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BEFORE THE WATER AND WASTE ADVISORY BOARD  
STATE OF WYOMING

Jim Ruby, Executive Secretary  
Environmental Quality Council

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HEARING TO DISCUSS PROPOSED CHANGES TO WATER QUALITY  
RULES AND REGULATIONS CHAPTER 1 PROPOSED REVISIONS TO  
DRAFT WATER QUALITY RULES AND REGULATIONS FOR REVIEW BY  
THE WATER AND WASTE ADVISORY BOARD  
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TRANSCRIPT OF HEARING PROCEEDINGS

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Transcript of Hearing Proceedings in the above-entitled matter before the water and waste advisory board, commencing on the 21st day of March 2013 at 9:53 a.m. at the Oil and Gas Conservation Commission Building Hearing Room, 2211 King Boulevard, Casper, Wyoming, Ms. Marjorie Bedessem presiding, with Board Members Mr. Calvin Jones and Mr. David Applegate in attendance and Board Member Ms. Lorie Cahn appearing via video-conferencing. Also present were Mr. John Wagner, Mr. David Waterstreet, Ms. Gina Johnson and Ms. Lindsay Patterson from DEQ.

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P R O C E E D I N G S

(Hearing proceedings commenced  
9:00 a.m., March 21, 2013.)

MR. APPLGATE: Since I am leaving at 10:30 and we may not be through this by then, I'm going to, for public record, say, Mr. Wagner, thank you for your service. Congratulations on your retirement. You've obviously done a tremendous service for the state of Wyoming. I think you've been here since the inception of the Environmental Quality Act. Am I correct in saying that?

MR. WAGNER: That is correct.

MR. APPLGATE: So that's quite a tenure. And I had just mentioned to some of your co-workers, I think one of your real strengths has been your temperament, your approach you take in working with all the stakeholders in the state of Wyoming. So we appreciate that, and best of your luck in the rest of your journey.

CHAIRMAN BEDESSEM: while we're taking care of some of our technical issues here, I just wanted to add the comment that I consider it a real honor to work with you, Mr. Wagner, the incredible level-headedness and breadth of knowledge. We're going to miss your input in the future work that this board does in

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general. You've done a lot for water quality in the state of Wyoming. Thank you very much.

MR. WAGNER: Thank you, Madam Chair. Likewise, you guys have been great. And I at least get paid for what I do.

MR. JONES: I will just chime in with, although our relationship has been a short time, I appreciate the guidance you've given to me, John, and wish you well on your retirement.

MR. WAGNER: Thank you, Mr. Jones. I feel

11 the same way.

12 MS. CAHN: John, I'll pipe in on that,  
13 seeing as you had to put up with me the most, the longest  
14 time. So thank you for putting up with me. And it's  
15 been a pleasure working with you. And I wish you all the  
16 best in your endeavors.

17 MR. WAGNER: Thank you, Lorie. And yes,  
18 you were here when I got here. So you've been on the  
19 board longer than I've been the administrator.

20 CHAIRMAN BEDESSEM: The end of an era.  
21 I think we can probably move on to --

22 MR. WAGNER: Okay. Thank you, Madam  
23 Chairman. Yes, the purpose of our being here today is to  
24 hopefully finalize Chapter 1 so that it can move to the  
25 next step in the process. Sitting to my right is Lindsay

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1 Patterson, who is primarily responsible for developing  
2 the water quality standards. To her right is David  
3 Waterstreet, who is the head of our watershed protection  
4 group. And behind me there is Gina Johnson. And as  
5 you're aware, Gina Johnson is now the Water Quality  
6 Division's regulation guru. She's going to make sure  
7 that things get through the process in a more efficient  
8 way than they perhaps have in the past.

9 Unless you have any questions, I'll just turn  
10 it over to Lindsay at this point.

11 MS. PATTERSON: Good morning. Going to  
12 roll through Chapter 1 proposed revisions, ushering this  
13 rule package through to the Water Quality Division. So  
14 my plan is to go through the proposed revisions again  
15 briefly for you folks and then also speak about the  
16 comments from the last advisory board meeting and the  
17 extended comment period.

18 So just a quick reminder. The proposed  
19 revisions include a resolution of EPA disapprovals from  
20 the 2007 revision, updates of any criteria for priority  
21 and nonpriority pollutants, which are included in  
22 Appendix B. There's a revision of the duration of the  
23 E. coli geometric mean and revision on various omissions,  
24 inconsistencies, basically just a cleanup of the text.  
25 And we're making updates to the implementation policies

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1 so that they are consistent with the changes to the  
2 rules, but also a cleanup of those, as well.

3 So, quick reminder. EPA disapproved two main  
4 components of the standards, which are both included in  
5 Section 27 of Chapter 1, which is the E. coli bacteria  
6 section. EPA disapproved the designation of a large  
7 group of waters for secondary contact recreation, and  
8 they also disapproved our temporary and our permit  
9 variances to E. coli.

10 So, to address these, we're basically changing  
11 all waters to primary contact recreation unless they've  
12 been designated for secondary contact through a use  
13 attainability analysis, which is included in Sections 33,  
14 34 of Chapter 1. We're also working on a statewide  
15 categorical use attainability for recreation because a  
16 lot of people in the state are interested in having  
17 secondary contact waters. And we do have a handful that  
18 have been changed through UAAs in Goshen County which  
19 we've done outside of that categorical UAA. And in order  
20 to address the variance component, we're removing that  
21 section on variances.

032113 DEQ hrng water quality chapter 1 proposed changes

22 The second change, a change in the E. coli  
23 duration from 30 days to 60 days. That criteria is based  
24 on EPA's 1986 quality criteria for water. And the  
25 criteria were developed from surveys of beach-goers,

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1 collected over a summer bathing season approximately  
2 eight weeks. So we thought the 60-day period would be  
3 more consistent with how the data was originally  
4 collected for that '86 criteria.

5 And our current criteria doesn't really specify  
6 an equal spacing of samples, so it's possible that we  
7 would get samples that are collected over a shorter  
8 duration, which might indicate episodic events, rather  
9 than a chronic event. So something else we'll be looking  
10 at, for those samples to be spaced over a longer period  
11 of time. And the 60 days will allow entities to sample  
12 approximately weekly over that period.

13 So the other component of E. coli sampling that  
14 we're changing is we're moving the minimum sample  
15 requirements to a document called -- it's better known as  
16 the listing methodology or assessment methodology. And  
17 it contains information on how we make use support  
18 determinations, whether or not the water quality is  
19 meeting its designated uses or not. And that, we think  
20 is a more appropriate place to include information about  
21 sampling details, number of samples, spacing of samples,  
22 since, really, the standard should only include  
23 magnitude, duration and frequency. That's the only  
24 components that need to be included. And for all of our  
25 other numeric criteria, you only have those components.

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1 Appendix B criteria, we're updating that. And  
2 with a few exceptions, the criteria in Appendix B come  
3 directly from --

4 MS. CAHN: Is there -- I'm wondering if,  
5 on your end, you can show the presentation on the system.  
6 Because there's a button that says "presentation" and  
7 then goes to the main video and then goes to -- and it  
8 might display it for me.

9 MS. PATTERSON: It doesn't do anything  
10 when I hit that, Lorie.

11 MS. CAHN: Okay. Ours does  
12 (unintelligible).

13 MS. PATTERSON: Sorry. Can you see okay?

14 MS. CAHN: I can't see the screen at all.  
15 It's just not -- it's coming in at such an angle that --

16 MS. PATTERSON: Is this better?

17 MS. CAHN: No. I don't even see the  
18 screen now at all. I can see the screen, but it's coming  
19 in at such a tiny angle, that I can't see.

20 CHAIRMAN BEDESSEM: Can you just turn the  
21 whole thing?

22 MR. JONES: Turn the screen toward the  
23 screen.

24 CHAIRMAN BEDESSEM: Just wheel the whole  
25 thing around instead of turning the camera.

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1 (Pause in proceedings.)

2 MS. PATTERSON: With few exceptions, the  
3 criteria in Appendix B, they come directly from EPA's  
4 304(a) criteria or the Safe Drinking Water Act. And we  
5 generally use the more protective of the two criteria to  
6 protect drinking water sources and to minimize drinking

032113 DEQ hrng water quality chapter 1 proposed changes  
7 water treatment costs.

8 The policies, we're proposing a handful of  
9 changes. The antidegradation implementation policy,  
10 we're changing. Some of the storm water permit  
11 conditions with the general storm water permits changed  
12 for small and large construction. And we're also  
13 updating the 401 certification process to be more  
14 consistent with what kind of certification we're actually  
15 doing for antidegradation.

16 And the turbidity implementation policy, we're  
17 specifying the public notice duration, which is fourteen  
18 days for those. And we're also allowing the  
19 administrator to make exemptions for unforeseen acts of  
20 nature, where we wouldn't want to wait that fourteen days  
21 to do the public notice.

22 In the use attainability analysis  
23 implementation policy, we're specifying a 40-day --  
24 45-day public comment period for use attainability  
25 analyses to be consistent with the Administrative

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1 Procedures Act since it's a component of rule making, but  
2 it has a separate process. And that specifies 45 days.  
3 We're making changes to be consistent with the changes to  
4 Section 27, E. coli bacteria, and we updated the  
5 recreation UAA worksheet since we've learned a few things  
6 through working a recreational UAA through the process.

7 And then with the agricultural use  
8 implementation policy, we removed that policy since it  
9 was never intended to be the final way that we interpret  
10 the narrative standards in Section 20.

11 So a quick review. During the last advisory  
12 board meeting, we received comment from three different  
13 entities, the advisory board members, the Petroleum  
14 Association of Wyoming, Marathon Oil. We had -- the  
15 board extended the public comment period until January  
16 15th, and we didn't receive any additional written  
17 comments during that period. So I'll be speaking just  
18 about the comments I received during the last board  
19 meeting.

20 The first comment was related to the definition  
21 of "natural" and the terms "measurable effects" and  
22 "measurable influence," whether that was both necessary  
23 in that definition. So we went through and essentially  
24 determined that those terms were synonymous, and so not  
25 necessary in that definition, but also determined that it

0010

1 was used in two other definitions, so we're just removing  
2 the term "measurable effects" since "measurable  
3 influence" seemed to encompass more of those nondirect  
4 effects.

5 We had comments on our definition of effluent-  
6 dependent waters. And the main comment was whether it  
7 was possible to add the term "intermittent" to the  
8 definition of effluent-dependent. And just a reminder.  
9 The current definition of effluent-dependent specifies  
10 that it's a water body that would be ephemeral without  
11 the presence of permitted effluent.

12 So, after reviewing the implementation policy  
13 for effluent-dependent waters, I thought that it was most  
14 appropriate to change the definition to reflect a lack of  
15 aquatic life without the permitted effluent, rather than  
16 specify a certain hydrologic regime that was appropriate  
17 for effluent-dependent water bodies. So, since a use

032113 DEQ hrng water quality chapter 1 proposed changes  
18 attainability analysis has to demonstrate that there's no  
19 significant aquatic life, that is the way we went with  
20 the definition. So now the definition reads effluent-  
21 dependent water means a water body with insufficient  
22 natural flow to support aquatic life, but which have  
23 perennial or intermittent flows for all or a portion of  
24 its length as a result of the discharge of wastewater.  
25 we received comments about our Appendix B

0011

1 criteria. There was concerns that the numerical criteria  
2 contained in Appendix B are below standard detection  
3 limits found in commercial laboratories. And that is  
4 true, since most of the criteria that are in Appendix B  
5 come directly from EPA's 304(a) criteria, and they're  
6 intended to protect the designated use. So, in this  
7 case, their aquatic life protections are human health  
8 protections, and they don't reflect commercial laboratory  
9 abilities or detection levels associated with those.

10 So we thought the most appropriate thing to do  
11 to address that concern was to modify Section 10, which  
12 encompasses all of our testing procedures. So we  
13 included some language in Section 10 that essentially  
14 specifies that the criteria are intended to protect the  
15 designated use. They don't reflect detection limits, but  
16 we do take detection limits into consideration when we're  
17 evaluating water quality data and when the permitting  
18 program is developing the permits, and that if an entity  
19 goes out to sample, they should communicate with the  
20 Department if they have questions over that.

21 The second comment received about Appendix B  
22 were related to concerns that DEQ uses the more stringent  
23 of EPA criteria for drinking water uses. So, according  
24 to Chapter 1, Section 3, our drinking water designated  
25 use identifies that the water should be usable with

0012

1 minimal treatment. And so we think it's appropriate to  
2 protect drinking water sources at these lower levels that  
3 are identified in the Safe Drinking Water Act and that  
4 it's more cost-effective to protect drinking water  
5 sources than it is to treat for drinking water. But we  
6 also recognize that our drinking water use is currently  
7 broadly applied because it's associated with where the  
8 presence of game fish is. And so we will be looking into  
9 changing the classification system, potentially, or doing  
10 a statewide use attainability analysis to reassign  
11 drinking water uses to where they're actual uses.

12 We have some comments about credible data  
13 related to the use of the Game and Fish database back in  
14 2001 and whether that would meet the definition of  
15 credible data. So that was the best available data at  
16 the time when DEQ was tasked with making sure that our  
17 water quality standards were consistent with the Clean  
18 Water Act, Section 101(a)(2), fishable, swimmable uses.  
19 So that was what was used at the time. It also happened  
20 to be the same time that the credible data provisions of  
21 Chapter 1 were included.

22 So, essentially, from that revision on, the  
23 expectation is to use credible data when you make  
24 designated use changes or assign designated uses. So, if  
25 we were to do a use attainability analysis today, we

0013

1 would not just use the Game and Fish database. We would  
2 probably use a more sophisticated analysis of what kind

032113 DEQ hrng water quality chapter 1 proposed changes  
3 of aquatic life would be present in a particular water  
4 body. And as I mentioned before, we're working on a path  
5 forward of how we're going to revise the classification  
6 system.

7 We received a comment about economics and a  
8 section of the Environmental Quality Act that describes  
9 that the Agency will basically look at the social and  
10 economic value of the source of pollution when we're  
11 adopting rules. So we generally use the public process  
12 to identify potential impacts to our proposed revisions.  
13 And also, as part of the rule revision, I reviewed the  
14 list of parameters that are commonly requested as part of  
15 discharge permits' initial monitoring reports. And with  
16 the exception of the one, silver, none of the criteria  
17 that are requested from permitted -- for permittees are  
18 proposed to change. And the silver criteria can still be  
19 used. The old criteria can still be used since it's --  
20 if it's an end of pipe -- if they use the end-of-pipe  
21 number, they can use the old number.

22 And another component of Chapter 1, Section 8,  
23 the antidegradation review, which is also included in the  
24 antidegradation policy, also evaluates social and  
25 economic impacts associated with specific discharges. So

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1 there's additional opportunity other than the rule-making  
2 process to review economic and social impacts associated  
3 with different sources of pollution.

4 And then there's other additional mechanisms to  
5 allow pollution. They could be something like site-  
6 specific criteria, where you would change the criteria to  
7 more accurately reflect what the aquatic life is in that  
8 particular stream segment. So you might be able to  
9 accommodate pollution in that way. We could also change  
10 a designated use through the process in Sections 33 and  
11 34 basically by doing a use attainability analysis to  
12 show that that use isn't supported. One of the factors  
13 does allow for discharges, you know, for pollution if  
14 it's better to leave the pollution in place than to  
15 remove it.

16 There's additional mechanisms in compliance  
17 schedules to allow pollution, where they'll give a  
18 permittee time to implement changes so that they can meet  
19 the criteria. And then, also, the Division is evaluating  
20 whether we should include variances in Chapter 1 as  
21 another mechanism for dischargers to allow them a break  
22 in particular criteria.

23 And the last comment was on variances, interest  
24 in adding a section on water quality variances, since the  
25 Department is evaluating how to include that as part of

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1 the next triennial review process. And generally,  
2 variances will be a temporary modification to the  
3 designated use and the water quality criteria associated  
4 with that designated use. So it will have a time frame  
5 associated with it. But you would be able to extend that  
6 time frame whenever the variance would expire. But it's  
7 also -- it would be a component of the water quality  
8 standard, which is why EPA disapproved our E. coli  
9 variances. And it would only apply to a particular water  
10 body unless you did a variance for a particular industry,  
11 where the entire industry was shown that they could not  
12 meet the industry criteria, potentially do a variance in  
13 that way.

032113 DEQ hrng water quality chapter 1 proposed changes

14 And variances are based on the same criteria  
15 that you use to make a designated use change, a use  
16 attainability analysis. So they would use the six  
17 removal factors found in Section 33. And generally that  
18 variances are based on economic factors.

19 That's it. That concludes my presentation.

20 CHAIRMAN BEDESSEM: Thank you very much.  
21 Can I ask for just a very brief summary of the -- excuse  
22 me. I'm not sure if I'm going to use the right term for  
23 it -- but the AG's decision that we received by e-mail  
24 yesterday that related to some of the things that were  
25 contested in the Chapter 1 to begin with? So, when,

0016

1 John, you forwarded that e-mail, you said, well, it's not  
2 necessary for you to read this whole ruling, but the  
3 front end of it was really a quite excellent kind of  
4 summary of how the water quality criteria worked. And I  
5 thought it was actually written in a lot less legalese.

6 MS. CAHN: Marge, are you speaking into  
7 the microphone?

8 CHAIRMAN BEDESSEM: Yes, I am. I was just  
9 asking for a quick summary of the legal decision that was  
10 sent via e-mail as it referenced several of the sections  
11 in Chapter 1. You didn't need to hear all the rest of  
12 the things I was saying. That's the gist of it.

13 MR. WAGNER: Madam Chair, I'm not sure  
14 that I'm going to be able to give you exactly what you  
15 want, because I, quite honestly, just skimmed the ruling  
16 myself.

17 CHAIRMAN BEDESSEM: It was really well  
18 written.

19 MR. WAGNER: It's quite old. It goes back  
20 I think five years, maybe. And the Outdoor Council and  
21 the Powder River Basin Resource Council questioned the  
22 ability of the State to adopt rules when the  
23 Environmental Protection Agency had specifically said  
24 there were parts of the rule that were -- don't meet  
25 their criteria. And the judge, the way I read it,

0017

1 basically said that the State acted within its authority  
2 to do so and obviously couldn't implement, really, the  
3 pieces of the statute or the rule that EPA had  
4 disapproved. And we acknowledge fully that they  
5 disapproved it, and we're going to have to work on it and  
6 fix it.

7 But the main thing was, is I was really  
8 pleased, and it was really ironic that it came out just a  
9 couple of days before this hearing. And thank goodness,  
10 they say, oh, it's completely wrong, and you got to start  
11 over. And maybe David and Lindsay can fill in some gaps  
12 that I've skimmed over.

13 MR. WATERSTREET: Truthfully, we didn't  
14 look at it very closely before we came up here. We  
15 pretty much did a skim ourselves and saw that we won.

16 CHAIRMAN BEDESSEM: And checked the box.

17 MR. WATERSTREET: And we pretty much  
18 checked the box. We'll definitely be looking at it a lot  
19 closer just for information when we start our next  
20 triennial review as a learning experience. But I think  
21 John covered the exact points that I would have covered  
22 had he not spoken.

23 Can you say anything more about some of the  
24 points they made on that?

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1 PRBRC and WOC had issues with us, the same issues that  
2 EPA had, with the way we designate secondary contact  
3 waters. They also had issues with us changing the  
4 indicator organism for fecal contamination from coliform  
5 to E. coli, even though that's the standard. Currently  
6 that's what EPA recommends. And the judge ruled that  
7 we're completely consistent with -- we're within our  
8 rights to change those rules.

9 They had some questions about our policies and  
10 whether the policies are, in fact, rules. And so it  
11 seemed as though the decision was pretty specific about  
12 what's guidance and policy and what's actually rule. And  
13 as part of this rule revision, everyone is provided the  
14 policies, as well, to review. So that, to me, spoke  
15 of -- well, the public gets to comment on that, as well,  
16 during both rule revisions in the past and also  
17 currently.

18 So those are my takeaways from the decision.

19 CHAIRMAN BEDESSEM: I thought the document  
20 was excellent as far as providing some history.

21 MS. CAHN: I stayed up last night and read  
22 the whole thing. And I guess I'd just like to add -- and  
23 I was very interested in this. Thank you, John, for  
24 sending it to us. Because when I -- this happened within  
25 about a year -- it started back in 2002. So it happened

0019

1 within about a year of my first getting on the board, the  
2 first triennial review. And so I guess the takeaway  
3 message that I have from that, also, besides what's  
4 already been mentioned, is that the process that we use  
5 in terms of having public notices and then hearings and  
6 then revisions and going back out to the public for  
7 review again and DEQ incorporating comments, felt that  
8 the process was done properly and upheld what DEQ went  
9 forward with from the advisory group -- getting advice  
10 from the advisory board and EQC. So my takeaway message  
11 from that was that we follow -- as a group, we followed  
12 the process properly. And the judge upheld it. So it  
13 was encouraging to me.

14 MR. APPLGATE: I guess I'll also make a  
15 comment regarding the opinion. One of the specific  
16 things that was challenged was the effluent-dependent  
17 framework, whether or not it was in accordance with law.  
18 It was deemed to be in accordance with law. Whether it  
19 was arbitrary and capricious. It was deemed not to be  
20 arbitrary and capricious. Whether or not the  
21 implementation policy for that was deemed appropriate.  
22 It was deemed appropriate. So that was a very specific  
23 element of a legal challenge. Would you agree in my  
24 interpretation of that?

25 MS. PATTERSON: Yes.

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1 MR. APPLGATE: I guess I would just  
2 respond -- is it okay, Chairman, if I respond to the  
3 presentation?

4 CHAIRMAN BEDESSEM: Uh-huh.

5 MR. APPLGATE: I just want to make the  
6 comment that I think this is one of the best packages  
7 we've had. So please copy it on the next one and share  
8 it with the solid waste folks that just left. Again,  
9 we've been trying to kind of get some consistency in how



032113 DEQ hrng water quality chapter 1 proposed changes  
10 we do this stuff. So this is a very good package and was  
11 one of the more specific responses to board members'  
12 comments. In the past, sometimes they'd been addressed.  
13 Sometimes they haven't. This time they were very  
14 specifically either addressed or you told us why you  
15 didn't address them. So I very much appreciate that. Of  
16 course, maybe that's because I felt like some of my  
17 comments were taken seriously. So I appreciate that. I  
18 appreciate the thoughtfulness you gave to the comments.

19 I don't have any additional comments on the  
20 proposed changes to Chapter 1. I know others may. But  
21 I'm in a position to vote and move these forward. But  
22 again, I know Lorie probably has some comments.

23 CHAIRMAN BEDESSEM: Lorie, do you want to  
24 start with your comments first? Mine are minor.

25 MS. CAHN: You go ahead, because I would

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1 agree with what David says. So I have no further  
2 questions.

3 CHAIRMAN BEDESSEM: So I just had one  
4 question for the board. I'd like to hear your  
5 preference. I wanted to concur that this was an  
6 excellent package. One of the things, though, that I  
7 sometimes find when I look at the strike-out version is I  
8 wanted to see the version where it's not stricken out.  
9 And what I have here as the first chapter is --

10 MS. CAHN: Marge, can you please speak  
11 into the microphone?

12 CHAIRMAN BEDESSEM: What I have here as  
13 the first set is the existing rule. And then I have the  
14 strike-out version. And I'm thinking, for my personal  
15 use, it's better for me to see the strike-out and then  
16 the proposed version without the strike-out, as opposed  
17 to the original. Because sometimes I can't -- sometimes  
18 you can't see if there's a problem with it until you  
19 get -- remove the red-line strike-out part. And the  
20 original, you know, is available to us, and I can kind of  
21 see what that is from what's in the red-line strike-out.

22 So I thought this was an excellent package, but  
23 if I was going to change anything, I would switch out  
24 that first section for the non-red-line strike-out of the  
25 proposed.

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1 Is that okay with the other board members?

2 Thank you.

3 MR. JONES: Sure.

4 MR. APPLGATE: Entertain a motion?

5 CHAIRMAN BEDESSEM: I will do my -- a  
6 couple of quick comments on principal reasons. And then  
7 if no one else has any significant, then we can move to a  
8 vote so that Dave can weigh in on this.

9 MS. CAHN: Marge, you're going to have to  
10 use the microphone.

11 CHAIRMAN BEDESSEM: So, again, I wanted to  
12 comment that the statement of principal reason was  
13 excellent because it really gives the background for why  
14 the changes are made and so that people can go back and  
15 look and understand down the road this is why things were  
16 done. So this was an extensive statement of principal  
17 reasons, but we appreciated that. It was excellent. It  
18 also serves for our board and probably for the council,  
19 as well, as almost like an executive summary. Because we  
20 went over a lot of these changes at the last quarterly

032113 DEQ hrng water quality chapter 1 proposed changes

21 meeting. So, to refresh our memory, this is really is  
22 excellent for serving that purpose.

23 So the first comment I have is just a grammatic  
24 one, is the statement of principal reasons is P-A-L on  
25 the first page. And then on line 165, I think -- I know

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1 what you intend to say, but I think that there needs to  
2 be a change in language. It says that -- on line 165 of  
3 the statement of principal reasons, it says -- it was  
4 changed to, "with insufficient natural flow to support  
5 aquatic life because water bodies other than those that  
6 are ephemeral may have insufficient natural hydrology to  
7 be effluent-dependent." Don't you mean effluent-  
8 independent? They don't have sufficient hydrology to be  
9 independent of the effluent, not dependent on the  
10 effluent.

11 That was the only comment I had that changed  
12 the meaning. The other ones are little words. And I can  
13 just give that to you after the meeting so that we can go  
14 ahead and move forward with the vote.

15 Does anybody else have any other remarks?

16 MR. JONES: I don't have any remarks.

17 Being new on the board, this is the first time I've  
18 looked at something of this nature and can't compare it  
19 to anything previously. But I thought this was very  
20 reader-friendly and easy to flow through. And I agree  
21 with Marge's comments about the red-line addition. I  
22 think that would be a good improvement. Thank you very  
23 much.

24 MR. APPLGATE: Entertain a motion?

25 CHAIRMAN BEDESSEM: I'd like to

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1 entertain -- unless you have any other comments, Lorie,  
2 I'd like to entertain a motion. Lorie, can you hear?

3 MS. CAHN: (Nods head.)

4 MR. APPLGATE: I'll make a motion that  
5 the board approve the Chapter 1 revisions and policy  
6 revisions and move this on to the Environmental Quality  
7 Council.

8 CHAIRMAN BEDESSEM: I second that motion.  
9 All those in favor say aye.

10 (All members vote aye.)

11 CHAIRMAN BEDESSEM: Hearing none opposed,  
12 the package is approved and forwarded to the EQC.

13 MR. WAGNER: Madam Chair and board, thank  
14 you very much. We appreciate your prompt action on that.  
15 And we take -- we definitely will take into account the  
16 comments on preparing the package in the future. You  
17 will have a set of rules to look at your next quarterly  
18 meeting. It will be small wastewater, essentially septic  
19 tanks. And so they may be a little touchy. I don't  
20 know. So, anyway, be ready.

21 CHAIRMAN BEDESSEM: Will it be a public  
22 comment session?

23 MR. WAGNER: Yes. They've already had  
24 their outreach. And now they'll go to public notice here  
25 in the near future. I don't know if Gina can bring us up

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1 to speed a little bit more on what the schedule looks  
2 like.

3 MS. JOHNSON: They've just finished their  
4 stakeholder outreach, and they're preparing responses to  
5 comments to that outreach. We're expecting to forward

032113 DEQ hrng water quality chapter 1 proposed changes  
6 the rule to the AG's Office and to the administrator or  
7 acting administrator, if that's the case, in April. And  
8 we would open the public notice period for the next board  
9 meeting in May. And we will be careful to note that  
10 we'll be taking comments at the next board meeting, since  
11 this will be your first visit of this rule revision. And  
12 as far as that goes, that's about all we have. We're  
13 still responding to comments. It is an extensive change  
14 from the existing rule.

15 CHAIRMAN BEDESSEM: So the intent, then,  
16 is that we're scheduling a board meeting in May?

17 MS. JOHNSON: Sorry. In June. I  
18 misspoke. So your next quarterly meeting, we will be  
19 presenting this. We will open the comment period in May  
20 to give it a full 30 days, and then we will also accept  
21 comments at the advisory board meeting.

22 CHAIRMAN BEDESSEM: Thank you very much.

23 MS. JOHNSON: You're welcome.

24 MS. CAHN: Do we have tentative dates for  
25 the board meeting in June?

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1 MS. JOHNSON: Do you have any schedule  
2 conflicts? June's a pretty busy month, generally, for  
3 folks. But if you have any idea in advance, we can mark  
4 those days off right away.

5 MS. CAHN: I know I'm not available June  
6 27th, 28th and the 1st. I'm sorry. I'm in the wrong  
7 month. No. That's correct. I'm not available on the  
8 27th, 28th of June.

9 CHAIRMAN BEDESSEM: I don't know my  
10 schedule as yet. I think we'll do our roundabout  
11 e-mails. Thank you.

12 MS. JOHNSON: Okay. We'll do that.

13 CHAIRMAN BEDESSEM: If that concludes  
14 water quality's business, I would move to adjourn this  
15 meeting of the Water and Waste Advisory Board.

16 MR. JONES: Second.

17 CHAIRMAN BEDESSEM: Thank you all for  
18 attending. I appreciated that.

19 (Hearing proceedings concluded  
20 10:32 a.m., March 21, 2013.)  
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1 C E R T I F I C A T E  
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3 I, RANDY A. HATLESTAD, a Registered Merit  
4 Reporter, do hereby certify that I reported by machine  
5 shorthand the proceedings contained herein constituting a  
6 full, true and correct transcript.  
7

8 Dated this 1st day of April, 2013.  
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RANDY A. HATLESTAD  
Registered Merit Reporter  
Page 11

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