same pressure and flow so they're pulling  
17 the same amount from the suction lines. If not, one's  
18 pulling more than the other.

19 ACTING CHAIR CAHN: Okay. So they'll have  
20 multiple suction lines that demonstrate similar hydraulic  
21 and operating conditions to the individual suction line.

22 BOARD MEMBER COCHRAN: Individual pumps.

23 ACTING CHAIR CAHN: Can you maybe reword it  
24 so somebody like me understands it? Maybe I'm the only one  
25 that doesn't understand it.

1                   MR. HENDON: Perhaps we can break up that  
2 sentence so that it's clear it's just for hydraulic  
3 operating conditions for one pump, period. Multiple pumps  
4 need to operate under similar hydraulic conditions. So we  
5 can address that.

6                   BOARD MEMBER DEURLOO: No, it doesn't tell  
7 you about one pump.

8                   ACTING CHAIR CAHN: It's one pump. It's  
9 still one pump. That's why it's confusing.

10                  THE REPORTER: One at a time.

11                  MR. HENDON: Got ya. Yes. I'm with you.  
12 We'll address it so we address the suction lines versus  
13 singular or multiple.

14                  ACTING CHAIR CAHN: Okay.

15                  BOARD MEMBER DEURLOO: Sorry. I'm good.

16                  ACTING CHAIR CAHN: Anybody on the Board  
17 have anything on Section 14 or Section 15?

18                  BOARD MEMBER DEURLOO: I don't.

19                  BOARD MEMBER COCHRAN: I don't have any  
20 comments.

21                  ACTING CHAIR CAHN: No?

22                  BOARD MEMBER COCHRAN: I'm good.

23                  ACTING CHAIR CAHN: Section 15. I think  
24 it's in response to comments here where BDOR said their  
25 existing tanks don't meet this 7.0.2 finished water storage

1 structures, and that is an example where the response to  
2 the comments is.

3 MR. HENDON: Yeah. And that's Board of  
4 Public Utilities. They had several existing tanks that I  
5 believe do not meet the partially buried or buried tank  
6 requirements. But, again, their tanks would still comply  
7 with the operating as a storage tank under their original  
8 permit.

9 ACTING CHAIR CAHN: So this is where you  
10 mentioned the requirements for modifications that I talked  
11 about in kind of a general comment in the response. So  
12 you're going to issue a permit to modify the facility and  
13 it's not really answering the question. I think their  
14 question is what are we going to do because our existing  
15 tanks don't meet this design criteria. And I think the  
16 answer is going to be as long as you don't modify them  
17 you're okay. So...

18 MR. HENDON: Excuse me. We did sit down  
19 with the Board of Public Utilities. We met with Bryce  
20 Dorr, Frank Strong, and we walked them through our comments  
21 and our response to comments. And we listened to their  
22 concerns and they understood that their tank would remain  
23 in compliance. When they came back to us and they needed  
24 to do a vent or should they need to address some other  
25 issue, we would definitely work with them on their tank and

1 their existing tank that was originally permitted.

2 ACTING CHAIR CAHN: Okay. And again, I  
3 always come up with the same thought in my head when we  
4 hear that existing things that are working and operating  
5 fine, are we imposing some kind of overkill for it --

6 MR. HENDON: Yeah. And --

7 ACTING CHAIR CAHN: -- or do we have to.

8 MR. HENDON: And again, we're more than  
9 happy to work with systems and entities should there be a  
10 concern from EPA on having to address the significant  
11 deficiency that was extremely burdensome or unrealistic for  
12 their facility. We're happy to further that discussion and  
13 work with those communities.

14 BOARD MEMBER DEURLOO: Madam Chair, I do  
15 have one question. I've got one. Page 12-51, line 2290.  
16 It says installation of a number 4 mesh noncorrodible  
17 screen. Is that supposed to be number 4 or is it supposed  
18 to be number 24?

19 MR. HENDON: That is number 4.

20 BOARD MEMBER DEURLOO: Number 4. Okay.  
21 Just making sure.

22 MR. HENDON: On that one they do get the  
23 number 4 option so long as they have a mechanical device.

24 BOARD MEMBER DEURLOO: Got it. Okay.

25 ACTING CHAIR CAHN: That's all I have on

1 15.

2 I haven't gone through my responses to comments  
3 as I'm going through. So I might have to cross-reference  
4 if we have time, come back to that.

5 Section 16, anybody on the Board have comments?

6 BOARD MEMBER DEURLOO: Not at this time.

7 BOARD MEMBER COCHRAN: I'm good.

8 ACTING CHAIR CAHN: You're good? Okay.

9 I've got questions on page 12-54 on line 2408  
10 about manholes. And this was a comment that I believe --  
11 page -- page 46 of comments. So this was brought up by  
12 actually several people. This is 16(g), so Dayton Alsaker,  
13 Jeffrey Rosenlund. And so one -- okay. One general  
14 comment in response to comments by saying we considered  
15 this comment, the requirement is an existing one that was  
16 previously located. To me if we're updating the  
17 regulations because they're 40 years old, we should be  
18 looking at existing ones, if we don't need to be doing  
19 them, we should be changing them. I don't think it's just  
20 good enough to say, well, it was already existing, so  
21 therefore we're good. I think we need to look into whether  
22 it makes sense.

23 So the old rules should be updated in another way  
24 besides adding more requirements, maybe removing some if  
25 they're unnecessary. And so I think that having -- you

1 know, manholes are really hard to keep water out of. And  
2 to say -- you just make a manhole that keeps the water out,  
3 I don't think that is really very good. So let's say you  
4 try to coat it. Concrete -- if it's concrete manhole,  
5 they're going to leak, even if you coat the surface. If  
6 you -- you know, if you -- if it's fiberglass, it can  
7 float. If it does flood, which a lot of manholes do flood,  
8 you're going to get a lot of really rusty piping and valves  
9 and stuff down in there, really hard to manipulate when  
10 they're rusty. And also to get down in there is a whole  
11 safety issue. There's a whole entry into confined spaces  
12 issue. So I want -- I think it was Jeffrey Rosenlund said  
13 let's look at valve boxes. Well, to me that's a really  
14 good idea.

15 MR. HENDON: Yeah, and they do have that  
16 under chambers.

17 ACTING CHAIR CAHN: Excuse me?

18 MR. HENDON: The section in question,  
19 manholes or chambers for automatic air relief valves shall  
20 be designed to prevent submerging the valve with  
21 groundwater or with surface water.

22 BOARD MEMBER DEURLOO: So chambers is --

23 MR. HENDON: I think they can --

24 ACTING CHAIR CAHN: Is a valve box.

25 MR. HENDON: I think they can have that

1 option.

2 ACTING CHAIR CAHN: I guess I didn't  
3 understand what chambers was.

4 MR. HENDON: It can also be a concrete box.  
5 It could be --

6 ACTING CHAIR CAHN: Okay.

7 MR. HENDON: But we can go back and we can  
8 provide a better option or clarification on it.

9 ACTING CHAIR CAHN: Okay. And then -- and  
10 then what about having like let's say a valve box or  
11 chamber, which I don't understand that term. But on either  
12 side of the creek, rather than directly under the creek.

13 MR. HENDON: We're not recommending a box  
14 in the creek. We're recommending it on either side of the  
15 creek.

16 ACTING CHAIR CAHN: Okay.

17 MR. HENDON: That's our recommendation.

18 ACTING CHAIR CAHN: Okay.

19 MR. HENDON: And to ensure that it's far  
20 enough away from the creek you're not going to have  
21 groundwater issues. We're not recommending putting in a  
22 manhole, chamber, meter pit, meter box.

23 ACTING CHAIR CAHN: So you have to be above  
24 the flood line?

25 MR. HENDON: It doesn't have to be above



1 the flood line.

2 ACTING CHAIR CAHN: Because you might have  
3 to go very far.

4 MR. HENDON: But you might have to go very  
5 far. But we're recommending it on either side of that  
6 crossing, whatever that crossing might be, and to ensure --  
7 to the best -- again, understanding your site conditions to  
8 the best of their ability to put it in a safer, less moist  
9 environment.

10 ACTING CHAIR CAHN: Okay. So maybe just  
11 look at the wording on chambers, because that was not --

12 MR. HENDON: Sure, we can address that.

13 ACTING CHAIR CAHN: -- obvious to me.

14 Okay. That's all I have on Section 16.

15 Anybody have anything on Section 17 or 18 or 19  
16 from the Board?

17 BOARD MEMBER DEURLOO: I do not. Not at  
18 this time.

19 ACTING CHAIR CAHN: I have nothing on 17.  
20 Nothing on 18. And I just had a question, when we were  
21 talking about you added in NSF61. Can you tell me -- show  
22 me where that is on here? I didn't see it added in.

23 MS. THOMPSON: It's Section 19(a)(iii),  
24 line 2791. It's American National Standards Institute.

25 ACTING CHAIR CAHN: Okay. Okay. So I

1 guess I was looking for green, because it -- I think the  
2 comments said you added that in. So thank you. That  
3 answers that.

4 Okay. That does my comments on -- it's 3:15. Do  
5 you need to leave at 3:30, you don't.

6 BOARD MEMBER DEURLOO: I need by 3:45.

7 MS. ZYGMUNT: Madam Chairwoman, if I can  
8 back up to a previous comment you asked for response on, on  
9 page 1222.

10 ACTING CHAIR CAHN: I'm sorry, Jennifer.  
11 Can you repeat that.

12 MS. ZYGMUNT: Yeah. Page 1222.

13 ACTING CHAIR CAHN: 1222.

14 MS. ZYGMUNT: And recognizing we will check  
15 the distances, Table 1, Table 2, there was a comment  
16 regarding (c) on that page, starting on line 957. Gina did  
17 find summary of our Attorney General's --

18 ACTING CHAIR CAHN: Oh, great.

19 MS. ZYGMUNT: -- analysis of that. And her  
20 interpretation is that is referring to specifically  
21 Section -- or, I'm sorry, Chapter 3, Section 17(b). It  
22 does not apply to all of Section 17 in the rule, which you  
23 are correct is not applied public water systems. But this  
24 cross-reference does make that 17(b) subsection applicable  
25 in this scenario. It just means that the whole Section 17

1 does not apply to public water systems.

2 ACTING CHAIR CAHN: Okay.

3 MS. ZYGMUNT: So we would propose leaving  
4 that language as is based on her --

5 ACTING CHAIR CAHN: Okay. Thank you.  
6 Because I missed that, so...

7 MS. ZYGMUNT: Yeah. It's a good question.  
8 Thank you.

9 ACTING CHAIR CAHN: All right. I'll try to  
10 hold it to break.

11 BOARD MEMBER DEURLOO: Keep going, man.

12 MS. ZYGMUNT: You're doing great.

13 BOARD MEMBER DEURLOO: Keep going.

14 ACTING CHAIR CAHN: So Section 3, somebody  
15 had a question -- it's titled Timing of Compliance with  
16 These Regulations, and I think somebody said there isn't  
17 any timing. Well, can we just rename it like Applicability  
18 of These Regulations or something that would --

19 MR. HENDON: Coverage of these regulations?

20 ACTING CHAIR CAHN: Yeah. Yeah.

21 MS. THOMPSON: Similarly worded -- titled  
22 to other --

23 ACTING CHAIR CAHN: Okay.

24 MS. THOMPSON: -- things in other chapters,  
25 which is why we thought to put it in here, it seemed

1 appropriate. And while it doesn't use the word "timing"  
2 conceptually --

3 ACTING CHAIR CAHN: Right.

4 MS. THOMPSON: -- it refers to --

5 ACTING CHAIR CAHN: It does refer to time.

6 MS. THOMPSON: Yeah.

7 MS. ZYGMUNT: But we will consider that as  
8 a broader global change. We'll talk about that with our  
9 attorney.

10 ACTING CHAIR CAHN: So, let's see, the  
11 mineralized water on page 12-4, you were going to talk  
12 about. So here it is more than continual 500, so we'll  
13 leave that.

14 Okay. Section 6 -- and you guys on the Board,  
15 please interrupt me if you have something.

16 BOARD MEMBER DEURLOO: We will.

17 ACTING CHAIR CAHN: Okay. Section 6.

18 Okay. I'm conceptually really confused with the title of  
19 the section and -- and (a) of that section. So it's  
20 Facilities and Systems Not Specifically Covered by these  
21 Standards is the title of Section 6. But then it goes on  
22 "Each application for a permit to construct a facility  
23 under this section shall be evaluated on a case-by-case  
24 basis..." So I just get -- do you see where I'm confused?  
25 Facilities are not covered, but then everything covered is

1 evaluated on case-by-case, so...

2 MS. ZYGMUNT: So Madam Chairwoman, this  
3 section gives the administrator some discretion to look at  
4 systems that may not have been envisioned at the time you  
5 wrote these rules, or new innovative technologies that  
6 still meet the intent of this rule, and gives me the  
7 authority to work with my staff on a case-by-case basis to  
8 permit that accordingly, if it does not specifically fall  
9 within, you know, the specifications that we've outlined.  
10 We would look at those kind of pilot projects very closely,  
11 but that is the intent of this section, if that helps  
12 answer your question.

13 ACTING CHAIR CAHN: All right. On line  
14 2 -- that's editorial. I'll go over that with Gina.

15 All right. So page 12-6, line 264, when we're  
16 talking about these two individual permits, and we  
17 originally had initially issued permits, so it seems to me  
18 there's two permits in order. There's a first one and then  
19 there's the next one. So by taking out the word  
20 "initially" on line 266, I'm wondering if we're still  
21 confusing things because it still says the issue permit and  
22 there's two of them. So can we say something like the  
23 first issued permit?

24 MR. HENDON: So Gina and I had discussions  
25 on this one as well, with regards to when a permit is

1 issued there's only one permit number issued for that  
2 facility. And so the language that we came up with was to  
3 follow that one permit number issuance. Perhaps there's  
4 still a better way to revise this.

5 ACTING CHAIR CAHN: So there aren't two  
6 individual permits. There's only one. So on line 264, am  
7 I understanding you to say there's only one permit?

8 MS. THOMPSON: There's one permit number.  
9 There are two authorizations.

10 ACTING CHAIR CAHN: Okay.

11 MS. THOMPSON: Which is bureaucratic,  
12 right?

13 ACTING CHAIR CAHN: Okay.

14 MS. THOMPSON: But it's potato, potato.  
15 But essentially they apply, we give them one number. And  
16 then when they follow those additional steps in that  
17 section, they submit additional information and we give  
18 them an additional written authorization.

19 ACTING CHAIR CAHN: Okay.

20 MS. THOMPSON: So it's --

21 BOARD MEMBER DEURLOO: Who are you  
22 authorizing? Are you authorizing the applicant or are you  
23 authorizing the well?

24 MR. THOMPSON: I believe that we're  
25 authorizing the applicant to construct the well, and then

1 we are authorizing connection of the well to their  
2 distribution system.

3 BOARD MEMBER DEURLOO: Okay. Madam Chair,  
4 I might recommend that we restate that sentence. Say of  
5 the administrative -- administrator, whoever it is, will  
6 authorize the applicant to construct, develop, and test the  
7 well for the applicable issued permit.

8 ACTING CHAIR CAHN: How about the first  
9 line, 264, we say for applications that include wells, the  
10 individual permit will be issued in two phases. Or there  
11 are two phases, something like that. That -- in two -- in  
12 two steps. So there's really not -- now you're telling me  
13 there's not two individual permits, there's really only  
14 one.

15 MS. THOMPSON: They get an initial  
16 authorization, and they get a second authorization to  
17 connect.

18 ACTING CHAIR CAHN: Okay. For applications  
19 that include wells, the individual permits will be issued  
20 as follows:

21 MS. THOMPSON: I think potentially --

22 ACTING CHAIR CAHN: Initially -- the  
23 applicant will be authorized to --

24 MR. HENDON: It's two authorizations.

25 ACTING CHAIR CAHN: -- contest the well,

1 and, second, the applicant will be required to submit --

2 MR. HENDON: Right. So I think we can  
3 re-word it for authorizations and for their permit, step  
4 one --

5 ACTING CHAIR CAHN: Yeah.

6 MR. HENDON: -- step two.

7 ACTING CHAIR CAHN: Yeah.

8 BOARD MEMBER DEURLOO: And you're not --  
9 you're authorizing the applicant to construct the well,  
10 then you're authorizing the applicant to develop and test  
11 the well, right? Was that your phases?

12 MR. HENDON: All of that would be one  
13 phase. Connecting it --

14 BOARD MEMBER DEURLOO: Got it.

15 MR. HENDON: -- would be the second phase.

16 ACTING CHAIR CAHN: Okay. On line -- oh,  
17 that's editorial. Okay.

18 Then on the next page, (iii), there's the word  
19 "initial appearance" on line 280, and then it's been struck  
20 from 283. So just continue with whatever you come up with  
21 for that.

22 I'm on to Section 8. We might even finish.

23 BOARD MEMBER DEURLOO: Heck yeah.

24 ACTING CHAIR CAHN: Heck yeah.

25 MR. HENDON: Heck yeah.



1                   BOARD MEMBER DEURLOO: Did you get that,  
2 Kathy?

3                   ACTING CHAIR CAHN: Okay. I have a note  
4 that line 302 -- I'm not sure I understand my note right  
5 now. Parts -- so TSS parts 1.2 through 1.6, my note says  
6 has better info than Section 8(e), so maybe I'm thinking  
7 it's good to follow that and maybe delete some of 8(e) if  
8 it's already in 1.3 through 1.6, but I don't have the  
9 specifics right now.

10                   MS. ZYGMUNT: So my understanding, just to  
11 make sure, that the TSS references aren't duplicative with  
12 what we have in --

13                   ACTING CHAIR CAHN: Yeah, if it's  
14 duplicative, take it out.

15                   MS. ZYGMUNT: Okay.

16                   ACTING CHAIR CAHN: On line 338, the old  
17 wording was "or" before. So the bottom line is within 10  
18 feet of streams and lakes or the waterline across streams  
19 or lakes. So I'm questioning whether "and" or "or" is  
20 correct there on line 338. So just to --

21                   MS. ZYGMUNT: We'll check that.

22                   ACTING CHAIR CAHN: Yeah. Okay.

23                   The next -- the next comment I have -- actually  
24 this one came from Ben Jordan. On page 12-9, on his -- his  
25 response for (e), all of (e), was that basically including

1 this here -- he used the word "bizarre," that this was  
2 bizarre. And I would agree, because we're talking about  
3 plans, and -- okay, well, first of all, TSS 1.1.2(f) has  
4 (i) and (ii). But to go over the assembled order, size,  
5 and length of casing and liners, casing wall thickness,  
6 grouting depths -- grouting depths was in the TSS.

7 MR. HENDON: Madam Chair.

8 ACTING CHAIR CAHN: Yeah.

9 MR. HENDON: So in talking with Ben about  
10 this comment, his "bizarre" reference was to require all of  
11 this information on a plan and profile drawing.

12 ACTING CHAIR CAHN: In the plan as well as  
13 in the profile drawing.

14 MS. THOMPSON: No, it was on the drawing.

15 MR. HENDON: So his comment was requiring  
16 this on a profile drawing does not make sense for well  
17 construction.

18 ACTING CHAIR CAHN: Okay.

19 MR. HENDON: I would agree. So we changed  
20 the verbiage so that plans for well construction shall  
21 include. The very first statement here at 380, originally  
22 it said "plans and profile drawings for well construction  
23 shall include," to which Ben said, This is bizarre. Why  
24 would I include this on a profile? Because a profile  
25 doesn't provide --

1                   ACTING CHAIR CAHN: Okay.

2                   MR. HENDON: -- the information.

3                   ACTING CHAIR CAHN: Okay.

4                   MR. HENDON: It's just going to provide you  
5 a point on the map where that well is going to be located.  
6 Your plans and drawings are going to have the rest of this  
7 information requested below item (e) here.

8                   ACTING CHAIR CAHN: Okay. But as we move  
9 along, further down, we start to get into (xii), well test  
10 data including, and then all these things, static water  
11 level, depth of test pumping -- pump setting, time of  
12 starting and ending each test cycle, drawdown, you're not  
13 going to know that when you've got plans. That's all  
14 later. So I look at everything -- well, test data is stuff  
15 that, you know, you're not going to be able to get. So at  
16 this point, you need that information after they've  
17 developed the well and tested it, and so --

18                   MR. HENDON: And perhaps we could right  
19 there at (xii), well test data concluding, if available. I  
20 know a number of times Water Development Commission will  
21 pay for a well to be built, constructed, things of that  
22 nature, prior to coming in to getting permitted --

23                   ACTING CHAIR CAHN: Okay. Great.

24                   MR. HENDON: -- for a public water system.

25                   ACTING CHAIR CAHN: If available.

1 MR. HENDON: And so that information may  
2 already be readily available.

3 ACTING CHAIR CAHN: Good.

4 MR. HENDON: Based on those activities by  
5 water development.

6 ACTING CHAIR CAHN: Okay. And that's the  
7 same for location of any blast charges.

8 MR. HENDON: Correct.

9 ACTING CHAIR CAHN: That's also -- yeah.  
10 So just look through that list, and -- so -- and then on  
11 line -- go back up to 406, the page before. From the  
12 ground surface to the total depth of the drill, something's  
13 missing there. I don't know what's supposed to --

14 BOARD MEMBER DEURLOO: Drilled well?

15 ACTING CHAIR CAHN: Yeah. Drilled wells?  
16 well? I don't know.

17 MR. HENDON: Which one?

18 ACTING CHAIR CAHN: But then --

19 BOARD MEMBER DEURLOO: Line 406.

20 ACTING CHAIR CAHN: Yeah. And then --

21 MS. ZYGMUNT: We'll make that correction.

22 ACTING CHAIR CAHN: And then the other  
23 details to describe the proposed well completely. That's  
24 in the TSS. Water levels in the TSS. And, again,  
25 formations penetrated, you might not know that on an

1 exploration well, but you're not -- so, again, that's the  
2 if available category. So --

3 And then Section 9, and then we're done. So I'll  
4 try to get this done in 15 minutes.

5 On line 572, on page 12-13, one of the commenters  
6 was looking for a definition of aquifer. Is it okay to say  
7 "as defined in Wyoming Statute 41-3-901"? Are we allowed  
8 to do that just to help them? Instead of in response to  
9 comments, that's where you put it, so just --

10 MS. THOMPSON: Not unless we're tying it to  
11 an action.

12 ACTING CHAIR CAHN: Okay.

13 MS. THOMPSON: So if we wanted them to  
14 demonstrate something based on that statutory citation,  
15 then it's appropriate to include it. But if we're -- if  
16 we're just saying like as a redirect, we're being advised  
17 against doing that, because it's not -- it's not an  
18 enforceable line. So we have to -- we have to structure  
19 it --

20 ACTING CHAIR CAHN: So even though they  
21 have to provide the description of the geology of the  
22 aquifer, you can't refer to --

23 MS. THOMPSON: No. I'm saying that if  
24 you want -- if you tie it to a statute, it has to be very  
25 clear what you're bringing in from the statute. So, for

1 instance -- and I'm not committing to doing this, I'm just  
2 kind of giving an illustration -- we would say something to  
3 the effect of a description of the geology of the aquifer  
4 that demonstrates compliance with statute whatever, or a  
5 description of the geology, you know, and overlying strata  
6 that meets, you know, the description of -- you have to --  
7 in order to bring in cross-references, whether it be to  
8 other rules or statute, it has to have an action or a  
9 timing.

10           So like let's say we had something in the statute  
11 that says when you, you know, apply for a well under this  
12 aquifer category, you know, thou shalt do this in addition  
13 to the items at statute whatever. So we have to tie it to  
14 an action --

15           ACTING CHAIR CAHN: Okay.

16           MS. THOMPSON: -- or a timing.

17           BOARD MEMBER DEURLOO: Madam Chair, can we  
18 put the definition of aquifer at the front in definitions?  
19 Would that help?

20           MS. ZYGMUNT: I believe we discussed a  
21 definition of aquifer, and if I recall correctly, the -- or  
22 the input from our Attorney General is that that's a broad  
23 enough term it does not require a definition in this rule.

24           BOARD MEMBER DEURLOO: Okay.

25           ACTING CHAIR CAHN: That's interesting,

1 because --

2 MS. THOMPSON: We're working with the SEO's  
3 definition as well. And we have definitions of aquifer,  
4 which may not be identical. But we're not governing the  
5 aquifer here. The SEO is. So we were running into some  
6 trickiness because we have overlapped with a sister agency  
7 who has authority over that well construction. And we're  
8 not determining the aquifer. We just want some  
9 construction to happen, right?

10 MS. ZYGMUNT: I will revisit that question  
11 with Nicole, our Attorney General, to see -- get her  
12 thoughts on adding the definition. At this time I'm not  
13 really inclined to. I think it's, for the purposes of this  
14 rule --

15 ACTING CHAIR CAHN: Yeah, because it's  
16 defined differently in different places.

17 MS. ZYGMUNT: It is.

18 ACTING CHAIR CAHN: It's sticky, but that's  
19 kind of why it's important maybe to provide a definition.  
20 I don't know. Maybe it's okay not to do it, and then we  
21 have some wiggle room, I mean is it perched water? You  
22 know, it gets complicated.

23 MS. ZYGMUNT: We'll look into that. We'll  
24 provide a response either way. Again, we'll look at it in  
25 the perspective of the context of this rule, though.

1                   ACTING CHAIR CAHN: Okay. 12-13, line 579,  
2 that (i) paragraph. Talking about some likely drilling and  
3 completion challenges, and I feel like that will be faced,  
4 including a description of drilling and completion  
5 practice, blah, blah. It seems premature. This won't be  
6 known beforehand. So, again, it would be back on to if  
7 known from exploration wells or --

8                   MR. HENDON: And I think within that  
9 engineering design report provided to our district  
10 engineers, we're looking to see if they're aware of any  
11 difficult drilling areas, providing difficult information  
12 or concerns that they may have to overcome --

13                   ACTING CHAIR CAHN: Yes.

14                   MR. HENDON: -- in regards to the  
15 implementation of the project.

16                   ACTING CHAIR CAHN: If known.

17                   MR. HENDON: Basically if known.

18                   ACTING CHAIR CAHN: The fact.

19                   MR. HENDON: Back to the if available,  
20 perhaps.

21                   ACTING CHAIR CAHN: Yeah, is it important,  
22 if known.

23                   BOARD MEMBER DEURLOO: Madam Chair, so I  
24 just noticed this. On that same line, line 579, we have a  
25 repeat of (ii).



1 MS. THOMPSON: Yes, we do.

2 MS. ZYGMUNT: Okay.

3 ACTING CHAIR CAHN: Good catch.

4 And then line 596, the information required in  
5 (e) of this section, I think it should be (f).

6 BOARD MEMBER DEURLOO: Where?

7 ACTING CHAIR CAHN: On the next page, line  
8 596.

9 MS. THOMPSON: Okay.

10 ACTING CHAIR CAHN: And then on 605 through  
11 line 611, again, well bond logging in statement of  
12 completion and description of well from the SEO. Again,  
13 that's not necessarily known ahead of time, so --

14 MS. THOMPSON: That is actually under the  
15 conversion of an existing well into a public water supply  
16 well.

17 MR. HENDON: Yeah.

18 ACTING CHAIR CAHN: Oh, okay. It's from --

19 MR. HENDON: So under item (g), engineering  
20 design reports for conversion of existing well --

21 ACTING CHAIR CAHN: Oh, okay. Thank you.

22 MR. HENDON: -- into a public water supply  
23 shall include -- and hopefully they do have that  
24 information as it helps that process.

25 ACTING CHAIR CAHN: Okay. Great. On page

1 12-15 -- hey, we're almost done with Section 9. One page  
2 to go.

3 This is under the hydraulic analysis that I --  
4 demonstrates how a peak hour, average day, maximum day, and  
5 maximum day plus fire flows..." I was going to say do we  
6 need -- do we say if required or provided, will be improved  
7 by upsizing, if appropriate, or something. It seemed a  
8 little -- maybe this was inconsistent of Ben Jordan's. I'm  
9 not sure.

10 MR. HENDON: Ben's was a little bit --

11 ACTING CHAIR CAHN: Different.

12 MR. HENDON: Was a little bit different.

13 His comment was with regard to item I think (lii), "The  
14 hydraulic model shall:" --

15 ACTING CHAIR CAHN: Okay.

16 MR. HENDON: -- be calibrated based on  
17 existing fire hydrant test flow data when available --

18 ACTING CHAIR CAHN: Okay.

19 MR. HENDON: -- or based on modeling.

20 ACTING CHAIR CAHN: So then my question is,  
21 again, they won't always have fire flow. So if required or  
22 provided or will be improved by upsizing if appropriate.  
23 So just some wiggle room there.

24 MR. HENDON: Yeah. And I think the  
25 question -- are you looking at (li) of the modeling

1 result --

2 ACTING CHAIR CAHN: No. I'm looking above  
3 that at lines -- I'm looking at (j)(A), (B) on the top of  
4 the page, 12-15. Hydraulic analysis that demonstrates how  
5 a peak hour, average day, maximum day --

6 MR. HENDON: Uh-huh.

7 ACTING CHAIR CAHN: -- fire flows will be  
8 improved by upsizing.

9 MR. HENDON: Gotcha, yeah.

10 ACTING CHAIR CAHN: So wiggle room --

11 MR. HENDON: And providing an off-ramp if  
12 required or if they --

13 ACTING CHAIR CAHN: Yeah.

14 MR. HENDON: I see what you're saying.

15 ACTING CHAIR CAHN: Okay. And then -- then  
16 we have -- I think Ben's comments were on line -- on (1),  
17 on 662, for new water mains, how can we have a hydraulic  
18 model -- I think -- did you fix that?

19 MR. HENDON: We did.

20 ACTING CHAIR CAHN: Okay. Great.

21 MR. HENDON: Yeah.

22 ACTING CHAIR CAHN: Okay. Okay. Yep.

23 Okay. That addresses my comments. Not the comment  
24 responses, but my comments on the changes that were made,  
25 things we saw. So I still might have a few comments on

1 comment responses, but we don't have time, so...

2 All right. So I think at this point, Jennifer,  
3 why don't you tell us what you're looking at for us -- from  
4 us.

5 MS. ZYGMUNT: Yes. Thank you, Madam  
6 Chairwoman. So this has been incredibly valuable feedback,  
7 a really good discussion, both at the December meeting and  
8 this meeting. Really appreciate all the things that were  
9 caught and the suggestions to places where we can be clear  
10 and add some more flexibility when appropriate. So very  
11 useful discussion.

12 What I am looking to do at this point is I feel  
13 that we are ready to move forward to the EQC. I think we  
14 have a good product. I think we can address your comments.  
15 And any of your feedback today where we need to provide you  
16 with a response, those would be documented and the feedback  
17 goes to the EQC that summarizes our interactions with the  
18 board and what your advice on this rule was.

19 So at this time I am looking forward to going to  
20 the EQC. I would like to get your advice -- any further  
21 advice on the rule. You are always welcome to not advise  
22 us to move forward. If that is your decision, I would ask  
23 for some very clear feedback as to why, so we can  
24 communicate that -- communicate to the Environmental  
25 Quality Council. Or if your motion is that you advise us

1 to move forward, to document any further feedback in  
2 addition to the revisions that we noted have gone on in the  
3 discussion today.

4 So that's my inclination at this time with this  
5 rule.

6 ACTING CHAIR CAHN: I feel like we're not  
7 quite there yet. I feel like we're much closer than we  
8 were. But I think there was some comments that came in,  
9 public comment today, that we haven't gotten back -- we  
10 need to get back. And I think there's a few areas where we  
11 say we're going to look at that, and I think there's enough  
12 of them. So my personal feeling -- but I'm only one of the  
13 board members. My personal feeling is we're not quite  
14 ready, but we're close.

15 MS. ZYGMUNT: Understood.

16 ACTING CHAIR CAHN: But I'm not comfortable  
17 that we're close enough. Typically when our Board advises  
18 we go to EQC, there's really editorial here, editorial  
19 there. I don't think we're quite there yet.

20 And I also would maybe like to work with Keenan,  
21 if I could, or with you, Jennifer, on the responses that --  
22 you know, if -- I don't know if it's okay for me to work  
23 directly with you guys on my comments on responses to  
24 comments that don't affect making a change in rule, but  
25 just in the -- but just in the responses to comments, maybe

1 we could work on those. I can give you my feedback. And  
2 that wouldn't hold this up, but if that's okay. I don't  
3 know if I have to do that at a board meeting or -- because  
4 that's not saying this is a change I'd like to see in the  
5 rules. This is how you address comments, so...

6 MS. ZYGMUNT: Yes, Madam Chairwoman, thank  
7 you for your input. And with all due respect, I understand  
8 your concerns. I understand that your preference would be  
9 that we bring the rule back, and I'd like to understand  
10 recommendations from the other board members as well, and  
11 for you guys to make a motion that you feel is appropriate.

12 I will repeat, you know, we have had this rule in  
13 two public notices -- or extended public notice for over  
14 100 days. I think we've done our due diligence in getting  
15 comments. I do think we have successfully gotten through  
16 the whole rule between Keenan's presentation and the  
17 discussion today. And, again, I think we have very good  
18 feedback.

19 If you feel there's a better way that we can  
20 document our feedback to the EQC -- document to the  
21 advisory board's feedback to the EQC, I think we would be  
22 happy to entertain a specific memo in this case. If I do  
23 decide to move forward despite the Board's advice, we would  
24 be happy to make sure that is documented thoroughly to make  
25 sure that your feedback is heard by the Environmental

1 Quality Council. But it always is. That's nothing new.

2 We always communicate with boards in packets.

3           So, again, it is my inclination to keep moving  
4 forward with this rule. I don't feel like another advisory  
5 board meeting is necessary. Again, I think this discussion  
6 has been very effective and has given us the advice we need  
7 to do one more review of this rule. It sounds like you  
8 would like to work with Gina on some editorial comments.

9           ACTING CHAIR CAHN: Yeah. I still feel  
10 like the issue of small water systems, it's really a big  
11 deal, and it's really important, especially transients. So  
12 I'm not comfortable with you saying, well, we'll just work  
13 it and we'll go forward to EQC and we'll tell EQC about  
14 your concerns. I want to see how that's worked.

15           MS. ZYGMUNT: Madam Chairwoman, let me make  
16 sure I'm clear. That exercise is a long-term exercise. In  
17 terms of the evaluating these small transient communities  
18 compared to the specifications and specifications we've had  
19 on the books since 1984, 1985, that's going to require some  
20 significant thinking, and, in my opinion, some discussions  
21 with our Attorney General. I feel that is better long-term  
22 project. Again, as we start working with board on  
23 technical assistance to these communities, that is where we  
24 can get some short-term gains.

25           The question about small transient communities is

1 absolutely understood, but that is a longer-term effort  
2 that we would need to dig into, and I would say do further  
3 outreach on, but I don't see we need to hold up what we  
4 have accomplished with Chapter 12 at this time.

5 ACTING CHAIR CAHN: So what you're saying  
6 at this point is that there's going to be no relief for  
7 small transient systems as this goes forward. That there's  
8 no opportunity for that at all in updating the rules?

9 MS. ZYGMUNT: We will continue working with  
10 the small transient systems as we always have. But we do  
11 need to make sure that they are in compliance. And a lot  
12 of these specifications and compliance with this rule also  
13 helps assure that they would be in compliance with EPA's  
14 PWSS system.

15 So, again, we have always worked with them, and  
16 we will continue working with them to make sure they are in  
17 compliance. If there are areas where it is not feasible  
18 for them, they don't feel that it is feasible for them to  
19 come into compliance with the rule, again, we'll work with  
20 them on a case-by-case basis. And I will note, as we've  
21 seen, there is some administrator flexibility to make sure  
22 somebody is obeying the intent of the rule. That is some  
23 broad flexibility, and it comes down to very thorough case  
24 by case analysis. So I can't speak to specifics, but we  
25 would deal with those situations as they arise.



1                   ACTING CHAIR CAHN: Is there any  
2 requirement from the legislature or anything that as new  
3 rules are implemented, that you have to look at the cost to  
4 the state of Wyoming, to the regulated community? Do you  
5 have to look at the increase in cost that the --

6                   MS. THOMPSON: Yes. It's specifically  
7 required in the authorizing statute when we bring rules to  
8 you. It's under the 302 paragraphs. We have several  
9 things that we consider, and economic reasonableness is one  
10 of them.

11                   ACTING CHAIR CAHN: And so that analysis  
12 has been done for this?

13                   MS. ZYGMUNT: It would have been done  
14 during the original rulemaking.

15                   ACTING CHAIR CAHN: But this update. So if  
16 this goes forward to EQC, do you -- have you done that  
17 analysis? I mean, that --

18                   MS. ZYGMUNT: I don't believe we do that  
19 for rules revisions.

20                   ACTING CHAIR CAHN: Only for the first time  
21 the rule is permitted?

22                   MS. THOMPSON: I believe that we -- we  
23 don't do a formal separate document that illustrates a  
24 line-by-line analysis of the economical -- economic  
25 reasonableness of each line. It's the overall rule. And

1 especially new items that we're considering, or removal of  
2 an old item, when we are making those changes, are we being  
3 economically reasonable? And by offering training or  
4 offering assistance from our training partners and offering  
5 funding possibilities for these small systems as well, we  
6 can balance out that economic reasonableness. We're not  
7 demanding that everyone come into compliance, and we're  
8 not -- you know, your funding is on your own.

9           When we look at this in light of the funding  
10 opportunities we have and the training opportunities we  
11 have, and, you know, other partner agencies, these are  
12 economically reasonable.

13           ACTING CHAIR CAHN: So there's not an  
14 analysis of increasing costs that updating these rules  
15 would impose?

16           MS. THOMPSON: No, we do not have a  
17 separate formal document.

18           ACTING CHAIR CAHN: Okay. And -- I lost my  
19 train of thought. I'm sorry.

20           MS. ZYGMUNT: That's all right.

21           BOARD MEMBER DEURLOO: Can I ask a question  
22 while you're trying to grab that train, Madam Chair?

23           So two questions for you. First one is, is there  
24 a timing -- internal timeline that you're trying to meet  
25 with Section 12 that you would push it forward without

1 another review? That's number one.

2 MS. ZYGMUNT: Understood. And if I may,  
3 I'll go ahead and answer that question.

4 BOARD MEMBER DEURLOO: Please do.

5 MS. ZYGMUNT: There's no timeline on this  
6 rule, meaning there's no specific reasons that I need to  
7 get this to the EQC. However, I need to look at my staff's  
8 time efficiently, what resources we have. We have many  
9 other rules we need to be working on this year. For many  
10 different reasons. I feel that the two advisory board  
11 meetings that we have had have accomplished the -- the  
12 mission of the advisory board, as it's outlined in the  
13 Environmental Quality Act.

14 So in the interest of keeping all of our projects  
15 moving along, balancing resources with other projects,  
16 again, it is my determination the most efficient way is to  
17 keep this moving forward to the EQC.

18 BOARD MEMBER DEURLOO: I see. As a  
19 follow-up question. So depending on how many more rules  
20 you want to look at, chapters you want to look at this  
21 year -- maybe you could touch on that quickly -- would it  
22 benefit you that we move our Q2 meeting to April, like  
23 within 30 to 45 days or something like that, so we could  
24 look again at section -- or Chapter 29 and Chapter 12, get  
25 those off the book? Maybe do a quick introduction to the

1 next big chapter you want to look at, that we move our Q2  
2 meeting up.

3 MS. ZYGMUNT: Yeah. Thank you for the  
4 question and the suggestion. Again, at this time it's more  
5 that I don't feel another meeting is necessary, not -- not  
6 the timing of that meeting per se. Preparing for these  
7 meetings, every meeting is preceded by public notice  
8 comment. Again this has been --

9 BOARD MEMBER DEURLOO: Every one?

10 MS. ZYGMUNT: Yes. We have to have the  
11 rule out for 30-day public comment, my understanding.

12 ACTING CHAIR CAHN: Now, we've had meeting  
13 where we haven't included new public comment, when it was  
14 just Board comment. We can say there's been enough -- that  
15 was in the past. We can say there's been enough public  
16 comment, we're just going to address Board comments at this  
17 point. So we've had that in the past.

18 MS. ZYGMUNT: Okay.

19 ACTING CHAIR CAHN: I don't know if that's  
20 still allowed, but we've certainly done it in the past.

21 MS. ZYGMUNT: That was not my  
22 understanding, but I appreciate you mentioning that. I can  
23 look into that.

24 ACTING CHAIR CAHN: We have had meetings  
25 where we have not opened it up to public comment for sure

1 in the past, so...

2 MS. ZYGMUNT: Okay.

3 ACTING CHAIR CAHN: And I would be okay,  
4 because I think, you know, with that, just addressing  
5 the -- already the comment that we got today and public  
6 comment plus the Board comments, I would be okay with that,  
7 and not opening it up for additional public comment if  
8 we're allowed to do that. We used to be.

9 MS. ZYGMUNT: Understood. Understood.

10 ACTING CHAIR CAHN: And I would be okay  
11 with moving up the quarter -- second quarter meeting to  
12 what's convenient for you guys. We can move it up.

13 MS. ZYGMUNT: Before we adjust the timing  
14 of that meeting, I would need to consult with Administrator  
15 Engels, Solid and Hazardous Waste Division. Her staff may  
16 not be able to bring rules packages before you by that  
17 date. And also our plan to bring Chapter 1 with further  
18 101 back to you.

19 Again, I know -- I'm departing from past  
20 practices. And so I appreciate your feedback. Again, I  
21 need to balance the role of this Board, which is very  
22 important in the rulemaking process. Again, I'm just so  
23 pleased with the feedback we got today, because this is  
24 extremely helpful. I think we have accomplished the  
25 purpose of this step of the rulemaking process, and there's

1 still more to come as you know. Before the EQC, there will  
2 be another 45-day public comment as well, but I have not  
3 heard any feedback today that I don't think that we can  
4 address through further revisions to the rule, and  
5 documenting the Board's feedback and our responses to some  
6 final comments from Mr. Pepper today and from the Board in  
7 documentation that we provide to the EQC.

8           And, again, you guys are free to make a motion  
9 that you feel is appropriate. And if you want to make a  
10 motion that does not advise me to move forward, you're free  
11 to do that. I would ask for specific feedback. If I do  
12 choose to move forward after that, that feedback will be  
13 very clearly presented to the EQC.

14           So I still encourage you make the motion you  
15 think is appropriate as a Board, but I want to be clear  
16 about where I'm at and what my thoughts are on what we've  
17 accomplished in this rule, and I feel we've accomplished  
18 the Board providing the advice that we need to move forward  
19 with formal rulemaking.

20           ACTING CHAIR CAHN: I don't know if it's  
21 appropriate for me to make a motion or if the board  
22 members should make the motion. If it's okay for a chair  
23 to make -- acting chair to make a motion, I don't know. I  
24 think it's typically not done.

25           BOARD MEMBER COCHRAN: Madam Chair, I would

1 propose that the Water Quality Division consider the  
2 proposed revisions and advice given today and to proceed to  
3 the proposed revision -- proceed with the proposed  
4 revisions to the Environmental Quality Council.

5 ACTING CHAIR CAHN: Okay. Discussion?

6 BOARD MEMBER DEURLOO: My discussion is  
7 this is going to be a tough vote, but the -- I have lived  
8 by the mantra several times and got myself out of hot water  
9 with bosses by saying, Do you want it done right, or do you  
10 want it done right now? And there's two distinct  
11 differences between having it done right and having it done  
12 right now.

13 And we only see those rules every -- I think the  
14 first or second time I've seen Chapter 12 in like three or  
15 four years, and I get -- I understand with -- especially at  
16 post-COVID, the strain that you must have with your staff  
17 and so forth, getting them focused in all the work you want  
18 to do. So I'm just kind of expounding here right now. I  
19 still don't know which way I'm going to vote, but I would  
20 always caution, as little as we see these things, it's  
21 better to get them done right rather than expeditiously.  
22 So...

23 ACTING CHAIR CAHN: So do I have -- I have  
24 a motion on the floor. Do I have more discussion?

25 BOARD MEMBER DEURLOO: We don't have a

1 second yet? We haven't heard from Brian.

2 ACTING CHAIR CAHN: We don't have a second.  
3 So I don't hear a second. So I think there's no vote at  
4 this point, so...

5 BOARD MEMBER DEURLOO: Correct. So we  
6 can't vote on it.

7 So do we need another motion?

8 ACTING CHAIR CAHN: We can -- if we want to  
9 do a different motion. I mean, I would like to --

10 MS. ZYGMUNT: I think Mr. Cochran would  
11 need to withdraw the motion if there's not a second.

12 BOARD MEMBER COCHRAN: No, it would die for  
13 lack of a second.

14 MS. ZYGMUNT: Right.

15 ACTING CHAIR CAHN: Okay. Then further  
16 discussion or do we want to adjourn?

17 BOARD MEMBER DEURLOO: Let's see what this  
18 motion brings. Let's see what happens here.

19 ACTING CHAIR CAHN: Okay.

20 BOARD MEMBER DEURLOO: I move that the  
21 advisory board not recommend this for the review of the  
22 Environmental Quality Council at this point until we can  
23 review it again at our second quarter meeting.

24 ACTING CHAIR CAHN: We have a motion on the  
25 table. Do I hear a second?



1 BOARD MEMBER DICKSON: This is Brian  
2 Dickson. I'll second that.

3 ACTING CHAIR CAHN: Discussion?

4 BOARD MEMBER COCHRAN: Just a point of  
5 order. My motion was the same thing. By dying, does the  
6 same thing you're asking for now, except you're -- you're  
7 trying to make a negative motion.

8 BOARD MEMBER DEURLOO: You moved --

9 BOARD MEMBER COCHRAN: So it's a nonaction.

10 BOARD MEMBER DEURLOO: You moved to  
11 recommend it to the EQC.

12 BOARD MEMBER COCHRAN: Right.

13 BOARD MEMBER DEURLOO: I am moving to  
14 review it again.

15 BOARD MEMBER COCHRAN: It's still --

16 BOARD MEMBER DEURLOO: Do you think we  
17 should amend my motion, Jim?

18 BOARD MEMBER COCHRAN: I'm just saying if  
19 we leave it the way it is --

20 ACTING CHAIR CAHN: It's the same thing.

21 BOARD MEMBER COCHRAN: -- it is the same  
22 thing.

23 ACTING CHAIR CAHN: Without a motion. So  
24 do you want to withdraw your motion?

25 BOARD MEMBER DEURLOO: I'm confused.

1                   BOARD MEMBER COCHRAN: We can go ahead and  
2 vote on it. It's just a point of order.

3                   MS. THOMPSON: Additionally, your attorney  
4 is still online. If you want to ask a clarifying question,  
5 Jim may be able to provide it to you.

6                   ACTING CHAIR CAHN: Okay. Do we need to  
7 make a motion to continue this to the next meeting?

8                   MR. PETERS: I think it's always beneficial  
9 if there is firm direction. What we had originally was a  
10 motion that failed for lack of a second. While we might be  
11 able to imply what that means, I think it would be better  
12 for the record, more clear for the record. We have a  
13 motion, a second currently before us that the board perhaps  
14 consider taking some sort of action on that motion to give  
15 clear direction.

16                   ACTING CHAIR CAHN: Thank you for that  
17 clarification.

18                   Any further Board discussion on the motion on the  
19 floor?

20                   BOARD MEMBER DEURLOO: I see what you're  
21 saying, Jim. I see what you're saying now.

22                   No, I don't believe I have any more discussion.

23                   ACTING CHAIR CAHN: Hearing none, then all  
24 in favor of the motion on the floor say aye.

25                   BOARD MEMBER COCHRAN: Aye.

1                   ACTING CHAIR CAHN: Aye.

2                   BOARD MEMBER DEURLOO: Aye.

3                   BOARD MEMBER DICKSON: Aye.

4                   ACTING CHAIR CAHN: Motion carries.

5                   Thank you.

6                   MS. ZYGMUNT: All right. Thank you very  
7 much. I will take all that into consideration, and we'll  
8 get back to you with next steps.

9                   BOARD MEMBER DEURLOO: Okay.

10                  MS. ZYGMUNT: Thank you very much for all  
11 your help today. Again the feedback today was incredibly  
12 valuable. We do greatly appreciate your time.

13                  ACTING CHAIR CAHN: Gina, do you want -- I  
14 don't know on the record or off the record. Do we need to  
15 talk about dates we are or aren't available? Or do you  
16 want to do that by email?

17                  BOARD MEMBER DEURLOO: Let's close the  
18 meeting.

19                  MS. THOMPSON: Yeah, let's let Kathy off  
20 the hook.

21                  ACTING CHAIR CAHN: Okay. The meeting is  
22 adjourned. Meeting is adjourned.

23                                 (Meeting proceedings concluded

24                                 4:01 p.m., March 15, 2022.)

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C E R T I F I C A T E

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

Dated this 5th day of April, 2022.

  
KATHY J. KENDRICK  
Registered Professional Reporter

