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BEFORE THE WATER AND WASTE ADVISORY BOARD  
STATE OF WYOMING

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HEARING TO DISCUSS GROUNDWATER MONITORING GRANT PROGRAM  
UPDATE AND MONITORING REIMBURSEMENT PROGRAM AND PROPOSED  
REVISIONS TO DRAFT WATER QUALITY RULES AND REGULATIONS  
FOR REVIEW BY THE WATER AND WASTE ADVISORY BOARD  
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TRANSCRIPT OF HEARING PROCEEDINGS

Transcript of Hearing Proceedings in the above-  
entitled matter before the Water and Waste Advisory  
Board, commencing on the 22nd day of June 2012 at  
9:00 a.m. at the Oil and Gas Conservation Commission  
Building Hearing Room, 2211 King Boulevard, Casper,  
Wyoming, Ms. Marge Bedessem presiding with board members  
Mr. Glenn Sugano and Mr. David Applegate in attendance  
and Ms. Lorie Cahn appearing via videoconferencing. Also  
present was Mr. Mike Jennings.

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

(Hearing proceedings commenced  
9:00 a.m., June 22, 2012.)

VICE CHAIR BEDESSEM: Good morning,  
everyone. I'd like to call this meeting of the Water and  
Waste Advisory Board to order. My name is Marge  
Bedessem. I'm vice chair of the Water and Waste Advisory  
Board, representing the public interest. I'm chairing  
this meeting today because our chair, Bill Welles, will  
be able to join us hopefully a little bit later but will  
not be present for the beginning of this meeting.

I'd like rest of the advisory board to  
introduce themselves, and then we'll go over what the  
agenda will be for today.

MR. APPLGATE: Dave Applegate,  
representing industry.

MR. SUGANO: Glenn Sugano, representing  
local government.

VICE CHAIR BEDESSEM: And then in Jackson,  
we have --

MS. CAHN: I'm Lorie Cahn in Jackson,  
representing the public at large.

VICE CHAIR BEDESSEM: Thank you.

As far as the agenda today, we are going to  
start off with the Solid and Hazardous Waste Division,

1 the reimbursement packets for groundwater monitoring.  
2 Following that, we're going to continue with the Water  
3 Quality Division and the changes to the underground  
4 storage tank operator training regs. And then we're  
5 going to follow that with the rule package for the Solid  
6 and Hazardous Waste Division.

7 Have I accommodated everything? Sounds good.  
8 So I'm going to hand this over to -- oh, and then for  
9 each of the rule packages, we will be accepting public  
10 comment today. And when that time comes, we'd appreciate  
11 it if you would come to -- you'll be handed a wireless  
12 mic. And if you'd come to the front table and announce  
13 your name and who you're representing, that would be much  
14 appreciated. If your name is very complicated, spelling  
15 it would certainly help the court reporter, as well. So  
16 appreciate your cooperation with that.

17 So let's start off with Mike Jennings from the  
18 Solid and Hazardous Waste Division.

19 MR. JENNINGS: Thank you, Dr. Bedessem.

20 In front of you, you should have in the packets  
21 that I sent you the specific agenda for monitoring  
22 reimbursement that I'm working off of. There should be a  
23 big red "final" at the top of it. And that's the one  
24 we'll be working off of. That's the latest version. And  
25 just like we've done in the past, what I would suggest is

1 I'll go through a specific category. And if everybody's  
2 happy with that, fine. If there are questions, you can  
3 ask them then. We'll try to answer them. But basically,  
4 to start it off -- oh, and also, Dr. Bedessem, I do have  
5 the, basically, cost spreadsheets here. So, when we're  
6 done at some point, assuming we're all in agreement on  
7 this, I'll just need some signatures and some information  
8 on those.

9 Without further ado, let me proceed with this.  
10 Again, on your agenda, under "applications," under "full  
11 reimbursement recommendation," we have one specific  
12 facility for the Upton Number 4 landfill. And the  
13 Department is recommending full reimbursement for their  
14 supplemental field work.

15 Did any of the board members have any questions  
16 on that specific reimbursement application?

17 (No response.)

18 VICE CHAIR BEDESSEM: No questions from  
19 the board.

20 MR. JENNINGS: That being the case, if  
21 you'd like to move on this one.

22 VICE CHAIR BEDESSEM: I'll entertain a  
23 motion.

24 MR. APPLGATE: I move we accept the Upton  
25 proposal and do full reimbursement.

1                   VICE CHAIR BEDESSEM: I second that  
2 motion. All those in favor say aye.

3                   (All members vote aye.)

4                   VICE CHAIR BEDESSEM: None opposed.  
5 Motion passes.

6                   MR. JENNINGS: Thank you, Dr. Bedessem.

7                   Under "partial reimbursement," there are a  
8 large number of facilities on there. I did want to point  
9 out a couple where we may have some potential conflicts.  
10 And assuming that Chairman Welles can join us later on in  
11 this meeting, I'd like to reintroduce those at that  
12 point. And that would be specifically under Item A, the  
13 Old Rock Springs landfill, with Trihydro being the  
14 consultant, and then also under Item C, again, Old Rock  
15 Springs landfill, with Trihydro the consultant on that  
16 one.

17                  Dr. Bedessem, if it's okay with you, if we can  
18 table that one until later, assuming that Mr. Welles can  
19 join us, and then hopefully we can act on that one then.  
20 But those two aside, does anybody --

21                  MS. CAHN: Mike, unless I'm doing my math  
22 wrong, if we have Dave and Glenn and myself, that makes  
23 three, which is a majority for the board. Is that not  
24 okay to vote on those?

25                  VICE CHAIR BEDESSEM: Lorie, Glenn is

1 affiliated with Rock Springs, so he would not be able to  
2 vote.

3 MS. CAHN: Okay. Sorry.

4 VICE CHAIR BEDESSEM: So we will defer it  
5 until later. Thank you.

6 MR. JENNINGS: But with the exception of  
7 those two, on all of the other recommendations, does the  
8 board have any questions on it?

9 VICE CHAIR BEDESSEM: So, in general, none  
10 of these partial reimbursements did you get responses  
11 from the applicant?

12 MR. JENNINGS: No. I have received  
13 nothing. And typically, in virtually all of these  
14 instances, if I'm requiring additional information that  
15 they failed to supply in the packet, always leave the  
16 door open. Should they be able to sometime down the line  
17 provide that information, be more than happy to revisit  
18 the issues and see if we can get them some additional  
19 reimbursement.

20 There was one on here, just to point it out, at  
21 the Old Saratoga landfill, and that would be Item B.  
22 Just for your edification, we recommended zero dollars on  
23 that, simply because the items within that particular  
24 reimbursement really did not apply to Step 1, which is  
25 work plan development. We added that in to an additional

1       one that they had, which is under Item D. And we  
2       basically revised that particular request upwards with  
3       the money that they thought was going to go into work  
4       plan development. So, basically, it's a wash. We just  
5       basically took that money and flipped it over to the  
6       other item, simply for the sake of bookkeeping, to make  
7       sure that Step 1 was Step 1 and Step 2 was Step 2. So,  
8       really, we didn't take anything away from them. We  
9       simply put it in another location.

10               MR. SUGANO: Madam Chair, I do have a  
11       question about the -- the wording that you're using,  
12       Mike, is excessive vehicle rate. Is that because someone  
13       is using a four-wheel-drive and they should maybe be  
14       using a two-wheel-drive? What's the explanation on  
15       excessive use?

16               MR. JENNINGS: Dr. Bedessem, Mr. Sugano,  
17       what that means is we utilize what the IRS rate was for  
18       mileage in effect at the time the work was performed.  
19       And so whether it was 51 cents a mile or whatever, we  
20       don't tell contractors what they can charge. We just  
21       tell folks this is what we're going to reimburse at, with  
22       the exception of one-ton vehicles or greater. At that  
23       point we will make exceptions for that, understanding  
24       that they are more expensive.

25               However, if they don't provide any information

1 on the vehicle size, we just assume it's a three-quarter-  
2 ton or less, and we go with the IRS rate. So, if the IRS  
3 was charging 51 cents a mile or allowing you to charge  
4 that and the contractor was charging 60 cents a mile,  
5 just basically cut out the nine-cent difference on that.

6 MR. SUGANO: Very good. Thank you.

7 MR. APPLGATE: I'll make a motion we  
8 reimburse at the recommended rates for the Old Saratoga  
9 landfill Work Step 1, Old Saratoga landfill Work Step 2,  
10 Evanston Number 1 landfill, the Upton Number 1 landfill,  
11 the Old Saratoga landfill and the Hartville landfill.

12 MR. SUGANO: I second.

13 VICE CHAIR BEDESSEM: All those in favor.

14 (All members vote aye.)

15 VICE CHAIR BEDESSEM: Motion passes.

16 Thank you.

17 MR. JENNINGS: Thank you. Dr. Bedessem,  
18 the second part of this is just a quick-and-dirty on the  
19 groundwater monitoring grant program, just an update on  
20 the funds that have been disbursed. As of May 9th, for  
21 work plan grants, a little over \$200,000 has been sent  
22 out. Under field investigation grants, which is  
23 basically constructing monitoring wells, about two-and-  
24 three-quarter million dollars has gone out. And then  
25 under sampling and analysis, just short of \$300,000, for

1 a grand total of about \$3.26 million has gone out.  
2 Remaining grant funds, 4.75 million. Again, the  
3 legislature basically earmarked about one-and-three-  
4 quarter million of that for additional work that we may  
5 need for the report that's coming up in December of this  
6 year on prioritizing landfills that have impacted  
7 groundwater.

8 Does anybody have any additional questions of  
9 me?

10 VICE CHAIR BEDESSEM: Mike, can you tell  
11 us how many -- do you have that data with you about how  
12 many facilities -- how many facilities are still ones  
13 where you've requested monitoring but that has not  
14 happened? Because we used to get kind of a numbered list  
15 of landfills, as well.

16 MR. JENNINGS: In short, we had -- I  
17 believe we had approximately a hundred that we initially  
18 had sufficient data from. We were missing information  
19 from about 30. A number of those facilities have  
20 submitted. And to be honest, we have a database problem  
21 which we're trying to get resolved. I know that some of  
22 those facilities have submitted information. Others are  
23 ongoing in that process. I'm aware of only, to the best  
24 of my knowledge, one facility that has chosen not to  
25 participate. But we do have additional data coming in

1 from those. And at some point when we get our database  
2 up and running properly, we'll hopefully be able to  
3 update you on that. I'm sorry I don't have the  
4 specifics.

5 VICE CHAIR BEDESSEM: Well, thank you very  
6 much.

7 MR. JENNINGS: You're welcome.

8 VICE CHAIR BEDESSEM: So does that  
9 conclude the monitoring reimbursement portion?

10 MR. JENNINGS: Yes, it does. We can roll  
11 right into the tank program. Or if you want to take a  
12 quick break, I could get the sheets to you, whatever your  
13 pleasure is, Dr. Bedessem.

14 VICE CHAIR BEDESSEM: Let's take a quick  
15 break so I can sign your forms and we can get that  
16 paperwork taken care of. Do we have to have two separate  
17 forms because we have not voted on the Rock Springs  
18 landfill? We've got two copies. We can delete them off  
19 one.

20 MR. JENNINGS: Yeah. Since you're  
21 required to fill in the numbers on those, if you just  
22 don't fill those in, as far as I'm concerned, that would  
23 be sufficient as in saying, no, we haven't approved that  
24 yet, if that's okay with you.

25 VICE CHAIR BEDESSEM: I think that will



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I, RANDY A. HATLESTAD, a Registered Merit Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein constituting a full, true and correct transcript.

Dated this 11th day of July, 2012.

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RANDY A. HATLESTAD  
Registered Merit Reporter