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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

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Transcript of Hearing Proceedings in the above-  
entitled matter before the Water and Waste Advisory  
Board, commencing on the 28th day of October 2011 at 9:00  
a.m. at the Oil and Gas Conservation Commission Building  
Hearing Room, 2211 King Boulevard, Casper, Wyoming,  
Mr. Bill Welles presiding with board members Ms. Marge  
Bedessem, Mr. Glenn Sugano and Mr. David Applegate in  
attendance. Also present were Mr. Mike Jennings and  
Mr. Bob Doctor, with Mr. Carl Anderson appearing by  
videoconferencing.

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P R O C E E D I N G S

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(Hearing proceedings commenced 9:00  
a.m., May 20, 2011.)

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CHAIRMAN WELLES: Good morning. Water and  
Waste Advisory Board, October 28th, Casper, Wyoming. We  
don't have a lot of public here, so we'll introduce  
ourselves. I'm Bill Welles from Buffalo, representing  
agriculture. To my left --

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MR. SUGANO: Glenn Sugano, Rock Springs,  
representing local government.

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MS. BEDESSEM: Marge Bedessem, Laramie,  
representing public at large.

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MR. APPLGATE: Dave Applegate, Casper,  
representing industry.

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CHAIRMAN WELLES: And absent today is  
Lorie, who I believe is out of the country. Is that  
right?

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MR. JENNINGS: Now that you mention it,  
Mr. Chairman, yes, I think she did mention something  
about being gone. I haven't received any e-mail  
specifically to that effect, but I do recall that she was  
going to be missing.

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CHAIRMAN WELLES: But we do have a quorum,  
so we will officially open the meeting and I guess turn  
it over to you, Mike.

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MR. JENNINGS: Thank you, Mr. Chairman.

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Just have a couple of reimbursements on the  
agenda today. And after that, Mr. Bob Doctor will go  
over some rule stuff we've been working on.

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In front of you, you should have an agenda that  
reads for October 28th, 2011, Water and Waste Advisory  
Board meeting. And I basically have two reimbursement  
requests on it. One of them is split up into two steps.  
Hopefully you received your hard copies in the mail. But  
as usual, I'll just go through these first and foremost

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11 with the ones where we're recommending full  
12 reimbursement, and that would be under the Fremont County  
13 Solid Waste Disposal District for the Dubois landfill.  
14 And this was for a supplementary work plan for some  
15 additional wells that the Department required that they  
16 install. And we're recommending full reimbursement on  
17 that work plan request.  
18 Does the board, any members have any questions  
19 on that?

20 MS. BEDESSEM: I do not.

21 CHAIRMAN WELLES: Any questions?

22 MR. SUGANO: No, I don't.

23 CHAIRMAN WELLES: One thought. Do we have  
24 anybody else on any of the outlying sites?

25 MR. JENNINGS: Good point, Mr. Chairman.

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1 If there's anybody at any of the other sites -- we should  
2 have a Gillette, Torrington, Rock Springs, Jackson and  
3 Cheyenne site. If there's anybody there, would you --  
4 you need to speak up for a couple seconds to activate the  
5 microphone and the feed so that we can see you. Could  
6 you do so if, indeed, there's anybody present at those  
7 sites.

8 UNIDENTIFIED SPEAKER: Cheyenne has  
9 checked in. Can you see us?

10 MR. JENNINGS: You're going to have to  
11 speak just a few seconds longer for it to kick in on the  
12 video feed.

13 UNIDENTIFIED SPEAKER: Cheyenne has  
14 checked in. We can see you. We can see and hear you.

15 MR. JENNINGS: And it looks like Carl  
16 Anderson is present at the Cheyenne site.

17 UNIDENTIFIED SPEAKER: Yes, he is.

18 MR. JENNINGS: Mr. Chairman, I'm assuming,  
19 then, that would be the only person present at any other  
20 video sites at this point in time.

21 CHAIRMAN WELLES: Thank you.  
22 Hello, Carl.

23 MR. ANDERSON: Hello, Mr. Chairman. I  
24 guess I'll have to figure out how I'm going to talk more  
25 than two seconds at a time. I guess the feed doesn't get

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1 activated unless you talk over two seconds.

2 CHAIRMAN WELLES: I'm sure you're well  
3 practiced at that.

4 MR. JENNINGS: Well, Mr. Chairman, if  
5 there aren't any questions on that initial one, if the  
6 board would like to act on it.

7 MS. BEDESSEM: I would like to make a  
8 motion to approve full reimbursement for Fremont County  
9 Dubois landfill in the amount recommended by the  
10 Department of \$4,517.49.

11 MR. APPLGATE: Second.

12 CHAIRMAN WELLES: We have a motion and a  
13 second. All those in favor please say aye.

14 (All members vote aye.)

15 CHAIRMAN WELLES: Hearing no opposition,  
16 that motion passes.

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

18 Next request under partial reimbursement would  
19 be for the Washakie County Solid Waste Disposal District.  
20 It's for the Worland Number 2 landfill. At a previous  
21 Water and Waste Advisory Board meeting, we disallowed, it

22 was a considerable sum of money, due to lack of --  
23 essentially, they didn't have a proper -- what's the term  
24 I'm looking for? -- documentation on the funds that they  
25 had requested. Since that point in time, they got in

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1 touch with me and proceeded to give me additional  
2 documentation. It should be in your board packets there.  
3 Based on that additional request, we pulled out some  
4 monies for some what we considered excessive mileage  
5 rates and some undocumented travel, which I might add  
6 that the consultant also agreed to on the undocumented  
7 travel.

8 At any rate, we're recommending a small  
9 deduction on that additional amount. Assuming that  
10 you've gone through those packets, do any of the board  
11 members have any questions on this one?

12 MS. BEDESSEM: I do not.

13 MR. SUGANO: No questions.

14 CHAIRMAN WELLES: No questions.

15 MR. JENNINGS: Okay. Then if the board  
16 would like to act on this one.

17 MR. SUGANO: Mr. Chairman, I would move to  
18 approve \$6,895.94 for the Washakie County Solid Waste  
19 District Number -- or, I guess they don't have a number.  
20 It's for the Worland Number 2 Landfill.

21 MS. BEDESSEM: Second.

22 CHAIRMAN WELLES: We have a motion and a  
23 second. All those in favor please say aye.

24 (All members vote aye.)

25 CHAIRMAN WELLES: Hearing no opposed, it  
0007 is approved for \$6,895.94.

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

2 And the final one that I have today is for the  
3 Fremont County Solid Waste Disposal District, the Dubois  
4 Number 1 landfill. This was for additional wells  
5 installed at the request of the Department. We had some  
6 minor reductions in the request due to what we consider  
7 to be excessive vehicle rates. And at this point, we've  
8 received no comments from the applicant.

9 Do any of the board members have any questions  
10 on this one?

11 MS. BEDESSEM: No questions.

12 CHAIRMAN WELLES: I have one question,  
13 Mike. You say these were for wells -- additional wells  
14 that were suggested by DEQ?

15 MR. JENNINGS: Requested by the  
16 Department, Mr. Chairman. When the initial network was  
17 put in after going through the data that came in, the  
18 Department determined that there were basically some  
19 holes in the monitoring network. And so three additional  
20 wells were requested by the Department and then  
21 subsequently installed by the district at that landfill.

22 CHAIRMAN WELLES: Interesting. Thank you.

23 MR. JENNINGS: And, Mr. Chairman, this  
24 happens not infrequently, because initially it takes a  
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1 minimum of three wells to get essentially a plainer view  
2 of a water table. And oftentimes there are avenues where  
3 we -- based on the information that comes in that  
4 suggests that we need to install additional wells, there  
5 may be water divides, other things going on that require  
6 a beefed-up network to make sure we get the proper

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information.

CHAIRMAN WELLES: Thank you.

MR. JENNINGS: If nobody else has any questions, if the board would like to act on this one.

CHAIRMAN WELLES: Do we have a motion?

MR. APPLGATE: I'll make a motion that we approve the Dubois reimbursement for \$30,457.48.

MR. SUGANO: Second.

CHAIRMAN WELLES: I have a motion and a second. All those in favor please say aye.

(All members vote aye.)

CHAIRMAN WELLES: Hearing no opposition, the motion is approved for the Dubois landfill in the amount of \$30,457.48.

MR. JENNINGS: Thank you, Mr. Chairman.

And if you'll turn to the back of your agenda, and again, this is just a quick-and-dirty on where we're at with the disbursement of funds, up to but not including the funds recommended at this meeting. Initial

total of \$7.97 million. Just under \$180,000 of that has gone out for reimbursement for work plan preparation, just a little over 2.5 million has gone out for field work, and just under \$270,000 for sampling and analysis grants, leaving a total of just under \$3 million that have been disbursed for those activities. Remaining grant funds are just shy of \$5 million.

Does anybody have any questions or comments on that?

CHAIRMAN WELLES: I have one, Mike. Of the remaining grant funds, what do you expect under this program that would be potentially used, and what is the end date of the program?

MR. JENNINGS: Mr. Chairman, again, to the best of my knowledge, there is no end date, per se, although we're starting to move into prioritizing landfills, looking towards remediation activities. I'm not sure exactly how much of this will potentially be used for that. We are and have been using this for nature-and-extent determinations, which we may also have to do as we come up with some of these remediation activities. So my presumption at this point is that some of those funds will be available for that.

The legislature pulled out 1.75 million for additional activities to help in prioritization. So, of

this about five million bucks, if you pull out one-and-three-quarter million, that's actually what's left for these reimbursement activities that I've currently been working on. And there are still reimbursement requests coming in. We still have a number of facilities that we've required additional work on. And those bills are still coming in.

CHAIRMAN WELLES: Thank you for the update.

MR. JENNINGS: Mr. Chairman, if you will, I can kind of give you a quick-and-dirty on where I'm at with the prioritization of the landfills for remediation per the -- that document that the board helped us put together as far as the questionnaire to try to rank those. If you like, I can give you a -- just kind of let you know where I'm at with that.

CHAIRMAN WELLES: Sure.

18 MR. JENNINGS: Of the some 76 facilities,  
19 give or take, or 73 facilities that we considered it had  
20 impacted, I finished an initial prioritization run on  
21 about 69 or 70 of those. Should have the rest of them  
22 done early next week. And at that point, there are still  
23 a couple of questions that are going to have to go out to  
24 the district offices, to the project managers,  
25 specifically dealing with subsurface geology, which I

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1 don't really necessarily have access to, and also, their  
2 professional opinion as far as there may be some  
3 circumstances regarding those facilities that either  
4 elevate them in the prioritization schedule or would drop  
5 them down.

6 But as far as the work on my end, the bulk of  
7 it has been taken care of, and fairly quickly it will be  
8 going out to the field offices, and I'm anticipating that  
9 they'll have those completed, I would assume fairly  
10 quickly. At that point, then, we'll just kind of crunch  
11 the numbers and see how everything falls out from a  
12 prioritization standpoint.

13 CHAIRMAN WELLES: Thank you.

14 Any questions?

15 MR. SUGANO: Mr. Chairman, I guess backing  
16 up just a little bit, for Bob Doctor, do you have 100  
17 percent compliance now from all the landfills doing their  
18 groundwater monitoring, or do you still have a couple  
19 left?

20 MR. DOCTOR: Mr. Chairman, Mr. Sugano, I  
21 think we have -- do we have one holdout still --

22 MR. JENNINGS: One for certain.

23 MR. DOCTOR: -- that we're trying to work  
24 with? Pretty much everyone else has gotten on board.

25 MR. SUGANO: Well, good. Sounds good,

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1 then. Thank you.

2 MR. JENNINGS: Mr. Chairman, I'm finished  
3 with my portion of this. Again, I'd like to turn this  
4 over to Mr. Doctor, and he can go through his part of the  
5 presentation. Also, again, as a part of housekeeping, I  
6 do have a copy of the cost spreadsheets. And at an  
7 appropriate point in time, if we can get your signature  
8 and sign off on this, that would be awesome.

9 CHAIRMAN WELLES: I can do that.

10 Before we go on, I would like to just mention  
11 and make part of the record, congratulations to Glenn  
12 Sugano, who was nominated and elected chairman of the  
13 Citizens Advisory Group at the meeting in Casper that was  
14 on Monday. Right?

15 MR. SUGANO: Yes. Thank you,  
16 Mr. Chairman.

17 CHAIRMAN WELLES: I think that's a really  
18 good -- a good fit. And I'm certain that will help us as  
19 a board to keep our finger on the pulse of what's going  
20 on.

21 So, thank you, Glenn, for doing that.

22 MR. SUGANO: Yes, Mr. Chairman. I think  
23 it does give us a good tie to what the Citizens Advisory  
24 Group is doing. And they have a lot of work on the  
25 table, and so I'll be keeping you briefed on that.

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1 CHAIRMAN WELLES: Another high-paying  
2 volunteer job. Right?

3 MR. SUGANO: Yes, that's it.

4 MR. DOCTOR: Ready when you are,

5 Mr. Chairman?

6 CHAIRMAN WELLES: Go ahead.

7 MR. DOCTOR: Of course, you realize that  
8 if you get a whole bunch more work to do as a result of  
9 all these things going on, that that will be the  
10 gentleman who you can blame for it. We tend to be  
11 volunteering you through the Citizens Advisory Group  
12 potentially for some more work along the lines of helping  
13 us establish priorities for and criteria for helping  
14 communities with transfer station costs, what things  
15 should be eligible and what things maybe shouldn't be and  
16 that type of stuff. It's in the infancy stages. Perhaps  
17 if you would want to update people on the joint minerals  
18 committee meeting yesterday, that would be great.

19 MR. SUGANO: Yes. Our Citizens Advisory  
20 Group attended the joint minerals meeting yesterday in  
21 Cheyenne, and we had a prepared statement from the CAG  
22 where we stressed that the CAG is really interested in  
23 pollution prevention. And with pollution prevention, I  
24 think the biggest thing was closing some landfills. And  
25 that leaves a lot of small communities without a way to

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1 handle their garbage. So part of our report to the  
2 minerals committee was to say that we are interested in  
3 closing landfills, but at the same time, we thought that  
4 some of the smaller landfills would probably need help  
5 with transfer stations and also equipment to transport  
6 garbage from their landfill to a regional landfill.

7 I guess I can say the minerals committee was  
8 pretty receptive to our thinking. We had good support  
9 from Senator Bebout and also from Representative  
10 Lockhart. So that made us feel good, because I think in  
11 previous visits with the committee, we were met with a  
12 little bit of resistance. But this time everything went  
13 real positive for us. In fact, I think we had support  
14 from both chairmen. I guess they're co-chairs. But we  
15 had support from both those gentlemen and no real hard  
16 questions to answer. They didn't seem to bat an eye  
17 about our idea of establishing the idea of transfer  
18 stations and also rolling stock. I think we mention, in  
19 fact, that a lot of small communities could either use a  
20 garbage truck or some kind of a transport vehicle to move  
21 their garbage into a regional landfill.

22 So there weren't any real hard questions that  
23 we had to answer. But overall, I think the meeting went  
24 pretty smoothly.

25 CHAIRMAN WELLES: Thank you, Glenn, for  
0015 that update.

1 MR. DOCTOR: Thank you, Mr. Chairman.

2 I'm hoping that this meeting isn't somewhat  
3 anticlimactic, since we had thought about having a pretty  
4 massive rule change to bring to you today. When we  
5 looked at the magnitude of the change and we realized  
6 that the recent legislation would like us to be issuing  
7 lifetime permits after July 1st of 2012, I think we  
8 realized that it would be very difficult for us to make  
9 that deadline with the complex rule change.

10 So what we did, sat down with Carl, and we  
11 tried to narrow this down to the bare-bones minimum that  
12 we need to do in order to meet the legislators' intent.

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14 And that's the good news. The bad news is maybe  
15 immediately following this rule-change effort, we'll be  
16 back with a more comprehensive package of rule changes.  
17 So what we wanted to do today for you and all the public  
18 out there that are attending is summarize what we believe  
19 we need to be doing to move forward and meet the  
20 intention of the legislature.

21 So, previously, hopefully you received a hard  
22 copy of just a document that kind of has the long version  
23 of this. I put together a quick PowerPoint to show this  
24 morning just to kind of summarize it and to make it  
25 easier to see on the screens. So if you're all right

0016 with that, I'll just launch into it.

1 CHAIRMAN WELLES: Please do.

2 MR. DOCTOR: Really, the number one thing  
3 we need to do is implement the new legislation,  
4 obviously. We have to do that. And so we're going to  
5 comply with that. What we intend to do is to change our  
6 rules in a lot of ways with direct references to the  
7 statute, rather than regurgitating statutory language in  
8 our rules. Our Attorney General's Office prefers that we  
9 do it that way. And also, if there are any changes to  
10 this legislation in the next session or two, then we  
11 don't have to go through another rule change to fix that.  
12 That hopefully will keep things a lot smoother.

13 As you know, the lifetime permits have a  
14 25-year term limit. Have no idea whether or not the  
15 legislature might change that. But if we don't have it  
16 in our rule, we're already going to comply. I know  
17 there's also been some discussion about the definitions  
18 of aquifer and groundwater in the statute that are  
19 different than what we've had in the past. And we don't  
20 know whether they're going to be changing those or not.  
21 So that's kind of the basic intent of how we'll do a lot  
22 of these changes.  
23

24 These are the main points that we need to  
25 change. Of course, the lifetime permits, the statute

0017 says effective July 1st, 2012. The term for new or  
1 renewed permits will be lifetime, which is 25 years. The  
2 next main item in the statute is the permit amendment  
3 requirements for municipal landfills. And the statute  
4 says that notice and opportunity for hearing for an  
5 amended municipal solid waste landfill permit shall be as  
6 provided for a new municipal solid waste landfill permit  
7 under this section. We're going to need to spend some  
8 time fleshing out just how that's going to work. I can't  
9 imagine that, for something as simple as changing the  
10 operators -- operating hours of the landfill, the  
11 legislature intended us to go through a 60-day review,  
12 public comment, 90-day review public comment for  
13 something like that. So we'll probably be having a  
14 discussion with you.  
15

16 And probably something to keep in mind is what  
17 things rise to the level of needing public comment? Our  
18 rules already have many of those things in here already.  
19 So our intention would be to keep in line with what we're  
20 already doing. We just use the term "major amendment,"  
21 "minor amendment." Now I think we'll be working on how  
22 to flesh that out so we're not unnecessarily hamstringing  
23 our landfill operators and all of us with public comment  
24 periods. And I'm just kind of talking off the top of my

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1 I think you guys will be better prepared for.

2 And the next thing up is the annual reporting  
3 requirements that were built into the legislation. And  
4 effective January 1st of 2012, every operator shall file  
5 an annual report with the administrator on or within 30  
6 days prior to the anniversary date of each lifetime  
7 permit. The way that's written, it would assume you  
8 don't have to start this annual reporting until you  
9 actually have a lifetime permit. And so it's not going  
10 to affect all of our landfills immediately. So it will  
11 give us some time to kind of flesh out -- the legislature  
12 put some specific things in the statute that need to be  
13 in the annual reports. Some of them are open to  
14 interpretation.

15 And we also have some things that have to be  
16 reported now in our rules, especially groundwater  
17 monitoring information. So we're going to need to kind  
18 of flesh some of that out. That's going to be one of the  
19 things we're going to be discussing with you, you know,  
20 what things need to be there, and how should they be  
21 reported, that type of stuff, also keeping in mind our  
22 desire to do more things electronically if we can,  
23 especially with groundwater monitoring data and things  
24 like that. So we're trying to kind of keep that in mind,  
25 as well, also minimizing paperwork and how many trees we

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1 kill while getting these reports in. So we want to keep  
2 those things in mind.

3 Next we have performance-based design  
4 requirements for municipal solid waste landfills now.  
5 They are quite similar to what we've already done. But  
6 we need to get these into rule, and we'll probably either  
7 just put them directly in or just reference them  
8 directly. And, in essence, it is EPA Subtitle D. You  
9 either need to line your landfill or demonstrate that it  
10 won't impact the uppermost aquifer above an MCL. And  
11 what's been listed here is for the primary -- National  
12 Primary Drinking Water regulations in 40 CFR Part 141.  
13 So they specifically point to those constituents.

14 We've done a lot of that already. We went  
15 through and modeled the landfills, looked at the need to  
16 line in the past those that weren't already going to  
17 line. We did our modeling to the uppermost water bearing  
18 zone. The landfills did not have to make a demonstration  
19 of whether or not that was an aquifer. So, if moving  
20 forward with the new statute, a landfill operator does  
21 want to make a demonstration, the biggest difference,  
22 really, in the current statute in our previous rules was  
23 this groundwater, versus aquifer. Our previous rules,  
24 the demonstration was made to groundwater in the statute.  
25 It talks now about an aquifer. So that will introduce

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1 more complexity to the process. But that's what the  
2 statute is, and we're going to get that in.

3 Last, but not least, there are some new  
4 statutory definitions that apply only to municipal solid  
5 waste landfills. And those are definitions like aquifer,  
6 groundwater, those type of things. We will need to amend  
7 what's in our current rule in reference to statutory  
8 definitions.

9 There are also a few little things that I think

10 we're going to need to put in that are new definitions.  
11 The statute and the liner requirements apply to new  
12 units, new municipal solid waste landfill units. There  
13 is a very clear definition in EPA Subtitle D for that.  
14 We probably are going to need to put that into our rules  
15 so that we have it in a way that's understandable to  
16 everybody and enforceable in our statutes. So there are  
17 a few related definitions that we're going to have to  
18 bring in in order to accommodate the new statutes, but  
19 we're going to try to keep that to a minimum just, again,  
20 to keep the process flowing. So there's the overall gist  
21 of things, number one, to implement the new legislation.

22 Next, we have been informed by the Attorney  
23 General's Office that the process we've been using for  
24 about 20 years to renew permits and close -- issue  
25 closure permits don't match the statute. The statute

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1 uses the word "permit," issue a permit, period, and does  
2 not differentiate between renewal permits, closure  
3 permits, new permits. It just says permits have to be  
4 issued this way.

5 So what we're going to need to do -- and this  
6 is the statutory requirement, in short. There's a 60-day  
7 completeness review. And when an application is  
8 complete, we begin a 90-day technical review. During  
9 part of that time, there is a 30-day public comment  
10 period. Then following that 90-day, when an application  
11 is technically adequate, we issue a proposed permit. And  
12 that then goes out for another round of public notice and  
13 comment. We're told that that's a process we need to  
14 follow for new permits, closures and renewals. So we're  
15 going to need to update our rule to do that.

16 One of the problems is this is in Chapter 1 of  
17 the rules, but all the other chapters reference back to  
18 specific sections in there. So we're going to need to do  
19 some clever cross-referencing in Chapter 1 in order to  
20 make this happen. So it's ugly, but it's doable. And so  
21 we're going to have to think through, because Chapter 6  
22 will reference Section 2B double I of Chapter 1, which is  
23 wrong. It doesn't match the statute. So we'll probably  
24 have to then reference back to another piece. So there  
25 will be a little sticking your finger in rules, but

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1 that's how rules work. We have to turn to multiple  
2 pages. So there's some thought involved in how we make  
3 that work without going through and changing every one of  
4 our rules right now. It makes your head hurt, some of  
5 these.

6 CHAIRMAN WELLES: Question on that.

7 MR. DOCTOR: Yes, sir?

8 CHAIRMAN WELLES: I'm assuming that the  
9 Attorney General's Office is therefore applying that to  
10 all rules, not just this particular?

11 MR. DOCTOR: Correct.

12 CHAIRMAN WELLES: So, if you were filing  
13 for a gravel permit or whatever, it's going to be under  
14 the same --

15 MR. DOCTOR: I assume, you know, if there  
16 is a discrepancy in the land quality rules, Mr. Chairman,  
17 that they would be also going back and looking at the  
18 statutory requirements and making sure we comply with  
19 those. So it will introduce more time. However, if you  
20 have a lifetime permit, once those come into play, it

21 seems very appropriate that you may have more public  
22 comment when you're renewing a permit that's only issued  
23 every 25 years. We would like to move to lifetime  
24 permits for many of our other facilities, as well. So I  
25 think the pain isn't going to be as bad as it could be

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1 once we start getting more and more of our facilities to  
2 lifetime permits. If we don't have renewal applications,  
3 this shouldn't be a burden to people renewing their  
4 permits. So it will just take some time to work this in,  
5 other than change statutes, which I don't want to get  
6 into right now.

7 So, here, just as a summary of our renewal on  
8 closure permit requirements, they're done on a 90-day  
9 review cycle to determine it's complete and technically  
10 adequate all in one review and there's no requirement for  
11 public notice following that process. So there's some  
12 concerns, and also, there's no -- on the statutory. If  
13 we don't get things done in time, there is an it's-all-  
14 okay provision in that statute. But that doesn't exist  
15 in rule. So if we were reviewing a renewal permit and we  
16 got it done in 90 days or we didn't get it done in 90  
17 days, there's no real consequence to that. And I think  
18 that may be part of the issue here, is it's intended to  
19 make sure we get our job done in time, perhaps.

20 A lot of times there's some very complex issues  
21 that go into renewals that they're also more suited to a  
22 longer review cycle. We're now designing lined  
23 landfills, and our rules were never written with that in  
24 mind. It's a whole different ball game we're playing now  
25 than when these rules were done almost 20 years ago.

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1 We're working through it. It's going to be an  
2 interesting process. We'll be seeing a lot of detail.

3 Next, the third out of six things, is we have a  
4 lot of local governments now that are closing their  
5 smaller local landfills, and we feel that it's important  
6 they're still able to provide the services that they used  
7 to provide with the landfill when they're transferring  
8 waste to a regional facility. Chapter 1 of our rules  
9 currently tends to limit exemptions to a single activity.  
10 And then there's a list of single activities in there.  
11 And it was written assuming, well, if you do this one  
12 thing, you don't need a permit, but if you do two or  
13 three, all of a sudden you're in the permit world. And  
14 it could be very difficult for small governments to  
15 provide the services.

16 So what we're hoping to do is expand on the  
17 list of things that could be exempt and not need a  
18 permit, within reason, keeping in mind the neighbors and  
19 odor and vector issues and traffic and that, and then  
20 also expand on the number of things that people can do  
21 that's very simple, which is much simpler to do and  
22 easier for local governments, but it allows us the  
23 ability to improve recycling more easily and readily,  
24 manage household hazardous waste better, things like that  
25 that the communities are doing now at their landfill that

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1 they should be able to do later on when they close their  
2 landfill. So we'll be needing to talk about what we  
3 think what's reasonable and where these things fit and  
4 what needs a full-blown program. So that's coming up. I  
5 just rattled off all this stuff. That's basically the

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6 same.

7 Fourth, used oil facilities that recycle used  
8 oil are subject to SPCC, spill prevention and  
9 countermeasure plans, they have to have. There is a  
10 large amount of compliance requirements in our hazardous  
11 waste rules for used oil facilities, depending on what  
12 oil they receive. Is it from do-it-yourselfers, or is it  
13 from businesses demonstrating that it's on specific --  
14 there's a lot of stuff that has to happen. That's all  
15 built into our hazardous waste rules.

16 On top of that, we have currently solid waste  
17 permitting. And so they have to get a solid waste  
18 permit. Probably one of the main reasons for that is the  
19 solid waste rules require financial assurance for closure  
20 that the other requirements don't have. What we're  
21 thinking to do is to make it more amenable to recycling.  
22 If we have a compressor station on a natural gas line  
23 that is storing used oil from their compressors, right  
24 now we have to get a full-blown Chapter 6 permit just to  
25 store used oil, and that's all. We think that may be

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1 excessive. The governor has asked us and we've been  
2 asked to look at our rules and find ways to streamline  
3 things. We think this is one way to do that that will  
4 make things better. So we'll be coming to you with kind  
5 of, where's the break point? Where would we draw the  
6 line?

7 And most of these facilities we think could be  
8 exempt because they're subject to plenty of regulation  
9 now. Some of the larger ones, the commercial facilities  
10 that are bringing used oil to a central location may have  
11 several large storage tanks where they store that  
12 temporarily to be recycled. Those, it seems like the  
13 public has an interest in some financial assurance, at  
14 least, for those facilities to ensure that if they leave,  
15 they're cleaned up properly. So we're going to kind of  
16 keep that in mind, and that's kind of the direction we  
17 look at going there. So the used car dealership or the  
18 car dealer who is storing used oil for oil changes in his  
19 vehicles to be burned in an on-site used oil heater will  
20 not have quite as much regulatory burden.

21 MR. SUGANO: Mr. Chairman?

22 MR. DOCTOR: Yes, sir?

23 MR. SUGANO: If I could ask, we had a used  
24 oil facility on our site in Rock Springs. I don't  
25 remember there being any documentation that was required

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1 for that. So we had used oil haulers come in and take  
2 that oil. Is there any way the DEQ tries to identify if  
3 there's hazardous material in those big tankers? Because  
4 they're stopping all along I-80, picking up used oil.  
5 And I think our oil is pretty clean because we had a guy  
6 at the scale house that could monitor who was coming in.  
7 But I'm wondering on down the line, a hundred miles away,  
8 if they picked up a hazardous -- some hazardous material,  
9 does DEQ know that that happened, or do you have a way to  
10 track that?

11 MR. DOCTOR: Mr. Sugano, there are some  
12 very detailed requirements for used oil transporters.  
13 And a lot of it hinges on whether or not the oil is  
14 generated by do-it-yourselfers or if there's been  
15 analytical work done to demonstrate that the oil is on  
16 specification, nonhazardous. And so they're obligated,

17 when they're picking up from all those stops, to know the  
18 generator requirements. There's record-keeping  
19 requirements. And all this is built into the hazardous  
20 waste rules.

21 So the feeling is they don't need another  
22 burden of solid waste permitting on top of all that. So,  
23 yes, those transporters absolutely have a lot of  
24 requirements that they have to deal with.

25 MR. SUGANO: Thank you.

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1 MR. DOCTOR: Next, birds. You can buy a  
2 license to shoot them, but you can't build something that  
3 affects them. The governor's -- and we're trying to  
4 avoid, of course, which makes good sense, listing sage  
5 grouse. That would be a tremendous burden on industry.  
6 So I've already worked with the Game and Fish. They've  
7 had seminars on this. I've bounced some draft language  
8 off of them that keeps it fairly open. So we're not very  
9 specific. And it also keeps us out of the business of  
10 looking to see whether or not someone's sage grouse plan  
11 is appropriate. I would equate this to having somebody  
12 demonstrate they meet local zoning requirements.

13 Right now somebody that's going to build a new  
14 facility -- and this applies to new facilities, not  
15 existing permitted sites -- they need to go to Game and  
16 Fish and go through the process of whether or not they're  
17 in a -- I can't remember the zone now.

18 CHAIRMAN WELLES: Core.

19 MR. DOCTOR: Thank you. -- whether or not  
20 they're in a core zone or whether they're -- if they're  
21 not in a core zone, that they're a certain distance away  
22 from leks. And so we're putting that into our rule, but  
23 more as a general reference is provide us documentation  
24 that the Game and Fish says you're okay. And we're going  
25 to get that, definitely, in our landfill rules and

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1 regulations, and we'll need to get that into all our  
2 rules to comply with -- we have to do it, anyway. It's  
3 just not in the rules. So if you're putting together a  
4 permit, it will catch you by surprise. We think people  
5 should know that. It's a very simple change. It's two  
6 paragraphs.

7 MR. APPLGATE: I had a question about  
8 that. That's an executive order. Just help me  
9 understand the process. That's not really a legislative  
10 act. That's an executive order that can be rescinded by  
11 the next governor. So is that typical to put executive  
12 order decisions into rules? I'm just curious.

13 MR. DOCTOR: Mr. Chairman, I don't know.  
14 I know we have to do it. And the way it's written, the  
15 way I understood --

16 MR. APPLGATE: That's maybe my question.  
17 What makes you think you have to do it?

18 MR. DOCTOR: Because the governor says so.

19 Carl, could you chip in here?

20 MR. ANDERSON: Mr. Chairman, I wasn't able  
21 to hear the question.

22 MR. APPLGATE: The question was, just  
23 trying to understand, is it typical to take executive  
24 order documents and incorporate them into a rule-making,  
25 and what happens in the future if there's changes made to

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1 that executive order?

2 MR. ANDERSON: Mr. Chairman, I think I got  
3 it. It sounds like Mr. Applegate is asking whether or  
4 not the executive order is going to be incorporated into  
5 some kind of rule-making process. I don't believe that's  
6 the case, but if it is, that would probably be something  
7 that would be conducted by Game and Fish, I would assume.  
8 We're in the process now -- I mean, we've given our  
9 implementation plan -- DEQ has given their implementation  
10 plan to the governor's office, and we have a commitment  
11 as part of that implementation plan to enter into an MOU  
12 with Game and Fish.

13 But, Mr. Chairman, we can check further with  
14 respect to a formalization of the executive order in rule  
15 and get back with the board on that.

16 MR. APPLGATE: Yeah. Just to clarify,  
17 I'm not advocating that. I was just curious about the  
18 legal precedent of somehow incorporating executive  
19 order -- executive order requirements into a rule-making.

20 MR. ANDERSON: Mr. Chairman, we can do  
21 some follow-up on that.

22 MR. DOCTOR: Mr. Chairman, my -- and this  
23 is just my hope, that what I would propose to do here in  
24 the rule-making is essentially say you need to  
25 demonstrate compliance with state or federal requirements

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1 for locating facilities in the sage grouse area but not  
2 put all the detail in our rule. And if they get listed,  
3 then those requirements would apply. If it's the  
4 governor's executive order that all of our agencies are  
5 required to comply with, then that's what they would make  
6 a demonstration. So I'm trying to incorporate by  
7 reference requirements that we all know may be changing.

8 MR. APPLGATE: Yeah. I think I would  
9 also just maybe have you follow up with the Commission.  
10 This issue on the sage grouse has become quite complex.  
11 And I know on the Commission issuing of permits, they  
12 recently came out with some guidance which says that on  
13 state land, you have to do the sage grouse core area  
14 work, and on private land it's voluntary. And I don't  
15 know where landfills are typically sited. Probably on --  
16 probably on government-owned land. It's just worth  
17 looking into.

18 MR. DOCTOR: Yes. Mr. Chairman, for the  
19 most part, our landfills are located on state land, but  
20 most of them are owned by the local government of the  
21 district that actually operates the landfill. So these  
22 things would be applied to them.

23 Last but not least, our Chapter 7 of our solid  
24 waste rules has requirements for all facilities,  
25 permitted facilities, for financial assurance. Specific

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1 to municipal solid waste, there are a couple areas in  
2 there that are problematic. We have a calculation  
3 process for estimating the cost to close a landfill. And  
4 the numbers for the cost are in the rule. The current  
5 cost, I believe, is something like \$10,500 an acre to cap  
6 a landfill. We know that's more like 50,000. So the  
7 number is very inadequate. Also, they're 1993 dollars,  
8 which have to be updated for inflation, which is a messy  
9 process.

10 The statute includes a provision that the  
11 director needs to ensure that financial assurance is  
12 adequate. So, for estimating cost, what we propose doing

13 would be to get that stuff out of rule and work with you  
14 on a guideline that allows us to be more responsive to  
15 what real and actual costs are, to new technologies that  
16 may come about, to take into account perhaps the -- that  
17 if some of these things play out and the State is going  
18 to come in and take over responsibility for capping and  
19 closing landfills, that those kind of factors can be  
20 built into the cost estimate that a local government has  
21 to do in order to participate with a state guarantee  
22 trust account.

23 So that would be the basic thing, is pull those  
24 things out of rule and put it into guideline so that we  
25 can be more responsive to changes as they occur. Right

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1 now, the state guarantee trust account, among its other  
2 problems, the amount of money that is going into it for  
3 closure and post-closure care is horribly inadequate.  
4 And then in concert with that, the statute requires that  
5 people pay at least three percent into that -- of their  
6 total cost into that account before they close the  
7 landfill. When they complete closure, they get 90  
8 percent of that back.

9 But one of the problems is, in round numbers,  
10 let's say you have ten years of landfill life and you owe  
11 a million dollars. So when you calculate your payment  
12 into that account, you divide that million dollars by ten  
13 years. Four years later you need to reevaluate your  
14 costs. And let's say the cost is still a million  
15 dollars. Now, you've got six years of life left, and you  
16 divide a million by six, and now you're going to make six  
17 annual payments of that. You don't get credit for the  
18 four years you've already been paying on in the current  
19 formula in the rule.

20 So we'd like to fix that formula to account for  
21 past payments into the account. It wasn't a big deal  
22 when people had 40 years of life. But now that some of  
23 these little landfills are closing, they thought they had  
24 20 years of life, and now they've got two. They've got  
25 this balloon payment smacking them in the face. It just

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1 doesn't make a lot of sense, and especially if some of  
2 these other things come to fruition. And with the money  
3 not being probably adequate to actually pay for closing a  
4 landfill, anyway, we're going to at least try to adjust  
5 that.

6 So those are the two big things in the  
7 financial assurance chapter we think we need to address  
8 right now because they're really affecting small  
9 communities. Coming up with several thousand dollars for  
10 payment into this closure account is a burden for little  
11 towns like Manville and Lusk and people like that.

12 That really -- and I think I put these  
13 together -- there they are. And I'm done talking. I  
14 hope that this wasn't a letdown for the massive reading  
15 you were planning to have. And if you have any questions  
16 or suggestions, I've got my pen ready. Thank you,  
17 Mr. Chairman.

18 CHAIRMAN WELLES: Thank you.

19 MR. APPLGATE: I have a couple questions.  
20 So, when do you anticipate having the first draft of the  
21 rule-making?

22 MR. DOCTOR: Mr. Chairman, Mr. Appligate,  
23 I was afraid you were going to ask that. I'm going back

24 and having to redo Chapter 2 of our rules, and I plan to  
25 start on that next week and get that done. Carl asked me

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1 that same question. And then we have a very complicated  
2 rule-making process that we have to follow. I hope by  
3 the end of the year, we're moving forward with the  
4 statement of principle reasons, approval to move forward  
5 from the governor's office. This is the first start of  
6 that process here, is to kind of have some public  
7 outreach before we actually launch into the formal  
8 rule-making. So I hope that we are talking detail not  
9 long after the first of the year with you all about this.

10 MR. APPLGATE: Given the time frame,  
11 short time frame, perhaps at our next meeting you can  
12 kind of have a process laid out in terms of how many  
13 times we're going to have to look at them,  
14 because eventually it -- is that going to have to go  
15 through the EQC by that time period, as well, Carl?

16 I think I see him nodding his head.

17 MR. DOCTOR: I think I heard a "yes" nod.  
18 So, you know, first through you guys, of course, to  
19 advise us on these, and then they'll have to go through  
20 the Environmental Quality Council.

21 MR. APPLGATE: My guess is you might need  
22 two meetings with us. If you look at past rule-makings,  
23 I would doubt that it would take just one meeting. So  
24 you might want to work that into your schedule.

25 MR. DOCTOR: We're hoping -- I have my

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1 fingers crossed. I think with your comments and advice,  
2 I think that the EQC process will probably go pretty  
3 smooth. I'm hoping -- and it's disappointing that more  
4 people aren't participating today. But I think as we get  
5 something more concrete out there, I hope we'll have more  
6 people that are going to give us input on it. I'm hoping  
7 that we can do the lion's share of the work with you all  
8 and keep the EQC process a lot faster. And it's  
9 wonderful. Thank you again for meeting so frequently.

10 MR. APPLGATE: Carl, can you provide some  
11 background on what was the genesis of this legislative  
12 action? What was the driving force behind this  
13 legislative change?

14 MR. ANDERSON: Mr. Chairman, Dave, I'm  
15 having a hard time hearing you. Could you run that by me  
16 one more time?

17 MR. APPLGATE: Can you hear me now?

18 MR. ANDERSON: Yeah. It's still a bit  
19 garbled, but go ahead.

20 MR. APPLGATE: Is that better?

21 MR. ANDERSON: That is. Thank you.

22 MR. APPLGATE: Could you provide a little  
23 background on what the -- what was the driving force  
24 behind the legislative changes? I mean, what was driving  
25 the statutory changes that we're seeing here today? What

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1 was the intent? What was the drive for lifetime permits  
2 and that type of thing?

3 MR. ANDERSON: Well, you know, I'm not  
4 sure that I can be terribly specific, Mr. Chairman, about  
5 what was driving some of the legislative changes. I  
6 think -- for lifetime permits, I think there was a  
7 recognition that, for communities to go through a permit  
8 renewal application process every four or eight years,

9 depending on the facility, was burdensome. And for the  
10 communities, for the most part, to put together an  
11 application and work with a consulting firm to, for the  
12 most part, just regurgitate information that was  
13 contained in an original application, that there was some  
14 merit in extending those permit terms, but still giving  
15 the DEQ, through the annual reports, the ability to  
16 monitor how facilities are going to change over time, how  
17 their operations might change from one year to the next.

18 And we have -- and Bob can speak to this. We  
19 have contemplated previously, you know, developing  
20 regulation for lifetime permits. So the legislature got  
21 ahead of us a bit on the idea of lifetime permits. So we  
22 were headed down that path. The legislation just has  
23 given us an incentive to get into rule-making and  
24 implement that.

25 With respect to the other legislation on

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1 performance-based design evaluation, there's a bit of a  
2 history here, and it goes back, at least -- and, Bob, you  
3 might have to help me a bit here. But it goes back at  
4 least one legislative session previous to the last  
5 legislative session, where there was some legislation  
6 that had been introduced with respect to risk assessment  
7 associated with municipal landfills. And it was a  
8 convoluted legislation, in that it contemplated doing a  
9 risk evaluation -- doing some kind of risk evaluation  
10 associated with municipal landfills.

11 That bill was introduced -- I think it was in  
12 the previous bill session to last year's bill session.  
13 And it didn't pass the legislature. But there was still,  
14 I think, a desire out there for communities to have a  
15 higher level of certainty in terms of what the  
16 expectations were for how DEQ looked at, you know, the  
17 potential for landfills to impact groundwater, the  
18 necessity for engineered containment systems.

19 So, between the previous legislative session  
20 and last year's bill session, there was a lot of  
21 discussion about how to do that. And there was -- in  
22 last year's bill session, there was a bill very similar  
23 to the risk assessment, risk management bill that was  
24 introduced previously that didn't get through the  
25 legislature. And so, through discussions with -- through

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1 the committees, there was a little work group that was  
2 formed of different stakeholders, DEQ, public interest  
3 groups, legislators, to work through a revised piece of  
4 legislation. And that legislation, it completely changed  
5 from a sort of risk assessment, risk management approach  
6 to provide -- as Bob mentioned, to incorporate the  
7 Subtitle D requirements for how municipalities would make  
8 a demonstration about whether or not they line.

9 Part of the issue was that when we initially  
10 developed our solid waste, our municipal landfill  
11 regulations, they were developed prior to RCRA Subtitle  
12 D. At least we had a sense of what RCRA Subtitle D would  
13 look like, but we went head and promulgated our rules and  
14 regulations. So, even though EPA approved our program  
15 with being consistent with Subtitle D, it didn't mirror  
16 Subtitle D.

17 The performance-based design evaluation  
18 legislation, it now -- as Bob mentioned, it takes the  
19 RCRA Subtitle D requirements for engineered containment

20 systems and puts it into statute. It gives communities  
21 the ability to put together an evaluation about  
22 engineered containment system design. DEQ would review  
23 that evaluation and either agree or disagree with the  
24 evaluation. If DEQ disagrees with the evaluation, then  
25 the legislation contemplates that that goes to the

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1 Environmental Quality Council for resolution.

2 MR. APPLGATE: Thank you for that.

3 MR. ANDERSON: And then I --

4 MR. APPLGATE: Thank you for that

5 explanation. I guess I have just one follow-up. Are  
6 there other states that have lifetime permits, and do you  
7 see any push-back from EPA on the lifetime permit  
8 concept?

9 MR. ANDERSON: Mr. Chairman,  
10 Mr. Applegate, Bob can probably answer the question about  
11 other states with lifetime permits and, you know, whether  
12 or not there's any concerns that EPA might have about  
13 that.

14 MR. DOCTOR: Mr. Chairman, we looked at  
15 this -- we started this lifetime permit concept at least  
16 ten years ago, and we've looked into it. And the  
17 majority of states around us do have something like that  
18 for municipal solid waste landfills. And what they've  
19 done is they have a mandatory like five-year meeting  
20 where everybody sits down and looks at the application to  
21 see if things are still current. So it's kind of like --  
22 and we don't want to turn our annual reports into a  
23 renewal every year. But it's that same basic concept  
24 that you have to keep that document up and maintain it.  
25 And so a lot of states do it that way.

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1 Initially, several years ago, when we were  
2 proposing lifetime permits -- and I'd gone through quite  
3 a bit of the rule change trying to get it started -- we  
4 had modeled like North and South Dakota, one of the two  
5 of those, that they issued permits for the operating life  
6 of the facility and have that mandatory five-year review.  
7 And that's worked pretty effective for them. When you  
8 think about it, our closure permits now are effective for  
9 the entire 30-year post-closure period. Now, granted,  
10 that's mostly monitoring and corrective action, maybe,  
11 and maintenance things, not as complex as operating and  
12 designing new cells and things. But it has been  
13 effective, and EPA doesn't have a problem with it at all.

14 MR. APPLGATE: Thank you.

15 MS. BEDESSEM: I have a question. My  
16 question is more related to kind of procedures with  
17 respect to public comment. So, for example, today we're  
18 meeting so that you can kind of give us a heads-up about  
19 what's going to be coming in the next six months as far  
20 as what your focus is for development and also to start  
21 with that exchange with the public to get some comment on  
22 this.

23 And so my question is, so, for example, when we  
24 announced this meeting that was going to occur today, did  
25 our public notice just say there's going to be discussion

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1 on potential future solid waste rule-making? Was there  
2 anything more detailed than that?

3 MR. DOCTOR: Mr. Chairman, I think that  
4 was about it. We were going to have a discussion and say

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5 this is what we propose to do for rule change and take  
6 public comment on it. I don't have the notice in front  
7 of me.

8 MS. BEDESSEM: The reason I ask this is  
9 because, for example, one of the things you're talking  
10 about here is reducing and streamlining permit  
11 requirements for used oil management facilities.  
12 Somebody with a used oil management facility, if they saw  
13 our public notice announcement saying we're going to talk  
14 about proposed solid waste rule-making, they would have  
15 no idea that this has the potential to have anything to  
16 do with them, so they're not likely to show up at this  
17 meeting.

18 So I guess what I'm concerned about is, if you  
19 really want to get engagement by the public, if you have  
20 a narrative like this or a PowerPoint that could be put  
21 on the web or referenced saying this is what we're going  
22 to be talking about at the meeting, I think you're going  
23 to get a lot more public comment. Because otherwise,  
24 with just the statement we're talking about proposed  
25 rules, we might have like what we're having today, which

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1 is really no public comment.

2 So, if we can, get this information out there  
3 ahead of time so people know what we're discussing in a  
4 little bit more detail. Not to say that you have to have  
5 everything done a month ahead of time, because I know  
6 you're working hard and generating a lot of this pretty  
7 close up to the minute. But if you have kind of a focus  
8 that we can get out there on these notices, I think we'll  
9 get better feedback and have more valid public comment.

10 MR. DOCTOR: That's well taken. Thank you  
11 very much for that. I think we changed our focus pretty  
12 quickly. We did -- the document that we mailed to you,  
13 we did get that posted. But that's a very good idea, I  
14 think, that if we, in the public notice, at least have  
15 some kind of ticklers in there that says these are the  
16 things we're going to be looking at so that people that  
17 read that know, oh, this could affect me, and we will  
18 definitely want to do that more in the future. Thank  
19 you.

20 MS. BEDESSEM: So, Bob, are you saying,  
21 then, this was then posted on the website?

22 MR. DOCTOR: We put that on the website.

23 MS. BEDESSEM: So, in the notice, does it  
24 reference the website for what's going to be coming up?  
25 Because that would allow you -- if you're developing

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1 things close to the meeting time that you don't have  
2 ready by the time you have your deadline for the public  
3 notice, if you have a reference to the website, then you  
4 can say check the website for the documents prior to the  
5 meeting or whatever. And then people can look at that  
6 and decide if they want to comment on it if it applies to  
7 them and so forth. So that might help you out on timing  
8 a little bit but still get that information out to the  
9 public.

10 MR. DOCTOR: Thank you. Two very great  
11 ideas.

12 CHAIRMAN WELLES: And to follow up on that  
13 question, it seems to me that, especially now with Glenn  
14 also wearing another hat as chairman of the CAG, I mean,  
15 specifically you could send a copy to CAG and to the

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Solid Waste and Recycling Association. Or is that done already?

MR. SUGANO: Mr. Chairman, I think the solid waste association has been involved in discussions. I don't know that they've received anything through the mail, but it was discussed at their August annual meeting. So there's been contact made with the operators and the engineers.

CHAIRMAN WELLES: Okay.

MR. DOCTOR: Mr. Chairman, if people don't

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mind, I don't know your feelings on this, but I've got -- that e-mail list for the Citizens Advisory Group is pretty extensive. You've seen it. And the majority of those people are also members of the Solid Waste and Recycling Association. I don't have an e-mail list of the Solid Waste and Recycling Association people separately, just the board members. And a lot of times we'll send stuff to board members and hope that they get things out to the people they know. There's another great idea, so thank you for that.

MR. SUGANO: Mr. Chairman, I have a question for Bob Doctor on the annual reporting. We're not going to require people renew their permits, which requires an engineer to predict the expected capacity or the life of a landfill. What is the annual report going to require? Won't they have to do some calculations on how much life they feel is going to remain in their cells?

MR. DOCTOR: Mr. Chairman, Mr. Sugano, in the statute -- and I think we'll have to clarify this -- there are some specific requirements for annual reports, the extent to which the landfill operations have been carried out, the progress of all landfill work, the extent to which regulatory requirements, expectations and predictions made in the original permit or previous

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annual reports have been fulfilled and any deviation therefrom, including, but not limited to, the capacity of landfill used, the results of any environmental monitoring, any remediation required or completed and the remaining usable municipal solid waste landfill capacity.

Now, there is -- and I'm trying to find it here -- a requirement that if that capacity is going to exceed what was predicted previously, that there's a requirement for public notice then to let people know that, hey, this landfill is expanding. So there is some requirement for that type of stuff. There needs to be a revised schedule or timetable of the landfill operations and an estimate of the available capacity in each of the annual reports. I suspect that, for the most part, that's going to be probably just what we told you last year, fairly simple.

So there are some specific things in the legislation that are going to go into that, and I think we'll have to be careful here, when we're talking about the rules, that it doesn't become a process of going through, you know -- it's like a whole renewal every year. The concept behind this would be, if you need to make a change, you make the change on the fly. You don't wait until some set -- so, if it's fifteen years or a year, you need to change some aspect. You get some new

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1 information on the geology of a facility, and that part  
2 of your text needs to be updated. Then you would submit  
3 replacement pages right then and there and not wait and  
4 do a whole renewal process.

5 So it should be easier to do this on a case-by-  
6 case-as-it's-needed basis and not enough to do the  
7 massive renewal every time in every four or eight years.  
8 So we're hoping, as we're conceptualizing how we lay this  
9 all out, that it becomes -- on a related note, the  
10 current rule -- and I think about changing this. The  
11 current rule says that the application has to be  
12 organized in the order of our rules, which is good if  
13 you're a regulator and you want to be able to see if  
14 there's compliance. It's a great tool for that and the  
15 public to see if you comply. But if you're writing a  
16 permit or you're changing one, it can be very difficult.

17 One thing we might want to think about doing  
18 is -- and it's very simple in here to change that -- to  
19 say in an application submitted in an order that's  
20 approved or directed by the administrator. Then without  
21 reorganizing the rules, we can come up with an  
22 organization of an application that works better. My  
23 thinking was we needed to change the rule to do that.  
24 But in the interim, I hope we can do that, Glenn, so that  
25 it becomes a lot simpler for a landfill operator to

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1 manipulate this three-ring binder full of stuff. And  
2 you've been through it. You've seen it from that side.  
3 And Marge has been involved putting these things  
4 together, and, of course, me doing both reviewing and  
5 putting these things together. We really need to keep an  
6 eye toward simplicity, I hope, in the process.

7 But your point is well taken. We don't want to  
8 turn this into a massive renewal every time.

9 MR. SUGANO: Mr. Chairman, I guess I'm  
10 concerned about the smaller landfills, because the  
11 operator is going to be the one that probably fills out  
12 the annual report. And if he doesn't know how to  
13 calculate his remaining capacity, he's going to have to  
14 turn to somebody. I guess a quick phone call to the  
15 consultant that did the plan would suffice. But I would  
16 just hope that the annual report requirements don't get  
17 so technical that engineers have to be brought in at  
18 every step. Maybe once in a while a quick phone call,  
19 but not three pages of calculations submitted to the  
20 operator.

21 MR. DOCTOR: Thank you. That's good. We  
22 may be able to develop a form, that a lot of this  
23 information could be on the form. And some of it, you  
24 know, the groundwater data and those things, come in,  
25 anyway. There's no big change there.

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1 MS. BEDESSEM: I was just thinking, in  
2 that same vein, trying to make things not burdensome for  
3 these operators that are just wanting to basically give  
4 you an update, you know, "This is what's going on at our  
5 landfill." Unless they're requesting an amendment for  
6 some particular reason, if it's just their annual update,  
7 this is what's going on, that there isn't a review and  
8 approval process and request for changes and things that  
9 go bump it up until the next annual -- it should be as  
10 simple as possible, where, "This is our update. We  
11 complied. We've given you the information you need," and

12 then figure out how to handle what the situation is if  
13 you don't get the appropriate information and how to do  
14 that in a timely manner that doesn't end up backed up,  
15 where you're backing up until the next annual report and  
16 so forth. So I'm sure that's going to be a challenge in  
17 the rule-making.

18 MR. DOCTOR: Yes. And, Mr. Chairman, the  
19 legislature has helped us out along those lines because  
20 there are requirements in statute. Upon receipt of the  
21 annual report, the administrator will make such further  
22 inquiry as deemed necessary. If he objects to any part  
23 of the report or requires further information, will  
24 notify the operator as soon as possible, allow reasonable  
25 opportunity to provide the required information. Within

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1 45 days after receipt of the annual report, the  
2 administrator must conduct an inspection. So there's  
3 mandatory annual facility inspections. Within 60 days  
4 after receipt of the annual report and other required  
5 materials, if the administrator finds the annual report  
6 in order and consistent with the landfill operation plan  
7 or as amended to adjust conditions, the director will  
8 determine if any adjustment to the size of the bond is  
9 necessary.

10 So that is also now added in as an annual thing  
11 that we need to look in, where it used to be something  
12 that was in the other statute as something we look at  
13 every four years on the anniversary date. We recalculate  
14 financial assurance. So there is some conflict between  
15 the new statute and what the other statute requires us to  
16 do.

17 Now, I think the thought being, if there's some  
18 change that happens, you should update that financial  
19 assurance on a regular basis. So the legislature does  
20 have some things in there that we have to do, but  
21 hopefully it won't turn into the problems that we could  
22 envision from that. But we do have to do these things.

23 MS. BEDESSEM: It sounds like if you have  
24 to evaluate that bond, then, on an annual basis and you  
25 have a short time frame to do it in, then things won't

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1 get backed up.

2 MR. DOCTOR: Absolutely. When you have --  
3 even if we wind up, Mr. Chairman, with 30 landfills, that  
4 is a whole bunch more work on all of our plates on top of  
5 everything else.

6 Thank you, by the way. I've been writing all  
7 this stuff down. I'm sure it will be in the transcript,  
8 but --

9 CHAIRMAN WELLES: Well, thank you for your  
10 update and for the opportunity for us to comment. And  
11 obviously it's very apparent to me that the members of  
12 the board do have concerns and questions and interest.  
13 And I think it's vitally important that the public -- and  
14 when I'm talking about the public, specifically the CAG  
15 and the operators and the people in the communities -- I  
16 would hope that they would understand the depth to which  
17 you're approaching this whole problem and the depth to  
18 which we're trying to act as a filter representing  
19 different aspects of the public.

20 And I just think similar, you know, to even  
21 what's going on in Johnson County, I read in the paper  
22 that the Town of Kaycee is attempting to start up their

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23 own solid waste district. For whatever reason, I'm not  
24 sure. But in the midst of all this, I'm thinking, you  
25 know, I think I better get involved in that at the local

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1 level because if -- I mean, on the surface, it doesn't  
2 seem to make a whole lot of sense. But I think what  
3 they're afraid of is they're going to be cut out of some  
4 funding somehow because the Buffalo -- right now, they  
5 transfer to the Buffalo dump or whatever.

6 And so that's just one small example of the  
7 further down the chain you go, the less understanding  
8 there is, which I think is what prompted the questions  
9 here, is how are we getting this out to the public, and  
10 how are we -- how can we be most effective in responding  
11 to the problems at that level? Because it's going to be  
12 pretty big. Change always brings -- you know, by the  
13 time we talk about it here and by the time it gets down  
14 to their level, it's perceived completely differently,  
15 potentially.

16 MR. DOCTOR: Mr. Chairman, the public is  
17 very well represented here, and your comments are  
18 really -- you see the problems. Hopefully, if they're  
19 not going to participate, you're doing a very good of  
20 catching little things like this. So, thank you.

21 CHAIRMAN WELLES: Well, the hard part is  
22 we think we're doing a good job. But if the public  
23 doesn't show up and they don't have a clue what we're  
24 talking about --

25 MR. DOCTOR: I am done bothering you.

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1 Thank you.

2 CHAIRMAN WELLES: Not a bother. We  
3 appreciate it.

4 MS. BEDESSEM: I don't have any more  
5 questions. Thank you.

6 CHAIRMAN WELLES: No further questions  
7 from the board?

8 MR. SUGANO: Nothing from me.

9 CHAIRMAN WELLES: I guess if no activity  
10 or questions from any of the other sites, so I guess we  
11 will adjourn this meeting. All those in favor?

12 (All members vote aye.)

13 (Hearing proceedings concluded  
14 10:18 a.m., October 28, 2011.)  
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#### C E R T I F I C A T E

1 I, RANDY A. HATLESTAD, a Registered Merit  
2 Reporter, do hereby certify that I reported by machine  
3 shorthand the proceedings contained herein constituting a  
4 full, true and correct transcript.  
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Dated this 8th day of November, 2011.

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RANDY A. HATLESTAD  
Registered Merit Reporter