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WYOMING WATER AND WASTE ADVISORY BOARD

RE: Solid and Hazardous Waste Division
Solid Waste Rules, Chapter 3

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 28th day of June, 2022, at the hour of 10:35 a.m., at the Thyra Thomson Building, 444 West Collins Drive, Casper, Wyoming 82601, before the Wyoming Water and Waste Advisory Board, Ms. Lorie Cahn, Acting Chairman, presiding, Mr. Brian Dickson, Mr. Luke Esch, Mr. Carl Edelman, Attorney for the Board, in attendance virtually, with Mr. Brian Deurloo and Mr. James Cochran in attendance.

Mr. David DeWald, Attorney for the Division, and Ms. Suzanne Engels, Solid and Hazardous Waste Administrator, attending virtually; Ms. Jody Weikart, Solid Waste Permitting & Corrective Action Program Manager; Mr. Richard Lemm, Solid Waste Permitting & Corrective Action Program, District 3 Supervisor; Mr. Bob Breuer, Solid and Hazardous Waste Inspection and Enforcement Program Manager; and Ms. Gina Thompson, Water Quality Division, in attendance, as well as various members of DEQ staff and the public in attendance virtually.

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

2 (Meeting proceedings reconvened

3 10:35 a.m., June 28, 2022.)

4 MS. THOMPSON: Madam Chair, I think we're
5 ready to get started again.

6 ACTING CHAIR CAHN: Okay. We're
7 convening -- reconvening the second quarter meeting of the
8 Water and Waste Advisory Board for Wyoming.

9 The next thing on our agenda is Solid and
10 Hazardous Waste Division rulemaking, Solid and Hazardous
11 Waste Rules Chapter 3.

12 So I'll turn it over to DEQ. If you can each
13 introduce yourselves, we'd appreciate it. Thank you.

14 MS. ENGELS: Thanks, Madam Chair. My name
15 is Suzanne Engels. I'm the administrator for the Solid and
16 Hazardous Waste Division. Like you mentioned, we are
17 bringing forward our Chapter 3, the Solid Waste Rules on
18 industrial landfills.

19 And the program manager, Jody Weikart, will go
20 into more detail, but I'll first give the Board a
21 background on how we got here today.

22 This rule, this chapter, was last reviewed in
23 1998. So it's been quite a few years. I haven't actually
24 done the math to figure that out. I'm sure someone at the
25 table can quickly do that while I'm looking at my notes.

1 So this chapter might look familiar to a couple
2 of you board members, because we brought it to the Board in
3 2019, and it was paired with our coal combustion residual
4 chapter. However, at that time, in 2019, the Board
5 recommended that DEQ move forward to the EQC. However, we
6 paused moving forward because we had the time to take a
7 closer look at the chapter in a broader spectrum of all the
8 revisions that were necessary.

9 You just heard Water Quality talking about the
10 AG -- the Attorney General's Office review for readability,
11 the structure, grammar. This chapter has come a long way
12 from 1998 to what's in front of you today. When you look
13 at the strike and underline, there's a lot of strikes. We
14 moved a lot. We had some good discussion internally and at
15 the Attorney General's Office. It was really a
16 collaborative effort.

17 We didn't stop there with the Attorney General's
18 Office. We also reached out to the Wyoming Solid Waste and
19 Recycling Association for their feedback. We did an
20 informal public comment period. We received one public
21 comment during that time frame, and it was in support of
22 all the revisions that are in front of you today.

23 So we felt really good about all of our efforts,
24 and that's why you have this chapter in front of you today.
25 We also did another public outreach, public comment period

1 before the board meeting today, and we received zero public
2 comments.

3 So noting that, noting our efforts, we look
4 forward to the discussion with the Board on any suggestions
5 that you have, because I think that will just make the rule
6 better. And at the end of Ms. Weikart's presentation,
7 we'll add any public comment. I'm not there in the room.
8 I'm not sure if any members of the public are there. But
9 we would request -- the agency would request the Board
10 recommend this chapter move forward to the EQC.

11 So Jody, I'm going to turn it over to you for a
12 more detailed review and summary and walking the Board
13 through all the changes that we've been working on.

14 MS. WEIKART: Thanks. So I'll start with
15 sort of a summary of the overarching changes that we made
16 for the rule here. As Lindsay mentioned with Water
17 Quality, the Attorney General's Office has been talking
18 about reorganizing rules and consolidating similar things,
19 like things together. And so we have reorganized the rule
20 to be consistent with our other solid waste chapters.

21 And so an example of that is Section 3 in the
22 revised Chapter 3. It's called General Facility
23 Information. And that is also what it's called in Chapters
24 2, 4, and 6. So it makes it quite similar to our other
25 rules. We removed redundant and unnecessary language for

1 clarity and consistency with our other rules.

2 Once again, an example of that would be sort of
3 rules and regulations. We've been advised by the Attorney
4 General's Office to shorten that to just "rules," and so
5 we've eliminated "and regulations."

6 We corrected capitalization, references, grammar.
7 As you all are well aware, we've recently made changes to
8 Chapter 1 when we did our financial assurance package. So
9 some of the references in Chapter 3 were incorrect because
10 of that revision.

11 And so we've corrected some of those references.
12 We also eliminated the separate requirements for an
13 industrial landfill that is less than one acre. We don't
14 have any facilities that are less than one acre. And we
15 don't anticipate seeing facilities of less than one acre,
16 and so now all facilities, independent of size, will be
17 required to meet the -- the same requirements.

18 And with that, I can go over changes in each
19 section with the Board, and then I'll be happy to take
20 Board comments as we are moving along.

21 I do want to mention I'm going to be speaking
22 from Chapter 3, the strike and underline version. And so
23 any line number references will be based off that version.
24 Then also, as I mentioned, we moved quite a lot of things
25 around. And so I would like to say that we will mention

1 items to where they moved to. And so if we moved something
2 from Section 2 to Section 18, I'll mention that when we're
3 in Section 18. And so with that --

4 BOARD MEMBER ESCH: Jody?

5 MS. WEIKART: Yes.

6 BOARD MEMBER ESCH: Out of curiosity, do
7 you have this on a computer that you can kind of walk us
8 through, or were you planning on doing it from just hard
9 copy?

10 MS. WEIKART: Madam Chair. We can
11 absolutely pull up a copy here. It will just take Gina
12 just a couple minutes to do that.

13 BOARD MEMBER ESCH: I think it would be
14 helpful for me, since I can have it on one screen, then I
15 can still see everybody and probably engage a little bit
16 better.

17 MS. WEIKART: Thank you, Gina.

18 BOARD MEMBER ESCH: Thank you.

19 BOARD MEMBER DEURLOO: Well done.

20 MS. WEIKART: I'll start in Section 1, up
21 there, In General. So we've updated the authority to the
22 specific statute. We've added the definitions, the
23 reference to definitions in Wyoming statute, and then also
24 in Solid Waste Rules Chapter 1.

25 With that, does the Board have any questions on

1 Section 1?

2 I can move on to Section 2. Section 2,
3 Industrial Landfill Application Requirements. We did
4 replace old permit transition language here. That permit
5 transition language deals with facilities back in 1992.
6 And so we've replaced that transition language with the
7 transition to lifetime permits.

8 So that's something else we did here. We are now
9 going to be issuing permits for the life of the facility
10 through post-closure. And then, of course, we removed
11 redundant language from statute and added references.

12 Does the Board have any questions on Section 2?

13 ACTING CHAIR CAHN: Hi, Jody. This is
14 Lorie. I just -- it's not on Section 2. I just -- it
15 would be helpful for me if you could just kind of describe
16 for us what's an industrial waste landfill that these rules
17 cover. Like give some examples. And how does it differ
18 from, let's say, Chapter 17, Commercial Solid Waste
19 Facility. Just -- so if you could just kind of go over an
20 overview general of that, I would appreciate it. Thanks.

21 MS. WEIKART: Madam Chair, absolutely. So
22 an industrial waste landfill is a solid waste management
23 facility that is designed and constructed for the disposal
24 of solid and hazardous waste resulting from or incidental
25 to any process of industry, manufacturing, mining, or

1 development of any agricultural or natural resource. And
2 that is defined in rule.

3 Where we tend to see industrial landfills,
4 refineries do tend to have some industrial landfills.
5 Another common facility would be a facility that's managing
6 the disposal of drill cuttings from the oil and gas
7 industry. And so that tends to be where we see them.

8 To give you an idea, we have 19 permitted
9 industrial landfills in Wyoming. They're spread pretty
10 well across the state. I'm trying to think if there's
11 anything else that might be helpful for industrial
12 landfills. They are -- they're not sort of a subset of a
13 municipal solid waste landfill, but they are related to
14 municipal solid waste landfills. So I think that's a
15 helpful way to sort of think about it.

16 MR. BREUER: The difference from commercial
17 landfills is that they usually don't take other entities'
18 waste. It's normally strictly -- isn't it, Jody, Rich --
19 limited to that industry's site operations, whereas
20 commercial may take in waste from other customers.

21 MS. WEIKART: A commercial landfill is
22 defined in statute as a facility that takes over 500 tons
23 per day on a monthly average. And so those would be the
24 facilities that would fall under Chapter 17. We have no
25 facilities that are currently under that definition of a

1 commercial solid waste facility.

2 ACTING CHAIR CAHN: Okay. Thank you. That
3 was very helpful. I appreciate that.

4 BOARD MEMBER DEURLOO: Madam Chair, I have
5 only one comment on Section 2, on line 146. In your
6 efforts to get rid of passive verbs, which I abhor, along
7 with cigarette butts, but the one -- it says "...solely
8 responsible for solid wastes to be disposed of at the
9 landfill..." So nobody should be responsible for wastes
10 that aren't even disposed of at landfill yet. So I would
11 just maybe consider changing that solely responsible for
12 disposed solid wastes at the landfill and will protect
13 consenting surface owners.

14 So just word -- just move the word "disposed" to
15 right in front of "solid." That's about it.

16 MS. WEIKART: Madam Chair. Thank you.
17 We'll take a look at that.

18 I can move on to Section 3. That would be
19 General Facility Information.

20 ACTING CHAIR CAHN: Sorry, Jody. I just
21 had a -- so most of my comments are really questions more
22 than comments. So I just -- I noticed in the entire
23 section that you basically are striking out in a lot of
24 cases the owners. You know, we used to talk about
25 owner-operators, and now it's -- it's just operators in a

1 lot of this. Can you kind of just go over the reasons for
2 those changes? It's not applicable here, but it happens in
3 the rest of the chapter.

4 MS. WEIKART: Madam Chair, the operator is
5 who the -- who we deal with at the facility on a regular
6 basis. They are the responsible party. They are defined
7 in rule. They are required to have certain types of
8 training. And that's all in rule. And so that's why we
9 have moved more toward operator instead of owner-operator.

10 ACTING CHAIR CAHN: Thank you.

11 MS. WEIKART: Moving on to Section 3.
12 General Facility Information. This is a new section in
13 this version of the rule. We created it for consistency
14 with other solid waste chapters, and we consolidated the
15 information, the requirements that are suitable for general
16 facility information from the former Section 2, which was
17 called Industrial Landfill Application Requirements.

18 Does anyone have any questions or comments on
19 Section 3?

20 ACTING CHAIR CAHN: I do. It's just going
21 to take me another question -- it's just going to take me a
22 chance to kind of catch up.

23 So just a question on line 551. Up until then,
24 you guys have told us where things were moved to, and then
25 starting on line 51 [sic] begins talking about a lot of

1 engineered barriers -- engineered barrier layers. And so
2 that's just struck out. So is that now -- with these like
3 the next four pages, were they also moved or were they
4 deleted? And if they weren't moved, then why were they
5 deleted?

6 MS. WEIKART: Madam Chair, the line 551,
7 it's (I), that is subsection of the prior section, and so I
8 think -- and so that is moved with the remark above, so it
9 is moved to 7(h)(k). And so (I), (II), (III), and (IV),
10 those have been moved to Section 7.

11 ACTING CHAIR CAHN: So all the way through
12 the next four pages, all of that has been moved as -- as a
13 group up to line 714?

14 MS. WEIKART: I would say line 572. After
15 that, the information at 577, which would be permit
16 application requirements for facilities equal to or less
17 than one acre. That information has been struck from the
18 rule, and that is because we are no longer going to
19 regulate facilities of less than one acre separately from
20 facilities of greater than one acre. All facilities,
21 irregardless of size, will be regulated in the same manner.

22 ACTING CHAIR CAHN: Okay. Great. Thank
23 you for explaining that.

24 MS. WEIKART: Of course.

25 With that, I can move on to Section 4. This

1 would be our Location Standards. And so here we remove
2 location standards that are -- we think that are better
3 addressed in later sections, such as the nuisance odor
4 control, we felt as though that would be better addressed
5 under Operating Standards.

6 ACTING CHAIR CAHN: Sorry, Jody. Sorry to
7 interrupt. I still had a question on Section 3. It's a
8 little slow for me going back and forth between everything.
9 So it's on line 822. And just for parallel construction,
10 it starts out "...potential to impact surface and
11 groundwater..." But above it, all the -- (a) through (g)
12 has a heading, and then a colon, like Capacity or Surface
13 Area. And so I'm wondering if there should be a heading
14 here saying potential impact, colon, or something, and then
15 the sentence. It's just kind of for parallel construction.

16 MS. WEIKART: Madam Chair, it does say
17 "potential to impact surface and groundwater: An
18 evaluation..."

19 ACTING CHAIR CAHN: Oh. Yes. I'm sorry.
20 I see that now. Okay. Thank you.

21 MS. WEIKART: Section 4, Location
22 Standards. As I mentioned, we removed location standards
23 that are better addressed in later sections. And then we
24 also replaced some location standards with a reference to
25 statute.

1 Does the Board have any questions, comments,
2 regarding Section 4, Location Standards?

3 ACTING CHAIR CAHN: So I do. Line 858,
4 starting about "The distance to residences," and I'm just
5 wondering where'd that deleted text go?

6 MS. WEIKART: Madam Chair, that location
7 standard is found in Wyoming Statute 35-11-502(c). And so
8 we included a reference under Section 4(a) with that
9 reference to statute, and that it's applicable to new
10 facilities.

11 ACTING CHAIR CAHN: Okay. Great. Thank
12 you very much.

13 BOARD MEMBER DEURLOO: Madam Chair, I had
14 one comment, it appears, on line 1923. Change the word
15 "would" to "will" to keep the proper tense.

16 MS. WEIKART: Madam Chair. Thank you.

17 I'll move forward, if that's acceptable. And I'm
18 going to lump a couple together here.

19 ACTING CHAIR CAHN: Jody, I just need a
20 second to look through my copy.

21 Okay. I'm good with Section 4. Thank you.

22 MS. WEIKART: Thank you, Madam Chair.

23 I'm going to lump a couple together here, Section
24 5, Regional Geology, and Section 6, Site-Specific Geology.
25 We created these sections for consistency with our other

1 solid waste chapters. And we consolidated the requirements
2 for regional geology and site-specific geology from the
3 former Section 2, which is titled Industrial Landfill
4 Application Requirements. We moved those to here.

5 The Board have any questions, comments?

6 With that, I'll move on to Section 7 here. This
7 is the Design and Construction Standards section. We
8 updated language for consistency with our other solid waste
9 chapters.

10 We did add another option for engineered
11 containment systems. If a facility is required to have an
12 engineered containment system, we added an option for a
13 performance-based design. This is an option for our
14 municipal solid waste landfills, and so we thought it would
15 be appropriate to add that option here as well. And then
16 instead of repeating the requirements for the engineered
17 containment systems, we add a reference to Chapter 2, which
18 also contains those requirements.

19 BOARD MEMBER DEURLOO: Okay.

20 MS. WEIKART: Does the Board have any
21 questions, comments?

22 ACTING CHAIR CAHN: I have some questions.
23 First question I have is on line -- sorry, my computer's
24 jumping around -- has to do with asbestos. The line
25 deleted -- the line that deleted asbestos. Sorry. My

1 computer's jumping. If --

2 MS. WEIKART: Madam Chair, we're on the
3 hunt for that line. I'm suspicious that, in all
4 likelihood, that information -- we have a new section
5 towards the end of the chapter called Special Waste. And
6 that's where the asbestos requirements are, is under the
7 Solid Waste Chapter 8. And so there is a reference for
8 Chapter 8 in that section.

9 MS. ENGELS: Madam Chair, I would point you
10 to the line of 1125, if that is --

11 ACTING CHAIR CAHN: That's -- that's the
12 one. I was just wondering where that was moved -- it moved
13 or deleted and why.

14 MS. WEIKART: Madam Chair, that was moved
15 to Section 8, which is the Operating Standards. And so the
16 notification, that seems to fit more into operating
17 standards than the design and construction of a landfill.

18 ACTING CHAIR CAHN: Then my next question I
19 have is on line 1159 through 1161 where you mentioned now
20 the 25-year storm and delete any references to the
21 hundred-year, 24-hour precipitation event. And I'm just
22 curious what the rationale for that is.

23 MS. WEIKART: Madam Chair, that change is
24 consistent with our other rule revisions for the municipal
25 solid waste landfills. We have shortened the requirement

1 from a 100-year to a 25-year. So I think those are a
2 little bit more stringent. But this is consistent with
3 our other solid waste chapters, such as Chapter 2 and
4 Chapter 4.

5 MS. ENGELS: Madam Chair, I'll also add to
6 that response that that is the standard that's also found
7 in the federal Code of Federal Regulations, specifically to
8 municipal solid waste landfills. And as Jody mentioned,
9 we're using those standards as our sideboards, so to speak,
10 with industrial landfills.

11 ACTING CHAIR CAHN: Okay. Thank you.

12 Let me just continue looking.

13 BOARD MEMBER DEURLOO: Madam Chair, while
14 you're looking, I might raise one.

15 On line 1179, I see that meters is the
16 predominant unit of measure, with 492 feet in parentheses.
17 Is that how DEQ wants to handle it, where metric is the
18 leading unit of measure, or not?

19 MS. WEIKART: Madam Chair. Yes, that is
20 something that's also used in statute.

21 BOARD MEMBER DEURLOO: Okay.

22 MS. THOMPSON: So for -- Mr. Deurloo, Madam
23 Chair, I just note that that's an outlier, and so normally
24 we use the English system. But if the statute mixes it up
25 a bit, then we have to be consistent with how it's laid

1 out. So it's -- I don't want the Board to think that we're
2 making a shift and we're going to metric. It's a case by
3 case, depending on what does the statute give us. And that
4 one's unusual, because we don't usually get -- we don't
5 usually get metric out of the statute.

6 So just -- good catch, but we -- we won't be
7 making changes across the board to metric, so...

8 BOARD MEMBER DEURLOO: It wouldn't hurt my
9 feelings.

10 MS. THOMPSON: I get it. You know, a lot
11 of scientists like the metric. I think normally we use the
12 English system, but for this one, we can't -- we can't go
13 against the grain on the statute, so...

14 BOARD MEMBER DEURLOO: Fair enough. Okay.
15 Thank you.

16 MS. THOMPSON: Thanks for letting me
17 interrupt you.

18 BOARD MEMBER DEURLOO: Thanks, Madam Chair.

19 ACTING CHAIR CAHN: My next question is on
20 the engineered containment systems again. Line, for
21 instance, 13 -- 1330, the area, where has all that been
22 moved to? Like the -- the maximum vertical hydraulic
23 conductivity of 1E to the minus 7 centimeters per second,
24 things like those details, where have those been moved to?

25 MS. WEIKART: Madam Chair, the section

1 you're speaking to is for facilities of less than or equal
2 to one acre. And those requirements have been removed from
3 the rule as we are permitting irregardless of size. But I
4 will mention those are included with the engineered
5 containment system for the facilities in the current rule
6 that are greater than one acre. That's included in I
7 believe it's line 1170, the engineered containment system.
8 It includes a reference to Chapter 2 there, I believe.

9 ACTING CHAIR CAHN: Okay. Thank you.

10 1170 of the strikeout?

11 BOARD MEMBER ESCH: I think it's 1200.

12 MS. THOMPSON: There we go.

13 ACTING CHAIR CAHN: Okay. I see it.

14 Thanks.

15 Thanks, Luke.

16 MS. WEIKART: Madam Chair. Thank you,

17 Luke.

18 ACTING CHAIR CAHN: That's all I have on
19 Section 7. Thank you.

20 MS. WEIKART: If there are no additional
21 questions, I can move on to Section 8, which is our
22 Operating Standards. And --

23 BOARD MEMBER ESCH: Madam Chair. On 1410
24 to 1413, it talks about the training for PCBs and Subtitle
25 C, haz waste. Is this a new requirement?

1 MS. WEIKART: Madam Chair. That is
2 correct. We have added that requirement. It is consistent
3 with our municipal solid waste landfills. It is found in
4 the federal rule as well for municipal solid waste
5 landfills. And we thought that it would be something wise
6 to add here as well so that folks have training in
7 identifying PCBs and hazardous waste.

8 BOARD MEMBER ESCH: Are those trainings
9 available in Wyoming currently?

10 MS. WEIKART: Madam Chair. I'm not sure if
11 they are or not.

12 MR. BREUER: I'm very sure they're
13 available online, Madam Chair. But I don't believe --
14 we're not aware of any physical classroom trainings
15 sponsored by DEQ. But I'd be very surprised if they
16 weren't available online.

17 BOARD MEMBER ESCH: Madam Chair. I would
18 agree. I imagine there's some class -- some materials
19 online. Perhaps we could include some language which would
20 allow the option for virtual attendance, as the language
21 right now seems to indicate that a physical attendance must
22 be -- is required.

23 MS. WEIKART: Madam Chair. We can look at
24 adding some language to that effect.

25 MS. ENGELS: Madam Chair. I would

1 interject some proposed language for the Board's
2 consideration, and more to strike language. If the
3 sentence reads attend -- and feel free to correct me or
4 modify this, because I'm just speaking here -- attend
5 the -- or attend a training program described in the
6 approved permit application. Because then that way we're
7 not limiting it to be a classroom or virtual option. It's
8 just attend a training program.

9 BOARD MEMBER ESCH: Madam Chair. I would
10 almost recommend saying complete rather than attend. So if
11 you can complete it, then it could be, you know, any sort
12 of format, whether it be virtual or physical.

13 Would DEQ have any issues about saying "complete
14 a training program described in the permit application"?

15 MS. ENGEL: I am definitely open to that
16 language. My mind jumps to was it a successful completion
17 or did they fail it --

18 BOARD MEMBER DEURLOO: Right.

19 MS. ENGEL: -- would be my concern.

20 BOARD MEMBER DEURLOO: Successfully
21 complete.

22 ACTING CHAIR CAHN: Is there some kind of
23 certification at the end of the training that --

24 BOARD MEMBER ESCH: Madam Chair. I imagine
25 there would be. Most training programs have some sort of

1 virtual certificate or a physical certificate as a result
2 of it. But, yeah, I think it was mentioned -- recommended
3 "successfully complete a training program" would probably
4 adequately capture the intent of what DEQ is -- is going
5 for.

6 ACTING CHAIR CAHN: Okay.

7 MR. BREUER: Madam Chair. During
8 inspections we will often inquire as to the content of
9 their training. And generally most inspection calls are
10 judgment calls -- or a lot of them are -- and we can
11 normally assess if they're just at least familiar with the
12 content of that training and more or less confirm.

13 ACTING CHAIR CAHN: Can you introduce
14 yourself for those of us that might not recognize you with
15 the beard.

16 MR. LEMM: Oh, yes. My name is --
17 Madam Chair, my name is is Richard Lemm, solid waste
18 permitting -- District 3 Solid Waste Permitting Supervisor.

19 ACTING CHAIR CAHN: Thank you.

20 MS. WEIKART: And Madam Chair, the
21 gentleman just speaking, that was Bob Breuer. He's the
22 program manager for inspection and compliance in the Solid
23 and Hazardous Waste Division.

24 ACTING CHAIR CAHN: Thank you.

25 I have a question on line 1463, but maybe --

1 Jody, do you want to complete your discussion of this
2 section and then we can go on to Board questions?

3 MS. WEIKART: Madam Chair, absolutely.

4 Luke touched on our addition of -- for the
5 training for the identification of hazardous materials. We
6 consolidated Operating Standards from the previous
7 Section 4, Design and Construction Standards. And then we
8 updated language for consistency with our solid waste
9 chapters.

10 ACTING CHAIR CAHN: Okay. I have a
11 question on line 1463, talking about liquid waste. And I'm
12 just wondering if any of the facilities would have
13 evaporation ponds, and would that be considered treatment?

14 MS. WEIKART: Madam Chair, there is a
15 chance that facilities could have evaporation ponds. If
16 they are required to line, they would generate leachate and
17 that may go to evaporation ponds. Here what we are trying
18 to get at is we have facilities that do accept waste that
19 does not meet the paint filter test, and then will treat
20 on-site for disposal in their solid waste -- their
21 industrial solid waste cell.

22 ACTING CHAIR CAHN: Okay. I guess my
23 question is if -- if evaporation is considered treatment --

24 MS. WEIKART: Madam Chair -- oops. Sorry.

25 ACTING CHAIR CAHN: Go ahead.

1 MS. WEIKART: Madam Chair, I would say that
2 farming of material, which does involve evaporation, that
3 could be considered treatment. It is something that we
4 would permit under our Chapter 6, Transfer Treatment and
5 Storage. The pond itself, that would be addressed under
6 the engineered containment system requirements.

7 ACTING CHAIR CAHN: Okay. I just was
8 wondering if the language needed to be changed here to just
9 consider the exception for I think -- for evaporation
10 pond -- for leachate collection or --

11 MS. WEIKART: Madam Chair, the language
12 here is for that liquid waste shall not be disposed of.
13 And so a leachate pond -- evaporation pond is not the
14 disposal of the material, so I don't think that that would
15 be an issue.

16 And then the pond itself would be part of the
17 approved permit. So that would be -- that would fall under
18 the unless the facility has been permitted by the Director
19 to receive such waste at a separate unit for treatment.

20 ACTING CHAIR CAHN: Okay. The next
21 question is on line 1563. Oops. Computer's jumping again.

22 So I'm just wondering -- looks like information
23 about compaction has been moved. Where did that get moved
24 to?

25 MS. WEIKART: Madam Chair, the requirement

1 for compaction has actually been removed from the rule.
2 This is consistent with our municipal solid waste revisions
3 that we have conducted. Compaction -- it gets sort of into
4 the means and methods of the operation of the landfill.
5 And there are different techniques for compaction, as well
6 as the baling of waste is also an option. And so we
7 removed the requirement for compaction.

8 ACTING CHAIR CAHN: Okay. My next question
9 that's on 1612 -- no. No questions. Sorry. Okay. You've
10 answered all of my questions on this section.

11 Does anybody else have any questions on this
12 section from the Board?

13 BOARD MEMBER DEURLOO: Madam Chair, I have
14 a couple of comments. This is Brian Deurloo.

15 On line 1520, I'd recommend breaking that blue
16 sentence up. It seems to be a run-on. Public -- I
17 recommend -- you guys can change it however you want, but
18 it looks to me the "Public access shall be controlled,"
19 period. "Unauthorized vehicular traffic and illegal
20 disposal of solid wastes..." Moving on. With so many
21 "ands" in there, it gets convoluted. So I recommend
22 working that sentence a bit.

23 Starting on line 1539, "Litter." Again, it just
24 kind of seems like a super run-on sentence. I might
25 recommend breaking that up into bullet points for yourself

1 if you want to drop it down and do sub romanettes,
2 something like that.

3 And then finally, on line 1606, groundwater
4 contact. This is passive verbs in all its glory. "Solid
5 wastes shall not be allowed to be placed in contact with
6 groundwater." Just basically say solid waste shall not
7 contact groundwater or something like that. It's just --
8 yeah.

9 That's -- that's the extent of my comments on
10 that section, Madam Chair.

11 MS. WEIKART: Madam Chair. Thank you. We
12 can take a look at making those -- evaluating those
13 comments.

14 BOARD MEMBER DEURLOO: Thank you.

15 MS. WEIKART: I will -- I can move forward
16 to Section 9, Monitoring Standards. Here we replaced
17 redundant language with references. We also added an
18 additional alternative groundwater protection standard.
19 It's called a drinking water equivalent level or a DWEL.
20 And then we updated language for consistency with our other
21 solid waste chapters.

22 Does the Board have any questions or comments on
23 Section 9?

24 ACTING CHAIR CAHN: I do. Do any other
25 Board members have questions or comments on Section -- this

1 section?

2 BOARD MEMBER DEURLOO: Madam Chair, the
3 only one -- it's, again, minor, but I see that as you're
4 listing out these things, you now have instead of just
5 one -- it's hard to say, but instead of just 1., then site
6 specific -- like on line 1796, you have (1.). So...

7 MS. THOMPSON: That's -- Madam Chair.
8 Mr. Deurloo, that is -- that's prescribed by the Secretary
9 of State's Office.

10 BOARD MEMBER DEURLOO: Oh.

11 MS. THOMPSON: When we get further down in
12 that outline format and we have to circle back and start
13 using -- start using Arabic numbers again, then they have
14 us put those in parentheses. And then you'll see little
15 a's and b's in parentheses as well.

16 BOARD MEMBER DEURLOO: I see. I never --
17 okay.

18 MS. THOMPSON: We have to get pretty far in
19 for us to use those, so you won't see them that often. But
20 when we do get that far in, then they prescribe that we do
21 it that way.

22 BOARD MEMBER DEURLOO: I understand. Thank
23 you.

24 MS. THOMPSON: Yeah. Sorry to interrupt.

25 BOARD MEMBER DEURLOO: I have no further

1 comments at this time.

2 Thanks, Madam Chair.

3 ACTING CHAIR CAHN: Does anyone else on the
4 Board have comments on this section besides myself?

5 Okay. Hearing none. So I have a -- I have a
6 question about Appendix A. This is -- first reference I
7 found is line 1986. And so I'm wondering how the Appendix
8 A, for the industrial landfills, is differing from Appendix
9 A for other landfills or like Appendix A in municipal
10 landfills, Chapter 2, or what. So just curious how the
11 Appendix A is different.

12 MS. WEIKART: Madam Chair.

13 ACTING CHAIR CAHN: Other than the PQL is
14 gone.

15 MS. WEIKART: Madam Chair, it is not
16 different. The constituent list in Appendix A is the same
17 for municipal solid waste landfills as it is for industrial
18 solid waste landfills.

19 ACTING CHAIR CAHN: So is it -- would it be
20 preferable to incorporate by reference Appendix A in
21 Chapter 2?

22 MS. WEIKART: Madam Chair, that is
23 something that we could consider doing. We chose to leave
24 it here in case we wanted to make changes to the municipal
25 solid waste Appendix A in the future, and did not want

1 those changes to be made for industrial landfills.

2 ACTING CHAIR CAHN: Okay. Then that --
3 fair enough. I mean, that's a good reason.

4 Okay. On line 2067, I think "which" should be
5 "that." And I'll just bring up these few editorials that I
6 have just, because I think with the -- so far the kinds of
7 comments that I'm hearing, if we can agree on the language,
8 it may be easier for the Board to -- to recommend going
9 forward to EQC. So bear with me with a few minor
10 editorials that I have, so...

11 Line 2105, there's another "which" that I think
12 should be a "that." And on line 2107, it now says "at
13 least one must be collected from," and sample was deleted.
14 And I think sample should probably still -- I think it
15 would be more clear if sample was not deleted. So it would
16 say at least one sample must be collected.

17 And on line 2109, it says the sampling frequency
18 no less than annual. I think we're getting adverbs and
19 adjectives mixed up. And I think in this case it's being
20 used as adverb. So that would make it no less than
21 annually, rather than no less than annual. So it's an
22 annual sampling event, but the frequency is annually.

23 MS. WEIKART: Madam Chair. Oops. Sorry.

24 ACTING CHAIR CAHN: Let's see. The next
25 one I have is 2328. Whoops. Nope. That's in the next

1 section. That's in Section 10.

2 Let's see. Yeah. Okay. That's it for me on the
3 Section 9. Thank you.

4 MS. WEIKART: Madam Chair, thank you for
5 those corrections.

6 Does the Board have any other additional comments
7 or questions in Section 9?

8 I'll move on to Section 10. This is our
9 Recordkeeping section. We made changes here based on the
10 revisions to the design and construction standards and
11 operating standards.

12 And then the former Section 5, Operating
13 Standards, it contains some requirements that are more in
14 line with recordkeeping, and so, therefore, we move those
15 requirements and consolidated them all under the
16 recordkeeping requirements here.

17 And we also updated language for consistency with
18 our other solid waste section -- other solid waste
19 chapters.

20 BOARD MEMBER ESCH: Madam Chair. On 2340,
21 "Records of solid waste sold or otherwise salvaged," is
22 that currently being collected by operators?

23 MS. WEIKART: Madam Chair. I'm sorry,
24 Luke. What line was that again?

25 BOARD MEMBER ESCH: 2340.

1 MS. WEIKART: Thank you. Yes, that is
2 something that's currently required of the industrial
3 landfills. It was formally in Section 5, which I want to
4 say was the operating standards.

5 BOARD MEMBER ESCH: Do we have a lot of
6 waste that's being salvaged from these industrial
7 landfills?

8 MS. WEIKART: Madam Chair. Not that I'm
9 aware of. We do have some facilities with beneficial use,
10 but I wouldn't call that salvaged.

11 MR. BREUER: Madam Chair. We've had rare
12 instances -- well, maybe not so rare. It's sort of a fine
13 line. Some of the materials may not be considered waste.
14 I remember somewhere in the Big Horn Basin or Oregon Basin
15 salvaged a pretty good volume of brass valves that were not
16 functional. But, frankly, I'd have even a hard time
17 calling that waste when it has a commodity spot price daily
18 as high as it is.

19 I don't know if that answers your question, Luke,
20 or not, but we don't find too much salvaging at all. But
21 when there's materials that have value, like what I
22 recalled one of the sites in the Big Horn Basin --

23 BOARD MEMBER ESCH: Madam Chair. It does.
24 I was just more curious than anything. It just jumped out
25 to me.

1 BOARD MEMBER DEURLOO: You're on mute,
2 Lorie.

3 ACTING CHAIR CAHN: That also jumped out to
4 me as well. And I guess a lot of landfills -- well, these
5 are obviously public landfills, where there's no salvaging
6 allowed. But it seems like on an industrial facility, it
7 would be great if, you know, things could be salvaged, that
8 would be nice.

9 BOARD MEMBER DEURLOO: Yeah.

10 ACTING CHAIR CAHN: It would keep things
11 out of the landfill, if we can, if they could be sold or
12 salvaged, but --

13 BOARD MEMBER DEURLOO: Yeah. Madam Chair,
14 I have a question on that same page, if you don't mind.

15 Do you receive many complaints from downstream
16 litter like blowing around from people that live downwind
17 of a landfill?

18 MS. WEIKART: Madam Chair. We certainly do
19 receive complaints regarding litter. And that is one of
20 the reasons we added some additional litter requirements to
21 Chapter 3.

22 BOARD MEMBER DEURLOO: Uh-huh.

23 MS. WEIKART: It mainly relates to our
24 municipal solid waste landfills, though. I don't -- Bob
25 can weigh in a little bit on this, but I don't recall any

1 recent litter complaints with industrial landfills.

2 BOARD MEMBER DEURLOO: Okay.

3 MR. BREUER: Madam Chair. Mr. Deurloo, we
4 do. It's rare compared to municipalities.

5 BOARD MEMBER DEURLOO: Uh-huh. Okay.

6 MR. BREUER: Just due to the nature of the
7 waste. You know, large pallets with pumps shipped in
8 aren't going to blow away like Walmart bags.

9 BOARD MEMBER DEURLOO: Right. So follow-up
10 question. I know the EPA is big on measurable and
11 quantifiable results. Would you consider, in that line
12 2328, adding some sort of measurable and quantifiable
13 component there where they do log the litter collection and
14 maybe a record of volume or weight collected just to see
15 what -- just hold them accountable a little bit. Okay.
16 Well, you captured 10 pounds last January, but you captured
17 532 pounds this January. What's going on?

18 MS. WEIKART: Madam Chair. I don't think
19 that's something we considered so far. The litter
20 collection, they do just specify the dates that they
21 collect litter, where it comes from, possibly the hours is
22 generally what we see. I don't think we typically see
23 quantities.

24 MR. BREUER: No. Madam Chair.
25 Mr. Deurloo, we're lucky to see them log it, and we push

1 that somewhat. I agree with your point in principle.
2 Practicality, I'd hate to put something in there that we
3 would find difficulty in enforcing or another token step in
4 inspections when we might have to move on to other more
5 significant things. But, again, industrial landfills, we
6 don't see that problem that often.

7 BOARD MEMBER DEURLOO: Okay. Thank you.

8 MS. WEIKART: Madam Chair, if there's no
9 further comments or questions, I can move forward, but I
10 think you had one.

11 ACTING CHAIR CAHN: Jody, I have one on
12 line 2380. And it's just that we're talking about language
13 with the present tense, with take -- "Dates when
14 reclamation activities take place," but comparing the
15 present tense there with the next Section 11, on line 2398,
16 "The description of any final cover and reclamation
17 activities completed." So, you know, dates when
18 reclamation activities took place, maybe, rather than --
19 because we're talking about something that happens in the
20 past and we're just trying to make it consistent tensewise
21 with what -- you know, has something already taken place.

22 MS. WEIKART: Madam Chair, that seems
23 reasonable and something that we could take care of.

24 ACTING CHAIR CAHN: Thank you. That's all
25 I have on this section.

1 MR. BREUER: Madam Chair. Sometimes
2 they're presently taking place, for example, during an
3 inspection. And we like to have them define what areas
4 they're working on, generally, and what to expect, if
5 nothing else, for the follow-up inspections. So maybe that
6 was what the solid waste rule people had in mind is there's
7 often some sort of reclamation taking place currently at a
8 lot of our --

9 ACTING CHAIR CAHN: Okay.

10 MR. BREUER: -- land and --

11 ACTING CHAIR CAHN: It might be ongoing.
12 That's a very good point. Thank you. Then I think the
13 language is good the way it is.

14 MS. WEIKART: I will move forward to
15 Section 11, then, Reporting Standards. This is a new
16 section for us. We have added annual reports. The
17 information required for those annual reports is consistent
18 with Solid Waste Chapter 4 facilities, our construction and
19 demolition landfills. We've also moved requirements for
20 providing environmental quality data from here, from the
21 former Section 6, Monitoring Standards.

22 Does the Board have any questions on Section 11?

23 BOARD MEMBER DEURLOO: Madam Chair. I have
24 just one comment on line 2404 -- well, first I'll draw your
25 attention to line 2390. It says "...in a format approved

1 by the Administrator by March 1st." And then line 2404,
2 you again state "...in a format specified by the
3 Administrator..." So in an effort to decrease words, if
4 those aren't contradictory or if you need it, I'd just
5 strike that.

6 ACTING CHAIR CAHN: On line 2390, I would
7 suggest that we move the March 1st to shall be submitted in
8 a format by March 1st -- or be submitted, sorry, by
9 March 1st in a format approved by the Administrator.
10 Because otherwise it's the Administrator approving the
11 format by March 1st.

12 BOARD MEMBER DEURLOO: Right.

13 ACTING CHAIR CAHN: And we want it reported
14 by March 1st. So I would reverse the order of that.

15 BOARD MEMBER DEURLOO: Uh-huh.

16 MS. WEIKART: I'm sorry. Madam Chair, can
17 you do that language one more time for me.

18 ACTING CHAIR CAHN: Okay. So on line 2389,
19 after "shall be submitted," I would add "by March 1st."
20 And then it says "...in a format approved by the
21 Administrator unless an alternate date is approved," et
22 cetera.

23 BOARD MEMBER ESCH: I would probably -- I
24 would agree with that.

25 And Brian, I think on your comment regarding

1 2404 --

2 BOARD MEMBER DEURLOO: Uh-huh.

3 BOARD MEMBER ESCH: -- I think we're
4 talking -- and Jody, you can correct me if I'm wrong.

5 I think we're talking two different -- the
6 electronic monitoring data is separate from just annual
7 report. That data can come in a variety of forms, so that
8 would be the groundwater monitoring information. And a
9 while back, the operators always kind of wanted to submit
10 it in different ways. So it might be a different -- that
11 format that's going to be approved by the Administrator for
12 the environmental data, it would be a different report than
13 the one under 2390, it's my understanding.

14 MS. WEIKART: Madam Chair, Mr. Esch is
15 correct. They're two separate documents.

16 BOARD MEMBER DEURLOO: Okay. Thank you.

17 MS. WEIKART: Madam Chair, are there
18 additional comments or questions from the Board?

19 ACTING CHAIR CAHN: Doesn't appear so.
20 Thank you. You can move on.

21 MS. WEIKART: Section 12, this is our
22 Closure and Post-Closure Standards. Here we've added some
23 flexibility for closure schedules. This is consistent with
24 Solid Waste Chapter 2 and 4. That would be our municipal
25 solid waste and our construction and demolition landfills

1 respectively.

2 We consolidated our closure and post-closure
3 requirements from the former Section 7 to the Section 12.
4 Those are also closure and post-closure standards. And
5 then we updated language for consistency with other solid
6 waste chapters.

7 Does the Board have any questions or comments on
8 Section 12, our closure and post-closure standard?

9 ACTING CHAIR CAHN: I have a comment on --
10 just an editorial. Line 2444, I believe "which" should be
11 "that."

12 MS. WEIKART: Madam Chair. Thank you.

13 ACTING CHAIR CAHN: That's all I have on
14 Section 12.

15 MS. WEIKART: I can move on to Section 13,
16 Standards for Corrective Action. Once again we did some
17 consolidation here. And so we consolidated corrective
18 action requirements from the former Section 7, which was
19 titled Closure and Post-Closure Standards. And then we
20 updated language for consistency with other solid waste
21 chapters.

22 Does the Board have any questions or comments on
23 Section 13?

24 ACTING CHAIR CAHN: I do, if no one else
25 does. Line 2563, "which" should be "that," I believe.

1 MS. WEIKART: Madam Chair. Thank you.

2 ACTING CHAIR CAHN: And line 2648, I
3 believe the "a" at the end of the line is probably
4 unnecessary. So it would read "Practicable capability of
5 the owner or operator, including consideration of the
6 technical and economic capability. I don't think that "a"
7 is necessary. And that's all I have on this section.

8 MS. WEIKART: Madam Chair, thank you.

9 Moving on to Section 14, the Financial Assurance
10 Standards. For consistency with our other solid waste
11 chapters, we created a new section here, and it refers
12 facilities that are required to have financial assurance.
13 It's -- it has the requirements there for meeting those
14 standards. This was information that was consolidated from
15 requirements from the former Section 2, Industrial Landfill
16 Application Requirements.

17 Does the Board have any questions on Section 15?
18 Or, I'm sorry, Section 14. Getting ahead of myself.

19 I can --

20 BOARD MEMBER ESCH: Madam Chair. I guess I
21 have a -- I might be jumping ahead, but I have a question
22 regarding 15, 16, and 17. If we're just referring -- I
23 guess, what's the purpose of having these sections? We're
24 just referring them to other chapters. Wouldn't those
25 chapters already govern those topics? Is this necessary

1 language?

2 MS. WEIKART: Madam Chair. This is
3 consistent with our other rules. We have received advice
4 from the AG's Office that we should include these
5 requirements here to refer the reader to the other
6 requirements that may be applicable to them. And, yeah.

7 BOARD MEMBER ESCH: Well, I don't know why
8 you listen to those guys.

9 MS. ENGELS: Madam Chair. Thank you, Board
10 Member Esch. We will pass along the message.

11 MS. WEIKART: If I can move on. I was
12 going to lump those together as well, Mr. Esch.

13 So Section 15, 16, and 17, those are all new
14 sections. And as Board Member Esch pointed out, they do
15 refer folks to our other solid waste chapters that may be
16 applicable and they would need to show compliance with.

17 Does the Board have any questions on Sections 15,
18 16, 17?

19 I'll move on to Section 18. It is our last
20 section of the rule. Supporting Documentation and
21 Appendices. For consistency with our other chapters, we
22 created this new section here, and then we consolidated
23 important requirements from the former Section 2, which is
24 the industrial landfill application requirements. And then
25 we also updated language for consistency with other solid

1 waste chapters.

2 Does the Board have any questions on Section 18?

3 ACTING CHAIR CAHN: I do. I just want to
4 see if other Board members have anything first.

5 Okay. I am happy to see that you got rid of the
6 PQLs, and I just would love to hear what the rationale for
7 that was. I support it, but I'm curious what the rationale
8 was, because that was something that has always been a
9 topic of discussion at Board meetings in the past, so...

10 MS. WEIKART: Madam Chair, I'm just looking
11 for my notes there on the PQLs. PQLs are specific in the
12 lab and equipment that is used at the lab. And it has to
13 be regularly looked at and evaluated and updated. And so
14 PQLs are no longer part of the method, and so we decided to
15 remove them from the rule as well.

16 ACTING CHAIR CAHN: That's great. I'm
17 happy to see that.

18 BOARD MEMBER DEURLOO: Forgive my
19 ignorance, Madam Chair. PQL, what does that mean?

20 ACTING CHAIR CAHN: Practical quantitation
21 limits.

22 BOARD MEMBER DEURLOO: Okay. Thank you.

23 ACTING CHAIR CAHN: So that is just the
24 quantitation limit that the -- for that particular -- for
25 each of the constituents there was PQLs, depending on the

1 method that was used. But, as Jody said, it's lab
2 dependent and -- too -- you know, as well. And so that was
3 a high bar to -- I'll just say there was a lot of
4 discussion about whether those PQLs were always attainable
5 at the lowest level.

6 BOARD MEMBER DEURLOO: I see. I don't
7 recall that discussion in 2019, or whatever it was, but
8 okay. Thank you for the clarification.

9 ACTING CHAIR CAHN: Let's see. I have one
10 more comment. It's on line 2987, which is hard to -- I
11 think I need to give you the page number. Let's see. I've
12 got to find it first. Yeah, it's on page number 96 onto
13 97, or 3-B-23. And it -- Footnote 1 refers to footnotes 5
14 and 6, but the old Footnote 6 was deleted. There's a new
15 Footnote 6, and I don't believe that Footnote 1 should be
16 referring to the new Footnote 6. So the old one referred
17 to practical quantitation limits. The new one refers to
18 a specific substance of Bis(2-chloro -- I can't even say
19 it -- Dichlorodiisopropyl ether.

20 MS. WEIKART: Madam Chair. Thank you for
21 that. We'll get that corrected.

22 ACTING CHAIR CAHN: That's all I have.
23 Does anybody on the Board have any additional comments or
24 questions?

25 BOARD MEMBER DEURLOO: Madam Chair, I have

1 a question, please.

2 Is there -- I don't see it in here, and I know
3 it's a can of worms these days. Is there any conversations
4 around PFOA and PFOS and detection of those?

5 MS. WEIKART: Madam Chair. That is
6 something the Department is currently looking at, but we do
7 not have regulations regarding PFOS or PFOA, but I know our
8 Water Quality Division is taking the lead on that and
9 looking into PFOS and PFOA.

10 BOARD MEMBER DEURLOO: Is there any timing
11 or -- I mean --

12 MS. THOMPSON: So Madam Chairwoman.
13 Mr. Deurloo, the Water Quality Division has just received
14 some notice from EPA that -- concerning PFOS and PFOA. And
15 particularly our groundwater section is evaluating that.
16 And they have been involved in working groups, as EPA is
17 trying to kind of -- kind of trying to provide guidance to
18 states.

19 So we'll let our administrator know that
20 you're -- that you're wondering about it, but I don't think
21 that -- I'm not aware of rulemakings or standards updates
22 to specifically incorporate those constituents, although I
23 recall that the EPA notice that was just sent out to states
24 had very low limits. So I think it's something that we're
25 looking at as far as how -- you know, what do we do with

1 this information that they've given us. But it will be on
2 the Water Quality side. Most likely -- mostly in
3 groundwater, but potentially it will have some surface
4 impacts. But the groundwater section is our lead on
5 that -- that constituent of concern.

6 BOARD MEMBER DEURLOO: Got it.

7 BOARD MEMBER COCHRAN: So they're not
8 looking at it in Chapter 1 right now.

9 MS. THOMPSON: I don't believe so, but
10 primarily if we did a standard update, it would most likely
11 be in our groundwater standard, which is 8. And you will
12 see that chapter at some point. But, you know, 1 was the
13 first one. But I -- I think at the EPA level even, that
14 the -- most of the advice and the guidance that we've been
15 given has focused on groundwater due to the way that
16 chemical -- those chemicals behave.

17 So -- but we'll definitely pass it on that you're
18 interested in how is the, you know, Department handling
19 those. Because that's a -- it's in the news now. We --
20 you know, and so we can advise them, give you some updates
21 on that.

22 BOARD MEMBER DEURLOO: Thank you.

23 BOARD MEMBER ESCH: Madam Chair, I think
24 that once -- once the groundwater quality standards are set
25 for those constituents, that they be incorporated into the

1 landfills I think by some previous sections requiring
2 detection monitoring. So if there's a constituent that
3 gets detected in the landfill, I guess when -- whenever
4 they're set by the Water Quality Division, they would be
5 subject to the -- these rules in those -- in that manner, I
6 believe.

7 MS. ENGELS: Madam Chair, I'll add a little
8 bit more to this discussion. The agency does have a PFOS
9 work group. It's an internal work group where there's
10 people from all different divisions participating. So it's
11 really an agency-wide effort, even though like Gina just
12 described Water Quality is taking the lead. And so with
13 the recent EPA announcement updating their health
14 advisories, Water Quality is following up doing additional
15 work, and then through our PFOS work group, we'll be
16 working closely with Water Quality. And if we need to make
17 any additional revisions to our chapters, we'll be doing
18 that at that time.

19 ACTING CHAIR CAHN: Could we request that
20 at our next meeting one of the agenda topics could be just
21 an update with what's happening in PFOA and PFOS?

22 MS. ENGELS: I think that's a good
23 suggestion.

24 MS. THOMPSON: Madam Chair, I'll add that
25 to my notes, and we'll get that included.

1 BOARD MEMBER DEURLOO: Thank you.

2 MS. THOMPSON: Yeah.

3 MR. BREUER: Madam Chair, we can probably
4 even pay some attention to detail, and Brian, during
5 inspections, because a lot of the industrial landfills are
6 large production facilities, or significant, and they have
7 regular fire training. And they -- a lot of them still use
8 AFFF firefighting foam for example. And that comes --
9 we're not talking about parts per million. We're talking
10 about 3 percent and a 6 percent version.

11 And I think Luke Esch started it years ago. We
12 started thinking, well, can we either head off or think of
13 some prudent things and permits or at least discussions
14 with industrial waste landfills on -- you know, for
15 example, you might not want to throw all your empty
16 6 percent PFOS -- or AFFF buckets in your landfill. Either
17 a sure rinsing, or if you had big fire or fire training,
18 you got a thousand pounds of fire hose that's AFFF, so --
19 that you needed to get rid of and replace anyway. We've
20 had internal discussions since Luke was the administrator.
21 Maybe there's different ways to do that in some of these
22 solid waste industrial landfills. Certainly -- certainly
23 waiting on Water Quality and EPA, but haven't stood still
24 as far as activities in some of these landfills, but they
25 haven't gelled to the point where they can go in the rules

1 yet, I don't think.

2 BOARD MEMBER DEURLOO: I see. Thank you.

3 BOARD MEMBER ESCH: Madam Chair, my only
4 comment would be I'd like to commend the Department on the
5 rule package they put before us and commend Jody on her
6 presentation today.

7 ACTING CHAIR CAHN: I would second that.

8 Before we go forward, I would like to just open
9 it up for public comment and see if we have any public
10 comment. And if there is, would you please identify
11 yourself and who you represent.

12 MS. THOMPSON: Madam Chair, I don't believe
13 we have anyone outside of the DEQ, the advisory board, or
14 the Attorney General's Office on line. If I'm incorrect,
15 please speak up, but we don't have any outside entities in
16 the conference room with us either.

17 ACTING CHAIR CAHN: Okay. Speaking of
18 which, I would like -- we seem to get new Attorney General
19 representatives representing us at just about every
20 meeting. And so I would appreciate if we could have who's
21 representing the Board or helping the Board themselves,
22 introduce themselves, and give us information about how we
23 can contact them if we need to.

24 MR. EDELMAN: Yes, ma'am. I am Carl
25 Edelman. And I believe Jim Peters introduced me last time.

1 If you need to get ahold of me, my email is
2 carl.edelman2@wyo.gov.

3 ACTING CHAIR CAHN: Okay. Excuse me.
4 Could you go over that again slowly.

5 MR. EDELMAN: Yeah. It is
6 carl.edelman2@wyo.gov.

7 ACTING CHAIR CAHN: wyo.gov. And you have
8 a phone number you can share with us?

9 MR. EDELMAN: Yes, ma'am. It is 777-7877.

10 ACTING CHAIR CAHN: Okay. Great. Thank
11 you. Appreciate it.

12 MR. EDELMAN: Absolutely.

13 BOARD MEMBER ESCH: Carl, where were you
14 before the AG's Office.

15 MR. EDELMAN: I was up in Gillette working
16 with a guy name Mike Fuller, actually. So I just got
17 licensed in the last eight months. So very new to the
18 practice of law.

19 BOARD MEMBER ESCH: Congratulations.

20 MR. EDELMAN: Thank you, sir.

21 ACTING CHAIR CAHN: Well, welcome.

22 BOARD MEMBER ESCH: Yeah. Glad to have
23 you.

24 ACTING CHAIR CAHN: Yeah. Thank you.
25 Okay. At this point in time, I would like to

1 entertain a motion on those rule packages -- on this rule
2 package.

3 BOARD MEMBER ESCH: Madam Chair, I would
4 move to approve the rule package as presented with the
5 minor modifications that the Board has recommended.

6 BOARD MEMBER DEURLOO: I would second that
7 motion.

8 ACTING CHAIR CAHN: Do I hear a second?

9 BOARD MEMBER DEURLOO: This is Brian
10 Deurloo. I would second that motion.

11 ACTING CHAIR CAHN: Okay. Any Board
12 discussion?

13 I would just like to second what Luke said
14 earlier. I think this -- you know, is a really good
15 board -- a really good package you've presented to the
16 Board. And I think the fact that there's basically -- you
17 worked with the stakeholders to the point where there
18 wasn't any significant public comment -- or no -- no public
19 comment, other than support really reflects on the good
20 work you guys have done. So really appreciate that and all
21 your hard work.

22 So at this point, is there any other Board
23 discussion?

24 BOARD MEMBER ESCH: Madam Chair, I'd only
25 reiterate what you said. I think it's a great rule

1 package. I think it was well prepared. Staff was
2 obviously very well prepared today. I think it does just
3 reflect well that the industry organization submitted their
4 comment in support of this, and I think that really does go
5 to show that it's well done and it's needed. You know, I
6 think the permit terms, switching it from eight years to
7 lifetime permit, that's, you know, saving our industry and
8 operators money in terms of having to redo a permit every
9 eight years. I know it's not every year, but still that
10 helps our operators, and I think that's why I'm supportive
11 of this change and supportive of moving it forward to the
12 EQC.

13 ACTING CHAIR CAHN: Do I hear any other
14 Board comments?

15 Okay. At this point, we -- I'd like to hear all
16 in favor of the motion say aye.

17 BOARD MEMBER COCHRAN: Aye.

18 BOARD MEMBER DEURLOO: Aye.

19 BOARD MEMBER ESCH: Aye.

20 BOARD MEMBER DICKSON: Aye.

21 ACTING CHAIR CAHN: The motion carries
22 unanimous. Thank you.

23 And we have -- before we get to scheduling and
24 location of the next meeting, we had discussed at one of
25 our previous meetings that we were going to wait until we

1 had a full board to vote on -- on -- or take nominations
2 and vote on chair and a vice chair for the Board, since,
3 unfortunately, we lost our chair, and I've only been in an
4 acting position. So I think it's time to do that, if we
5 can add that to the agenda.

6 So at this point I would like to ask for
7 nominations for board chair.

8 BOARD MEMBER DEURLOO: If you're up for it,
9 Madam Chair, I'd like to nominate you for chairwoman again.

10 ACTING CHAIR CAHN: I'm willing to do it,
11 if everybody's agreeable. But we'll take a vote on that.
12 Is there anybody else that wants to volunteer for it?

13 Okay. Hearing none, all those in favor say aye.

14 BOARD MEMBER COCHRAN: Aye.

15 BOARD MEMBER DEURLOO: Aye.

16 BOARD MEMBER ESCH: Aye.

17 BOARD MEMBER DICKSON: Aye.

18 ACTING CHAIR CAHN: All those opposed. And
19 I abstain.

20 So -- and I would like to now take nominations --
21 accept nominations for board vice chair. We have -- I
22 would -- any nominations? I would like to nominate Brian
23 for it, Deurloo.

24 Brian, would you be willing to do it again?

25 BOARD MEMBER DEURLOO: Sure. I'd be

1 willing to accept that. Thank you.

2 ACTING CHAIR CAHN: Otherwise, we have
3 anybody dying to do it? Okay.

4 BOARD MEMBER ESCH: I move to close.

5 ACTING CHAIR CAHN: Go ahead.

6 BOARD MEMBER ESCH: Oh, no. I was just
7 moving to close the nominations.

8 ACTING CHAIR CAHN: All those in favor of
9 Brian Deurloo as our vice chair.

10 BOARD MEMBER ESCH: Aye.

11 ACTING CHAIR CAHN: Aye.

12 BOARD MEMBER COCHRAN: Aye.

13 ACTING CHAIR CAHN: Okay. Motion carries.
14 Okay. The next thing on the agenda is scheduling the
15 location of the next meeting.

16 MS. THOMPSON: Madam Chair, before we
17 proceed, could you close the public part of the meeting so
18 our court reporter doesn't have to keep taking notes?

19 ACTING CHAIR CAHN: Oh, sure. Absolutely.
20 At this point I will adjourn the public portion of this
21 meeting.

22 (Meeting proceedings concluded

23 11:56 a.m., June 28, 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 24th day of July, 2022.


KATHY J. KENDRICK
Registered Professional Reporter

