

1 BEFORE THE WATER AND WASTE ADVISORY BOARD

2 STATE OF WYOMING

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5 HEARING ON PROPOSED AMENDMENTS TO CHAPTER 17, STORAGE

8 TANK PROGRAM

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14 VOLUME I
15 TRANSCRIPT OF HEARING PROCEEDINGS

16 Transcript of Hearing Proceedings in the above-
17 entitled matter before the Water and Waste Advisory
18 Board, commencing on the 13th day of September 2007 at
19 8:42 a.m. at the Center for Arts Building, 240 South
20 Glenwood, Room 118, Jackson, Wyoming, Mr. Glenn Sugano
21 presiding, with board members Marjorie Bedessem, Bill
22 Welles, Lorie Cahn and Joe Olson also in attendance.

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P R O C E E D I N G S

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MR. SUGANO: It's 1:00. And I think we'd

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like to start this afternoon's session of our Water and

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Waste Advisory Board meeting. The advisory board is here

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in Jackson. We're going to have a discussion this

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afternoon on the underground storage tank issue. And for

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that, we have DEQ staff to handle that.

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Before we get into opening statements from the

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DEQ, I'd like to do introductions. And, also, we'll go

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around the state to find out who's sitting in on the

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satellite sites.

1 So starting with introductions here at the
2 advisory board, my name is Glenn Sugano. I'm on the
3 advisory board, representing local government.

4 MS. BEDESSEM: Marge Bedessem,
5 representing the public at large.

6 MS. CAHN: Lorie Cahn, representing the
7 public at large.

8 MR. WELLES: Bill Welles, representing
9 agriculture.

10 MR. OLSON: Joe Olson, representing
11 industry.

12 MR. SUGANO: Thank you. That takes care
13 of the board. Now we'll ask for introductions from the
14 Solid and Hazardous Waste staff.

15 MR. FEUSNER: LeRoy Feusner, administrator
16 for Solid and Hazardous Waste.

17 MR. LUCHT: Bob Lucht. I'm the compliance
18 program supervisor for the Storage Tank Program.

19 MS. HALVORSEN: Karen Halvorsen, Storage
20 Tank Program manager.

21 MS. CARSON: Jamie Carson, Thunder Basin
22 Coal.

23 MR. RASHID: Mamun Rashid, Maverik.

24 MR. SUGANO: Thank you. That takes care
25 of everyone here in Jackson. Go around the state and

1 find out who's sitting in with us.

2 Casper? Is there anyone there in Casper?

3 MR. KISSELL: Earl Kissell, Loaf 'N Jug.

4 MR. HIGGINS: Bob Higgins.

5 MR. SUGANO: Thank you. Is there anyone

6 here from Gillette?

7 UNIDENTIFIED SPEAKER: No one here.

8 MR. SUGANO: How about Kemmerer?

9 UNIDENTIFIED SPEAKER: No participants in

10 Kemmerer.

11 MR. SUGANO: Go to Laramie.

12 UNIDENTIFIED SPEAKER: There's no

13 participants in Laramie right now.

14 MR. SUGANO: Riverton.

15 UNIDENTIFIED SPEAKER: No participants in

16 Riverton.

17 MR. SUGANO: Rock Springs.

18 UNIDENTIFIED SPEAKER: There is no one

19 here.

20 MR. SUGANO: How about Sheridan?

21 UNIDENTIFIED SPEAKER: Nobody's here.

22 MR. SUGANO: And last, Cody.

23 UNIDENTIFIED SPEAKER: No participants in

24 Cody.

25 MR. SUGANO: Thank you very much.

1 I think the DEQ staff does have an opening that
2 they would like to do. And then after that, we'll turn
3 the meeting over to Bob Lucht to tell us about some of
4 the comments and responses that he's handling. Do you
5 have an opening that you guys would like to make?

6 MR. FEUSNER: Yes. We're back here to
7 talk about Chapter 17 again. Since the board initially
8 reviewed Chapter 17 several months ago and passed the
9 document on for rule-making at that time, the
10 finalization of guidelines from EPA have been issued.
11 And we've looked at those. Plus, there have been some
12 other comments that were received on Chapter 17.

13 So senior management at DEQ decided that, since
14 there were these changes and those other guidelines had
15 been issued, we thought it would be in the best interest
16 to look at Chapter 17 again before advancing to the
17 Environmental Quality Council.

18 So with that, then, I'm going to turn it over
19 to Bob Lucht and Karen Halvorsen to go through the review
20 process, Mr. Chairman, and take it as we see necessary in
21 terms of brevity.

22 MR. LUCHT: Okay. Since our last Water
23 and Waste Advisory Board meeting on October 18th of 2006,
24 we've had 42 comments received. Some of these comments
25 were generated by the department in response to the fact

1 that there have been two acts passed by our legislature
2 this last legislative session. So some of these changes
3 that we're proposing in the chapter are nothing more than
4 making our chapter comply with the new law.

5 I'm not going to go through all 42 comments.
6 I've picked five comments that I thought might be the
7 most interesting to the board. Comment 9 addresses the
8 way that cathodic protection testers are licensed by the
9 State. We got a comment -- in essence, the National
10 Association of Corrosion Engineers licenses cathodic
11 protection testers. And they do it on a three-year
12 basis. Their training session is extremely rigorous.
13 It's a week long. I've looked into taking it myself, and
14 I hope to do that soon. But it starts at 8:00 in the
15 morning and goes until 6:00 at night for five days. And
16 there's homework after that, from what they tell me. And
17 then there's a four-hour test at the end of that short
18 course.

19 Assuming that you pass that test and you're a
20 certified NACE cathodic protection tester, every three
21 years you can automatically renew that if you get
22 continuing education credits. The change that we're
23 proposing in the draft would simply allow those that have
24 gone through the NACE training to retest every three
25 years through NACE. While the Steel Tank Institute has a

1 very -- it's a good enough course. But it's two days
2 long. It is not nearly as rigorous. Steel Tank
3 Institute doesn't require any continuing education
4 credits. They simply require you to retake the course
5 every two years. So that's what the change is on -- in
6 response to Comment Number 9.

7 Then we go to the next one. The Section 47(c)
8 would then be reworded in a way to make it comply with
9 the way that NACE recertifies their own people and the
10 way STI certifies theirs.

11 The next comment is Comment Number 11. And
12 Comment Number 11 has to do with service station clerks.
13 When that guidance document came out of EPA, they
14 required the three levels of training. When it came out,
15 it became pretty clear that they required that anyone
16 that works as a clerk in a service station, even though
17 they're not the general manager, they'll have to be
18 trained.

19 So we're proposing to insert some language into
20 the draft chapter to require the Level 1 operator to
21 train his own employees, his or her own employees, in
22 certain areas. And if you put the next slide up, you'll
23 see what those areas are.

24 They include the proper procedures to follow in
25 the event of an accident involving the fuel system. If

1 somebody does anything that damages the fuel system or
2 the dispensers, that person that's in charge at night or
3 in the day, if they're the one in charge of that location
4 for the time being, they need to know what to do in the
5 event of that kind of an accident.

6 They need to know the location and operation of
7 emergency shut-off switches. You'd be amazed at how many
8 people on gas stations do not know how to shut off the
9 pumps when we do an inspection.

10 They have to have a knowledge of the limits of
11 the maintenance items that they can do. The Loaf 'N Jug
12 company actually had a gas station in Frisco, Colorado
13 burn to the ground because an unqualified individual
14 tried to change the fuel filters under the dispensers.
15 So this would simply require that the general manager of
16 the store make sure the people that work for him know
17 what they cannot do. In most cases, they cannot do
18 anything in the way of maintaining the fuel dispensers,
19 because that requires some training.

20 They have to know the procedures to be followed
21 in the event of a fuel spill, regardless of why that
22 spill happens. There's times when fuel spills go
23 unreported because the guy on the off shift doesn't know
24 that if somebody comes in and spills 100 gallons of fuel
25 in the gutter, there are certain things he has to do.

1 And they have to know whatever records must be
2 kept on that shift to ensure that release detection is
3 properly done. Most release detection methods don't
4 require anything of off-shift operators, but some do. So
5 if they're using a release detection method that requires
6 any input from that off-shift operator, then they'll have
7 to be trained in it.

8 Go to the next slide.

9 Comment Number 18 had to do with bio-diesel and
10 E85 ethanol. We didn't put this in the first draft. It
11 never even occurred to me this would be an issue. In my
12 view, gasoline includes ethanol, and diesel includes
13 bio-diesel. It turns out that that's not always the case
14 in everybody's mind.

15 So what I've done is draft two definitions, one
16 for ethanol and one for bio-diesel. If you go to the
17 next slide, the definition for bio-diesel basically means
18 that bio-diesel is going to be interchangeable with
19 diesel for all purposes of this chapter. So if you have
20 a bio-diesel tank, it will be covered by the program
21 without any question. You will have to do leak detection
22 on your bio-diesel tank, just like you would if it was a
23 diesel tank.

24 The same thing with ethanol. The issue with
25 ethanol is that ethanol itself is not considered a

1 hazardous substance. It is denatured with gasoline,
2 which is a hazardous substance. If it leaks, there are
3 those that would argue that E85 tanks aren't regulated
4 tanks. In Wyoming, if they were not regulated tanks, it
5 would mean they wouldn't be eligible for the state
6 cleanup. It would also mean they wouldn't have to do any
7 leak detection. It would be like going back to the way
8 it was before we set up the Storage Tank Program.

9 So both of these things simply clarify things
10 and say bio-diesel is diesel and E85 ethanol is gasoline,
11 period.

12 Comment 20 is our next comment that I wanted to
13 go over. The overfill protection that we wrote for
14 aboveground storage tanks is the most stringent in the
15 United States. We've gotten a lot of comments that maybe
16 we're being too stringent. Some of these aboveground
17 tanks that we're regulating, because they sell to the
18 public, are only 500-gallon tanks.

19 The present language of this section would
20 require they have a three-stage overfill. They'd have to
21 have an alarm at 85 percent. They'd have to have
22 something that would start restricting the flow at
23 95 percent. And they'd have to have a positive shut-off
24 at 98 percent.

25 We also got a comment from the fire marshal's

1 office that you can't allow any aboveground tank to be
2 filled at 98 percent. It can only be filled, under the
3 fire code, to 95 percent. So this proposed change is to
4 allow a little bit less stringent overfill protection.
5 This change would make it so that you'd have an alarm
6 when the aboveground tank is 90 percent full and a
7 shut-off when it's 95 percent full. And if the tank is
8 100,000 gallons or larger, you'd have to have that third
9 set to start restricting the flow and sound a second --
10 you'd have to sound a second audible alarm when that
11 second 95 percent shut-off hit.

12 I know it sounds odd, but we have three tanks
13 that are over 100,000 gallons in Wyoming. One of them is
14 490,000 gallons. So that particular tank is so large
15 that you could put a tanker truckload in, and it wouldn't
16 go between 95 and 100 percent.

17 Overfill is an important thing. It's the
18 single largest cause of releases from aboveground storage
19 tanks. At the same time, I felt that maybe for the
20 smaller tanks, we have gone a little bit too far. And I
21 hope you agree with me.

22 Comment 22, then, has to do with vehicle impact
23 protection on UL 2085 tanks. A UL 2085 tank is a
24 ballistic-proof double-wall tank. It's ballistic-proof
25 up to a 30-caliber bullet. The UL 2085 tanks come in two

1 kinds. Some manufacturers certify right on the nameplate
2 of the tank that it is certified to provide vehicle
3 impact protection, and some of them do not. So what
4 we're saying in this change is to simply allow those that
5 are certified by the manufacturer to stand alone without
6 additional vehicle impact protection.

7 Now, those are the five comments that I thought
8 were the biggest departures. If you have questions about
9 any of the other comments that we received, the board has
10 received a copy of all 42 comments. And I'd be happy to
11 answer. I've got slides for every single one of the
12 comments if that's what you want. At this point, I'm
13 done with my comments for now.

14 MR. SUGANO: Thank you, Bob.

15 Any questions or comments from board members?

16 MS. BEDESSEM: Bob, I just have a couple
17 of minor suggestions on some wording changes. The
18 question I had was in response to Comment Number 3 -- so
19 that's on page 2 -- where it says, reciprocity in other
20 states and cities, and it says, after evaluation of the
21 other states' licensing requirements, the State of
22 Wyoming Storage Tank Program may accept a license from
23 any adjacent state or any city in Wyoming. When I read
24 that, it's confusing to me because it makes me feel that
25 you have to evaluate another state's licensing

1 requirements to approve something for a city in Wyoming.

2 So my suggestion -- because of the way that
3 phrase is at the front end of the statement, my
4 suggestion is to start the sentence with -- in other
5 words, remove "after evaluation," but start it with, the
6 State of Wyoming Storage Tank Program may accept a
7 license from any adjacent state or any city in Wyoming,
8 comma, after evaluation of the other state or city's
9 licensing requirements in lieu of the -- et cetera, et
10 cetera.

11 MR. LUCHT: Okay.

12 MS. BEDESSEM: So it doesn't tie another
13 state to approving a city of Wyoming program. So that's
14 just a wording thing.

15 And one more small wording change in Response 1
16 for license required. In the first sentence, can we
17 remove -- not remove, but move "by the department" that's
18 at the end of that first sentence to be after "shall be
19 licensed." So it shall say, shall be licensed by the
20 department to install or modify fuel tanks.

21 So thank you. Those are the two requests for
22 small wording changes.

23 MR. LUCHT: Okay.

24 MS. CAHN: Bob, you had -- in the response
25 to comments, you had asked the board for some help with

1 wording in two places. One place is on page 17-97
2 (x)(i), which is basically Section 44 (a)(11). And it
3 was a question about tampering with the alarms. I don't
4 remember the comment number. But I would -- I had a
5 suggested a way of kind of maybe addressing that would
6 be, after saying any required monitoring devices being
7 purposely tampered with or turned off, and then add,
8 except when it is being actively worked on. That's just
9 a suggestion.

10 MR. LUCHT: That was one of the comments
11 that we received. And one of the commenters wanted to
12 know when we would consider it to be tampering with an
13 alarm if you just turned it off. And we have had cases
14 when service companies have gone out and turned alarms
15 off. You can program an automatic tank gauge and
16 actually program the alarm out of the system. We fined
17 the company a lot of money because they did just exactly
18 that.

19 MS. CAHN: And the second place that I
20 recall you were asking for suggestions from the board as
21 to wording -- and, again, I didn't write down the comment
22 number, but it's in Section 49, revocation of licenses.
23 And the comment on our page of the red-line-strikeout
24 version is on page 17-104. It's Section 49. And it had
25 to do with false reporting.

1 And I guess what I thought when I read through
2 (a), submission of falsified data, whenever the
3 department has documentary proof that any of the
4 information submitted to the department for the purpose
5 of obtaining a license was falsified, to me, that's good
6 wording that includes (b), false recording, submission of
7 any report to the department which is shown by the tester
8 as passing when the test actually shows a failing result.

9 So I thought we could do away with (b), because
10 I think (a) is more general and is inclusive. That was
11 my reading of it. Maybe that's not everybody else's
12 reading.

13 MS. BEDESSEM: So my question is, is (a)
14 not inclusive because it says for the purpose of
15 obtaining a license? Is the normal testing requirements
16 only for the purpose of obtaining a license? Do you see
17 what I'm saying? In (a) it says, whenever the department
18 has documentary proof that any information submitted to
19 the department for the purpose of obtaining a license was
20 falsified. Does that restrict it to some cases that --
21 in other words, would there be cases where there would be
22 testing submitted that wasn't to obtain a license?

23 MR. LUCHT: Actually, that was the
24 understanding when I wrote this. There are tests that a
25 tester does at an individual station. And we've had

1 cases when that tester had submitted something that
2 actually fails, and then he says it passes. And, to me,
3 that ought to be grounds for revocation of a license.
4 But it has nothing to do with the documentation when he
5 got his license in the first place.

6 MS. BEDESSEM: How about, Bob, if we add
7 in that section of submission of falsified data, just in
8 (a) where it says obtaining a license was falsified, add
9 "or misrepresented." And I think (b) covers the case
10 that you're talking about. So I'm just saying add "or
11 misrepresented." So it doesn't mean that they
12 necessarily forged something. But their interpretation
13 of it is not appropriate.

14 MR. LUCHT: Say it again.

15 MS. BEDESSEM: In Part (a), where it says,
16 the department for the purpose of obtaining a license was
17 falsified, if you add the words "or misrepresented,"
18 would that cover instances where you haven't actually
19 forged a document, but their assessment of the document
20 perhaps is not up to par or truthful? That's just a
21 suggestion for you to consider if you wanted to add "or
22 misrepresented."

23 The other thing you were talking about, Bob, I
24 think you have covered well in Part (b).

25 I wanted to add one other thing. When I had

1 mentioned that earlier wording change, there was a
2 comparable wording change in Comment 10, Response 10.
3 It's on page 4 of your response-to-comments document,
4 Response 10D. It's basically the same wording, but it's
5 a different section of the rule, that part about
6 reciprocity with other states and cities. So if it's
7 changed in one place, then it would have to be changed in
8 that other location. So I just wanted to point that out.
9 If you were going to make a change, make sure we didn't
10 miss that.

11 MR. LUCHT: Okay.

12 MS. BEDESSEM: And then I had one more
13 question. I think it's the very last page of their
14 response to comments, where it says the -- the second
15 section, Section 49E, it states, whenever the department
16 intends to revoke a license, any license issued under the
17 section, the department shall notify the licensee by
18 mail. And then the licensee shall have fifteen days from
19 the date of his receipt of the notice.

20 My question is, should that licensee be
21 notified by certified mail so that you know when they
22 received it so that you can enforce that fifteen days?
23 Otherwise, you won't know when they got it.

24 MR. LUCHT: We normally use certified mail
25 for that sort of thing. The reason I didn't put the term

1 "certified mail" in is that people end up ducking the
2 certified mail when they know it's coming. And so we end
3 up having to obtain service for that type of thing by
4 having a county sheriff's office do a hand delivery. So
5 that was the only reason I didn't put the word
6 "certified" in there.

7 MS. BEDESSEM: Is there a way to
8 accommodate both those options so that we know there's a
9 way it can be documented when this document is received?

10 MR. LUCHT: Sure. We can put some
11 additional language in. I just didn't want it to be
12 restrictive so that the guy could keep his license by
13 just refusing to pick up the certified mail.

14 MS. BEDESSEM: That's true. That's true.

15 MR. OLSON: I guess, Mr. Chair, the only
16 comment I would make there is, if you don't send it
17 certified mail, then the argument is going to be that you
18 never do have proof that they did get it. And so even
19 though sometimes it will result in you having to have
20 service on someone, I guess, to me, it's still a better
21 option than someone being able to deny it by saying, "I
22 didn't get it." So just a thought.

23 MS. CAHN: I want to get back to Section
24 49B again. I think I -- I found where it was you were
25 asking for help from us. And that's in the response to

1 comments received before October 11th. And it was Number
2 10, Comment Number 10.

3 And the commenter says, this section is not
4 clear as to what kind of false reporting is at issue.
5 The assumption that the types of reporting the rule is
6 referring to are the cathodic, corrosion, tank and line
7 tests reports. The section needs to be clarified to
8 avoid any confusion if revocation of a license is based
9 on false reporting under Section 49B.

10 And then your response is, I was at a loss to
11 understand this comment. And then it goes on, that
12 operator has clearly submitted false data. Gave some
13 examples. Perhaps the advisory board can suggest changes
14 to this section to satisfy the comment.

15 So in going back to (b), I actually agree with
16 the commenter that the wording is very confusing, because
17 it's not clear to me who was the tester. Because I think
18 the tester is NACE or whoever. And it says, submission
19 of any report to the department which is shown by the
20 tester as passing. I think you mean actually the
21 opposite, so when the test actually shows a failing
22 result. So who's the tester? Is it the testee or the
23 person who's giving the test? And if the tester shows
24 that it's passing -- so I actually agree with the
25 commenter that it's actually confusing. So, anyways, I

1 think we could improve on the language. Maybe the
2 submission of any report to the department which is shown
3 as passing when the test actually shows a failing result.
4 I mean, that seems more clear.

5 MS. BEDESSEM: I don't think we're talking
6 about an individual's licensing. Right? We're talking
7 about equipment.

8 MR. LUCHT: Actually, we're talking about
9 the individual. And the term "tester" is defined in the
10 chapter. We're talking about a cathodic protection
11 tester. The point I was trying to get to was exactly
12 this. We have testers out there that don't know enough
13 about the test they're doing to know the difference
14 between a passing and failing result. And so they get
15 failing results, and on the cover sheet, they write it
16 all up and sign it and say it passes.

17 MS. BEDESSEM: So I guess my question, is
18 it, by the definition of tester, then, that individual
19 who took the test or the facility operator, or who's --
20 who's responsible for the falsified information, I guess?

21 MR. LUCHT: In this instance, we'd be
22 talking about the person who performed the test. They
23 have a license under this chapter to do the test.

24 MS. CAHN: Who gave the test?

25 MR. LUCHT: The person we'd be talking

1 about is a certified line leak detector tester or a
2 cathodic protection tester or a tank installer. If they
3 submit something that's false on its face, whether they
4 even know its false or not, it -- I mean, it illustrates
5 a degree of incompetence on the part of a tester that
6 doesn't know the difference between a passing and failing
7 result on the test that he's supposed to be doing.

8 MS. CAHN: First of all, I didn't see --
9 maybe I'm missing where you define tester. I looked
10 through the definitions, and it's not there.

11 MR. LUCHT: Well, there's a definition of
12 a cathodic protection tester.

13 MS. CAHN: I guess, again, I think if you
14 could broaden it up to leave out, "which is shown by the
15 tester," and just be, "submission of any report to the
16 department which is shown as passing when the test
17 actually shows a failing result." You don't need "by the
18 tester." It doesn't matter if the person falsified it or
19 the tester didn't know what they were doing. If it's a
20 failing grade and they submit something that says pass,
21 that's what you're trying to avoid. So I think you would
22 be better to make it more general. Remove the words "by
23 the tester."

24 MR. LUCHT: Okay. If that makes it
25 better, that's fine.

1 MS. BEDESSEM: I would agree.

2 MR. FEUSNER: Where's that at?

3 MR. LUCHT: Page 1.

4 MS. CAHN: 49B. And remove "by the tester
5 under false reporting."

6 MR. LUCHT: The definition of a tester
7 under CP tester is -- it's on the bottom of page 4. And
8 you're right. It is a very limited definition for
9 cathodic protection testers. It doesn't include people
10 like line testers and stuff.

11 MS. CAHN: I have no further questions or
12 comments.

13 MR. SUGANO: Thank you, Lorie.
14 Thank you, Marge.

15 Any other comments or questions from the board?
16 (No response.)

17 MR. SUGANO: Bob, I would like to commend
18 you for all your responses. I think you did a fair job.
19 I mean you were fair to the commenters. I'm not trying
20 to give you a fair grade. I'm sorry. It's not
21 evaluation time. I think you were fair to the
22 commenters. And I'm sure they appreciate it.

23 Before we move on and call for an action from
24 the board, I guess we could go to some of our satellite
25 sites and ask if any of the commenters have responses

1 they would like to make to Bob Lucht's work. Is there
2 anyone in the Casper site that needs to say something
3 about what we have in front of us today?

4 MR. KISSELL: I have a question. My
5 name's Earl Kissell. On 11 it says service station
6 clerks. We also sometimes have quick-service restaurants
7 inside our facilities. Would they have to meet these
8 requirements if all they did was a quick-service
9 restaurant and handle customers on the convenience store
10 side?

11 MR. LUCHT: The answer is no, they
12 wouldn't have to do that. They're not really connected
13 with the fueling system. The intent here -- we have big
14 truck stops out there. And they may have 200 employees.
15 The intent is that the person in charge of the fuel
16 system during an off shift or any person that's directly
17 working with the fuel system would be trained by the
18 Level 1 operator. Clearly, there's a lot of people
19 around large truck stops, in particular, that don't have
20 to know anything at all about the fuel system.

21 MR. SUGANO: Any other questions from
22 Casper?

23 (No response.)

24 MR. SUGANO: We do have people in Jackson.
25 Are there questions from any of the Jackson folks?

1 (No response.)

2 MR. SUGANO: Okay. And just as a
3 reminder, then, this advisory board did take an action in
4 October of '06. But because of the changes to the
5 federal law, we are being asked to look at some more
6 recent changes that were mandated by the 2007 act. So
7 that's what we're being asked to do today. And I would
8 entertain a motion from board members on how they would
9 like to proceed with this Chapter 17.

10 MS. CAHN: I would make a motion to
11 approve as amended.

12 MR. WELLES: I would second that motion.

13 MR. SUGANO: Thank you. We do have a
14 motion and a second to approve the Chapter 17 rules as
15 amended. All those in favor of the action signify by
16 saying aye.

17 MS. CAHN: Aye.

18 MS. BEDESSEM: Aye.

19 MR. WELLES: Aye.

20 MR. OLSON: Aye.

21 MR. SUGANO: Aye. Any opposed?

22 (No response.)

23 MR. SUGANO: None opposed. The motion
24 does carry. Thank you. You're on your way with the new
25 rules. So good luck.

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C E R T I F I C A T E

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

Dated this ____ day of _____, 2007.

RANDY A. HATLESTAD
Registered Merit Reporter