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BEFORE THE WATER AND WASTE ADVISORY BOARD

3

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

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IN THE MATTER OF A HEARING )

CONCERNING PROPOSED CHANGES TO )

6

CHAPTERS 1, 2 AND 7 OF THE )

SOLID WASTE RULES AND REGULATIONS )

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TRANSCRIPT OF HEARING PROCEEDINGS

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Transcript of Hearing Proceedings on the above

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matter held on the 21st day of September, 2012, at the

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hour of 9:10 a.m. at the Oil and Gas Conservation

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Commission building, 2211 King Boulevard, Casper,

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Wyoming, Chairman William S. Welles presiding with board

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members Marjorie Bedessem and David Applegate in

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attendance. Participating by teleconference were board

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members Lorie Cahn and Glenn Sugano and Carl Anderson,

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Solid and Hazardous Waste Division Administrator. Also

22

present were Mike Jennings, Natural Resources Program

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Principal, and Bob Doctor, Program Manager, Solid Waste

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Permitting and Corrective Action.

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

2 MR. WELLES: We'll go ahead and begin  
3 the Water and Waste Advisory Board meeting here in  
4 Casper at the Oil and Gas Commission.

5 Mike, do you want to start us off with the  
6 monitoring reimbursement program?

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

8 If you have got your agendas in front of you,  
9 it should be dated December 21st, 2012. We have two  
10 facilities.

11 MR. WELLES: Mike, I forgot. We should  
12 introduce ourselves. Bill Welles from Buffalo  
13 representing agriculture.

14 MR. APPELEGATE: Dave Applegate from  
15 Casper representing industry.

16 MS. BEDESSEM: Marge Bedessem from  
17 Laramie representing the general public.

18 MR. WELLES: Lorie, go ahead.

19 MS. CAHN: Lorie Cahn from Jackson  
20 representing the public at large.

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

23 MR. WELLES: Okay. Thank you all and  
24 welcome again to our meeting.

25 Go ahead, Mike.

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

2 Again, to reiterate, the agenda that I'm using  
3 for this one is dated September 21st, 2012. Basically  
4 have reimbursements for two facilities, Step 1 and Step  
5 2 for both. We have the old Rock Springs landfill which  
6 we had to table last time because we didn't have a  
7 majority due to recusals and absences. And then we have  
8 an additional one for the Thermopolis landfill for  
9 additional work, Steps 1B and 2B.

10 As per what we have done previously, if you  
11 would like to just lump them all together as one unit,  
12 we can do that.

13 Does anybody have any questions over my  
14 comments on either of the reimbursements for these two  
15 facilities?

16 MS. CAHN: I would like to take the old  
17 Rock Springs landfill separately and the -- yeah, A and  
18 C on the agenda separately.

19 MR. JENNINGS: Mr. Chairman, if that's  
20 okay, would you like for me to proceed with the  
21 Thermopolis landfill, then, first?

22 MR. WELLES: That's fine.

23 MR. JENNINGS: Okay. We'll do that.

24 At any rate, does anybody have any questions  
25 over the reimbursement recommendations for Thermopolis,

1 Steps 1B and 2B?

2 (No response.)

3 MR. WELLES: No questions.

4 MR. JENNINGS: Okay. Would anyone like  
5 to present a motion?

6 MS. BEDESSEM: I would like to motion  
7 that we approve the recommendation, DEQ recommendation  
8 for 1,397.81 for Thermopolis B and 42,567 for  
9 Thermopolis B.

10 MR. APPLGATE: I'll second the motion.

11 MR. WELLES: We have a motion and a  
12 second. Do we have any other comments?

13 (No response.)

14 MR. WELLES: All those in favor of  
15 approving the Thermopolis landfill 1B and 2B please say  
16 aye.

17 MR. APPLGATE: Aye.

18 MS. BEDESSEM: Aye.

19 MR. WELLES: Speak up.

20 MR. SUGANO: Aye.

21 MS. CAHN: Aye.

22 MR. WELLES: Opposed?

23 (No response.)

24 MR. WELLES: Hearing none, that passes  
25 for Thermopolis landfill 1B and 2B.

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

2 The second one on the agenda is for the old  
3 Rock Springs landfill, which was brought up at our  
4 previous meeting. We have a reimbursement  
5 recommendation for Step 1, which is work plan  
6 development, and Step 2, field work. Does anybody have  
7 any questions on my reimbursement recommendation for old  
8 Rock Springs?

9 MR. WELLES: Lorie, did you have  
10 questions about this?

11 MS. CAHN: No.

12 MR. WELLES: You just wanted to do it  
13 separately. Okay.

14 MS. CAHN: I just wanted to separate it  
15 out because Trihydro was the consultant.

16 MS. BEDESSEM: And also Glenn Sugano I  
17 think also has to recuse on this one.

18 MR. JENNINGS: Right.

19 MR. WELLES: Okay. We'll proceed.  
20 Could we have a motion then?

21 MR. APPLGATE: I'll make a motion that  
22 we approve Work Step 1 for the old Rock Springs landfill  
23 in the amount of 2770.70 and that we also approve Work  
24 Step 2 for the old Rock Springs landfill in the amount  
25 of \$56,783.02.

1 MR. WELLES: All those in favor, please  
2 say aye.

3 MR. APPELGATE: I need a second.

4 MR. WELLES: I'm sorry. We need a  
5 second.

6 MS. CAHN: I'll second.

7 MR. WELLES: Okay. Lorie seconds.  
8 Thank you.

9 All of those in favor, please say aye.

10 MR. APPELGATE: Aye.

11 MR. WELLES: Aye.

12 MS. CAHN: Aye.

13 MR. WELLES: And it's understood that  
14 Marge and Glenn have to recuse themselves. Is that  
15 correct?

16 MS. BEDESSEM: Correct.

17 MR. JENNINGS: Very good.

18 MR. WELLES: Okay. So that's approved  
19 for the old Rock Springs landfill, Work Step 1 and 2.

20 MS. BEDESSEM: Mike, I just have one  
21 general comment. Speak louder. And we have been doing  
22 these a long time. You have been doing a great job at  
23 it.

24 There is one thing about language that's  
25 probably bothered me for about a year or so or maybe

1 more, and just decided to mention it because it was --  
2 you know, I probably have consultant sensibility, but it  
3 has to do with the fact that, you know, different  
4 consultants bill different ways with respect to vehicles  
5 and mileage and so on and so forth. And so when we  
6 reduce a lot of these because we have a guidance that  
7 says this is the way we reimburse, that's all  
8 appropriate, but then the comments from the agency are,  
9 reduced due to excessive vehicle mileage rate when it's  
10 really not necessarily excessive. It just means  
11 different than what's in the guidance.

12           And so my preference would be your comments  
13 would be considerate of that and be along the lines of  
14 reduced due to mileage -- vehicle mileage rate above  
15 guidelines. Okay? Then you're not making a judgment,  
16 because, as I said, consultants charge all sorts of  
17 different ways. We're not necessarily excessive, but we  
18 have a standard that we're using for this program, which  
19 is all fine and good. And so I think we need to make  
20 those comments in relation to that standard.

21           So, that's my request.

22           MR. JENNINGS: Mr. Chairman.

23           Marge, your point is well taken, and I put it  
24 that way because it was accurate. I certainly didn't  
25 mean anything --

1 MS. BEDESSEM: Right.

2 MR. JENNINGS: -- other than that. But  
3 I understand your concerns --

4 MS. BEDESSEM: Just a kinder --

5 MR. JENNINGS: -- about that.

6 MS. BEDESSEM: A kinder, gentler way.

7 MR. JENNINGS: I can certainly soften it  
8 up. That's not a problem with that.

9 MS. BEDESSEM: Thank you.

10 MR. JENNINGS: I've always pointed out  
11 to our clients that consultants can charge what they  
12 charge --

13 MS. BEDESSEM: Right.

14 MR. JENNINGS: -- restricted by our  
15 guidelines as far as what we can reimburse  
16 on. But point well taken. I'll see if we can't soften  
17 that up for the future.

18 MS. BEDESSEM: Okay. All right. Thank  
19 you.

20 MR. JENNINGS: Mr. Chairman, I'm  
21 finished with the reimbursement part of our agenda  
22 today. And I would like to mention, again, you should  
23 have copies of the reimbursement spreadsheets, the cost  
24 spreadsheets on that, and I'll just need signatures and  
25 amounts on those before the conclusion today, which

1 would be great.

2           If you want to have a brief break so Bob can  
3 get ready for this presentation, that will be fine, or  
4 we can just walk right into it, whichever you would  
5 prefer.

6           MR. WELLES: Bob, if you're ready.

7           MR. DOCTOR: I'm ready.

8           MR. WELLES: Thank you very much, Mike.

9           MR. JENNINGS: You're welcome.

10          MR. DOCTOR: Nice try. If I've got to  
11 sit here, you've got to sit here.

12          Lorie, I'll try to use this mike so you can  
13 hear. I know that was a problem last time.

14          If it's all right, Mr. Chairman, I think I  
15 should explain to you. It sounds like what I have done  
16 is a little bit different from what you're used to  
17 seeing. I'd like to explain what I did and why I did it  
18 this way, if that would be all right.

19          MR. WELLES: Please.

20          MR. DOCTOR: What I did was took all the  
21 comments that we received in writing and some in email.  
22 I scanned those all in and blocked and copied them  
23 verbatim into this response memo, and then I numbered  
24 them all and prepared a response for each one. Some  
25 were related, so I tried to cross-reference back and

1   forth the comments so that the related comments, you  
2   could see where that was.

3               I also then went through the transcripts from  
4   the previous board meeting and summarized the  
5   discussions we had there. Some of them rambled a bit.  
6   I hope I captured the intent of what the board wanted to  
7   do there.

8               I first started to do this by making changes  
9   to the rule, but in a lot of cases I was changing what I  
10   already changed and I couldn't figure a good way to do  
11   redline over the top of redline.

12              So what I did, an example of that is probably  
13   right here on page 2 of this memo. I blocked and copied  
14   what you saw in the previous proposed rule change into  
15   here. It's all black. And then changes I made to what  
16   you saw previously are in redline and strikeout.

17              So, what you're seeing here is changes made in  
18   response to comments. When you see redline here, for  
19   example, the exemption language on construction/  
20   demolition and traditional recycling facilities for low-  
21   volume environmental hazard, I broke those out into two  
22   separate categories.

23              So, in the first example, I excepted  
24   construction/demolition waste landfills from this  
25   initial recycling facility definition and then put an

1 entirely separate section in the rules. So what you see  
2 there is different in the changes made to what you saw  
3 and commented on previously. I hope -- I guess we'll  
4 try this -- that this prevents us having to go through  
5 this thick stack of rules page by page by page, although  
6 there may be some instances where we do have to go back  
7 and look at this.

8           So that's what I did and kind of why I did  
9 it. I think that's the basic logistics. My intention,  
10 then, is, if you comment on these things and you want me  
11 to change words here and there, I can make those notes  
12 now, change them in my text and then copy that right  
13 into the rule and replace what I had in there previously  
14 with whatever revisions we come up with today.  
15 Otherwise, I was going to be in changing rules four or  
16 five times and it was getting really messy, because what  
17 I have to present to the Environmental Quality Council  
18 is the difference between what I had to start with and  
19 what I'm actually moving forward with.

20           And Carl, you may correct me if I'm wrong. We  
21 believe that probably the Environmental Quality Council  
22 will also see this response to comments. It will be  
23 part of that process as well. So when we go to them, my  
24 understanding, they'll get, here is where we started,  
25 here is where we are now and here is all the in-between

1 stuff. So knock wood this will work.

2 MR. WELLES: Do we have any questions?

3 MS. BEDESSEM: Well, I have a suggestion  
4 for the future. It's great -- I mean, this response to  
5 comments is great as far as what's being proposed, and I  
6 do realize that in this particular situation you're kind  
7 of under the gun trying to get these done and off  
8 because there's going to be a change of board members  
9 and so we want to get this done, you know, prior to  
10 October 1st. So I understand that's, you know, some of  
11 the reasons for this format.

12 MS. CAHN: Marge, can you please talk  
13 into the microphone more? It's so hard to hear you. I  
14 can hear Bill really well and Dave and Marge I cannot  
15 hear. Thank you.

16 MS. BEDESSEM: What I was saying, Lorie,  
17 was that this format is probably particularly  
18 appropriate for this situation where we're kind of under  
19 the gun trying to get this done in a short amount of  
20 time to move forward. And I like, you know, the changes  
21 in the response to comments, but I think, you know,  
22 you're going to start on a whole bunch of, you know,  
23 rulemaking and that this is not what we, you know,  
24 typically do. I mean, we typically have a response to  
25 comments, yes, that addresses this, but rather than --

1 you said you had a little quandary with how to change  
2 changes.

3           What you would do, what my suggestion is, so,  
4 for example, we got, you know, a redline and strikeout  
5 and you're going to change what you previously did, was  
6 to just give us a replacement page with revision date on  
7 top just like you do for permits. Okay? And it will be  
8 your new redline/strikeout. You don't have to correct  
9 the, you know, previous redline/strikeout. Just take  
10 that page and do the current one. Okay?

11           Doesn't matter what was in the media. Okay.  
12 You can describe what was in the media in response to  
13 comments, but just give us a replacement page so that we  
14 actually have a redline/strikeout document that we can  
15 say we approve and move forward. That's what's typical  
16 with the Administrative Procedures Act.

17           So that's just a suggestion that doesn't put  
18 you in that position of have to try to fix, you know --  
19 like to track comments and, you know, on a document,  
20 just -- you know, because, really, with all this that  
21 you have done, maybe you only have, you know, ten pages  
22 that actually had to have changes on them in the rules,  
23 and just give us new ones. Okay?

24           MR. DOCTOR: Thank you.

25           MS. BEDESSEM: For the next time I'd

1 like --

2 MR. DOCTOR: I appreciate that.  
3 Thanks. This was kind of my first crack at this as  
4 well, and I was trying to think of the best way so that  
5 you guys understood what I did and didn't want to have  
6 anything buried that was very difficult for me to  
7 explain and I didn't want to hide any changes somewhere  
8 in page 43.

9 MS. BEDESSEM: No. This is good. I'm  
10 just saying in addition so that -- so we actually have a  
11 document that moves forward instead of moving forward  
12 stuff that's, you know, responsive comments.

13 MR. DOCTOR: Thank you. Mr. Chairman.  
14 And I'll keep that in mind for next time out of the  
15 gate, because we'll be back.

16 MR. WELLES: Dave, go ahead.

17 MR. APPLEGATE: I have a response to  
18 that as well.

19 Can you hear me, Lorie? I'm talking right  
20 into the mike.

21 MS. BEDESSEM: She said yes.

22 MR. APPLEGATE: Yeah. I agree, and I  
23 guess the section I would -- Carl is on the phone,  
24 right? Is Carl with us today?

25 MR. WELLES: I believe Carl is in

1 Cheyenne.

2 MS. BEDESSEM: Carl is in Cheyenne.

3 MR. APPLGATE: I guess I would suggest  
4 that it seems like we get someone new in the department  
5 who is doing the rules and they're like, I am doing this  
6 for the first time. I understand that. But the  
7 department is not doing the rules for the first time.

8 So I guess my suggestion to Carl is to work  
9 with John and come up with a simple one-page set of  
10 directions for people that are doing rulemaking, because  
11 this isn't the first time that we had this discussion  
12 where someone has said, "All right. This is a little  
13 different than what we've seen before." It seems to me  
14 we should be able to get this figured out.

15 I have been on the board for four years.  
16 Every time we get rulemaking, it seems like we get stuff  
17 a little bit differently, and I find it a little bit  
18 frustrating.

19 MR. DOCTOR: Thank you.

20 MR. APPLGATE: So I guess my suggestion  
21 is, let's come up with a way of doing it, communicate,  
22 because we had the same issue with like notices. You  
23 know what I mean? We did notices and it's like, that's  
24 not how we did it and we haven't done it before. Well,  
25 we've done lots of notices. It's just that the people

1 who are doing it for that particular rulemaking hadn't  
2 done it before. So that's an issue on public comments.

3           So my suggestion is we put together some  
4 directions that can be followed so all of this stuff  
5 comes before us in a format that's the same and  
6 consistent.

7           MR. DOCTOR: Mr. Chairman.

8           I've got to say thanks, because that would  
9 help me out, too. We do have a very extensive  
10 spreadsheet that seems to be adjusted a lot for the  
11 formal rule change process because it is such a  
12 nightmare, but to my knowledge, we don't have any  
13 guidance memo that we work together with you guys on to  
14 help us through the advisory board rulemaking process.  
15 I mean, there is some general requirements in the public  
16 procedures act and things like that, but your  
17 preferences for how you want to see things are nowhere  
18 that I know of.

19           So I thank you for your comments, and I think  
20 maybe that will be something for one of our future  
21 boards to help us on is to come up with a flow chart or  
22 a rulemaking document so we're all on the same page with  
23 you and I think share that with our folks in Water  
24 Quality who also are coming to you guys.

25           MR. APPLGATE: I don't want to

1 volunteer anyone, but I know the person on our board who  
2 would be most capable in this area is in Jackson. And,  
3 Lorie, I'm not, again, volunteering you, but maybe it's  
4 something you could think about, because you have the  
5 most experience on the board. I know you helped us  
6 previously on an issue regarding notices.

7           Anyway, just something to think about.

8           MR. ANDERSON: Mr. Chairman.

9           This is Carl. The points from Mr. Applegate  
10 and from Ms. Bedessem are well taken. We do have an  
11 internal working group that includes all of the DEQ  
12 divisions that sort of work on, you know, rulemaking  
13 procedures, ensure that whoever is doing rulemaking  
14 conforms with, you know, whatever the requirements are  
15 under the APA.

16           I'm not exactly certain, you know, how far  
17 that group looks at what goes on with forms, because,  
18 you know, individual divisions have different boards  
19 that they go to.

20           So, you know, we could check and see how that  
21 internal working group addresses, you know, the  
22 division's interactions with boards and whether or not  
23 they're addressing that, if they want to address that or  
24 whether they would leave it up to the individual  
25 divisions to work with their boards on coming up with

1 some standard protocols.

2 MS. CAHN: I have a suggestion for Bob.  
3 I would suggest that when you do this memorandum, that  
4 for each comment that you say exactly where the comment  
5 came from and whether it came from the redline/  
6 strikeout pages or the un-redline/strikeout, you know,  
7 the clean copy of the proposed rule, because I had a  
8 hard time sometimes going through the response to  
9 comments to know where it was that you were -- where the  
10 comments -- what the comments pertain to.

11 MR. DOCTOR: Mr. Chairman.

12 I see what you're saying. Took me a second.  
13 But most of the comments referred to the redline version  
14 of the rule. In fact, I think all of them did rather  
15 than the clean copy. But, yeah, it would have been a  
16 good idea to point that out, because you have got a  
17 couple different versions in front of you. I'll bet  
18 that was fun. Sorry.

19 Thank you, Lorie.

20 MR. WELLES: Glenn, do you have any  
21 comments? Glenn, are you still with us?

22 MR. SUGANO: No comments, Bill.

23 MR. WELLES: Okay. Thank you. Just  
24 checking on you.

25 Bob, do you want to continue then?

1                   MR. DOCTOR: I'm ready to go. Mr.  
2 Chairman, if you want to just go through this response  
3 and let me know what you think and what you want me to  
4 fix or change. Is that -- however you guys want to move  
5 forward, or if you just want to say, we're done, let's  
6 go have lunch. I wasn't expecting that.

7                   MR. WELLES: So do you want us to just  
8 go through --

9                   MR. DOCTOR: If you would like to do it  
10 that way, that would be great. And then I can go  
11 through page by page and answer questions and make any  
12 changes you guys think we need to be making here.

13                   MR. WELLES: Okay. Let's do it that  
14 way.

15                   Before we start, though, one housekeeping  
16 point of business that I failed to do. We have two  
17 members of the public here in Casper. Do we have any  
18 other members of the public around the state?

19                   This is an open meeting to the public and  
20 we're glad that you have come. If you have any  
21 questions or any comments at any time, please come  
22 forward.

23                   (No response.)

24                   MR. WELLES: I guess we don't have  
25 anybody else around the state. So, Bob, why don't you

1 continue.

2 MR. DOCTOR: Thank you.

3 The first group of comments were the ones  
4 received from the Wyoming Solid Waste Recycling  
5 Association and the City of Casper jointly. I just went  
6 through all of those and responded to each of them.  
7 Some of them were similar to the comments that were  
8 presented to us verbally at your last meeting. And so  
9 there are some repeated later on in the summary of the  
10 transcripts from that meeting.

11 I don't know if I need to go through one by  
12 one or if you would all like to go through here and let  
13 me know if there is a question about any of these in  
14 particular. Whatever works for you.

15 MR. WELLES: I think it would probably  
16 be better if there were specific comments from board  
17 members as we go through page by page. Does that meet  
18 with everyone? Is that going to work?

19 MR. DOCTOR: We'll just flip through  
20 here. And I'm not hearing anything on page 1.

21 MS. BEDESSEM: Well, I have a question.  
22 So, in response to the first comment, you said that you  
23 agree that some guidance regarding clarifying the  
24 definition of aquifer might be appropriate.

25 I'm used to seeing guidance documents from

1 your office that are, you know, like guidance number 1  
2 on a major topic and it's, you know, like a five-page or  
3 two-page guidance. Is this just to clarify -- I mean,  
4 is this like a one-page thing defining -- you know,  
5 clarifying the definition of aquifer or are you  
6 envisioning a guidance that, you know, that is sort of  
7 like frequently asked questions about -- you know, about  
8 a number of your definitions that people often ask  
9 about? Or what did you have in mind I guess is what I'm  
10 asking.

11 MR. DOCTOR: Mr. Chairman.

12 I think -- and Carl referred to this at our  
13 last meeting -- that we have a group from various  
14 divisions in DEQ that are working on a similar effort,  
15 which is the definition of groundwater, which, as you  
16 know, is different for a municipal landfill than it is  
17 for anything else and the same thing with this aquifer  
18 definition.

19 So, what we have been thinking we need to do  
20 is get together with other parts of DEQ and even other  
21 agencies in the state who work on things like this, like  
22 the State Engineer's Office who is working on how to --  
23 on aquifers and what kind of wells, and then put that in  
24 the form of a solid waste guideline. But this has a  
25 potential to affect a broad spectrum of what we do in

1 the Department of Environmental Quality and maybe some  
2 agencies outside the DEQ.

3           So we think the best way to go about that is  
4 to work together with them like we are in groundwater  
5 and come up with a guidance document that we can then  
6 work out as a group.

7           So, Carl, correct me if I'm wrong. But we  
8 envision this and the same thing on the groundwater  
9 being a guidance document like our other guidelines in  
10 solid waste.

11           MS. BEDESSEM: If that guidance would  
12 explain how it might differ than, you know, a similar  
13 titled definition of other agencies, I'm sure that would  
14 be very helpful for people. So thank you for  
15 elaborating.

16           MR. DOCTOR: Thank you. And that is a  
17 concern because some -- I mean, we have provisions in  
18 the act for somewhat differing things in differing  
19 programs based on the type of waste we're managing and  
20 the situation. So we need to make sure we point that  
21 out. Sometimes some of the rules in DEQ that apply in  
22 one program are expected to apply somewhere else, and  
23 they often don't fit.

24           MS. BEDESSEM: Thank you.

25           MR. DOCTOR: Shall we go to page 2?

1 Thank you.

2 MS. CAHN: Bob -- go ahead, Carl.

3 MR. ANDERSON: Thank you, Lorie.

4 Mr. Chairman. I just also would point out to  
5 add on to Bob's comment that our definition for aquifer  
6 includes a yield component, and being able to determine  
7 yield from a monitoring well may be different than  
8 determining yield from the entire aquifer. So, I think  
9 clearly we're going to need some guidance to provide  
10 some information to landfill operators with respect to  
11 how do you go about, you know, making a determination  
12 about what the yield is for a specific aquifer.

13 MS. BEDESSEM: Thank you.

14 MS. CAHN: I have a few questions. One  
15 question is, in the memorandum, you often talk about  
16 keeping comments in mind for the next rule change. And  
17 I'm just curious what you envision that rule change, the  
18 next one to be.

19 MR. DOCTOR: Thank you. Mr. Chairman.

20 We know that -- well, we have some pending  
21 legislation that I can kind of give you some information  
22 about when we're done. I would think that we  
23 probably -- well, first we want to finish this rule  
24 change, and when this one is done, I hope before the  
25 legislative session finishes up, that we will probably

1 want to see what comes out of this legislation. There  
2 is a potential that some of this legislation is going to  
3 require changes on to our rules, and it would be nice if  
4 we could do it all in one fell swoop.

5           So I would think we'll probably be starting,  
6 Lorie, hopefully sometime after the legislative session  
7 ends and we see what we may have to be doing as a result  
8 of that. And also, being a novice to the formal  
9 rulemaking process, which looks awful frightening to me,  
10 I'm not sure how long that will take. It might go very  
11 smooth thanks to all your work here. It may take  
12 longer.

13           And Carl, I don't know if you have a  
14 prediction maybe.

15                   MR. ANDERSON: On the time frame for the  
16 formal rulemaking?

17                   MR. DOCTOR: Yeah.

18                   MR. ANDERSON: It's hard to predict. It  
19 will be dependent on, you know, the kind of comments  
20 that we get on the rule and just the council's  
21 perspective on the proposed changes. So it's a little  
22 bit hard to predict how long it will take before the  
23 council.

24                   MR. DOCTOR: Mr. Chairman.

25                   Along those lines also, I believe now that we

1 have had this meeting, what I would like to do with your  
2 concurrence, I guess, is I would like to personally  
3 contact everyone that commented and let -- and basically  
4 and probably provide them, of course, a copy of this and  
5 let them know that we appreciate the comments and  
6 that -- and I do fully intend to keep those things in  
7 mind as we start our next rule change. And some of  
8 those people may wish they hadn't commented, because we  
9 may be asking them to help us with the rule change  
10 process in more of a collaborative way, because there is  
11 some very good suggestions that I would like to hear  
12 more about, and some of the people that have made those  
13 suggestions are sitting in this room.

14 MR. WELLES: Well, and that's why we  
15 have -- that's why this is a public meeting and that's  
16 why we're asking the public to comment.

17 MR. DOCTOR: Yes, sir. And I want to  
18 make it clear that when I said we will consider these  
19 comments, I fully intend to do so.

20 Thank you.

21 MR. WELLES: Okay.

22 MS. CAHN: My second question was, what  
23 are you expecting to get out -- or what are you hoping  
24 to get out of the board today?

25 MR. DOCTOR: Mr. Chairman.

1                   If I may be so bold, that I hope as you go  
2 through here and with some suggestions or however the  
3 recommendations for other things, recommend that we move  
4 forward with the formal rule change. Plus, I'm hoping,  
5 you know, if you have other opinions on some of these  
6 things, I appreciate that.

7                   MS. CAHN: And so if you could specify  
8 what you mean by going forward with the formal rule  
9 change. So then you would type up new rules based on  
10 proposed rules based on the input you get today and then  
11 those would go to the EQC and be out for public comments  
12 again? Or what's the next step? That's what I'm trying  
13 to understand.

14                   MR. DOCTOR: Mr. Chairman. That's the  
15 next step is I will incorporate the recommendations into  
16 a formal rule change, and then this will start all over  
17 again.

18                   MS. CAHN: But start all over again,  
19 come before water -- our board or just go to EQC?

20                   MR. DOCTOR: Just to the EQC, if you  
21 guys recommend that we do that.

22                   MR. WELLES: So, Lorie, it's my  
23 understanding, and that was a good question because I  
24 was going to ask it, too, but we will vote today as a  
25 board as to whether we want to see this move forward in

1 its present state or with specific changes that we  
2 suggest. Is that correct?

3 MR. DOCTOR: Yes, sir.

4 MR. APPELATE: And again, I guess I  
5 just -- it's not that I'm unwilling to do that, but my  
6 concern is we're going to be doing that without looking  
7 at the rule, because we have a different format today  
8 and we don't have the rules in front of us. What we  
9 have is a response to comments.

10 So, coming back to the earlier comment that  
11 because we're doing this via a different process than we  
12 normally have, we would be approving a set of rules that  
13 we never really see.

14 MR. DOCTOR: It's entirely up to doing  
15 what you guys -- how you want to move forward. I can go  
16 back and put all these changes in the rule and we can do  
17 this again. But the concern, as Marge mentioned, was so  
18 many of you are going off the board and the time that I  
19 have had taken away from doing this because of  
20 legislation and other matters, there just wasn't time to  
21 get that all together in time for this meeting. So I  
22 was hoping this my might work. But if not, that's  
23 fine. We can go back and I can give you these changes  
24 in the actual rules where you can see. That wouldn't be  
25 a problem. It will just take a little longer. I wasn't

1 sure how long it would take to get us new board members  
2 involved.

3 MR. APPLGATE: Again, I'm not  
4 proposing. I'm just expressing my frustration with the  
5 format as it is. So I am just putting that on the  
6 record.

7 I would be okay with approving it today given  
8 the constraints you have mentioned, but ultimately I  
9 don't think that's the type of due diligence that's  
10 expected from this board. I think we're supposed to  
11 look at the rule as it's composed in the format it is  
12 going to go forward to DEQ.

13 MR. WELLES: And I would concur. I  
14 think technically that's what's expected of this board.  
15 And Lorie and Glenn, with your vast experience, I would  
16 like your comment on that also.

17 MS. CAHN: Well, I would say this is a  
18 pretty unusual thing we have been asked to do, and I  
19 guess I'll reserve comments on whether I'm comfortable  
20 moving forward till after the board's discussion  
21 concludes and before we vote.

22 So, I'm withholding judgment at this point.  
23 But this is kind of an unusual process not -- as Dave  
24 said, not having the language in, you know, a whole page  
25 change or something where we can see it more easily in

1 front of us.

2           So, I think we need to wait and see what the  
3 tenor of the discussion is, and then we'll talk about it  
4 as a board after that discussion is over with.

5           MR. SUGANO: Mr. Chairman. This is  
6 Glenn.

7           I think we owe the DEQ a little leeway on this  
8 because of the short time frame that's in front of us  
9 right now. So, I know it's a little unusual and not  
10 following some of our past practices, but I'm willing  
11 to -- I'm willing to go through these comments, and  
12 unless there is something real glaring, I don't think  
13 I'll have any real major changes to make. But I would  
14 ask Bob Doctor to just kind of put it in a better format  
15 for the next round of hearings that he sets up for us.

16           MR. DOCTOR: Thank you.

17           MR. WELLES: Okay. Thank you for your  
18 comments. And we'll take that under advisement.

19           Bob, why don't you continue and --

20           MR. DOCTOR: I will.

21           MR. WELLES: -- we'll work our way  
22 through this.

23           MR. DOCTOR: Page 2 I think we talked  
24 about a little bit. This is a direct response to the  
25 previous proposal that had lumped construction/

1 demolition recycling facilities in with recycling  
2 facilities for more common commodities and things. So  
3 what I did was break this into two separate categories  
4 so we have a category for things we have always had in  
5 our recycling facilities and then a separate category  
6 broken out for construction/demolition waste recycling  
7 facilities.

8           We have at least one in particular. We have a  
9 facility coming in now that is getting a full Chapter 6  
10 permit specifically to recycle construction/demolition  
11 debris. And this was in response to comments primarily  
12 from WSWRA and the City of Casper.

13           I should mention to our transcriptionist WSWRA  
14 is W-S-W-R-A. It's the Wyoming Solid Waste and  
15 Recycling Association.

16           And so, there two places where this comes into  
17 play. One is in our exemptions and one is in the low  
18 volume/low hazard specification. And the primary change  
19 here is that for a low volume/low hazard facility, one  
20 of the main thrusts of the comment was, those things  
21 probably shouldn't be laying out on the ground somewhere  
22 because a low volume/low hazard permit does not require  
23 the storm water management controls that a full permit  
24 would.

25           So the proposal in this rule change would be,

1 if you're a low volume/low hazard facility storing waste  
2 outside, that waste needs to be in a container in order  
3 to address that issue of surface water and storm water  
4 management.

5 Do you have anything else or any comments or  
6 suggestions on those two?

7 MS. BEDESSEM: Bob, you might have to  
8 help me on this one, because I found this confusing  
9 because I kept thinking of other scenarios wondering  
10 whether this applied to them or not or whether we're all  
11 of a sudden regulating things that we don't -- hadn't  
12 regulated before. Like, I mean, what goes on with, you  
13 know, like WYDOT, you know, taking construction  
14 materials and stockpiling it, you know, so when they  
15 crush to be used in a construction project? How does --  
16 where does that fit in here?

17 MR. DOCTOR: Mr. Chairman.

18 When WYDOT is working on a road construction,  
19 we have never been involved in that process with them  
20 using that -- grinding that material, reusing it as part  
21 of their thing. This goes to a fixed permitted facility  
22 that brings in construction/demolition waste and manages  
23 that at a fixed facility, crushing concrete, pulling out  
24 shingles, taking out drywall, separating metal --

25 MS. BEDESSEM: So this is for a

1 commercial facility.

2 MR. DOCTOR: -- that type of -- this is  
3 a commercial facility that does that work.

4 MS. BEDESSEM: Okay. So it's only for  
5 commercial facilities.

6 MR. DOCTOR: Only for commercial, yeah.

7 MS. BEDESSEM: So when the university  
8 does that sort of thing, none of that will end up in --

9 MR. DOCTOR: We've never been a part of  
10 that. We have not gone --

11 MS. BEDESSEM: I mean, I know you never  
12 have been. I just wanted to make sure that somehow the  
13 new language wasn't going to somehow have to when they  
14 have never been looked at before. I just wanted to make  
15 sure that they weren't going to accidentally captured in  
16 this phrasing.

17 MR. DOCTOR: The next change, I guess,  
18 then, if we're moving on would be on page 3, on to page  
19 4. We have a lot of issues with the word nonputrescible  
20 in that many of the things that we would consider green  
21 waste are putrescible. So, based on the comments, you  
22 can see the changes made there. With the provision that  
23 gives us a little leeway in case somebody proposes  
24 something unusual, we can go ahead and allow that. And  
25 related to this, later on we talked about being able to

1 compost manure with green waste, which is a very common  
2 practice.

3           So what we've done is make it clear later in  
4 the composting part that green waste and manure may be  
5 composted at the low volume and exempt facilities to  
6 address that issue directly in the compost part rather  
7 than try and monkey around with the definition of green  
8 waste, which is pretty excessive.

9           I went on line and looked at a bunch of  
10 different states and EPA, at their definitions of green  
11 waste and tried to tailor this one to match what's  
12 common practice.

13           So unless there is any comments or change  
14 there. And the changes -- and of course, the green  
15 waste is a new definition completely to the rules. So  
16 the things in red here, again, are changes to what you  
17 previously saw.

18           The other things here, maybe direct comments,  
19 there were some comments about lead acid batteries in  
20 numerous places. I got on the phone and visited with  
21 specifically Hensley Tire and Battery here in Casper --  
22 they're one of our bigger automotive battery recycling  
23 facilities -- and talked with him about quantities of  
24 batteries and how many he handles, how he manages them,  
25 that type of thing, and got a good feel for that. And

1 that's where some of this information about, he said  
2 roughly 66 automotive batteries will fit on a pallet,  
3 how they manage them, wrap them and prepare them for  
4 shipment, that type of stuff. And he was very  
5 informative. And I think some of the rest of the stuff  
6 like the regulation of auto salvage yards, that I made  
7 some changes in response to comment and reduced the  
8 volumes of those in the proposed change. And then I  
9 kind of deferred some of the more detailed discussion  
10 about the regulation of auto salvage yards and whether  
11 or not we should be permitting them to the next rule  
12 change.

13           We may need to gather a little more  
14 information from our inspectors on how well those  
15 facilities are actually being operated based on the  
16 results of their inspections.

17           So that's kind of a summary of several places  
18 in here where there was some discussion of lead acid  
19 batteries, and that's my basis for the changes we made  
20 here. That was trying to summarize some fairly long  
21 comments in here.

22           MR. WELLES: Bob, I have one specific  
23 question on that issue. I know up in Johnson County the  
24 Lake DeSmet Conservation District has a one-time,  
25 one-day turn in for all household waste, E waste,

1 batteries, tires, oil, paint, all that kind of stuff.  
2 Now, would this actually affect -- would they have to  
3 get a permit to do that --

4 MR. DOCTOR: No.

5 MR. WELLES: -- as opposed to --

6 MR. DOCTOR: Mr. Chairman. That very  
7 question is why we added to our rule provisions for  
8 annual household hazardous waste collection days,  
9 semiannual, because they have been going on forever  
10 around the state.

11 MR. WELLES: Right.

12 MR. DOCTOR: But our rule never  
13 specifically addressed does need that a permit. And in  
14 the rule change take we presented to you, it would not.

15 MR. WELLES: Okay.

16 MR. DOCTOR: And then that was a  
17 question that I have always had myself. We need to  
18 clarify that.

19 MR. WELLES: Yeah. Because they  
20 contract with I think it's called Clean Harbors and they  
21 pay for it. And it allows the community, and I have  
22 actually done volunteer work there for years because I  
23 used to be on that board, and unbelievable the amount of  
24 stuff that comes in in one day. I mean, at the end of  
25 the day, you're absolutely exhausted.

1                   MR. DOCTOR: Yeah. I'm sure, Mr.  
2 Chairman, there are a few surprises also.

3                   MR. WELLES: Oh, yeah. We have had some  
4 very strange stuff show up.

5                   MR. DOCTOR: We've seen jars of mercury,  
6 things like that --

7                   MR. WELLES: I have, too.

8                   MR. DOCTOR: -- that show up. And then,  
9 of course, we get little phone calls about what to do  
10 with that stuff.

11                   MR. WELLES: Yeah.

12                   MR. DOCTOR: I'm sure that others around  
13 here have had the same experience. But the rule does  
14 make it clear now, which it never had before, that these  
15 things are acceptable and don't need a permit.

16                   MR. WELLES: Okay. Thank you.

17                   MR. DOCTOR: Definitely something we  
18 want to encourage.

19                   I guess if we go on to page 5, there is more  
20 discussion again of the volumes of waste being recycled,  
21 and there is responses to that. And part of this is  
22 tied to the definition of a commercial facility, which  
23 is that 500-ton-per-day limit in statute. And part of  
24 these requirements in the rule is done in consideration  
25 of the potential for the state of Wyoming and we have

1 had discussions with a material recovery facility that  
2 was interested in maybe putting in a facility in  
3 Cheyenne.

4           And so, keeping that in mind and the ability  
5 and the benefits to recycling in the state of Wyoming  
6 for a facility like that was the basis for some of the  
7 limits for a low volume/low hazard recycling facility in  
8 here.

9           I don't know if there is anything else I need  
10 to -- I guess the comments kind of in response speak for  
11 themselves.

12           Again, on the bottom of page 5 -- I think we  
13 talked about this already -- was that we need to do a  
14 little more research on the auto salvage yard issue and  
15 see some reinspection reports and see what they're  
16 finding. You know, I think, as far as I know, our  
17 inspectors inspect these facilities, and if they see oil  
18 spills or batteries being improperly managed, they have  
19 the ability through their inspection compliance program  
20 to address those things.

21           On page 14, again, from the Solid Waste  
22 Recycling Association and the City of Casper --

23                   MR. WELLES: Page 6?

24                   MR. DOCTOR: On page, yeah, 6, comment  
25 9, there is discussion of the permit time lines and the

1 revisions to that. And that's mentioned elsewhere.

2           The City of Casper can speak well to this  
3 issue because they were some of the first ones that we  
4 worked with through this process. And it had been very  
5 successful, we think, and we have been using this. We  
6 call it the Kaizen process, but it's really -- we all  
7 sit down and talk about permit applications before they  
8 come in the door.

9           I don't know if there is anything in  
10 particular that's responsive along the lines of those  
11 things.

12           Also, the City of Casper mentioned on the  
13 bottom of page 6, comment 10, that we should be clear --  
14 and thank you for this -- that when we receive revisions  
15 and changes, they're clearly identified. And so in  
16 those instances where they recommended we add that  
17 sentence, we're proposing to do that. It's something we  
18 all do anyway, but sometimes that's forgotten, and we  
19 appreciate that. Saves a lot of head scratching on  
20 everybody's part.

21           I don't know if there is anything in  
22 particular in comment 11 that we would need to address,  
23 if there is any comments on that. What we are proposing  
24 is to add that language in. We'll see what happens when  
25 it goes to the attorney general's office, but this along

1 the lines of putting all the definitions in some  
2 statute, we're going to try it and see what happens.

3 When the AG's office --

4 MS. CAHN: I have a question --

5 MR. DOCTOR: Yes, please. I'm sorry.

6 MS. CAHN: I have a question on that,  
7 Bob. So, with the proposed addition of language, there  
8 is nothing in red. So why was this proposed language in  
9 black? I was confused reading through this.

10 MR. DOCTOR: I should have -- you're  
11 right. I should have made that in red. I just said  
12 this language will be added, and I didn't make it red.  
13 The entire -- that entire paragraph is new and will be  
14 added.

15 MR. WELLES: So where you say, response,  
16 add to the end of Section 3, paragraph --

17 MR. DOCTOR: (a)(i).

18 MR. WELLES: -- (a)(i), all of that  
19 should be red.

20 MR. DOCTOR: All of that in quotes  
21 should be read. That's all brand-new text that will be  
22 added to that location standard. I'm actually wondering  
23 why I didn't make that red when I copied that in there.

24 MS. CAHN: That actually happened quite  
25 a bit in these. So that's part of my confusion.

1                   MR. DOCTOR: Thank you. I'm sorry.  
2 What I did was I said we're going to add all this in and  
3 I didn't make it redline. But in cases where I have  
4 done that, the whole thing is new.

5                   Comment 12, we all have a long discussion on  
6 the construction ready and how we work all that stuff  
7 out. My notes indicated that in those discussions, we  
8 were going to change to the detailed design plan and  
9 then we added three years prior, which coincides with  
10 the statutory requirement that we receive permit  
11 renewals three years before there is an expiration of a  
12 permit. So that three-year number was out there.  
13 Again, this is not construction-ready plans but detailed  
14 design plans.

15                   MS. BEDESSEM: So, Bob, I'd like to  
16 continue to have discussion about this.

17                   I'm all great with changing construction ready  
18 to detailed design plans. I think that's a great and  
19 appropriate change. I still think we have a problem  
20 with the three year. Okay?

21                   There is numerous comments, you know, in this  
22 stack relating to that same issue. And, you know, there  
23 is lots of good responses within this document regarding  
24 that. One of them -- and it's related to some later  
25 comments that you sort of cross-reference here. One of

1 them says that, you know, when you're submitting  
2 detailed design plans for an engineered containment  
3 system, those design plans are either going to be in a  
4 lifetime permit application or a renewal. Okay. And if  
5 they're -- and there is other cases. But let's say  
6 there was a lifetime permit or a renewal. Then they're  
7 going to have to be in that statutory -- okay -- time  
8 limit that's associated with that lifetime permit or  
9 renewal. Doesn't need to be called out separately for  
10 these design plans. Okay.

11           When the design plans, because it's part of  
12 the renewal and there is a statutory requirement --  
13 okay. When they're outside of that realm and they're  
14 being submitted as an amendment -- okay -- I saw in this  
15 response to comments that you were going to add a  
16 section -- I don't know if it was in comment 90. I  
17 don't know. One of the later comments. You said you  
18 were going to add to this same part in section (k) Roman  
19 letter -- Roman numeral (vi) that engineered containment  
20 system design plans would, you know, typically be  
21 handled as a minor amendment unless, of course, there  
22 was something that made it qualify as a major  
23 amendment. Okay.

24           So in that case, if it's a minor amendment,  
25 for example, where the time is 60 days, why would

1 anybody have to submit that three years in advance? I  
2 guess what I'm asking is, why is there a time in here?  
3 Why do you need a time in here?

4 I guess I feel like operators if they know --  
5 they work with you to determine if their submittal is a  
6 minor amendment or a major amendment, then they're  
7 responsible for getting it to you in time enough to take  
8 care of their disposal needs -- okay? -- and that they  
9 don't have an extra three years in here that isn't  
10 related to statute and is more like trying to get them  
11 to plan ahead, which they should be doing without you  
12 having it in the rule, I guess, because now if somebody  
13 submitted it a year in advance, it was a minor  
14 amendment, you'd approved it, if they go to construction  
15 before three years, it sort of looks like they violated  
16 the rule. Okay.

17 I don't understand why you even have to tell  
18 them three years. I just don't think it's necessary. I  
19 think this section where you say construction-ready  
20 design plans, including but not limited to plans  
21 whatever, that you can wrap that into the sentence  
22 saying that those should be submitted, you know, when  
23 not in the permit renew -- the lifetime permit or  
24 renewal time period should be submitted as a minor  
25 amendment unless they qualify as a major amendment and

1 have -- because the issues for people for timing has  
2 more to do with how the process is going to work, and  
3 what the operators need to know and have clarified in  
4 the rule is how it's going to be reviewed, how it's  
5 going to be handled. And so this is good because since  
6 the last meeting we had where it wasn't really clear  
7 whether it was going to be in annual reports or it was  
8 going to be amendments, you defined that we're going to  
9 approach it, you know, dealing with this as an  
10 amendment.

11           So it's been a really good, fruitful  
12 discussion, but I think you need -- you know, you've  
13 made a suggested change to the language to share that  
14 with operators that this is how we're going to handle  
15 it, but I don't think you need to put another extra time  
16 thing in there that isn't necessarily relevant, because  
17 you already have a statutory limit. The others are  
18 something the operator should be able to figure out  
19 based on whether it's a minor or a major. That's my  
20 opinion.

21           MR. DOCTOR: Mr. Chairman.

22           Yeah, I should explain that. The reality is,  
23 they don't. We're getting stuff in at the last minute.  
24 We're getting pressure to approve designs that aren't  
25 good, and then -- and big pressure because their

1 landfill is full. They need SLIB grants and loans after  
2 we've approved their plans. Some designs will go back  
3 and forth for a year or two before they're technically  
4 adequate and appropriate, and the DEQ is being pushed  
5 into approving things that are not good because of that  
6 process. And that's why we said, give us something  
7 three years in advance. We're tired of this.

8 MS. BEDESSEM: Why don't you just  
9 have -- you have this policy. They have a Kaizen  
10 process. You have annual reports. You know -- you  
11 should know when they're going to be developing these.  
12 You should be talking to them and get all this worked  
13 out. They shouldn't have to submit their final product  
14 three years in advance. It doesn't make any sense.  
15 It's like micromanaging their schedule. I don't think  
16 you need to put that in the rule.

17 I think it's important, and I think you're  
18 doing a great job of trying to address this same problem  
19 that you see again and again with this focus and push on  
20 the Kaizen process, and I think that's where you should  
21 go with it and your policy to get them in the fold, to  
22 get working with them to not end you up in that  
23 situation. But I don't think the solution is putting in  
24 a requirement that makes other people seem like they're  
25 in violation, you know, that are doing it right and are,

1 you know -- why should they be penalized, have to come  
2 in three years ahead of time for something that, you  
3 know, they can do efficiently and accommodate in a short  
4 period of time?

5           So, my suggestion is, it's not something that  
6 belongs in the rules but it should be in your Kaizen  
7 process. It's how you bring them into the fold. This  
8 is your guidance of how they need to work these items,  
9 you know, through the agency. And that's your  
10 preference. That's what you want them to do. But I  
11 don't think it's necessary to have that three years in  
12 the rule. Okay?

13           MR. DOCTOR: Thank you. Mr. Chairman.  
14 And I can appreciate that. It's just from the reality  
15 of things, it doesn't work that way. We have no -- we  
16 have no way to make somebody submit something to us in a  
17 timely way. And it tends to -- you know, we could go  
18 visit with them all we want, but there is nothing that  
19 requires submittal of things in enough time to get the  
20 work done. And that was -- and so I guess part of this  
21 is as a regulatory tool that we can use to get designs  
22 submitted in a timely way. And if it is a major design,  
23 for example --

24           MS. BEDESSEM: If it's a major  
25 amendment, then you need at least a year. Okay? You

1 don't need three years. I mean, I guess what I'm  
2 saying, Bob, is, if somebody submits, you know, a really  
3 lousy application, then you just have to deny it, you  
4 know. I mean, this is not like you get pressure to  
5 submit -- to approve something because they weren't  
6 prepared.

7           The rules are right here, what they're  
8 supposed to do, but I don't think you should be adding  
9 an extra constraint in a rulemaking. That is not  
10 reasonable for people that are doing the process  
11 correctly. Okay? You're penalizing, you know, that  
12 group for the people who are -- who are not doing things  
13 correctly. And I think it needs to be managed in a  
14 different way. And I also think that you have got  
15 enough comments about this, I mean, multiple comments  
16 that changing things from four years to three years is  
17 not adequately addressing that comment. Okay.

18           I -- it seems clear to me that the members of  
19 the public that made, you know, remarks about this are  
20 not likely to be happy with you changing from four years  
21 to three years, because the basic problem is still the  
22 same. And the reasoning in the rule that, oh, it's  
23 because the lifetime permit is doesn't make sense to me  
24 because it's covered by a lifetime permit. If it's  
25 coming in for a lifetime permit, it will be there in

1 three years.

2           What you're just talking about is what's being  
3 submitted as an amendment. And to be perfectly honest,  
4 if their lifetime permit says that, you know, they're  
5 doing engineered containment systems, they have a long-  
6 term plan and it's just the design for the next cell,  
7 they should not have to submit that three years in  
8 advance. I think that is an unreasonable requirement to  
9 put in the rule.

10           MR. APPLGATE: Marge, I --

11           MS. BEDESSEM: I'm sorry I'm carrying on  
12 about that, but I see --

13           MR. APPLGATE: I wanted --

14           MS. BEDESSEM: -- so many remarks about  
15 this, and I don't feel like the comment -- you know, the  
16 response adequately addresses the people's concern.

17           MR. APPLGATE: I just want to draw out  
18 a couple thoughts --

19           MS. BEDESSEM: Uh-huh.

20           MR. APPLGATE: -- one technical comment  
21 and the other process. I guess the first one I'll say  
22 is on process.

23           So today on process, again, comes back to kind  
24 of how the rules are in front of us, what we have done  
25 in the past is we would say as a board, for example, you

1 could make a motion to say, I want to remove that. I  
2 mean, you're asking Bob to do it, but what you could do  
3 is just say, I would like to make a motion that the  
4 advisory board remove this language.

5 MS. BEDESSEM: Uh-huh.

6 MR. APPLGATE: We would then ask them  
7 to remove that language. And what's happened in the  
8 past is that DEQ has gone forward to EQC in one or two  
9 ways. They have shown the language deleted if they  
10 agree with us or they would show their language and then  
11 they would footnote in the rules to the EQC that the  
12 advisory board had recommended --

13 MS. BEDESSEM: Had disagreed.

14 MR. APPLGATE: -- had disagreed.

15 MS. BEDESSEM: Uh-huh.

16 MR. APPLGATE: That's the process thing  
17 that I want you guys to be aware of, that when we have  
18 had changes in the past, we don't always agree. That's  
19 fine. That's the nature of this. We are just an  
20 advisory board. But those -- that advice is usually  
21 codified in some way for the next step.

22 So, I'm just mentioning so you can bring  
23 forward a motion if you want to here in a moment.

24 I don't understand this process as detailed as  
25 Marge just did, but I guess I would express just a

1 couple comments.

2           Casper and the WSWRA, they made the comments  
3 trying to, I think, come to some sort of accommodation  
4 on this as well, and they had suggested detailed design  
5 plans in the EQC plan and you had accepted part of  
6 that. I struggle -- you know, I come from this from the  
7 prospective of the regulated community, so when I see  
8 certain terms in regulations, it raises red flags for  
9 me, because it makes me think, okay, this is going to  
10 lead to difficulty in understanding what we're asking  
11 for here.

12           So, construction-ready documents, which I  
13 believed were not appropriate, is at least a well  
14 understood term. Detailed is not a well understood term  
15 and would create all sorts of regulator, regulatory  
16 community debate and discussion, because one person's  
17 detailed plans are not going to meet someone else's. On  
18 the other hand, I can appreciate the department wanting  
19 to have people do some preplanning.

20           You know, I'm going to through throw out  
21 another set of terms that might not be any better. But,  
22 you know, to me conceptual plans or a master plan, even  
23 detailed plans, I'm like, what does that mean?

24           You know, I'm engaged right now in the process  
25 of another voluntary rule with the school board as we're

1 trying to design high school systems here and we're  
2 working with architects on conceptual plans, pretty easy  
3 to understand. You know, it's five or six sheets,  
4 doesn't have -- you know, shows general footprint, it  
5 shows cross section. I mean, everything that's  
6 described here to me are conceptual level plans.

7 I don't know that it's unreasonable three  
8 years in advance to come forward with a conceptual level  
9 plan. I want your comment on that, Marge. But when I  
10 see like associated QA/QC, I get in my mind, that's a  
11 much more detailed deliverable. When you are using  
12 QA/QC plans, that's usually associated with a  
13 construction-ready document. If you're going to build a  
14 liner, it's one thing to show a sheet of paper that  
15 says, here is a cross section of the liner we plan to  
16 put in and here is a plan view of where we're going to  
17 build this cell and what we would like to do is engage  
18 with you on kind of the beginning process to understand  
19 whether or not our footprint location is correct,  
20 whether or not we're accommodating environmental issues  
21 that can be associated with this footprint, whether or  
22 not our cross section for a liner seems appropriate.

23 So, to me, we have got all sorts of kind of  
24 garbled language here. Lots of good intent on both  
25 sides. You're trying to do preplanning. The regulated

1 community is trying to not be held to too rigorous a set  
2 of information requirements too early in the process.  
3 Is that fair to say?

4 MS. BEDESSEM: Uh-huh.

5 MR. APPELGATE: So I do think it still  
6 requires a rewrite. And I'm not sure I'm qualified to  
7 do that given my understanding of this. But I'm just  
8 going to say, I think the use a detailed is still  
9 problematic. I think the inclusion of QA/QC plans three  
10 years in advance is problematic.

11 And Marge, I would entertain some motion that  
12 you had that maybe clarifies this, again, with your  
13 better understanding of it.

14 MS. CAHN: I would like some more board  
15 discussion on that before we have a motion. I'm  
16 wondering if, first of all, in the question of language,  
17 I think of construction ready or detailed as 90 percent  
18 design. I think of (inaudible) as a 10 percent design,  
19 and I'm wondering if maybe using that type of language  
20 might be more clear. That's just a suggested question.

21 The other thing is I'm wondering if we can say  
22 that, have some leeway, suggest some leeway in the  
23 wording so that it would say something like, or on a  
24 shorter schedule as agreed upon by DEQ or the  
25 administrator or whatever, DEQ would feel appropriate,

1 so that if it is something that really does not need to  
2 be three years in advance and everybody agrees that it  
3 doesn't need to be there and there could be an  
4 exception.

5           So, those are kind of two questions for  
6 discussion.

7           MS. BEDESSEM: I like the flexibility.  
8 Also, you know, I'm just thinking, too, I'm concerned  
9 about, you know, maybe conceptual is a good thing, you  
10 know, several years in advance, but I'm also not  
11 interested in tacking on another requirement for  
12 people -- okay -- that don't need it three years in  
13 advance, haven't hired their consultant yet. Okay?

14           So it seems to me that, you know, you develop  
15 this process for submitting a permit application where  
16 you want, you know, that ability to come in and meet  
17 with you and, you know, work a year in advance and have  
18 this number of meetings as their developing their  
19 permit.

20           Can't you do something similarly with  
21 engineered, you know, containment systems saying that  
22 this is the preferred methodology, you know, discuss the  
23 conceptual design, you know, three years in advance, you  
24 know, meet with the agency, so on and so forth as a  
25 policy so that you bring, you know, those communities

1 and firms that are sort of problematic kind of into the  
2 fold? But I still have a problem with that being a  
3 requirement for an additional submittal.

4           There is really no point in having a minor  
5 amendment being 60 days. The number doesn't mean  
6 anything if you have to submit the entire minor  
7 amendment three years ahead of time. So what's the 60  
8 days? So you could get it two years ahead of time but  
9 you can't build anything for three years.

10           So, my preference is to look at doing  
11 something in policy to bring them in the fold for  
12 these -- for preparing the amendment. You're already  
13 covered for the lifetime permit and the renewal because  
14 they're required to do that statutorily two years in  
15 advance. So really your only issue would be the  
16 amendments. And if you could address those, you know,  
17 separately, that would be my preference. I think it  
18 would be the easiest without muddying the water and  
19 making the definition of minor amendments imaginary or,  
20 you know, inconsequential, because then it -- like I  
21 said, then the 60 days are meaningless because it's  
22 actually a three-year minor amendment.

23           MR. DOCTOR: Mr. Chairman. You know,  
24 obviously, we all have the same -- we're trying to get  
25 to the same point. Our struggles are, we get in designs

1 and it make take multiple -- they're very complicated.  
2 The liner designs, as you well know, are a very  
3 complicated thing to do and to review. So that's very  
4 difficult and that takes time. And then if there needs  
5 to be revisions made, you know, it gets bad.

6           So, we're trying to do that far enough in  
7 advance that that process can get done. People can go  
8 SLIB and get money if they need to, and we have run into  
9 a lot of problems there.

10           Maybe another alternative -- Lorie had, I  
11 think, a good in-between. The other would be -- you  
12 know, I think what maybe you and David would suggest  
13 would be just to kill this whole thing, we give it a try  
14 for a while, see how it goes with the collaborative  
15 Kaizen process, and when we're doing our next rule  
16 change, take a little more time and work together on  
17 this and see if we can kind find a way, if we even need  
18 to, to put it in the rule when we do our next rule.  
19 Maybe that's something else we can do.

20           I don't have an answer. Tell me what to do.  
21 This is --

22           MS. BEDESSEM: Well, I think it's real  
23 important that you define in here that they're going to  
24 be addressed as amendments, because it wasn't clear in  
25 our last meeting. So I think your addition of those

1 remarks in this section specifying how the detailed  
2 design for engineered containment systems outside of the  
3 renewal would be handled. I think that's important to  
4 have in this rule change.

5           As far as this other part that I consider in  
6 the advice category and you consider in the rulemaking  
7 category, you know, perhaps that's something where if  
8 you try it this one way and the advice and guidance as  
9 you're training everybody on how this new system  
10 works -- okay -- you know, can people be delayed, if you  
11 find out that this is what we did, we established it and  
12 then we had six permit submissions that were impossible  
13 to get done within this period of time because they  
14 were, you know, but it's hard for me to feel comfortable  
15 with the requirement that's in here when the basis for  
16 the requirement appears to be not preplanning and  
17 incompetence. Like we're trying to circumvent  
18 incompetence. And so, that seems like it's an advise  
19 mode.

20           So, you know, there is a couple -- there is a  
21 couple of options. Just put some flexibility in the  
22 rule or delay the time limit to a later rulemaking and  
23 put how you're going to do it in this rule and then see  
24 how it goes, if you put that in guidance to get them to  
25 come in the fold.

1                   MR. APPELGATE: So, Marge, I believe  
2 that to allow them to move forward you should propose --  
3 here is my feeling. If you want to leave it just as  
4 here is my opinion and advice, my thought is that  
5 nothing will change in what goes to the EQC. That's not  
6 meant to be a criticism. I just think that's what's  
7 going to happen. So I believe you should come forward  
8 with a --

9                   MS. BEDESSEM: Well, let's --

10                  MR. APPELGATE: -- a recommended change  
11 to this section if that's what you desire.

12                  MS. BEDESSEM: I would be happy to do  
13 that. I want to look, though, and see, is it your  
14 comments -- was it in 90 where you say -- again, it's  
15 not redlined but I think it's on page 25 out of 28 in  
16 the response to comments. You have a statement in there  
17 that the "Detailed design plans shall be reviewed as a  
18 minor amendment unless a design change is proposed that  
19 constitutes a major amendment."

20                  MS. CAHN: Marge, I didn't catch where  
21 you said you're looking at now.

22                  MS. BEDESSEM: In the response to  
23 comments on page 25, the fifth paragraph is some  
24 language that DEQ proposes to put in that same exact  
25 section that we're discussing, and it's not -- it's not

1 redlined but -- I mean, it's not in red, but it says,  
2 "Detailed design plans shall be reviewed as a minor  
3 amendment unless a design change is proposed that  
4 constitutes a major amendment."

5 MR. DOCTOR: Mr. Chairman.

6 This was more of a comment than a proposed  
7 change in the rule. What you're saying to me is, say  
8 that right in the rule.

9 MS. BEDESSEM: Uh-huh.

10 MR. DOCTOR: Got you.

11 MS. BEDESSEM: Yeah, because you say you  
12 propose adding the following clarification to Chapter 2,  
13 Section 4(k)(vii). So you say you're going to add it,  
14 but it's not in red. So I don't know, is that  
15 specifically the language you are going to add. And  
16 Section 4(k) Roman numeral (vii) is the one that now  
17 would say that -- earlier in the response comments said  
18 that detailed design plans, including but not limited to  
19 plans for liners, leachate -- excuse me. I made an  
20 error. The change was detailed design plans. Detailed  
21 design plans, including but not limited to plans for  
22 liners, leachate collection and managements systems,  
23 caps and associated QA/QC plans. I'm going to stop  
24 there because then the rest of that is a time  
25 submittal. Okay?

1           I propose that you combine these two  
2 sentences, and where it ends QA/QC plan with a comma,  
3 then it says, shall be reviewed as a minor amendment  
4 unless a design change proposed constitutes a major  
5 amendment. Okay? So basically it combines the two  
6 sentences.

7           Do you need another -- so, Bob, let me ask  
8 you. Do you need another sentence in there stating that  
9 unless it's part of a lifetime permit or renewal?

10           MR. DOCTOR: Mr. Chairman.

11           Maybe that gets to that submittal sentence --

12           MS. BEDESSEM: Yeah.

13           MR. DOCTOR: -- that Lorie proposed. If  
14 we found a way to add her sentence in there, plans shall  
15 be submitted on a schedule approved by the administrator  
16 or something along those lines, would that help us get  
17 to this?

18           MR. APPLEGATE: I'm going to make a  
19 process suggestion.

20           MS. BEDESSEM: Uh-huh.

21           MR. APPLEGATE: Again, very, very  
22 difficult to understand the changes that are being  
23 proposed here.

24           MS. BEDESSEM: We're kind of  
25 discussing --

1 MR. APPELGATE: I know.

2 MS. BEDESSEM: -- how to make it into  
3 the form of a --

4 MR. APPELGATE: Well, I guess my  
5 question is, could we take a five-minute break so you  
6 guys can work off line with --

7 MS. BEDESSEM: Perfect.

8 MR. APPELGATE: -- develop that  
9 paragraph that you could then write out that we could  
10 look at and you could tell us exactly what part of the  
11 rule you're proposing that it to go into?

12 MS. BEDESSEM: Excellent suggestion.  
13 Thank you very much.

14 MR. WELLES: Then we could actually vote  
15 that as --

16 MS. CAHN: Before we take a break, I  
17 just want to -- whoever is working on this language, I  
18 like the language in the proposed rule that says that  
19 these be submitted -- this is on page 2-34 of the  
20 redline/strikeout where it says, prior to the -- that  
21 they be submitted prior to the date when construction is  
22 expected to commence. And I think the language expected  
23 to commence is important, because if you submit it three  
24 years prior to the expected time to commence but then  
25 everything is in order and, you know, things move along

1 faster and it was a good submittal, DEQ can review it  
2 quickly, then maybe construction could commence sooner.

3           So, it would be nice to have -- I thought that  
4 language about expected to commence would be important  
5 because it gives some flexibility saying, well, we're  
6 thinking we're going to do this in three years, but if  
7 all goes smoothly, we'd like to do it in a year, year  
8 and a half, whatever. So . . .

9           MR. WELLES: Lorie, what page were you  
10 on that you --

11           MS. BEDESSEM: 2-34.

12           MR. WELLES: -- were referring to?

13           MS. BEDESSEM: 2-34.

14           MS. CAHN: On 2-34 of the redline/  
15 strikeout proposed rules.

16           MR. WELLES: Thank you.

17           MS. CAHN: And in Roman numeral small  
18 (vii). It's the end of that paragraph.

19           MR. DOCTOR: Mr. Chairman. That  
20 language is repeated on page 8 under comment 12 in your  
21 response to comments.

22           MR. WELLES: Right.

23           MS. BEDESSEM: So shall we recess?

24           MR. WELLES: Yes. Let's take a  
25 five-minute recess to rework the language.

1 (Hearing proceedings recessed 10:26  
2 a.m. to 10:59 a.m.)

3 MR. WELLES: Sorry for the delay. There  
4 needed to be some major rewriting. And what we're going  
5 to do, two things I would like to do: I would like to  
6 ask the two guests that we have here and are members of  
7 the public here in Casper to come forward and introduce  
8 themselves, because they both have had a role in this  
9 process.

10 Can you come forward so you can be on line?  
11 Please just introduce yourselves and identify who you're  
12 with and your interest.

13 MR. MOLDT: Mr. Chairman, members of the  
14 board, my name is Steve Moldt. I'm the current  
15 president of the Wyoming Solid Waste Recycling  
16 Association. And I just want to thank you for allowing  
17 our organization to provide written comments and then  
18 even additional to that is being able to kind of help  
19 today to kind of resolve some of the issues that we saw  
20 for our members. So I appreciate the opportunity.

21 MR. WELLES: Well, we appreciate your  
22 participation and expertise.

23 MR. BOLT: Thank you.

24 MS. LANGSTON: Hi. I'm Cindy Langston.  
25 I'm the solid waste manager for the City of Casper and

1 also a WSWRA board member. And I'd just reiterate what  
2 Steve said.

3 MR. WELLES: Thank you both for being  
4 here and taking the time to help out with the process.  
5 And I just wanted Lorie and Glenn to understand that  
6 they were here and part of this process of trying to  
7 come up with a change that we were discussing before the  
8 break.

9 So I'll turn this over to Marge at this point,  
10 and she is actually going to explain further and make a  
11 motion that will clarify what the discussion has been  
12 about.

13 MS. BEDESSEM: I would like to make a  
14 motion to revise a section of Chapter 2. DEQ has  
15 proposed the addition of Chapter 2, section 4(k) Roman  
16 numeral (vii) originally with a new section. What this  
17 motion entails is replacing DEQ's proposal for that  
18 Roman numeral (vii) section with the following  
19 language.

20 The new language would be: Detailed design  
21 plans, including but not limited to plans for liners,  
22 leachate collection and management systems, caps and  
23 associated QA/QC plans shall be submitted as part of the  
24 lifetime permit or renewal as applicable. Additional or  
25 modified detailed design plans for engineered

1 containment systems shall be submitted --

2 MS. CAHN: Marge, I'm going to have to  
3 ask you to go a lot slower, because I'm trying to write  
4 it down. If we're going to be voting on this motion, I  
5 need to see it. So, you're going to have to go slower.  
6 You lost me at as part -- after the shall be submitted  
7 as part of the, and then I couldn't write fast enough.

8 MS. BEDESSEM: Okay -- shall be  
9 submitted as part of the lifetime permit or renewal as  
10 applicable.

11 Now we have a second sentence to add to that  
12 that says: Additional or modified detailed design plans  
13 for engineered containment systems shall be submitted as  
14 a minor amendment unless a design change is proposed  
15 that constitutes a major amendment.

16 So that's the conclusion of the replacement --

17 MR. APPELGATE: Is that the complete  
18 motion?

19 MS. BEDESSEM: That's the complete  
20 motion.

21 MR. APPELGATE: I'll second the motion.

22 MR. WELLES: We have a motion --

23 MS. CAHN: Can we have some --

24 MS. BEDESSEM: We can have some  
25 discussion.

1 MS. CAHN: I would just would like some  
2 board discussion before we -- I need -- give me 30  
3 seconds to read the whole thing in its entirety, and  
4 then I would like to ask that if DEQ is okay with the  
5 language. I mean, I'm assuming this language put  
6 together is okay with all parties concerned. So give me  
7 30 seconds just to read it. Thanks.

8 MR. APPLGATE: While she's reading, I  
9 also have time for discussion here.

10 So, to whoever is going to answer this  
11 question, it appeared like in the motion we have taken  
12 out the time frame that has created some concern. In  
13 the second paragraph, when you guys use the term  
14 engineered containment systems, I'm curious. Can you  
15 have minor amendments for other things other than  
16 engineered containment systems? Do you have minor  
17 amendments for cell additions? And so my question is,  
18 in the language as construed in the second paragraph,  
19 did your use of the word engineered containment systems  
20 in that system restrain the range of minor amendments?

21 MS. BEDESSEM: Is it okay if I comment,  
22 Bob?

23 MR. DOCTOR: Go ahead.

24 MS. BEDESSEM: Section (k) is titled  
25 Design/Construction of Engineered Containment Systems.

1 So the whole section is only relevant to engineered  
2 containment systems and would not impact anything else  
3 that has minor or major amendments. And so, section (k)  
4 starts on page 2-32 of the redline.

5 I also think that we haven't really completely  
6 eliminated the time frame, because the submittals that  
7 come in as lifetime permits or renewals have the three-  
8 year time frame as part of that submittal.

9 MR. DOCTOR: That's a statute -- that's  
10 statutory, so we're stuck with that.

11 MS. BEDESSEM: We just eliminated the  
12 time frame for now for further consideration, for later  
13 rulemaking or guidance with respect to the amendments.

14 MR. DOCTOR: Mr. Chairman.

15 I would -- if possible, if we could get a  
16 renewal in and we might not need a detailed design plan  
17 in that renewal because we're at that point in the cycle  
18 of the facility where it may be five or six years down  
19 the road. So we wouldn't necessarily be forcing  
20 operators to submit those detailed design plans in a  
21 renewal application unless they're necessary. So that's  
22 good also.

23 MS. BEDESSEM: The "as applicable" works  
24 very nicely there.

25 MR. ANDERSON: Mr. Chairman. This is

1 Carl.

2 I think with respect to the language that's  
3 being proposed that talks about amendments, minor and  
4 major amendments, our rules talk about major and minor  
5 changes. I think to conform to current regulatory  
6 language, it probably should be changes versus  
7 amendments.

8 MS. BEDESSEM: Bob, I believe that  
9 language is from your original proposal. So if you want  
10 the change --

11 MR. DOCTOR: Good catch, Carl.

12 MR. APPLGATE: I would offer the  
13 friendly amendment that we -- a friendly amendment to  
14 the motion that we change amendments to changes in the  
15 motion, if that's acceptable to the proposer of the  
16 motion.

17 MS. BEDESSEM: That's acceptable.

18 MS. CAHN: And that should be singular  
19 because -- to read not plural from the reading of what  
20 Marge gave us.

21 MR. WELLES: So am I reading this  
22 correctly that the bottom of the paragraph, both places  
23 where you have a minor amendment and major amendment, we  
24 would strike amendment and replace that with change? Is  
25 that correct? Everybody agree to that?

1 MS. BEDESSEM: Yes.

2 MR. WELLES: The floor is still open to  
3 discussion.

4 MS. CAHN: I just didn't hear yet from  
5 DEQ if they are satisfied with this, if that's  
6 acceptable to them.

7 MR. DOCTOR: This is Bob. Mr.  
8 Chairman.

9 I am. Carl?

10 MR. ANDERSON: I think it's fine, Mr.  
11 Chairman.

12 MR. DOCTOR: And thank you all.

13 MR. WELLES: Okay. We have no more  
14 comments. Then I will ask for the vote. All those in  
15 favor, please say aye.

16 MR. APPLGATE: Aye.

17 MS. BEDESSEM: Aye.

18 MR. SUGANO: Aye.

19 MR. WELLES: Opposed?

20 (No response.)

21 MR. WELLES: Hearing none, we will  
22 accept this motion to change the language of Chapter 2,  
23 section 4(k) paragraph (vii), Roman numeral (vii), which  
24 is on page 2-34 of the strikeout version.

25 Please proceed, Bob.

1 MS. BEDESSEM: I think we were on  
2 comment 11 or 12.

3 MR. DOCTOR: Yeah. We're doing well.

4 I guess we're now on comment 13, and it was a  
5 discussion related to the State Guarantee Trust Account  
6 and calculating that, and the point here is that we have  
7 a statutory requirement that the State Guarantee Trust  
8 Account calculations occur every four years on the  
9 anniversary of a participant's entry into that program.

10 MR. APPLGATE: Again, I would put forth  
11 to the board the process that we were using with going  
12 page by page and seeing if any board member had  
13 comments. I just think it would be more expeditious  
14 than having Bob explain every comment.

15 MR. DOCTOR: Thank you.

16 MR. APPLGATE: If the rest of the board  
17 would go with that process.

18 MR. DOCTOR: Thank you. Okay. That's  
19 wonderful.

20 MS. BEDESSEM: So, Bob, then, the reason  
21 that it couldn't be consolidated with an annual report  
22 is because the due date is different because it's the  
23 anniversary of inclusion in the final --

24 MR. DOCTOR: It's separate --

25 MS. BEDESSEM: -- financial assurance.

1                   MR. DOCTOR: Yeah. And that's a  
2 statutory requirement.

3                   Anything I need to address on page 9?

4                   (No response.)

5                   MR. DOCTOR: And I'd just mention, on  
6 page 9 and 10, a lot of these comments that I -- now  
7 that we're through this comment period, we'll intend to  
8 call up Laramie and visit directly about some of your  
9 general regulatory questions.

10                  MS. BEDESSEM: But some of them, though,  
11 I think may be ones that you might want to consider for  
12 future rule changes or they're a general enough comment  
13 that they apply to more than Laramie. So it would be  
14 nice to have, you know -- for example, the comment about  
15 the question about the buffer zone, I mean, a lot of  
16 that is because we have new managers at Laramie that are  
17 asking questions that perhaps the other operators were  
18 more familiar with, but maybe that's indicative of  
19 needing a clarification in the future rulemaking.

20                  So, a lot of these say, well, we'll just  
21 discuss it with Laramie, but I would like a commitment  
22 that if it goes down the scope of Laramie, that it could  
23 be either considered for policy or for future  
24 rulemaking.

25                  MR. DOCTOR: Thank you. That's a very

1 good idea, especially this one, Mr. Chairman. This is  
2 one on our operator-manager tests that the people that  
3 take that test frequently miss. When I do the training,  
4 I point this out, how buffer zones and fire lanes work.  
5 So, his concern or his question here is a common one.  
6 And that's a very good point that if this many people  
7 are struggling with that, we probably ought to tweak it  
8 when we're doing the rule change. There is an  
9 excellent --

10 MS. CAHN: Can I ask -- I would like to  
11 ask a question, Bob, on that.

12 If it's something that is out of the scope of  
13 the current rule change but it is a very simple fix like  
14 just a clarification, is there any reason why you would  
15 not include that in this rule change?

16 MR. DOCTOR: Mr. Chairman.

17 Probably just for drawing the line somewhere.  
18 Most people get this, but, as Marge pointed out, people  
19 that are new to this, some of these things require some  
20 general explanation. So we do that on a case-by-case  
21 basis. Most of our consultants and people that do this  
22 understand these things, but when you're new to this, it  
23 can be confusing.

24 So, I would say if you guys recommend we do  
25 something, we could, but we would definitely save this

1 for the next time. It's up to you.

2 MS. BEDESSEM: I would suggest that you  
3 look at these. You know, I could understand that you're  
4 kind of trying to fast-track this, and so perhaps you  
5 didn't include a lot of these as they were outside of  
6 the proposed scope that was in the statement of  
7 principal reasons so that you don't have too much of a  
8 change that is not covered by the statement of principal  
9 reasons. I can see that, but if you're doing more  
10 comprehensive changes next time, it would be good to  
11 include when you're receiving good suggestions from  
12 people so that these don't die with this or don't die  
13 with an explanatory phone call but get moved on.

14 MR. WELLES: Lorie, you had a comment?

15 MS. CAHN: I guess -- I mean, it sounds  
16 like the -- I had a question. It sounds like the answer  
17 to the question is that -- excuse me. Let me back up.

18 So the question was, if it's a minor change  
19 that would add clarity but it's outside the scope, would  
20 we want to just absolutely do it now. And it sounds  
21 like they're saying no. In an effort to expedite this  
22 process, they would like to leave those kinds of things  
23 for the next go-round.

24 MR. DOCTOR: I promise we won't forget  
25 this. Thank you.

1           It is very difficult for me going through here  
2 not to address things like this. Otherwise I'd open the  
3 whole rule up again and there we go. We would be here  
4 forever, although I love your company. We would never  
5 get done. Thank you.

6           MR. WELLES: I thought we were going to  
7 be here forever.

8           MR. DOCTOR: My hair is getting grayer.

9           MS. BEDESSEM: I imagine you have your  
10 own long list of things that you want to change in the  
11 rules.

12          MR. DOCTOR: Yes. We all do.

13          So, are we ready to go on to page 11 probably  
14 by now?

15          MR. APPELATE: Mr. Chairman, I have a  
16 comment on page 10.

17          Carl, this question I think came up last time,  
18 and you may have answered it last time. But I have a  
19 concern -- and let me be clear.

20          I don't have a concern with us trying to meet  
21 the governor's executive order on sage grouse because my  
22 industry in particular has an interest in protecting  
23 sage grouse so we can continue to operate in Wyoming.  
24 But I do have a concern that we're putting into  
25 rulemaking a governor's executive order. And I think I

1 had asked whether or not can -- if that's been tested  
2 with the attorney general.

3 I mean, I can understand us putting in the  
4 guidance documents requirements regarding timing and  
5 location requirements for sage grouse, but to codify in  
6 a rulemaking a governor's executive order and in a year  
7 or two we're going to have a U.S. Fish and Wildlife  
8 Service decision on the sage grouse listing. Sage  
9 grouse protection is a continuing -- continuing to  
10 evolve. There is lots of activity on this issue at the  
11 state level, at the BLM level, at the U.S. Fish and  
12 Wildlife level. And for us to codify into rule this  
13 information to me is just problematic, because in a year  
14 or two, you're going to have to try to unwind it.

15 I'm just curious if you -- again, you might  
16 have answered this question last time, but whether or  
17 not you guys have tested with the attorney general  
18 whether or not this is legal.

19 MR. DOCTOR: Mr. Chairman.

20 The AG's office has reviewed this and approved  
21 this moving forward.

22 MR. APPLGATE: Have you asked them that  
23 question specifically? Has it been raised by an  
24 advisory board member that, I don't think it's legal?

25 MR. DOCTOR: Do you remember if you had

1 this discussion, Carl, directly with the AG's office?

2 MR. ANDERSON: Mr. Chairman.

3 You know, I'm trying to recreate the  
4 conversation from the previous meeting, and, you know,  
5 if I had an action item to talk to the attorney  
6 general's office about it, but I don't believe I --  
7 well, I know I haven't done that. So, if I have an  
8 action item to talk to the attorney general's office, we  
9 need to do that.

10 MR. APPLGATE: Yeah. In fairness,  
11 Carl, I'm not sure -- I can't remember if I asked it  
12 that way or not. I just -- in looking at it again, I  
13 have a concern just really about the process of  
14 incorporating into a rule a governor's executive order.

15 MR. ANDERSON: Yeah. Mr. Chairman.

16 You know, as Bob mentioned, we had the  
17 attorney general's office involved in the review of our  
18 regulations. And, you know, we went back and forth with  
19 them on, you know, a number of different issues  
20 including things like whether or not to include  
21 statutory definitions into the regulations. And so I  
22 think that there is -- if there is sensitivity to, you  
23 know, changes in executive orders or changes in policies  
24 that would affect our regulation, we probably would have  
25 talked about that, and I don't specifically remember

1 talking about that. But I think it's probably a  
2 reasonable question to specifically ask our AG's  
3 representative.

4 MR. APPELEGATE: Yeah. I would  
5 appreciate that. And you could just get back with me or  
6 report back at the next board meeting. If it's  
7 allowable, that's fine. I just -- again, I believe it  
8 can be difficult to unwind or change when, in the next  
9 year are two, the rules for sage grouse finally become  
10 more clear.

11 MR. DOCTOR: Mr. Chairman.

12 This was one of those trying to find a balance  
13 between not mentioning something to somebody and letting  
14 them guess what they're supposed to do and including  
15 enough information here that somebody preparing an  
16 application at least -- it's like putting the  
17 definitions from statute into the rules. On one hand,  
18 we try to balance those two, but what I -- if this  
19 works, Mr. Chairman, if we can specifically ask our AG's  
20 office representative about this and get back to you  
21 guys with an email at least on what he's told us to do.  
22 And then, of course, we'll proceed forward with what he  
23 recommendations.

24 MR. APPELEGATE: Yeah. I'd appreciate  
25 that.

1                   MR. DOCTOR: It could throw us into  
2 another rule change just for this.

3                   MR. APPLGATE: Well, again, I want to  
4 be clear. I'm not against these being kind of part of  
5 the landfill operational and siting. I know the  
6 governor is trying to filter this down to all the state  
7 agencies. It's just kind of about the way in which it's  
8 done.

9                   MR. ANDERSON: Mr. Chairman.

10                  Dave, I'm not sure that this comment is  
11 necessarily to be on point, but it sounds as though -- I  
12 mean, this is not dissimilar from those situations  
13 where, you know, we might reference some kind of federal  
14 guidance or, you know, we referenced the Wendell H. Ford  
15 aeronautics act and didn't include language.

16                  You know, there is a recognition and a  
17 requirement that when we reference, you know, some other  
18 source, we have to specifically date that source and  
19 provide an accurate reference for that so that any  
20 subsequent changes, it means we have to go back to our  
21 rules and we have to change our rules to conform to any  
22 changes in those references.

23                  So, you know, I assume that even though we  
24 might be referring to an existing executive order from  
25 the governor's office, the assumption is if that

1 executive order changes or goes away, that we would be  
2 coming back to do rulemaking to conform our regulations  
3 appropriately.

4 MR. APPELGATE: And that may be the  
5 answer, Carl. I also think there is some -- and I don't  
6 know. I haven't read this close enough, but if there is  
7 something like the timing aspect and the distance from a  
8 lek, those are items that are probably in the governor's  
9 executive order, and, therefore, if you just refer to  
10 the governor's executive order and don't put those  
11 specific details in the rulemaking, then if those things  
12 change, you wouldn't have to open up the rule. Does  
13 that make sense?

14 The executive order has already changed once.  
15 It got modified after Governor Mead got into office.  
16 And again, my anticipation is that it could get revised  
17 again, because the U.S. Fish and Wildlife has to make a  
18 determination on listing of sage grouse by the fall of  
19 2015. That might sound like a long ways away but two or  
20 three years away.

21 So, again, maybe this issue is how specific  
22 are you in this rule. I just don't want you to get into  
23 the choice where you have to try to unwind it. Just  
24 break it down to the point of clarification.

25 MR. ANDERSON: Mr. Chairman.

1           Dave, you know, if we took out the specific  
2 language and referenced the executive order, we would  
3 have to -- we would have to reference the specific date  
4 of the executive order, and if there is a subsequent  
5 change, then we would be -- in the executive order, then  
6 we would be obligated to go back and change our  
7 reference in the regulation.

8           So there is sort of a do there, because, you  
9 know, agencies have gotten into this place where they  
10 would reference some kind of federal requirement and the  
11 federal requirement would change and there was really  
12 no -- people weren't aware, you know, that if there was  
13 a change at the federal level, for example, a state  
14 regulation would refer to this federal requirement and  
15 people would automatically, subject to this federal  
16 requirement without having the ability to weigh in on  
17 the rulemaking process in terms of acceptability of that  
18 change, take sort of a blanket kind of thing. People  
19 got uncomfortable with that.

20                   MR. APPELATE: Okay.

21                   MS. CAHN: Carl, is it possible to say  
22 executive order -- refer to executive order, give its  
23 date and then say or subsequent or revisions or  
24 something like that, to just say that we mean the  
25 current version of it, you know, this is what it is

1 currently but if it changes, we intend it to be that  
2 one? Is that possible?

3 MR. ANDERSON: Mr. Chairman.

4 Lorie, I don't think that would fly with the  
5 secretary of state and maybe not even with the attorney  
6 general's office.

7 MS. BEDESSEM: I would like to make one  
8 comment. If we do keep the language as is, the change  
9 that you made to specify the lek distance is an  
10 improvement over the original which implied no  
11 construction even if you were a hundred miles from a  
12 lek. So this is a good clarification.

13 MR. DOCTOR: Yes. Mr. Chairman.

14 I think there is differences if it's in a core  
15 area or not in a core area, and I think that's where  
16 were we getting confused the last time, on that  
17 construction. We had another comment -- I believe it's  
18 from Cheyenne or Laramie, I think -- along those same  
19 lines. So hopefully that cleared that up, those  
20 comments. It depends on whether or not you're in a core  
21 area. Obviously, you're going to be building and  
22 constructing on a landfill all year long, but, if you  
23 can, try not to do it during their mating season.

24 MS. BEDESSEM: Also, I had one other  
25 question. You did say in your response to comments that

1 it was for constructing new units or expansions of  
2 existing units as opposed to constructing a cell or  
3 trench. So, there the distinction between unit and cell  
4 appears to be important and you're utilizing that.

5 MR. DOCTOR: That's a very good --  
6 yeah.

7 MS. BEDESSEM: That's what you said in  
8 the --

9 MR. DOCTOR: Maybe I did that by  
10 accident.

11 MS. BEDESSEM: No, because your language  
12 says that it's -- you know, they'll construct on a daily  
13 basis but doing a new unit, expansion of a unit is a  
14 major construction enterprise and then. Okay. So it  
15 looked to me from your response to comments that that  
16 was purposeful.

17 MR. DOCTOR: Mr. Chairman.

18 Marge, you just refreshed my memory. Months  
19 or a year or more ago when I was preparing these, the  
20 language for these, I talked to Larry at Game and Fish.  
21 I said, do you realize these guys are out working on  
22 these landfills all year long. We can't stop that. And  
23 that's where we had that discussion about if you're  
24 doing any major new construction, building a new unit,  
25 that's when these things come into play. Thank you.

1                   MR. APPLGATE: Just to clarify there,  
2 and I don't know where the detailed language is, but  
3 most of those timing restrictions relate to what's  
4 called surface disturbing activities. So I'm assuming  
5 you'd use similar language meaning the ability to work a  
6 landfill. Sage grouse things are driven by new surface  
7 disturbance.

8                   MR. DOCTOR: Keep going?

9                   MR. WELLES: Yes. Just one small  
10 comment. Having been very involved with the sage grouse  
11 for many, many years on our ranch, you know, I can't  
12 imagine that there are very many landfills around the  
13 state that are going to be in conflict.

14                  MR. DOCTOR: Primarily it may affect a  
15 new facility, but if you're already permitted to work  
16 within a certain footprint, it really shouldn't affect  
17 you much. There may be a few expanding, but I'm not  
18 aware of any this would catch.

19                  MR. WELLES: Okay. Let's continue.

20                  MS. BEDESSEM: So where are we at?

21                  MR. DOCTOR: We're somewhere -- I think  
22 we're around about page 11 now, looking at those  
23 comments. I don't know if there is anything there that  
24 anybody --

25                  MS. BEDESSEM: So on page 11, comment

1 27, that was with respect to the location of annual  
2 report requirements in the operating standards. Most of  
3 the other operating standards are not -- you know, it's  
4 not a report submission item. It's, you know, litter  
5 control or --

6 MR. DOCTOR: Mr. Chairman.

7 MS. BEDESSEM: -- something like that.

8 MR. DOCTOR: Marge, I had a previous  
9 version of this rule change that was much more  
10 comprehensive and I did have a separate reporting  
11 section. It was broken out. So I have already -- I  
12 agree with him. It's a great idea.

13 So when the next rule change comes out, if I  
14 go back and revisit my previous one, it's already going  
15 to be a done deal in here. So it is a good thing to be  
16 separate, because reporting occurs not during just the  
17 operating life of the landfill, but during the closure  
18 and postclosure period, there were things that need to  
19 be submitted.

20 So really, there is a lot of different  
21 reporting that needs to go on that warrants a separate  
22 section in the rules.

23 MS. BEDESSEM: So you're saying you're  
24 going to leave it there for now but you have plans to  
25 move it?

1 MR. DOCTOR: Absolutely, yes.

2 MS. BEDESSEM: Good, because I think  
3 that will be much clearer and easier for the operators  
4 to find their requirements. Thank you.

5 MR. DOCTOR: That's along the lines of  
6 why I'd like to call these commenters up and  
7 specifically talk to them about their comments and  
8 concerns.

9 Ready for 12? 13? If I go fast enough, I  
10 might just blow right by you.

11 14. And in a lot of these comments that  
12 you're seeing in this range are very similar, good  
13 comments about improvements we could make to the rule  
14 that I would like to include Nelson Engineering in when  
15 we are doing our next rule change to get their opinion  
16 on some of these things, which is the conversation I  
17 would like to have with folks there. So they are  
18 quite --

19 MS. CAHN: I --

20 MR. DOCTOR: Yes.

21 MS. CAHN: I would like to back up to  
22 comment number -- I think it's 28 with the gas reporting  
23 requirements from the Air Quality Division rules. And I  
24 just had a minor question. You said you're not going to  
25 make any changes to the rule proposed in response to

1 this comment. Is this the kind of thing where it would  
2 be appropriate to just put the number in and say  
3 reserved?

4 MR. DOCTOR: Mr. Chairman Lorie on  
5 this. The basic requirement here is that they have to  
6 report their design capacity. There potentially are a  
7 lot of other Air Quality requirements that could be  
8 reported separately, because if you do get kicked into  
9 this category and you have to address the NMOC, the non-  
10 methane organic gas components, and I believe we have an  
11 operator here who is doing this on a regular basis, it  
12 opens up another whole can of worms that I don't think  
13 should be included in the annual report to us. That  
14 should be a separate -- we're just trying to make at  
15 least one step of this, the simple part of capacity,  
16 come in to the Solid Waste Division and not go  
17 separately off to Air Quality.

18 So there are two different -- this is a basic  
19 simple report, but facilities that are larger and have  
20 to report all their NMOC requirements are going to be  
21 doing that directly with Air Quality. And that's why  
22 this is specific to the design capacity requirement.

23 MR. WELLES: Does that answer your  
24 question, Lorie?

25 MS. CAHN: Yes. Thank you.

1 MS. BEDESSEM: I have one thing with  
2 regard to this.

3 Later on in your response to comments, you  
4 addressed the question about what design capacity was  
5 sort of indirectly by saying -- I think this is on page  
6 24 of the response to comments report -- by making in an  
7 application requirement to evaluate site capacity, so  
8 that site capacity is not exactly the same term as  
9 design capacity.

10 So the problem we had with the definition  
11 of -- or the interpretations of design capacity is that  
12 design capacity needs to say that it's waste amount, the  
13 amount of waste, you know. And you have accommodated  
14 that in your response on page 24 with, when you say site  
15 capacity, you say in tons in cubic yards of waste, but  
16 in the section on page 2-45 of the ~~strikeout~~ of the  
17 rule, you say, which have increased or could create the  
18 maximum design capacity in megagrams and cubic meters of  
19 waste.

20 I guess what I'm saying is, you call one site  
21 capacity, you call one design capacity. They're the  
22 same thing if we're talking about the amount of waste.  
23 I guess what I'm seeing is a need for clarification here  
24 that this is not volumetric capacity. You know, where  
25 it's waste plus cover material, it's waste. So you have

1 got units here, megagrams and cubic meters, you know,  
2 similar to tons and cubic yards. You have estimated  
3 site capacity. But in this estimated site capacity, you  
4 specify that it's waste. You don't say of waste here,  
5 and it is of waste. I have checked the rules. Okay?  
6 It is of waste. And so it would really help operators  
7 and consultants to understand these units if you could  
8 just add the words of waste.

9 MR. DOCTOR: Thank you. Mr. Chairman.

10 Marge, I think that would be -- I don't have  
11 the whole section here. How it would read is, the  
12 maximum design capacity of the landfill in megagrams and  
13 cubic meters of waste including any modifications.  
14 Would that be the way it would work?

15 MS. BEDESSEM: Uh-huh. And then you  
16 would put of waste again after where it says megagrams  
17 and cubic meters again.

18 MR. DOCTOR: Again there.

19 MS. BEDESSEM: Right.

20 MR. DOCTOR: Thank you.

21 MS. BEDESSEM: Yes. Thank you. That  
22 would be very helpful and would take care of any of the  
23 remarks about defining design capacity. Thank you.

24 MR. DOCTOR: Thank you.

25 Thanks for making us go back, Lorie.

1 MS. BEDESSEM: It was farther down in  
2 the rules of response to comments.

3 MR. DOCTOR: We're somewhere around like  
4 pages 14 or 15, I think. Just kind of flipping the  
5 pages and waiting for somebody to say stop.

6 MR. APPLGATE: Lorie, why don't you  
7 tell us where your next comment occurs.

8 I have no more comments on the response to  
9 comments. So I think, Marge and Lorie, wherever your  
10 next one occurs is where we should go next.

11 MR. WELLES: Good comment. Instead of  
12 going through it page by page, let's just --

13 MS. BEDESSEM: I think that's great.

14 MR. WELLES: -- go to specifics, please.

15 MS. CAHN: Okay. I have a question for  
16 Bob on comment response number 44 on page 15 of 28.

17 I couldn't find where page 32 was. When I  
18 look at my redline/strikeout, I'm assuming this is in  
19 Section 2.

20 MR. DOCTOR: Mr. Chairman.

21 Lorie, I had the same problem. What I did  
22 when I was going through these is I realized he was  
23 referencing pages but he didn't always tell you what  
24 chapter he was talking about. So --

25 MS. CAHN: Yeah.

1                   MR. DOCTOR: -- if you go up a little  
2 farther, on page 13, I put that heading in, "Chapter 1  
3 Comments from Nelson Engineering," and it's underlined  
4 there. So, the comments there below that heading are  
5 all on Chapter 1, and then later on, on the bottom of  
6 page 16, I put in another heading underlined, "Chapter 2  
7 Comments from Nelson Engineering."

8                   In some places, he gave the page number as one  
9 dash something. In other places he just gave the  
10 straight page number. But in his letter, they were  
11 under these headings of Chapter 1 and Chapter 2  
12 comments, because I had the same problem.

13                   MS. CAHN: Okay. So, here is -- I'm  
14 confused by your response, because if I go to page 1 of  
15 32 and I'm in Section 11 and the language in the  
16 redline/strikeout version uses the term mixed municipal  
17 solid waste and then -- and they say that's a problem,  
18 it should mixed solid waste from municipal solid waste,  
19 and your response is: A definition of mixed solid waste  
20 is already in the rules. Mixed solid waste means,  
21 but -- and that no changes are proposed in response to  
22 the comment. Well, I think the problem with having the  
23 word municipal in there with mixed solid waste and  
24 you're saying it's in there but it's not -- I mean, do  
25 you see why I'm confused? It seems (inaudible) their

1 suggestion to remove the word municipal, and I agree  
2 with them.

3 MR. DOCTOR: Yeah. I get it now. I  
4 didn't understand where you -- yeah. That helped.  
5 Thank you.

6 MS. BEDESSEM: And Bob --

7 MS. CAHN: So my suggestion -- my  
8 suggestion would be that you then do a search, a global  
9 search in the three sections, look for the word  
10 municipal and make sure it's not in with mixed municipal  
11 solid waste, that it's just mixed solid waste or  
12 industrial solid waste or municipal solid waste. So,  
13 just do a quick search, make sure this doesn't occur  
14 someplace else. Thank you.

15 MR. DOCTOR: Thank you.

16 MS. BEDESSEM: Bob, I wanted to say,  
17 which you'd appreciate, is that I actually don't have  
18 additional comments that are specific. I do have one  
19 general comment in that in your response to comments,  
20 there is a lot of things that are going to be addressed  
21 via guidelines, you know, for example, with financial  
22 assurance and so forth. And so I started to read  
23 through it trying to make a list of all the different  
24 things that you agreed to make guidelines for, and there  
25 is quite a few.

1           And so, what I would like to hear next time is  
2 kind of a list of what guidances you have committed to  
3 and what you think the time frames will be for that so  
4 that the rest of us can kind of plan for that, and then  
5 you can -- that will help you with staffing and figure  
6 out who is going to be doing what and what the  
7 priorities are, because I know it's a long list of stuff  
8 to do besides additional rulemaking.

9           MR. DOCTOR: Mr. Chairman.

10           Marge, sometimes I don't think I want to know  
11 because there is a lot, and some of the new statutes may  
12 lead to even more. So we're going to be very busy, and  
13 I will be calling some of you for help.

14           MS. BEDESSEM: It would be good to  
15 examine that, and even though you don't really want to  
16 know, you probably should know.

17           MR. DOCTOR: Going to have to, yeah.

18           MS. BEDESSEM: Going to have to. And it  
19 would be good if we were kind of all on board knowing  
20 what that schedule looked like.

21           That's all for me.

22           MR. DOCTOR: Any others?

23           MS. BEDESSEM: Lorie might.

24           MS. CAHN: Again -- let's see. I have  
25 on comment 59 on page 18 of 28 where Nelson Engineering

1 is just suggesting changing the word period to the word  
2 term. To me that doesn't seem like we're talking  
3 something that's out of scope. It just seems like if  
4 that's the right term, we should just use it.

5 I mean, some of these things I just look at as  
6 clarifications that really don't change scope and it  
7 would be so easy to incorporate them rather than say,  
8 no, we're waiting for the next.

9 So that's just my suggestion is that maybe you  
10 look through these comments and find things that are  
11 really just a word change where the wrong word was used  
12 or a clarifying word could be used and just incorporate  
13 those rather than put those off. But I don't -- I'm not  
14 going to die on my sword on this one.

15 MR. DOCTOR: Mr. Chairman.

16 Lorie, this is one of those ones where I  
17 looked at that and thought, oh, good idea, but then I  
18 thought, oh, we used the word period all over the place,  
19 I think, or do we use term or do we use both, and I have  
20 to go through maybe multiple chapters of the rule in  
21 order to get that fixed. So I said, I think I'll wait  
22 till next time.

23 That would be the reason for that, because  
24 sometimes we use these words interchangeably and it can  
25 rattle through other chapters like the financial

1 assurance and things like that. And I just thought, I  
2 don't have time to go through and I may have to change  
3 every chapter if I dink with this one.

4 MS. CAHN: Well, I'm going to -- I'm  
5 going to take issue with that. It's so simple to do  
6 word search for words at a time and change it  
7 everywhere. Look for two words, period and term, choose  
8 one and change it and make it consistent. I mean, I'm  
9 sorry, but I don't think that's excessive to have to do  
10 that.

11 MR. DOCTOR: I agree with you there. My  
12 problem would be that this may also affect Chapter 3 and  
13 7 and others that we're not even working on right now.  
14 And so if I make a bunch of changes in the current  
15 chapters, it may ripple into a bunch of other things  
16 we're not messing with. So that would --

17 MS. CAHN: Okay. I can accept that.

18 MR. DOCTOR: You're right. Search and  
19 replace is easy.

20 MS. CAHN: Search and destroy. And I  
21 can accept that, that you have got other -- you have  
22 other chapters that you're not looking at, other  
23 sections. So I understand that. Thank you for the  
24 clarification, Bob.

25 MR. DOCTOR: You're right. Even I can

1 figure out that.

2 MR. WELLES: Couldn't you reference it  
3 to a specific chapter, saying --

4 MR. DOCTOR: I will look at this.

5 MR. ANDERSON: Mr. Chairman.

6 Lorie, I don't necessarily want to belabor  
7 this, but if you look at the provision at the very  
8 bottom of page -- on 2-19, it talks about -- it's  
9 talking about permit terms there. If you look at that  
10 romanette number ii, you can see how many different  
11 times we use the word period and term just within a  
12 single provision.

13 So, I think it gets to Bob's point in terms  
14 of, you know, being able to take some thought in terms  
15 of whether it makes sense in some locations to say  
16 period and then refer to term. So I just -- don't want  
17 to belabor it, just point out that we are a little bit  
18 schizophrenic in using terms.

19 MR. WELLES: Thank you for admitting  
20 that.

21 MR. DOCTOR: Lorie is still looking?

22 MS. CAHN: Yes. I have five more pages  
23 to go, so bear with me, please.

24 I would like to talk about comment 83 on page  
25 23 of 28. We had a lot of discussion at the last board

1 meeting about having monitoring wells as close as  
2 possible to waste versus having them at a waste  
3 management unit boundary, and you mentioned you're going  
4 to -- or you're going to bring this up at the -- in the  
5 next rule change, but we had a significant amount of  
6 discussion on that.

7           Let me make one kind of procedural comment.  
8 This goes to making -- you know, you asked for guidance  
9 on what the board likes to see in terms of how you  
10 adjust responses to comments. This and the sage grouse  
11 leks would be examples where I would prefer to see your  
12 response to comments next time organized going through  
13 page by page of the proposed rule rather than comment by  
14 comment by the commenter, because, you know, for  
15 example, at least two commenters commented on the sage  
16 lek language, and so, as a reviewer, I'm reading what  
17 you're going to do and then I get to the same comment  
18 again by another reviewer.

19           So, to me it makes more sense to have it  
20 organized as you go through the rule, and then you take  
21 all comments that somebody has addressed on one section  
22 all together, and so it benefits from conflicting one --  
23 somebody tells you to do one thing and somebody else  
24 suggests you do something else. It's easier to address  
25 them all at once. But that's procedural.

1                   So I guess then to get back to our original  
2 board discussion that we had on this, I guess I was led  
3 to believe that -- I was expecting to see some changes  
4 there on the language. I thought we had agreed we would  
5 strike out "as close as possible." We had discussions  
6 about based on hydrogeology, physical chemical  
7 characteristics.

8                   So I'm just kind of, I guess -- I'm concerned  
9 about having wells as close as possible to waste. I  
10 guess I need a little more discussion again on other  
11 than saying this was beyond the scope. It seemed like  
12 something that -- it's not smart to put a monitoring  
13 well right next to waste. It's not good engineering  
14 practice.

15                   So I guess I'm still concerned about the  
16 protectiveness of that, you know, of telling an operator  
17 to do that. I don't know. So I guess that's an example  
18 where I'd say even if it's out of scope, it's -- we had  
19 a lot of discussion on it, and it seems like something  
20 I'm not comfortable with, the proposed rule still  
21 saying, as I understand it, that we're going to have  
22 wells as close as possible to waste.

23                   MR. APPELGATE: Lorie, I wanted to add  
24 to that. I think I drew a cartoon where showed now that  
25 we're going to liners in all these landfills, that the

1 type of failure you would see from a landfill liner is  
2 such that, you know, there are pinhole failures or small  
3 failures that would -- you wouldn't actually pick that  
4 up until it diffused out a little bit. You're actually  
5 more likely to pick up groundwater contamination by  
6 having your well, I think, out a little further from the  
7 landfill. Of course, that's going to be very dependent  
8 on, like you said, the specific hydrogeologic conditions  
9 in which the landfill is placed.

10 I think, generally speaking, we just thought  
11 it was too simplistic, didn't we, to say as close as  
12 possible and that we wanted some language that would  
13 incorporate a little deeper thought process in terms of  
14 locating monitoring wells.

15 MR. DOCTOR: Mr. Chairman.

16 That's all a part of our discussion when we're  
17 working to establish a groundwater network. In the vast  
18 majority of our landfills, waste is 20 feet from their  
19 fence, and we have got 20 feet to put a monitoring well  
20 in. We can't go off site to somebody else's property.  
21 It's a moot point.

22 Also, an unlined landfill is not a homogenous  
23 waste source. A five-gallon drum of TCE could be dumped  
24 50 feet over from our monitoring well and we're going to  
25 completely miss it in getting enough wells in to do

1 that. And also within the footprint of a landfill, a  
2 release can come from anywhere, lined or not.

3 So moving that well close to waste, 150 meters  
4 from waste, back and forth in there, who knows if you're  
5 going to hit it. You have diving plumes. You have  
6 light end stuff.

7 We're just trying to see, is it leaking or is  
8 it not leaking. If it is, then we start getting into  
9 screening wells at various depths to determine if the  
10 LNAPLs are escaping underneath our monitoring wells.  
11 And the very basic bare-bones monitoring network that a  
12 lot of our operators are able to afford to put in has  
13 been a big consideration here. But we do consider those  
14 distances when we're looking at where to set this.

15 I had some -- pardon me, David. Maybe this  
16 was there because people were trying to put a wells a  
17 long way away and we wouldn't get a release until it was  
18 15 years too late. So I don't know.

19 MR. APPLEGATE: Maybe it's possible to  
20 do a minor change here something to the effect -- tell  
21 me what comment number again that was, Lorie.

22 MS. BEDESSEM: It's comment 83.

23 MR. APPLEGATE: Maybe you could just  
24 add, no more than 150 meters from the waste management  
25 unit boundary unless there are site-specific

1 hydrogeologic conditions that warrant a greater distance  
2 or something to that effect.

3 MS. CAHN: My concern was in the  
4 language as close as possible, and I thought we had  
5 struck that. So, this response to comments says that we  
6 didn't, that you didn't strike it.

7 MR. APPELGATE: So I would be agreeing  
8 with your suggestion that we delete as close as  
9 possible. Well, I guess it says that WDEQ plans to --  
10 well, if you look at what DEQ planned to consider, that  
11 language is pretty good.

12 MS. BEDESSEM: Can you tell us where  
13 that is in the strikeout version of the rules --

14 MR. DOCTOR: It's on page --

15 MS. BEDESSEM: -- where the language  
16 is?

17 MR. DOCTOR: -- 2-47 in our groundwater  
18 monitoring requirements. In Chapter 2, it says, the  
19 system must be -- there is a bunch of conditions in  
20 there in establishing a groundwater monitoring system.  
21 And it says the "Well locations must be approved by the  
22 administrator, and downgradient wells shall be placed in  
23 locations as close as possible but in no case greater  
24 than 150 meters from the waste management unit boundary  
25 on land owned, leased or otherwise controlled by the

1 operator."

2 MR. APPLGATE: Now that I know the  
3 language more specifically, Lorie, I would say if you  
4 just deleted your as close as possible and just left the  
5 language in it would be placed no more than 150 meters.  
6 I don't know. I just think you want to keep this open  
7 to a dialogue with the permittee. And, again, the  
8 regulating community -- it's similar to my comment  
9 earlier about details. As soon as you put as close as  
10 possible, we could be dealing with regulators that are  
11 less reasonable than you and Carl who read that language  
12 as it's written, and that's what we're trying to avoid  
13 is having language there that seems so restrictive that  
14 it doesn't allow dialogue.

15 So, I guess I would support a motion from you,  
16 Lorie, that has a deletion to the language that you  
17 think is appropriate.

18 MS. CAHN: I still -- yeah. I agree  
19 with Dave. I think that you still have in there  
20 language that says the well location must be approved by  
21 the administrator. So it's going to be in a -- it has  
22 to be in a location that's acceptable to DEQ. So I  
23 think you're covered there. And then just say  
24 downgradient -- and downgradient wells shall be placed  
25 in locations -- sorry -- in locations that are in no

1 case greater than 150 meters from the waste management  
2 unit boundary on land owned, leased or otherwise  
3 controlled by the operator. So, therefore, you still  
4 have the -- the administrator, DEQ still has to approve  
5 these.

6 MR. APPELGATE: So I guess the question  
7 for Carl is, are you okay with that recommended change  
8 or do we have to go through a motion process?

9 MR. ANDERSON: Was that a question for  
10 me, Mr. Chairman?

11 MR. WELLES: Yes.

12 MR. ANDERSON: Or for Lorie?

13 MR. WELLES: For Carl.

14 MR. ANDERSON: You know, I was just -- I  
15 was just going to suggest that maybe we could say:  
16 Downgradient wells shall be placed in locations within  
17 150 meters of the waste management unit boundary.

18 MS. CAHN: I like that, Carl.

19 MS. BEDESSEM: Good at deleting words.  
20 That's great.

21 MR. DOCTOR: I will do that unless you  
22 want to specifically make a motion to do so.

23 MR. APPELGATE: I don't think we need to  
24 make a motion if you're willing to accept that.

25 MR. DOCTOR: I believe -- Mr.

1 Chairman -- David, that I looked in subtitle D right  
2 after our last meeting and I was unable to find that "as  
3 close as possible" in there. I know that the relevant  
4 points of compliance can be no more than 150 meters from  
5 waste.

6 Thank you. Next?

7 MS. CAHN: Okay. I need just a few more  
8 minutes. What I would like to do is just kind of go  
9 through my notes from the last meeting just to feel that  
10 I understand what -- the things that we had extensive  
11 board discussion on just to make sure I know where we're  
12 going. So just give me few minutes. Thank you.

13 I have a question. On page 1-40 of the  
14 redline/strikeout rules, at the bottom where we're  
15 talking about changes in the permit renewal application,  
16 it talks about -- I think we had talked about something,  
17 adding some language about at the end of that sentence  
18 "and the revisions are clearly identified" or something  
19 to make it easier for DEQ to do a review, and it's hard  
20 for me to find out what happened to that, because the  
21 response to comments, I'm not sure where to go for  
22 that.

23 MR. DOCTOR: Mr. Chairman.

24 Lorie, if you turn to actually page 6 and  
25 going on to page 7 of the response, that's been added in

1 two places. It's comment number 10.

2 MS. CAHN: Okay. Great. Thank you.

3 MR. DOCTOR: Mr. Chairman.

4 While we're sitting here, when I prepare these  
5 as part of the record, depending on where we go, I will  
6 go through here and where I just said I'm going to add  
7 all this, I'll make it red so it stands out like some of  
8 the other changes just to make it clear it's all new  
9 stuff before this goes on whatever form.

10 After I was looking at comment 97, I said,  
11 we'll add all this to the bottom of the section, but I  
12 didn't make it red. So there could be two or three  
13 places where I need to do that.

14 MS. CAHN: There is going to be a lot  
15 more than two or three places. There is going to be  
16 dozens. I can start going through -- if you want me to  
17 go through them, I can tell you ones I found, but it was  
18 a lot. So I think you should just search for the word  
19 added or changed and I think you'll find a lot of them.

20 MR. DOCTOR: There probably are.

21 MS. BEDESSEM: Bob, are you going to  
22 revise the response to comments to handle the additional  
23 things that we discussed here today?

24 MR. DOCTOR: Yes. It's my assumption  
25 that essentially an entire response to all these

1 comments, including the ones today, would be compiled  
2 and then that will be part of the record if you all  
3 decide to move forward with formal rule changes or if  
4 you decide you would like us to come back with the rules  
5 actually changed for you for, in some cases, a few other  
6 board members, newbies, to look at.

7           So either way, this revised thing would move  
8 forward in either a formal rulemaking or back to you  
9 guys.

10                   MS. CAHN: I have no more questions.

11                   MR. APPLGATE: I'd like to make a  
12 motion. And, of course, we'll have opportunity to  
13 discuss this, Lorie. But my motion would be that we  
14 approve these rules as amended by us today to be  
15 forwarded to the EQC.

16                   MS. BEDESSEM: I'll second that motion.  
17 Discussion?

18                   MR. WELLES: We have a motion and a  
19 second. Do we have comments?

20                   (No response.)

21                   MR. WELLES: Hearing no comments, I'll  
22 ask for the vote. All those in favor, please say aye.

23                   MR. APPLGATE: Aye.

24                   MS. CAHN: Aye.

25                   MR. WELLES: Aye.

1 MR. SUGANO: Aye.

2 MS. CAHN: Aye.

3 MR. WELLES: Opposed?

4 (No response.)

5 MR. WELLES: Hearing none, motion  
6 passes.

7 MR. DOCTOR: Mr. Chairman and board  
8 members, that was -- I don't think it was all that  
9 painful. Appreciate it. Now I'm a little scared,  
10 though, because I have not done the formal rulemaking  
11 before.

12 When I finish updating this and actually  
13 putting these changes in the rules, I think I should  
14 send it all to you before we start the formal rulemaking  
15 so you can look at it. And if you happen to see  
16 something that I missed, I think that will give you all  
17 an opportunity to say, hey, wait a minute. You forgot  
18 something.

19 MR. WELLES: Yes. If you hadn't said  
20 that, I was going to suggest that.

21 MR. DOCTOR: I like that checks and  
22 balances, because I appreciate your help.

23 MR. WELLES: Well, that's what we're  
24 here for is to try and help get to the end product that  
25 is the best.

1 MS. BEDESSEM: And that's also  
2 considering the format is a little different than what  
3 we normally move forward. So, appreciate that.

4 MR. DOCTOR: I don't think I'll try this  
5 again. Hopefully we won't be under the gun so much next  
6 time either.

7 Would you like to hear a little quick synopsis  
8 of these new statutes that may be affecting us?

9 The legislature select committee of the Joint  
10 Minerals Committee met about a week ago Monday. They  
11 seem to be aware now of the problems we have with local  
12 governments funding obviously remediation but also  
13 landfill closure and transfer station construction.

14 Previously, we had set aside in the previous  
15 budget a couple bienniums ago or one biennium ago. We  
16 have 30 million dollars in our reserve account now for  
17 remediation with the potential of the upcoming budget,  
18 the governor including another 15 million in that  
19 account.

20 We're trying to figure out how we go about  
21 using that money. We have impacted landfills and a  
22 priority list that we're developing for the minerals  
23 committee, and we need to approach them based on that  
24 priority list for remediation. But we have a lot of  
25 smaller landfills who are needing to close, and if we

1 were to wait to provide assistance based on priority  
2 ranking, they'll never get money. And therefore, we  
3 have been having this discussion of how we address both  
4 of those needs to local government. So, the proposal  
5 now being looked at is a remediation account that is  
6 administered through DEQ. DEQ would lead remediation.

7 Another bill out there would be a bill for  
8 they call it cease and transfer, when a landfill ceases  
9 to receive all waste, that we will work with them and  
10 hopefully have a general -- and Carl, you may want to  
11 talk about this a little more -- a general permit  
12 process to assist with the permitting that they need to  
13 go through to get their landfill closure permit together  
14 and designed for final cover and also the transfer  
15 station designed and taken care of, to do that now  
16 through reimbursement from SLIB.

17 So there is two basic bills out there, one,  
18 DEQ led remediation in a separate account, and the  
19 other, a reimbursement program through SLIB for closure  
20 and transfer stations. And that's the short version of  
21 where that's going. There are a lot of details to work  
22 out like eligibility criteria, what things do we need to  
23 do from our side, what does the operator need to do in  
24 presenting their side. That's a short version.

25 Also, there was some talk of the potential for

1 a recycling bill that would maybe establish goals for  
2 recycling. There wasn't any desire to establish a  
3 mandatory recycling rate for the state of Wyoming, but  
4 there is some need that there may be a need for support  
5 of recycling in one way or another, maybe even  
6 financial.

7 And Carl, I will let you elaborate on those  
8 things, if you would like, if you're still there.

9 MR. ANDERSON: I'm still here. Mr.  
10 Chairman.

11 I guess, you know, I can -- if the board would  
12 like to hear more, you know, I can talk a bit more about  
13 the legislation, but I think, you know, Bob captured it  
14 pretty well in terms of what a remediation program would  
15 look like and what the cease and transfer part of it  
16 would look like.

17 There is also a piece of legislation that's  
18 being proposed that's sort of odd in that the other two  
19 pieces of legislation, you know, because if the state is  
20 going to be, you know, using state money to clean up  
21 landfills and/or reimbursing communities to do closure  
22 and transfer kinds of activities, there is a feeling  
23 that there should be greater accountability by the  
24 communities to account for their costs so that we don't  
25 get faced with this problem in the future ten years from

1 now where communities haven't planned and haven't set  
2 money aside to continue to operate a transfer station or  
3 meet, you know, the other obligations associated with  
4 the solid waste management.

5 So, I think that that about covers it, I  
6 believe.

7 MR. WELLES: Well, I would just suggest  
8 to DEQ that, at least from my opinion, and I think the  
9 rest of the board would concur, that you just keep us  
10 informed, you know, with simple email updates or however  
11 you want to title it but just to keep us involved in the  
12 process. I think that would be helpful.

13 MR. DOCTOR: Thank you. We'll keep  
14 doing that.

15 Just so you know, the governor's advisory  
16 committee on solid waste is meeting here in Casper  
17 October 3rd at the UW Outreach building on North Poplar  
18 Street. Also, the next meeting of the Joint Minerals  
19 Committee is October 15 -- Carl, is that right? -- I  
20 believe right here in this building, in this room.

21 Is that right, Carl?

22 MR. ANDERSON: That's correct. Yeah,  
23 that's correct.

24 MR. DOCTOR: And then we should see  
25 whatever their revisions are to the bills that were

1 addressed on to the subcommittee.

2 MS. BEDESSEM: So is the subcommittee --  
3 are the subcommittee meetings over?

4 MR. DOCTOR: I believe they are. So the  
5 subcommittee is working on revising their initial  
6 drafts, and then they will bring that to the committee  
7 as a whole on the 15th. And then we'll know kind of  
8 where they're going.

9 MS. BEDESSEM: Can you clarify for me?  
10 Because I may have missed it. So now are there two  
11 draft bills or three draft bills?

12 MR. DOCTOR: Go ahead, Carl.

13 MR. ANDERSON: Mr. Chairman.

14 You know, I think just to clarify a little  
15 bit, the solid waste subcommittee is intending on having  
16 a phone conference call, and that hasn't been scheduled,  
17 but sometime around the 1st of October, they're  
18 proposing to have a phone conference call, because  
19 legislative service offices has been working with us in  
20 terms of finalizing draft versions of the legislation,  
21 and then the subcommittee can have a conference call,  
22 like I said, sometime around the 1st of October to talk  
23 about the sort of draft final version, make any changes  
24 to those, and they would present those to the minerals  
25 committee on the 15th of October.

1           Right now there are three pieces of  
2 legislation. One is related to remediation. The other  
3 one is cease and transfer. The other one is this  
4 accounting, community accountability, full cost  
5 accounting. And then even though we haven't seen it,  
6 there will likely be a fourth piece of legislation  
7 related to recycling, and we don't know exactly what  
8 that will look like at this point.

9           What was given to the solid waste subcommittee  
10 a couple weeks ago was pretty skeletal in form and it  
11 did talk about, you know, some mandatory recycling. And  
12 the solid waste subcommittee generally concluded that,  
13 at this point in time, you know, establishing some kind  
14 of mandatory recycling rate probably would need some  
15 more time, but they felt like -- I think in general they  
16 felt like it's probably a good time to, you know, get  
17 some recycling stuff on the table.

18           And so, we expect that there will probably  
19 four pieces of legislation that will go to the solid  
20 waste subcommittee at their phone conference call, and  
21 they'll decide, you know, whether or not they want all  
22 four of those to go to the joint committee. I would  
23 guess that for sure two of them will, the remediation  
24 and cease and transfer. I would suspect that the  
25 accounting would. The recycling one, I'm not quite

1 sure.

2 MR. WELLES: Thank you for that update.

3 Is there anything else, Bob, that you have?

4 MR. DOCTOR: No, I don't.

5 MR. WELLES: Or Carl?

6 MR. DOCTOR: Except thanks for your  
7 help.

8 MS. CAHN: I have some board things to  
9 bring up just for the board. I guess I was surprised to  
10 hear -- I know that, Bill, you're going off the board at  
11 the end of September, in a few days here --

12 MR. WELLES: Yes.

13 MS. CAHN: -- next week. So I just  
14 wanted to thank you very much. It's been a pleasure  
15 working with you, and thank you for serving as our  
16 chairman. And I wanted to know if there -- I guess DEQ  
17 mentioned that there were other people that were going  
18 off the board, and I didn't know that that was true. I  
19 knew that Bill was.

20 So I wanted to make sure that procedurally a  
21 couple things. One is that if anybody's term is  
22 expiring and they wish to continue to serve, that they  
23 let the governor's office know that they want to do that  
24 so that we have some -- so there is continuity.

25 If somebody knows they're going off the board

1 besides Bill, I'd like to know of it. And I'm not  
2 really -- I can't even remember anymore when people's  
3 terms expire. So probably going to have to look that up  
4 on line, make sure I'm not one of them, because I want  
5 to continue to serve.

6           And then the other thing is that we will be  
7 losing our chairman. So, Marge is the vice chair. We  
8 don't normally elect officers until we have the new  
9 board. So what I assume we'll do is Marge will act as  
10 the acting chair until the next meeting where we, you  
11 know, elect a board -- I mean, elect our officers.

12                   MR. WELLES: I think that's all  
13 correct.

14                   MS. CAHN: So that in terms of figuring  
15 out when the next meeting would be, DEQ will work with  
16 Marge primarily, and then she can work with the rest of  
17 the board to set up our next meeting.

18                   And then the other question I had was, does  
19 DEQ know or do we have any idea when the next meeting  
20 might be or what might be coming before us from the  
21 Water Quality Division or, Carl, your division?

22                   MR. SUGANO: Mr. Chairman? Mr.  
23 Chairman?

24                   MR. WELLES: Yes, Glenn.

25                   MR. SUGANO: This is Glenn.

1                   Yes, I am going to leave the board. My term  
2 has expired. And I just had some circumstances come up  
3 during late summer that are going to force me to just  
4 kind of discontinue my public service. So, I just  
5 thought I better let everyone know.

6                   MR. DOCTOR: We don't like that news  
7 either.

8                   MS. BEDESSEM: Again, Glenn, we really,  
9 really enjoyed working --

10                  MS. CAHN: Glenn, it's been a pleasure  
11 serving with you, too. We're going to miss you also.

12                  MR. SUGANO: Well, thank you very much.  
13 I've enjoyed working with everyone and I hope to see you  
14 again soon.

15                  MR. APPELEGATE: Lorie, this is Dave. My  
16 term expires. I did send information to continue my  
17 term and haven't heard back. So, I don't know if I am  
18 continuing or not.

19                  MR. WELLES: Well, I think, Dave, that  
20 you need to contact the governor's office to make sure  
21 that they have your --

22                  MR. APPELEGATE: I know they received my  
23 information. I got confirmation of that. I'm assuming  
24 I'll find out in the next couple weeks.

25                  MR. WELLES: The only thing that I know,

1 and this isn't official, but I know that the governor's  
2 office has had several applications. There was some  
3 concern that there was nobody applying to represent  
4 agriculture, and I forwarded that email on to the same  
5 people that I had contacted earlier in the year when I  
6 knew that my term was up, that being the Stock Growers,  
7 the Wool Growers, Farm Bureau, conservation districts  
8 and a pretty large network. And I had two responses  
9 from two individuals who had interest, and whether or  
10 not they have actually submitted applications to the  
11 governor's office I never have been told. So I don't  
12 know.

13 I would like to thank all of you on the board  
14 and DEQ staff. The time that I have spent with this  
15 board has been extremely educational. I feel I'm the  
16 least scientifically endowed person in the room at every  
17 meeting, and, therefore, my education level has risen to  
18 a point that, I mean, I just really appreciate having  
19 had the opportunity of working with you all. So thank  
20 you very much.

21 If there is no other comment, hopefully,  
22 Glenn, you and I can still play some golf together  
23 somewhere in our retirement from the board.

24 MR. SUGANO: I hope so, Bill. Thanks.

25 MR. WELLES: Is there anything else at

1 this point?

2 (No response.)

3 MR. WELLES: No comment? Then we'll  
4 close the meeting. Thank you all very much.

5 (Hearing proceedings concluded 12:22  
6 p.m., September 21, 2012.)

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