

0001

1
2 BEFORE THE WATER AND WASTE ADVISORY BOARD
3 STATE OF WYOMING

4
5 -----
6 HEARING TO DISCUSS GROUNDWATER MONITORING GRANT PROGRAM
7 UPDATE AND MONITORING REIMBURSEMENT PROGRAM
8 -----

9
10 TRANSCRIPT OF HEARING PROCEEDINGS

11
12 Transcript of Hearing Proceedings in the above-
13 entitled matter before the Water and Waste Advisory
14 Board, commencing on the 23rd day of June 2010 at 9:00
15 a.m. at the Wyoming Department of Environmental Quality
16 office, 152 North Durbin, Casper, Wyoming, Mr. Bill
17 Welles presiding by telephone, with board members Lorie
18 Cahn, Marjorie Bedessem and Tim Chestnut also appearing
19 by telephone. Also present via telephone was Mr. John
20 Wagner. Present in Casper were Mr. Mike Jennings and
21 Mr. Bob Doctor.

22
23
24
25
0002

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

2 (Hearing proceedings commenced 9:00
3 a.m., June 23, 2010.)

4 MR. JENNINGS: Mr. Chairman, if you got my
5 e-mail yesterday, John Wagner has some information for
6 you folks. He was going to take some time. But I'll
7 leave it up to you as to how yu want to proceed.

8 CHAIRMAN WELLES: That's fine with us.
9 Let's go ahead, John.

10 MR. WAGNER: Hi, Bill. Good to talk to
11 you.

12 I've talked to both Bill and Lorie about this,
13 or at least exchanged e-mails on this issue. The Water
14 Quality Division is going to have a rule package ready
15 for you later this year, probably in the fall or the

16 early winter. It's our operator certification rules.
17 And it's a complete rewrite of Chapter 5 of our rules.
18 And I suggested that it might not be a bad idea
19 to do a pre-grammatical fix of these rules before we
20 actually take them to public notice. And because Lorie
21 is such a good editor on this sort of stuff, my
22 suggestion was that we work with Lorie ahead of time and
23 get the grammatical problems taken care of in these rules
24 before we go to public notice and so that there's not as
25 much time taken up with grammatical issues, and we can

0003

1 work on the substantive issues.

2 Lorie, and I think Bill, both were somewhat
3 receptive to that. However, Lorie suggested, and I think
4 she was right, that we should check that with the
5 Attorney General's Office, which I did. And their
6 response basically was that that should not be any kind
7 of a legal problem for us to do that, with a couple of
8 caveats. And one of the caveats would be that the
9 advisory board itself is comfortable and gives their okay
10 to do it. And the second caveat would be that Lorie's
11 review would be strictly -- her pre-review, so to speak,
12 would be strictly for grammatical issues and not get into
13 the substance of the rule at all.

14 So that's kind of the proposal that's sitting
15 before you. Are you comfortable -- are all of you
16 comfortable, and most especially Lorie, with taking that
17 step and doing this pre-review before we go to public
18 notice?

19 MR. CHESTNUT: Yeah.

20 MS. BEDESSEM: I'd say yes, as well. I
21 think it would be very efficient.

22 CHAIRMAN WELLES: Lorie?

23 MS. CAHN: Yeah, I'm fine with it. I
24 guess my caveat is that we only do it for short -- for
25 things that aren't that lengthy so I don't have to do two

0004

1 reviews on lengthy documents. So 25 pages is fine. I
2 don't want to be doing 100-page thing twice.

3 MR. WAGNER: Right. I don't have these
4 rules in front of me, Lorie, but I can tell you that they
5 are in the neighborhood of about, I'm going to say
6 twelve, fifteen pages, somewhere in there.

7 MS. CAHN: I have no problem doing that.
8 One thing that I do want to ask a question on is, if what
9 you send me is something that I don't understand it, is
10 it okay for me, rather than giving comments -- you know,
11 I wouldn't give a technical comment. Maybe I could just
12 say, you know, this needs to be clarified because it's
13 unclear if you mean this or that?

14 MR. WAGNER: Absolutely. That would be --

15 MS. CAHN: So it's not just a typo here
16 and a grammatical error there. It's also this isn't
17 clear. I don't understand it. You need to clarify.
18 Okay. So that works for me.

19 MR. WAGNER: Yeah. And what I would
20 probably do is I would assign our -- the person who wrote
21 this rule is Diane Walker Tompkins. And I would probably
22 just -- after this phone call, if everybody is agreeable
23 to it, I would just give Diane your e-mail address and
24 tell Diane to e-mail you a copy of the proposed rule, and
25 then you and Diane can work together on whatever comments

0005

1 or if you have questions and so on.

2 MS. CAHN: Yeah, that works. That sounds
3 great.

4 CHAIRMAN WELLES: I just wanted to have
5 Lorie speak before I commented. I have no problem with
6 it. And I do think that Lorie's request or her caveat is
7 correct, that it shouldn't be something that is really
8 long and complicated that's going to require double duty
9 on her part.

10 And, Lorie, on behalf of the board, I would
11 like to thank you for your volunteering to do this.
12 Because I think, you know, hopefully it will make things
13 go smoother, and it will save a lot of time at the
14 meetings, you know, if this can be accomplished ahead of
15 time.

16 MR. WAGNER: Okay. Well, hearing all
17 that, unless somebody has an objection, I will proceed
18 along those lines. And, Lorie, should we use the e-mail
19 address that we use for the advisory board? I assume
20 that would be the one you want.

21 MS. CAHN: Yeah. That would be good.

22 MR. WAGNER: I think it's your -- I think
23 that's your work e-mail.

24 MS. CAHN: Yeah. That will be fine.

25 MR. WAGNER: Okay. Well, very good. I

0006

1 appreciate the help on all this. And if that's all we've
2 got on this issue, I'll sign off.

3 MS. CAHN: And maybe just some heads-up to
4 me in terms of, you know, your proposed schedule, just an
5 e-mail to me to say, we're expecting to have some rules
6 out to you this week. They're approximately this long.
7 We'd like to hear back from you by X date. You know,
8 just some kind of heads-up so I can plan it.

9 MR. WAGNER: Right. I think it would
10 be -- let's see. We're meeting in Jackson on the 22nd of
11 July. Obviously, that's not -- wouldn't happen. But it
12 would probably be the meeting after that one. Probably,
13 my guess, somewhere in Octoberish would be my guess. And
14 I'll give you guys some heads-up. It may be a little
15 controversial. These rules tend to bring people a bit
16 out of the woodwork. And so that's another reason I
17 think if we can narrow it down to just the substantive
18 issues, I think that will help.

19 CHAIRMAN WELLES: John, before you leave,
20 could you give us a real short update on what's happening
21 with the Ruckelshaus water group, coal bed methane water
22 group?

23 MR. WAGNER: Sure. Yeah, I can do that.
24 As you're all aware, EPA is withholding approval for all
25 CBM permits, basically all CBM permits at this time,

0007

1 until we get that ag use protection policy in place. The
2 working group that John Corra formed back in December is
3 essentially done with their work now. And they have
4 assigned the detail or I guess the nitty-gritty -- or
5 this working group of about 20 people put together some
6 general concepts, and now they want what's called a
7 technical advisory team, which is three people, George
8 Vance from the University of Wyoming, Bill Schafer, a
9 consultant out of Montana, and Jerry Schuman, who ran the
10 horticultural station here in Cheyenne. Those three
11 people are the technical advisory team, and their job is
12 to take the work that the working group put together over
13 about a six-month period and to actually put it into
14 something that we can include into discharge permits.

15 And that technical advisory team is meeting on
16 the 2nd of July in Cheyenne. It is an open meeting. But
17 it's just -- if you want to go to it, you just have to
18 sit in the audience and listen, because it's not a
19 participatory meeting. So hopefully those guys will come
20 up with some permitting strategies that will work, and we
21 can get these permits off dead center.

22 CHAIRMAN WELLES: And what is the time
23 frame?

24 MR. WAGNER: To be honest with you, Bill,
25 I don't remember if they've got a date in their

0008

1 contracts. Of course, we're paying these people to do
2 this work. And I can't remember if there's a deadline
3 for them to have it done. But it's pretty short. The
4 expectation is they're going to meet on July the 2nd, and
5 they're going to have something to us within weeks, not
6 months.

7 CHAIRMAN WELLES: And then that will go
8 back before us and then through EQC?

9 MR. WAGNER: Don't know. That is -- yeah,
10 that is still up in the air as to, it depends on what
11 they -- what they say. If they say, you know, you got to
12 start over, and here's where you ought to start, then
13 yeah, you'd see it again. If it's -- if it's tweaks to
14 what you guys approved and what is currently before the
15 Council, then you probably wouldn't see it again. So I
16 think it depends a lot on what they come up with.

17 CHAIRMAN WELLES: And you refer to that as
18 a policy. Is this, in fact, going to be a policy, or is
19 it going to be a rule?

20 MR. WAGNER: I always do that.

21 MS. CAHN: Creature of habit.

22 CHAIRMAN WELLES: And I don't disagree
23 with you. You know that.

24 MR. WAGNER: It's a Freudian slip. And I
25 think that is actually still a bit up in the air at this

0009

1 point, depending on what they come up with. This large
2 working group is also going to have to sign off on what
3 the technical advisory team does. And they may say, you
4 know what? After looking at this and thinking it
5 through, maybe a policy is a better way to go. And so

6 all of that stuff is a little bit up in the air yet, and
7 I'm a little bit hesitant to speculate just how it's
8 going to go.

9 CHAIRMAN WELLES: Well, if you could keep
10 us informed, we'd appreciate it.

11 MR. WAGNER: You bet.

12 If there's nothing else for water, I'll sign
13 off, and I'll see you guys all on the 22nd of July.

14 CHAIRMAN WELLES: Okay.

15 MR. CHESTNUT: There's always nothing else
16 but water.

17 MR. WAGNER: Okay. Goodbye, all.

18 MR. JENNINGS: Have a great day, John.

19 Mr. Chairman, Mike Jennings here again. If
20 everybody is ready, we can launch into the reimbursement
21 applications.

22 CHAIRMAN WELLES: Okay. Let's go.

23 MR. JENNINGS: If you've got your
24 reimbursement program agenda on it -- and again, I
25 apologize for the lateness. But Town of Manderson, some

0010

1 additional information came in, so I redid the agenda
2 just to reflect the new numbers as much as possible.
3 They came up with some receipts, so I could kick back --
4 at least recommend getting back a little more money to
5 them.

6 So the agenda that you should have, it will say
7 final agenda on it. It's not substantively different
8 from the ones that you originally got in the mail, with
9 the exception of a little bit of a different dollar
10 amount for Manderson. But that's the one I'm going to be
11 working off of right now. And the first two -- the first
12 category of full reimbursement recommended, it's for City
13 of Sheridan, Town of Elk Mountain. And for both of those
14 for their -- for Sheridan, it's their Step 1 work plan
15 development. And for Town of Elk Mountain, it's their
16 third quarter of sampling and analysis. And in both of
17 those, I'm recommending full reimbursement.

18 Does anybody have any questions on that?

19 MR. CHESTNUT: Hearing none, Mr. Chairman,
20 I would move that we approve the City of Sheridan, Town
21 of Elk Mountain landfill project as presented.

22 MS. CAHN: I second.

23 CHAIRMAN WELLES: All those in favor?

24 (All members vote aye.)

25 CHAIRMAN WELLES: Opposed?

0011

1 (No response.)

2 CHAIRMAN WELLES: Hearing none, we approve

3 City of Sheridan and the Town of Elk Mountain.

4 MR. JENNINGS: Okay. Great. Thank you.

5 Mr. Chairman, the next one under partial reimbursement,

6 Town of Manderson -- and again, if you are -- if you are

7 hooked up with the Live Meeting and you're looking at

8 this, these are the original comments. The total at the

9 bottom for the recommended reimbursement, I did not

10 change that one, because this is what was actually mailed

11 to the client. But the new total should be, that we're

12 recommending, is \$25,548.02.

13 Also, when I redid the cost spreadsheets, you

14 should have a new one, and it will say -- it will say

15 Step 2 revised. And that actually reflects the new total

16 of \$25,548.02. And we reduced their request due to some

17 ineligible work, some excessive mileage rates,

18 undocumented lodging charges and some ineligible

19 materials. And they have not commented back to me on any

20 of that, with the exception of providing a receipt for an

21 additional \$135 for some of the lodging.

22 Does anybody have any questions on that one?

23 MR. CHESTNUT: Hearing none, Mr. Chairman,

24 I would move we approve the Town of Manderson landfill at

25 25,548.02.

0012

1 MS. BEDESSEM: Second.

2 CHAIRMAN WELLES: All those in favor?

3 (All members vote aye.)

4 CHAIRMAN WELLES: Opposed?

5 (No response.)

6 CHAIRMAN WELLES: Hearing none, Town of

7 Manderson for 25,548.02 is approved.

8 MR. JENNINGS: Okay. Thank you,

9 Mr. Chairman.

10 The next one on the list is for the Sheridan

11 landfill. And this would be for its Step 2 field work.

12 And I'm using the Live Meeting, and I'm going to pop that

13 up on your screen, if, indeed, you have access to that.

14 I'll just kind of go to the comment section.

15 A lot of stuff on there was -- had some
16 difficulties putting it all together. But ultimately,
17 they were asking for 61,322.60. I reduced it due to
18 unsupported charges, ineligible charges, again, some
19 excessive vehicle daily use rates, mileage rates.
20 Received no comments from the applicant. And as it
21 mentions there, we've already taken care of the Step 1
22 process of this.

23 Does anybody have any questions on this review?

24 MR. CHESTNUT: Hearing none, Mr. Chairman,
25 I would move that we approve the City of Sheridan

0013

1 landfill project at \$58,002.91.

2 MS. BEDESSEM: Second.

3 CHAIRMAN WELLES: All those in favor?

4 (All members vote aye.)

5 CHAIRMAN WELLES: Opposed?

6 (No response.)

7 CHAIRMAN WELLES: Okay. Motion passes for
8 City of Sheridan Step 2.

9 MR. JENNINGS: Thank you, Mr. Chairman.

10 The last one we have is for Natrona County.
11 It's for the Alcova Number 1 landfill. It was for third
12 and fourth quarter sampling and analysis. And very
13 complicated. Just to kind of preface what happened, the
14 contractor who was doing the work, apparently they went
15 insolvent, bankrupt, midway through the process. And one
16 of the subs essentially picked up the pieces. The
17 invoicing became a little bit confused, shall we say.

18 At any rate, I worked fairly closely with those
19 folks, trying to figure out just what exactly was going
20 on with it, did the best I could. We reduced the initial
21 total due to some basically administrative fees which
22 were markups, excessive mileage rates, previously
23 reimbursed work. They did manage to find some receipts
24 for some sampling analysis lab work, which I was able to
25 then kick back into the total that you'll see here. And

0014

1 again, the Department is recommending 6,586.73. That's
2 going to be our recommended reimbursement.

3 Does anyone have any questions on this one?

4 MR. CHESTNUT: Hearing none, Mr. Chairman,

5 I would move we approve the Natrona County Alcova Number
6 1 landfill at \$6,586.73.

7 MS. CAHN: Second.

8 CHAIRMAN WELLES: All those in favor?

9 (All members vote aye.)

10 CHAIRMAN WELLES: Opposed?

11 (No response.)

12 CHAIRMAN WELLES: Hearing none, Alcova
13 Number 1 landfill for \$6,586.73 is approved.

14 MR. JENNINGS: Thank you, Mr. Chairman.

15 Get into the next part here just to do a
16 quick-and-dirty on the grant program update. As far as
17 money that's been kicked out so far out of the original
18 total of 7.97 million, a little over 161,000 has been
19 disbursed for work plan grants, just short of \$2 million
20 for the Step 2 field investigation grants, and just a
21 little over \$114,000 for the sampling and analysis, for a
22 total outlay of \$2.24 million. And we have remaining 5.7
23 million, give or take, left over to continue work.

24 And there is some additional work still going
25 on which will be coming in, I suspect, in the next few

0015

1 months. I'm hopeful that the legislature will allow us
2 to retain the funds so we can continue to take care of
3 some of the stuff that's coming in late and for any
4 potential additional work that's coming in.

5 As far as the completion status of the work,
6 that hasn't changed appreciably from the last time we
7 met. But basically, we've got 91 percent of the eligible
8 landfills we've received work plans from. Excuse me. 98
9 percent -- 98 out of 105, which is 93 percent. Work
10 plans approved is 96 out of 105, which is 91 percent.
11 Those are good numbers. Drilling reports, we've got 81
12 out of 105, which is 77 percent. And as far as the
13 approval on those, we've got 66 out of 105. And that's
14 based on, simply, I do a query on our database for that,
15 and that's where the numbers are coming from. But the
16 work has been coming very well. We completed the report.
17 It went to the Legislative Services Office back on June
18 8th.

19 And Mr. Doctor, who is detained at the moment
20 on the phone, we've got a little bit of a PowerPoint
21 presentation to show you to kind of give you an update on

22 that. And if you'd like, I'm going to go try to track
23 him down and drag him back in here. But does anybody
24 have any questions on the status of everything else that
25 I've laid out for you?

0016

1 CHAIRMAN WELLES: Is there an end date to
2 this program?

3 MR. JENNINGS: Well, the legislature, they
4 wanted the report by June 30th. But like I say, as far
5 as the funds and whatnot, it's kind of -- at least my
6 impression is it's a bit up in the air. And again, I'm
7 certainly hopeful that after the minerals committee meets
8 up in Gillette next week, that we'll be allowed to
9 continue to utilize the funds to, again, pay off folks
10 who have not yet submitted reimbursement requests and/or
11 have not received approval letters for those requests.
12 And so we're kind of hopeful that we'll continue to be
13 able to retain the funds not only for that, but also,
14 there's some additional field work that's required for
15 some of the facilities where we simply don't have enough
16 information at this point in time to really make a good
17 judgment as to what's going on in their subsurface.

18 But simply from statutorily speaking, the
19 report was due on the 30th. The rest of it, I can't
20 honestly say.

21 CHAIRMAN WELLES: So are you going to the
22 meeting in Gillette?

23 MR. JENNINGS: Bob is and Carl Anderson
24 is. I'm going to be out of pocket. And John Corra,
25 obviously, is going to be there, also. And they've got a

0017

1 presentation.

2 Mr. Doctor has just arrived. Any more
3 questions on that?

4 (No response.)

5 MR. JENNINGS: Okay. Well, without
6 further ado, for those of you who, again, are on that
7 Live Meeting stuff, I'm going to queue this up. I'm
8 going to fire up his PowerPoint presentation.

9 MS. CAHN: Did you e-mail me the
10 presentation?

11 MR. DOCTOR: I just did it this morning.
12 I can send it to you. Mike will send it out to you.

13 MR. JENNINGS: Would everybody like a copy
14 of it?

15 CHAIRMAN WELLES: Yes, I would.

16 MS. BEDESSEM: That would be great for
17 Marge, as well.

18 MR. JENNINGS: Okay. Fantastic.

19 MR. DOCTOR: We'll e-mail it to you when
20 we're done. I just put it together today.

21 MS. CAHN: Okay. Well, I just meant so I
22 have something to look at, because I'm not on the Net
23 Meeting.

24 MR. DOCTOR: Oh.

25 MR. JENNINGS: You'll have to either --

0018

1 MR. DOCTOR: Can you e-mail this thing
2 real quick, Mike?

3 MR. JENNINGS: I can do it right now if
4 they want.

5 MR. DOCTOR: Hang on. This shouldn't take
6 Mike long. He's got your e-mail addresses, I think.

7 CHAIRMAN WELLES: Does everybody need to
8 have it e-mailed?

9 MR. CHESTNUT: I don't.

10 MS. BEDESSEM: I do. That's Marge.

11 MR. JENNINGS: This will only take a
12 second.

13 (Pause in proceedings.)

14 MR. DOCTOR: This is kind of information
15 that I just did to WAM, what, a week ago Thursday? And
16 it's some leftover stuff from a Joint Minerals Committee
17 meeting and then some stuff from the groundwater report.
18 I'm trying to be sensitive to the fact that they haven't
19 actually met yet, although we have given them the report,
20 so they don't get some call from a constituent before
21 they've had a chance to digest this stuff. But anyway,
22 here we go.

23 The first slide, you know, is just the basic we
24 need to give this report to them by June 30th. We've got
25 the Joint Minerals Committee meeting coming up on Monday

0019

1 on the extent of contamination, estimate of the cost and
2 recommended some funding means for that. Here it is.
3 This is the groundwater status. We had a -- we started

4 off with 146 landfills that we identified. There was a
5 lot of those that we couldn't find a responsible party or
6 they were owned by the Park Service or that type of
7 stuff. So we narrowed it down to 114. We believe that
8 76 of those, we now have enough wells to detect a
9 release. And we have 38 landfills where more data is
10 needed.

11 Now, obviously, we're going to have a lot more
12 infill of wells to go in. I mean, there may be landfills
13 where the only reason they have a network that can detect
14 a release is because they did. But they're going to need
15 some more wells to chase down the nature and extent and
16 do that. And we hope -- and we have not been told
17 otherwise -- that we'll be able to use the remaining
18 funds in this grant to keep moving forward with that.

19 So what we found so far out of this 76 is 96
20 percent of them have statistically significant evidence
21 of groundwater pollution. And that's for constituents
22 that are commonly associated with leachate. It may not
23 be a sodium, but it's nitrates and chlorides and those
24 type of things. In our report, we rattled off the list
25 of what those constituents are. And out of those 76, 69

0020

1 of them, or 91 percent, may need corrective action. And
2 that means that they've statistically exceeded the
3 groundwater protection standard in MCL for either -- I
4 guess you'd call it indicator parameters or VOCs. So
5 it's probably -- I think back in 2004, we didn't
6 anticipate this many leaky landfills. I think it shocked
7 a lot of us. And we probably have a more significant
8 issue than we thought.

9 This map is going to be very hard to see. But
10 if you're not color-blind, this is in the report in
11 eleven-by-seventeen, along with two more similar maps.
12 And it's just a color-coded way of looking at which
13 landfills are impacted and which ones are not. And the
14 ones in red on here that you can see are ones that have
15 impacts and have exceeded the MCL. Other ones in yellow
16 are where we have an impact, but they haven't exceeded
17 the MCL. You can see there's lots of red and very little
18 yellow. We have a few where we suspect an impact, but
19 we're still waiting to get --

20 MS. CAHN: I'm going -- I'm just going to

21 interrupt for a second.

22 MR. DOCTOR: Sure.

23 MS. CAHN: I just got a message saying
24 that because -- my thing has been quarantined because it
25 has a zip attachment. So I can't -- I can't get the

0021

1 e-mail from you, Mike.

2 MR. DOCTOR: It's a PowerPoint show
3 instead of a whole PowerPoint presentation. I wonder why
4 that's a zip.

5 MS. CAHN: It's been quarantined. I won't
6 be able to get it. It says because it contains a zip
7 attachment.

8 MR. JENNINGS: Lorie, I'll try to -- we'll
9 do what we have to do later, and I'll see if I can't get
10 that squared away so I can get you a copy of it.

11 MS. CAHN: Okay.

12 MR. DOCTOR: I'm not on my machine. I've
13 got it. We'll send it to you later. Dang. Well, you
14 have to rely on my flowery oral --

15 MS. CAHN: Just because it's a real
16 interest to me, I just wonder if you should give us this
17 update maybe at the next meeting, just when we can all
18 have the presentation in front of us.

19 MR. DOCTOR: Yeah. I'll be able to go
20 into gory detail then without having to worry about
21 preempting stuff.

22 MS. CAHN: Yeah. I'd really like to see
23 what you're doing.

24 MR. DOCTOR: I'd love to talk to you guys
25 in more detail so we can explain better what went into

0022

1 it, the assumptions that were made, that kind of stuff.

2 MS. CAHN: Would that be okay with you
3 guys, with the rest of the board, to postpone this until
4 we actually have a PowerPoint presentation in front of
5 us?

6 CHAIRMAN WELLES: That's fine. And I also
7 would like to have an update on what happens when you
8 present this to the minerals committee.

9 MR. DOCTOR: Yeah. That's going to be
10 happening, too.

11 CHAIRMAN WELLES: You know, find out what

12 their -- how they think this --

13 MR. DOCTOR: Do you want me to go ahead
14 and finish this with those of you that can look and then
15 plan on coming back with the whole kit and caboodle next
16 time? And also, I should be able to --

17 MS. CAHN: I'm going to -- Mike, I'm going
18 to sign off, because I had sent in -- you know, I
19 think -- I believe, and I could be wrong, but I thought
20 that I had sent an e-mail saying that any kind of -- that
21 I wouldn't be joining the meeting, and that if there was
22 going to be any presentation, I wanted -- that I wanted
23 to, you know, be able to see it. So if you're going to
24 go through this again in another board meeting, then I
25 would -- then I'm going to just hang up.

0023

1 MR. DOCTOR: Yeah. I was pretty limited
2 in my freedom to let a preview out of some of the stuff.
3 John was a little concerned that I not spill the beans
4 ahead of the minerals committee meeting. So I really
5 wasn't allowed to send all this out in detail ahead of
6 time. So I thought I'd take my chances and give you guys
7 something live. And that's really --

8 MS. CAHN: No. But what I -- what I had
9 asked for, I thought, and maybe I'm mistaken, but I
10 thought that I had asked, if you were going to use any
11 materials for our meeting, that you would send it out
12 this morning or whatever before, you know --

13 MR. JENNINGS: And, Lorie, Mike here.
14 Yeah. And the problem was we got this put together, I
15 mean, literally in the past few hours. And I'm sorry for
16 the lateness of that. But certainly at the next meeting,
17 we can certainly go into certainly better detail on this
18 to help you out with that.

19 MS. CAHN: Okay. It's a little bit hard
20 to follow if you're going to say "these things in red
21 here."

22 MR. DOCTOR: Yeah. It just shows all the
23 landfills that have impacts on a map, is all.

24 Mr. Chairman, would you like me to continue?

25 CHAIRMAN WELLES: Well, yeah.

0024

1 Lorie, if you've got to leave, that's fine. I
2 think this is -- like I say, it's probably not an

3 actual -- was not a part of the program that I was aware
4 of, anyway.

5 MR. DOCTOR: I just thought you guys might
6 like a sneak preview, but we don't have to.

7 CHAIRMAN WELLES: Yeah. No, I --

8 MS. CAHN: Mike, how much of the rest of
9 the presentation has -- or, sorry, Bob. How much of the
10 rest of the presentation is things where you say you have
11 to see this or you have to see that?

12 MR. DOCTOR: There's only like one more
13 slide. Well, I have a couple pictures of Pathfinder
14 spilling over at the end, but that's just fluff.

15 CHAIRMAN WELLES: Yeah. Why don't you go
16 ahead. Lorie, if you've got to go, go ahead.

17 But, Bob, if you could finish up where you're
18 going with this.

19 MR. DOCTOR: Sure. And we'll try to send
20 it in PowerPoint.

21 CHAIRMAN WELLES: I've received it, and I
22 can see it on my screen now. So it makes a little bit
23 more sense to me.

24 And, Lorie, I'm sorry you couldn't get it to
25 come up.

0025

1 MR. DOCTOR: Bummer. Should I go?

2 CHAIRMAN WELLES: Go ahead.

3 MR. DOCTOR: So if you're at that map,
4 which is Slide 4, good luck looking at that. It will
5 be -- I just threw that in so you could have a feel for
6 kind of what's in the report.

7 The next slide talks about the remediation
8 cost. When we extrapolated the cost out to include the
9 38 landfills where we're still needing more data, the
10 cost is exceeding the \$180 million previous estimate, and
11 it's up over 200 million. But, you know, assumptions
12 went into that cost. We assumed an FML or a plastic cap
13 on these liners -- on these landfills because we weren't
14 sure what materials were available on site, and we didn't
15 want to assume that they'd be able to use on-site
16 materials. And we assumed 20 years of monitoring for
17 these facilities. And this is the landfills where we
18 haven't exceeded an MCL for a VOC.

19 For the landfills that needed -- that have

20 exceeded an MCL for a VOC, we also figured they would
21 need some kind of active remediation in addition to the
22 cap and monitoring. We assumed again pump and treat,
23 which would probably be the most expensive. We hope that
24 when we do site-specific evaluations, it would be
25 something less than that. But for giving a cost

0026

1 estimate, we use that estimate for those. So that's how
2 we kind of derive some of these cost numbers.

3 The next slide talks about some of the cost
4 assumptions. One of the things we thought about was that
5 these landfills that continued to operate after 1989
6 already knew that they needed to put a cap on their
7 landfill. And that was a known cost already not directly
8 related to remediation. So when we're trying to estimate
9 the additional cost caused by pollution, we assumed a
10 \$50,000-per-acre total cost, which is based on the work
11 Casper just did for an FML liner with methane venting and
12 everything. But we also assumed that if you were going
13 to have to put a cap on, anyway, you would probably be
14 spending at least 30,000 an acre to begin with. So maybe
15 an extra 20,000 an acre would be needed to improve the
16 cap because of your pollution. So that kind of went into
17 the total cost estimate, as well.

18 And one of the reasons for that was there's
19 been some talk, and the Citizens Advisory Group had
20 previously recommended that for landfills that closed
21 before '89 and felt they were off the hook for all this
22 stuff, they had gotten more help throughout this whole
23 process. So we just wanted to break the numbers out so
24 that if the legislature decided to provide assistance
25 differently based on that break point, they would have

0027

1 the information to do that. And so there are details
2 about that in the report.

3 And when we were looking at active remediation
4 cost, we relied heavily on the work we did in 2004. And
5 that's based on four different landfill sizes, because
6 the cost of putting in a pump-and-treat system will be
7 different depending on how many acres you're dealing
8 with. So that was built into there.

9 And the report includes a detailed sheet for
10 every landfill we studied, which lists out the

11 constituents detected above standards. And on the back
12 side of the sheet, it's an aerial photograph that shows,
13 to the nearest quarter section, where permitted wells are
14 located based on the state engineer's records. So it
15 kind of gives a feel for what we're talking about as far
16 as, if this landfill is leaking, are there wells around
17 in the neighborhood? I thought that would kind of give
18 some sense of the extent and nature of the contamination.

19 Also kind of interesting in this, we developed
20 a groundwater database as part of this process, and it's
21 pretty close to be able to so the operator can directly
22 upload things to our database on line, which saves a lot
23 of typing and data entry and data checking, and things
24 can go directly from the lab in. I think there's still a
25 few bugs to work out, but I think it's going to be a

0028

1 long-term real benefit for us and the landfill operators
2 down the road. It allows us to query the database and
3 ask it all kinds of questions. It's really slick.

4 So here it kind of gets to the big picture of
5 it. We now know we have multiple cost elements. And the
6 pollution is just part of it and reclamation, engineered
7 containment, building transfer station and just general
8 increases. And we know that these estimates are going to
9 change based on the actual alternatives that communities
10 are selecting now. There are still a lot of decisions
11 pending out there.

12 I'm on Slide 8 now. We have these long-term
13 ongoing costs for operating landfills. But there's also
14 the short-term costs for closing landfills, especially
15 communities that are going to cease receipt of waste and
16 regionalize and get in transfer stations so they can
17 actually implement these regional plans. And that's some
18 of our real challenges now.

19 And the cost estimates we have right now as we
20 try and provide information, the governor's asked to look
21 at, you know, what are we looking at here? How much
22 money are people going to come and ask for? We're
23 working to try and estimate that now, as far as how many
24 are going to close and want to build transfer stations?
25 What might that cost be? How many are going to need to

0029

1 close? And how many acres and how much money do they

2 have for that? You know, there's a lot of unanswered
3 questions yet. So the numbers that we have right now are
4 fairly diverse and I think high-level estimates.

5 So what's the potential outcome? Slide 10, you
6 may have seen this before. We've got, you know, ten
7 planning areas, about 51 landfills taking garbage. We
8 think within ten years or so, we may wind up with
9 eighteen closures, nine that are still kind of on the
10 fence, so ultimately in the neighborhood of 25 operating
11 regional landfills, maybe. We'll see. And so -- and
12 this is another one, if you don't have a visual, this is
13 the map that we've shown people before which kind of
14 shows who's closing and where they're going. For
15 example, if you looked at Fremont County, they've got
16 Lander, Sand Draw -- Sand Draw's the green dot -- Lander,
17 Shoshoni and Dubois all bringing waste into their central
18 location at the Sand Draw landfill in Riverton. And
19 there's a lot of arrows going both directions. They
20 haven't decided yet where they're going. This is just
21 kind of our best guess based on what they've told Craig.

22 Next slide, what we've learned from the
23 planning. The planning shows that regionalization can
24 help control costs. We have examples of contracts now
25 from work that Casper's done with local governments to

0030

1 address some of these local control concerns. We've
2 given people copies of those to look at. Casper shared
3 them willingly with anybody. There are some very good
4 pieces to those contracts. And, of course, we know that
5 operators don't have the funds to meet their existing
6 obligation, let alone close and build transfer stations.
7 We've got some challenges ahead.

8 You know, in the future -- Slide 13, what does
9 the future hold? I think most of us are aware of this.
10 But the public in general has this perception that MSW
11 management is a free service. And that's going to
12 change. And it's kind of a double whammy. We're making
13 up for past sins in underfunding, and now we have these
14 changes. And I think communities are going to realize
15 they're no longer self-sufficient in management of their
16 waste.

17 And actually, a lot of these things came out of
18 at least a ten-year-old document prepared for

19 municipalities about waste management. A lot of states
20 went through this ten, fifteen years ago, and now we're
21 going through these growing pains. So we're going to
22 have to work together better, and we're going to start
23 having more modern services. And we're already seeing
24 that happening.

25 What does the future hold? I think we need

0031

1 more effective accounting and cost analysis tools, full
2 cost accounting, volume-based pricing, better funding
3 mechanisms and ensuring that we're prepared for the
4 costs, anticipated costs, like closure. We're trying to
5 work with SLIB, SRF, USRDA all together in one place when
6 we get funding sources so everybody knows what's coming
7 in. And we have developed kind of an information sheet
8 for them so they can decide which maybe has priority
9 funding.

10 For example, does the -- does what they're
11 asking money for comply with or does it fit their
12 integrated plan, or is it something completely outside of
13 that that was not cost-effective? They've got to ask
14 that question. Or they've got fifteen years of life.
15 The other guy's got five years of life. We need to give
16 money to the five-year guy first. That type of stuff.

17 Landfills that aren't charging tipping fees or
18 don't have mill levies may need to start doing so. And
19 there may be some issues for bonding and kind of a
20 different political structure to make these things
21 happen. We might need to find some additional funding
22 sources, a statewide tipping fee, maybe. Somebody
23 mentioned if you close your landfill and you go to a
24 private hauler, how do you keep paying for the old one,
25 the post-closure care? And a lot of places use a

0032

1 franchise fee for the private haulers in their community
2 to keep a revenue stream coming in so they can afford
3 post-closure care on their closed landfill.

4 There's lots of that stuff we need to be
5 talking about. So we're going to see regional services,
6 more shared infrastructure and hopefully increased
7 recycling and better management of some of our household
8 hazardous waste. That is starting to materialize from
9 this whole thing.

10 And, of course, two big issues we got -- well,
11 number one big issue is funding. The State-guaranteed
12 trust account is something that I'm not sure a lot of
13 people realize. We have a State-guaranteed trust account
14 that is the final insurance mechanism for municipal
15 landfills. They all participate in it, except the
16 private ones, yes. It is an insurance policy, so that if
17 the local government does not cap their landfill and
18 monitor it, the State comes in and does that using monies
19 from this fund.

20 However, this fund is set up so that a landfill
21 pays only three percent of its estimated closure and
22 post-closure cost into the account. That's it. So right
23 now this account has less than a million dollars in it.
24 That's not going to close one landfill. So we may want
25 to take a look at what we can do to revamp that thing.

0033

1 And could it be possible to use it for some of these
2 landfill closures? Could it be revised and changed a
3 little to do some of the closure things and the cleanup
4 that the CAG recommended? Don't know. Something worth
5 talking about, I think.

6 How do we provide assistance equitably? If I'm
7 in a community that's paying my fair share for my
8 landfill and another community didn't do so, I might not
9 be too happy if the State hands them free money and I've
10 had to pay for it myself. So we need to talk about those
11 fairness issues, I think. Again, do we need a state
12 tipping fee for what? Should the DEQ, like other states,
13 be charging a permit, annual permit fee, or when we have
14 to review a permit, should we be charging for that
15 service to reimburse taxpayers for those costs? And then
16 we've got those CAG recommendations we might want to go
17 back and take another look at.

18 So my recommendation -- and I don't know what
19 John Corra or the Joint Minerals Committee might do -- is
20 that we pull all this stuff together, we get the CAG back
21 together, we pull in our stakeholders, and we discuss
22 these solutions and come back with some firm
23 recommendations in a year to the Joint Minerals
24 Committee. I just don't think we're there yet,
25 personally. I think we have too many unanswered

0034

1 questions. And I'd like to get the opinion of the
2 stakeholders before we propose moving forward with stuff.
3 That's just me.

4 So I think our role is we're trying to provide
5 time for people to implement changes, maybe postpone
6 capping landfills until people can build transfer
7 stations, that type of stuff. We're trying to help
8 implement these plans as best we can, providing
9 information and technical assistance and information and
10 visiting communities if we need to to help with any
11 legislative changes. There's been a suggestion maybe
12 Joint Powers Board should be able to levy across county
13 lines, would help a lot, coordinate funding requests, and
14 we're already working on that, and then, of course,
15 treating all landfills alike. And the big question is do
16 we assume this lead role for cleanup like the underground
17 storage tank does?

18 And I'm talking real fast, and I can see his
19 fingers smoking over there. I know you guys are in a
20 hurry.

21 We have challenges. But I think we have some
22 opportunities, also. And I put this word "resource" in
23 there. Nationwide, even the Office of Solid Waste is now
24 the Office of Resource Conservation and Recovery. I
25 think there's a nationwide and worldwide realization that

0035

1 these are resources we're throwing in a hole in the
2 ground. Maybe there's a better way. So there's room to
3 do a better job of all of this.

4 And the last pictures, I don't know all you
5 guys that can't see them or got them. One is --

6 MS. CAHN: I had to tell you I finally got
7 them.

8 MR. DOCTOR: Yahoo. Because the last two
9 slides are the best. This first shot is looking from
10 downstream up at Pathfinder Dam. You can see pelicans in
11 the river and a little footbridge across there and the
12 water spilling over the top of Pathfinder. This was last
13 Wednesday evening. And I think it -- what I was trying
14 to do, besides it's a great picture, is illustrate that
15 we do have maybe a flood coming of problems and
16 challenges. But the last slide is, I think maybe there
17 should be a rainbow at the end of all this, and I think

18 we can fix these issues if we work together at it.

19 So I'm done.

20 CHAIRMAN WELLES: Thanks, Bob. Bob?

21 MR. DOCTOR: Yeah.

22 CHAIRMAN WELLES: I think that's a good
23 report. I have one suggestion, that you might want to do
24 this before you go to the minerals committee. For
25 instance, on page 5 you have assumed FML and MCL and VOC.

0036

1 Just, you know, what are those? And just put them -- you
2 know, write them out and then put the --

3 MS. BEDESSEM: Acronym.

4 CHAIRMAN WELLES: -- acronym in
5 parentheses.

6 MR. DOCTOR: That's true. You guys are
7 somewhat used to seeing these. Yeah. This, I just did
8 this morning. And I'm not -- John has prepared some
9 slides for the minerals committee. And it sounds like we
10 have only got an hour with them for many other issues.
11 And I'm not sure how much he's actually going to talk to
12 them about this stuff.

13 MS. BEDESSEM: When is this happening
14 again?

15 MR. DOCTOR: He's meeting with them on the
16 28th, next Monday. I think we're on at 2:00. And that's
17 up in Gillette.

18 CHAIRMAN WELLES: What is an FML and MCL?

19 MR. DOCTOR: Flexible membrane layer or
20 liner. It's a --

21 MS. BEDESSEM: Little membrane liner.

22 MR. DOCTOR: Yeah. It's a plastic liner
23 material. Or they're using caps. MCL is maximum
24 contaminant limit. VOC is --

25 MS. BEDESSEM: Level, if you want to be

0037

1 more specific.

2 MR. DOCTOR: Yeah, level. That's right.

3 Good point, Marge. And VOC is volatile organic
4 constituent.

5 CHAIRMAN WELLES: What?

6 MR. DOCTOR: Volatile organic constituent,
7 like solvent, benzenes, those type of things.

8 CHAIRMAN WELLES: Okay.

9 MR. DOCTOR: Carcinogens, generally.

10 MR. JENNINGS: Man-made.

11 MR. DOCTOR: Man-made stuff, yeah. Non-
12 naturally-occurring stuff.

13 CHAIRMAN WELLES: Well, I just think you
14 ought to spell those out.

15 MR. DOCTOR: Yeah. You're right.

16 CHAIRMAN WELLES: I mean, I'm coming at it
17 from a pretty ignorant position, but I don't know where
18 the legislators are. But, you know, you're going to --
19 their eyes could be glazed over when you do stuff like
20 this. And I think it's really important. I mean, they
21 should understand it. And you have to hammer it into
22 them, I think.

23 MR. DOCTOR: That's what kind of scares
24 me, is it doesn't sound like they're going to take much
25 time to understand it. And maybe we're in our own little

0038

1 world, but it is a problem for communities.

2 CHAIRMAN WELLES: Yes, it is. They're
3 already having a problem here in Buffalo wondering how
4 they're going to pay for it. It's already been in the
5 newspaper, and people are arguing about it. It's very
6 much an issue.

7 MS. CAHN: I have a suggestion. And I
8 would probably put some of the punch lines right up front
9 to get their attention, like 90 -- over 90 percent of the
10 landfills that have been looked at have leaked and have
11 contaminated groundwater. Just put a punch line right up
12 front so you get their attention so they go, whoa, better
13 pay attention here.

14 MR. DOCTOR: Yeah. Thank you.

15 MS. CAHN: So I would suggest that.

16 MR. CHESTNUT: Because all they're going
17 to do is pass these costs on to cities and counties,
18 anyway.

19 MS. CAHN: What did you say, Tim? I
20 missed that.

21 MR. CHESTNUT: All they're going to do is
22 pass these costs on to cities and counties, anyway.

23 MR. DOCTOR: Actually, it gets passed on
24 to us, all of us.

25 CHAIRMAN WELLES: Well, that's the point.

0039

1 I mean, that's what's already being talked about here in
2 Johnson County. You know, who's going to pay for it?
3 Are they going to raise the mill levy or what?

4 MR. DOCTOR: Yeah. Or should they even be
5 lining -- paying for a lined landfill in Buffalo when
6 there are two large facilities down the road not too far?
7 And I had to open my mouth, but I question that some, for
8 a small town like Buffalo.

9 CHAIRMAN WELLES: Yeah.

10 MR. DOCTOR: But that's a local decision,
11 and that's up to the locals to do.

12 Marge, I was -- now I almost lost my train of
13 thought -- what your sense is of, you know, from your
14 position consulting, what you're seeing starting to
15 happen now.

16 MS. BEDESSEM: You know, from what we've
17 seen, it's really variable, as far as, in some cases, the
18 hurdles as far as managing the timing to develop a
19 regional facility is tough. But if there's ones that are
20 already in existence, trying to minimize those hurdles so
21 people can close costly landfills makes a whole lot of
22 sense. So if something can be done administratively to
23 make that easier, then those choices would be easier.
24 And then others, the costs are high, but the costs are
25 farther down the road before they'd have to line, and so

0040

1 it's sort of burying their head in the sand a little bit.

2 MR. DOCTOR: Yeah.

3 MS. BEDESSEM: But it's going to be, you
4 know, over a time period that that is going to come to a
5 head.

6 MR. DOCTOR: Well, I think, you know, we
7 look at -- and unfortunately, sometimes we probably have
8 an eye to minimize cost or whatever by putting it in
9 perspective of a cost per ton, and that the liner costs
10 maybe five dollars a ton, which, in your back pocket,
11 since you generate about a ton of waste a year, is five
12 dollars a year additional cost for the liner when you
13 look at it like that.

14 But when you look at it from a community's
15 perspective, it's still five million bucks. And so how
16 to pay for that is a significant issue when you've only

17 got three or five years to figure it out. It's tough.
18 And so that's what I think we need to have a discussion
19 about, is can or should the legislature be helping with
20 that?

21 On the other hand, if we have a landfill, very
22 small -- I'm going to say generically a very small
23 landfill in a very small community that's relatively
24 close to a larger regional landfill, should taxpayers be
25 funding that facility? I don't know.

0041

1 MS. BEDESSEM: I think it's going to be
2 very controversial.

3 MR. DOCTOR: We have some very small towns
4 that are doggedly -- and I'm not talking about Buffalo,
5 way smaller than that -- that want to have lined
6 landfills. And they barely can operate their unlined
7 dumps, frankly. And I'll bet he typed that in, too. So
8 we have challenges. But I'm going to focus on the
9 rainbow.

10 MS. BEDESSEM: Yeah. Focus on the
11 rainbow.

12 MR. CHESTNUT: As a county commissioner,
13 I'm a long ways away from the rainbow.

14 MR. DOCTOR: There's a pot of something
15 down there.

16 MS. BEDESSEM: Thank you, though, for the
17 update. I appreciate it.

18 MR. DOCTOR: It sounds like -- you know,
19 next time we get together, I'll pull some more detail,
20 and then I should have some news, I think, on where the
21 legislature may want to head with this, I hope. I really
22 would like to get you folks and everybody together and
23 talk about this and not try and operate in a vacuum. We
24 got to pull some heads out of the sand, as you said,
25 Marge.

0042

1 MS. BEDESSEM: Yeah. We appreciate the
2 communication. I think it can only be beneficial.

3 MS. CAHN: Hey, Bob, more acronyms here on
4 page 12, this ISWM.

5 MR. DOCTOR: Oh, yeah. We're good at
6 those, aren't we?

7 MS. CAHN: And then 13, there's MSW.

8 MR. DOCTOR: I'm circling them. Thank
9 you.

10 MS. CAHN: And 14, there's SLIB, SRF,
11 USRDA.

12 MR. DOCTOR: Got that one, CAG.

13 MS. CAHN: And then there's diversion on
14 page 15, CD, waste degradation.

15 MR. DOCTOR: Oh, yeah. I got a whole
16 bunch of WSWRA.

17 MS. CAHN: Yeah. 16, there's CAG and
18 WSWRA, WAM, WACCO, WOC.

19 MR. DOCTOR: You know, I think I probably
20 outdid myself, didn't I?

21 MS. CAHN: I think they'll know what DEQ
22 stands for. And then you've got JPB on 17. So there's a
23 little -- there's a little cleanup you want to do.

24 MR. DOCTOR: I got circles all over it
25 now. Thank you.

0043

1 CHAIRMAN WELLES: Lorie, you just earned
2 another income doing this.

3 MS. CAHN: Maybe when I retire, I can
4 figure out a way to make it pay.

5 MR. DOCTOR: I'm done bothering you.
6 Thanks for the time.

7 CHAIRMAN WELLES: Thank you for the
8 presentation. It's very interesting. And like I said, I
9 just think we need to all get involved more with this.
10 And the more you can teach us, the better we can perhaps
11 get it out to the public.

12 MS. CAHN: The work you're doing is really
13 important. I'm sorry that I was so grumpy. But I really
14 wanted to see this.

15 MR. DOCTOR: I'm glad you got it.

16 MS. CAHN: This is really of interest to
17 me.

18 CHAIRMAN WELLES: It is to me, too.

19 MS. CAHN: It's something that's near and
20 dear to my heart and something that I work in
21 professionally, and it's really important work you're
22 doing.

23 MR. DOCTOR: After next Monday, I can talk
24 more -- you know, more detail about the report. And I

25 was trying to walk in a fine line here between wanting to

0044

1 keep you informed and not springing things on the
2 minerals committee. So I'm kind of sorry for that.

3 MS. CAHN: Well, we won't pass it on to
4 anybody. We'll just keep it here and not pass it on to
5 anybody until you've had your chance.

6 MR. DOCTOR: Yeah, since nobody joins our
7 public meeting.

8 MS. BEDESSEM: Yeah. This is for you.
9 Keep it confidential.

10 MR. DOCTOR: Good talking to you guys.
11 Thank you.

12 MS. BEDESSEM: Is that the last thing on
13 the agenda?

14 MR. JENNINGS: Yeah. Mike Jennings here.
15 Yeah, that was it. And, Mr. Chairman, again, if you can
16 sign off on those cost spreadsheets and ship them on down
17 to me, that would be great.

18 Does anybody else have any other questions?

19 MS. BEDESSEM: Not here.

20 CHAIRMAN WELLES: So we'll see you all in
21 Jackson a month -- let me see. The 22nd. Is that right?

22 MS. BEDESSEM: Uh-huh.

23 MR. JENNINGS: Yeah. And I hope to
24 have -- I'm going to be real short-timed on it, but
25 hopefully I can get some more reimbursements. But thank

0045

1 you for your time this morning.

2 (Hearing proceedings concluded
3 9:59 a.m., June 23, 2010.)

4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19
20
21
22
23
24
25
0046
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

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 7th day of July, 2010.

RANDY A. HATLESTAD
Registered Merit Reporter