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1 ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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3 MEETING OF THE

4 UNDERGROUND STORAGE TANK POLICY COMMISSION

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7 Phoenix, Arizona

8 February 25, 2004

9 9:00 a.m.

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11 Location: Arizona Department of

12 Environmental Quality

13 Conference Room 250

14 1110 West Washington

15 Phoenix, Arizona

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1 COMMITTEE MEMBERS PRESENT:

2 Gail Clement, Chairperson

3 Hal Gill, Vice Chairperson

4 Roger Beal

5 Theresa Foster

6 Michael O'Hara

7 Tamara Huddleston

8 Bob Rocha

9 George Tsiolis

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P R O C E E D I N G S

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(The stenographic record now begins and reflects the meeting already in progress)

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MR. STEPHENS: What we are doing to, number one, reduce the application review is, number one, doing what we call providing an Attachment I. We have Attachment I's. In doing Attachment I's, we have generated what we call or a development of what we call an Attachment II which gives a great deal more of a clarification of what the reviewer was looking at and what the expectations are with regard to the responses from the applicant. That clarification should help a lot with regard to appeals.

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Also there are the attempts to use the fax process when we know that there's something very simple that can be resolved. We attempt to get that done in a very short period of time. We go from there to a telephone interaction with the applicant if, in fact, we can get to that.

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And also then we go to when -- and let me go back to the Attachment II. The Attachment II is something we have not done before, necessarily, in this clarity, and that is, when you get an Attachment II, both the cost issues and the tank issues are now

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1 combined in that, so if you get that cleared up,
2 generally you won't have any other issues to deal with
3 unless it leaves technical. The response will come
4 back to technical and then everything is okay. It will
5 go through cost and they won't have to send out --
6 before, you had two separate processes for that.
7 You're combining with that to shorten the time frame.

8 Also, while you're in there doing a review for
9 technical or responding to technical, you have now an
10 idea that maybe something else is over here that I can
11 clarify so that you don't waste time later. So you
12 have two things that you're actually doing at the same
13 time to clear up that process.

14 CHAIRPERSON CLEMENT: So when the applicant
15 receives the Attachment II, that is a full review,
16 including both cost and technical from the SAF side.
17 is that correct?

18 MR. STEPHENS: Yes.

19 CHAIRPERSON CLEMENT: And then it contains
20 greater clarity than your previous materials did?

21 MR. STEPHENS: Yes. And the reason for that
22 is the data base, as we use the denial codes, there's
23 only so much that -- the crypted language that comes
24 out, when the reviewers make the comment, there's
25 only -- and we use even an XX-1 code, there's only so

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1 much space that the data base will allow us to put in
2 that interim determination that's going out.

3 The Attachment II allows us to be somewhat
4 more verbose, if you will, in clarifying what we have
5 done, what we have found and what we'd like to see to
6 close this issue out. Our desire, though, is to,
7 perhaps, get a lot of that cleared up before we ever
8 get to that point. And that we're doing by the
9 telephone calls, the faxes and then the applicant
10 notifications.

11 MS. NAVARRETE: I'd like to add something to
12 that. And when Arcelious says that we are going to try
13 as best we can to get all the issues on that Attachment
14 II, that doesn't mean that 100 percent of the time that
15 we're going to manage that. So I just --

16 MR. GILL: So once again, what's the
17 chronology? The faxes, then the phone calls and then
18 the Attachment II comes after all that if anything
19 still needs clarification?

20 MR. STEPHENS: Telephone call if necessary,
21 the fax, then an applicant notification. Also we're
22 going to get into getting the Attachment II to include
23 cost and technical issues. Rather than doing two
24 things, we're working to combine it into one pull
25 rather than doing it at two different points in the

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1 process.

2 CHAIRPERSON CLEMENT: And when did you
3 institute this? Is this very recently?

4 MR. STEPHENS: The Attachment II has actually
5 been around a while. When we have had cases,
6 situations where we have had just a lot that needed to
7 be clarified, that's been around about -- we were
8 making it a little bit more universal in terms of what
9 we were attempting to do.

10 Like I say, if you got a denial code that is
11 relatively straightforward, like, invoices missing, for
12 instance, for the denial code, say, an "I" is missing,
13 attachment II for that really isn't necessary. We'll
14 have to -- and this is going to be something that we're
15 going to have to just kind of play with for a while to
16 figure out where the middle ground is, what we think is
17 understood and not, but that's kind of where we're
18 going to get that clarification out.

19 MR. GILL: So the AN letter just has the codes
20 and then the Attachment II would be more of a
21 clarification if that was not completely understood on
22 the AN letter. I'm having a hard time understanding
23 what the difference between the two are.

24 MR. STEPHENS: The AN letter is the document
25 that would have the Attachment II to it if, in fact, an

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1 Attachment II was an issue.

2 CHAIRPERSON CLEMENT: That was the reason for
3 the two different times. That makes sense. Thank you.

4 Any other updates relative to the SAF that you
5 want to provide the commission?

6 MS. NAVARRETE: Nothing other than you had
7 requested a rule schedule, and John did the best he
8 could at giving you an outline there. With the
9 legislation pending, there's not a lot that we can go
10 forward with on rule making right now.

11 CHAIRPERSON CLEMENT: And I think Judy is
12 referring to this one-page handout on the State
13 Assurance Fund rules. It has the process listed but no
14 dates to them at this point until legislation has been
15 finalized. I think that's where you're at.

16 MS. NAVARRETE: That's right.

17 CHAIRPERSON CLEMENT: For the record, let's
18 note that Theresa Foster is with us now. Thank you.

19 MR. GILL: A rule writer has been hired?

20 MS. NAVARRETE: There was a rule writer hired,
21 and she left a week ago to go to the AG's office.

22 CHAIRPERSON CLEMENT: Are you in the process
23 of potentially rehiring in the future?

24 MS. NAVARRETE: That's not in my section.

25 CHAIRPERSON CLEMENT: We don't have that

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1 answer.

2 MR. ROCHO: I'm sure that the process of
3 rehiring an individual is there, and I know that she
4 needs a rule writer. We were just borrowing that
5 individual. And so when she fills it, we may be able
6 to borrow it. We may not be able to borrow that
7 resource again since we do not have the position or the
8 funds to hire.

9 CHAIRPERSON CLEMENT: Any other questions or
10 comments on the SAF materials? Let's go on to the next
11 agenda item, UST Corrective Action Workload Status
12 Report from Joe Drosendahl.

13 MR. DROSENDAHL: Yes. My name is Joe
14 Drosendahl. I work for the Underground Storage Tank
15 Corrective Action Section. In your packets you'll see
16 that the report format has been changed. We tried to
17 make this, you know, more clear and show more of the
18 trends of the reports and the reviews. The graph
19 shows, over time, the status of certain reports and the
20 submittals and the reviews.

21 Down below is the data that this is based on,
22 and then, where applicable, there's like a pie chart
23 showing what the current status is. There's a lot of
24 reports that have not been approved yet. But for some
25 of these, you know, a review letter has been sent out

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1 and we're waiting back for a response. And then there
2 is those reports that are under review that a response
3 letter hasn't gone out yet.

4 So we're still kind of tweaking this report
5 format, but hopefully it's more clear and more usable.

6 CHAIRPERSON CLEMENT: Would you mind taking
7 the time, Joe, and walking us through this new report
8 and just making sure that if we have any questions on
9 each page that we can go through it?

10 MR. DROSENDAHL: Sure. The first page is the
11 Cumulative LUST Statistics, how many have been reported
12 and how many have been closed. That's the graph. Down
13 below there's also a category on how many are open. So
14 total closed and total open should equal the total
15 reported. And it seems like both the reported and
16 closed are holding kind of steady. Right now, of all
17 the LUSTs that have been reported to the agency, 72
18 percent have been closed. Sounds pretty good.

19 CHAIRPERSON CLEMENT: It is cumulative from
20 day zero. Right?

21 MR. DROSENDAHL: From day zero.

22 CHAIRPERSON CLEMENT: So there's a total of
23 8,052 LUST cases reported since the program's
24 inception?

25 MR. DROSENDAHL: That's correct. And these

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1 are LUSTs, not UST facilities that have had LUSTs.
2 And, you know, whenever we work with our data base,
3 unfortunately these numbers are sometimes updated. So
4 we're trying to make our data base as clean as possible
5 so the numbers stay constant, but occasionally they go
6 up a little, they go down a little, but it's the trend
7 that's most important.

8 The next graph is the LUSTs reported and

9 closed per month. And the graph shows that from April
10 of 2003 to January of 2004. And the LUSTs reported
11 have -- you know, we're still not getting that many
12 reported LUSTs compared to previous years.

13 CHAIRPERSON CLEMENT: Excuse me for a minute.
14 Let's have the record report that Tamara Huddleston
15 arrived.

16 MR. DROSENDAHL: The next page is the SCRs,
17 Site Characterization Reports. This is over the same
18 time period from April of last year to January of this
19 year. And once again, of the total SCRs that have been
20 reported to us and not approved yet which is 47, 26
21 have been reviewed and we're awaiting a response. And
22 21 are under review and have not yet been sent out a
23 response letter yet.

24 The total number of outstanding SCRs has grown
25 over the last few months, and I'm hoping to reduce that

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1 down to better numbers. It seems like it's heading
2 that way. I'll try to make it continue.

3 MR. GILL: Joe, what kinds of success are you
4 seeing in the reports being submitted following the
5 guidance as far as what's supposed to be in the report?

6 MR. DROSENDAHL: You mean in accordance with
7 the new guidance, the new rule?

8 MR. GILL: Yes.

9 MR. DROSENDAHL: I really don't know. I can
10 go back and ask my staff to see, of those LUST sites
11 that fall under the new rule, how is the new rule in
12 guidance working.

13 MR. GILL: I don't remember that there was
14 really any big changes on the SCR.

15 MR. DROSENDAHL: Right. It's not really big
16 changes. It's the same information. Just how that
17 information is submitted has changed a little. But
18 I'll try to find that out.

19 MR. GILL: The number one question I had was,
20 how were the reports that are coming in? I mean, are
21 they -- I mean, I notice you have more than half of
22 them you're requesting information. Is it still -- the
23 data is not being turned in, the guidance is there or
24 they're still not doing it?

25 MR. DROSENDAHL: A lot of these could be that

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1 they are not under the new rule yet because if they
2 started characterization two years ago, then they are
3 not under this new rule yet. So probably the majority
4 of these are not under the new rule. But I'll try to
5 find out for those that are, are the amount of
6 deficiencies getting less.

7 MR. GILL: If you can identify where most of
8 the deficiencies are; in other words, they are not
9 turning in a particular section or something like that,
10 then I can send out an e-mail saying, look at these
11 sections because this seems to be where most of the
12 deficiencies are.

13 MR. DROSENDAHL: Okay. And in that respect,
14 the list of the common report deficiencies that I
15 reported last time, it's currently being put up on the
16 web site. And what I can do is ask my staff to put --
17 you know, start keeping track of those SCRs or other
18 reports that fall under the new rule for those, what
19 are the common deficiencies, because they might be
20 different.

21 MR. GILL: All right.

22 MR. DROSENDAHL: The next page is for the risk
23 assessments. Basically it's the same format. It's
24 just those that have been received, approved, or under
25 review. Once again, it's the same format with the pie

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1 chart being of the current total amount that have not
2 been approved yet, they are all being reviewed without
3 a response or some are awaiting a response.

4 The next one is for the Corrective Action
5 Plans. Once again, it's the same amount of
6 information. Right now there's 25 CAPs that have not
7 been approved yet, and 15 have been reviewed and a
8 response has been sent. And also, just as an update,
9 we are looking at the whole CAP process to see if it
10 can be redeveloped to be more efficient and effective.

11 And then LUST Case Closure Requests is the
12 next chart. And once again, it's the basic
13 information, those that we received, those that have
14 been approved, and those that are still under review,
15 where some have been sent, deficiency notifications,
16 and some are still under review. The last graft is the
17 LUST Volunteer Status Determinations, those requests,
18 those approved, and those under review.

19 CHAIRPERSON CLEMENT: Thank you.

20 MR. TSIOLIS: Well, Joe, can you describe what
21 your staff resources are for risk assessment
22 performance?

23 MR. DROSENDAHL: The risk assessments aren't
24 in my section any more. Those are under the Capacity

25 Development Section. And presently, of the risk

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1 assessment staff, there's two people, but that's about
2 all I can say right now.

3 MR. TSIOLIS: Are they overworked or are they
4 being able to handle it?

5 MR. DROSENDAHL: They are state employees.

6 MR. TSIOLIS: You guys need more resources in
7 that area, is where I'm going?

8 MR. DROSENDAHL: Right. I can't answer that
9 or it wouldn't be appropriate. Ren Willis-Frances is
10 the section manager. You know, she could answer that
11 the next time.

12 CHAIRPERSON CLEMENT: Any other questions?

13 MS. FOSTER: Risk assessments. You look at
14 this chart and it shows three risk assessments that
15 have been either approved or the site's been closed in
16 the last year. That's not a good number. We were told
17 by DEQ that all our problems would be resolved with the
18 addition of the new staff member.

19 The new staff member's been on board at least,
20 I think, three to four months, and they have only
21 closed one in that time period. So I'm a little bit
22 concerned that DEQ is stating they can handle risk
23 assessment when it looks like the track history is they
24 can't.

25 CHAIRPERSON CLEMENT: Could you clarify those

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1 numbers because when I look at this, we have got VSDs
2 approved and we have got 1, 6, 5. When you said
3 there's only been one in the last year, I'm missing
4 that, Theresa.

5 MS. FOSTER: One in the last four months. If
6 you look at item C under Risk Assessments, Risk
7 Assessments Approved/Site Closures, you can go from
8 April of '03 to January of '04.

9 CHAIRPERSON CLEMENT: Got it. Okay. Thank
10 you.

11 MR. GILL: Could we -- the commission request
12 that the individuals from risk assessment-development
13 come to the next meeting to answer these questions
14 because you obviously can't.

15 MR. DROSENDAHL: One clarification. Those two
16 risk assessors are -- their responsibilities are not
17 just for the UST program but for the whole agency or
18 for the whole waste programs.

19 CHAIRPERSON CLEMENT: I think we had quite a
20 discussion of risk assessments and whether they would
21 be handled at the Department of Health Services and
22 which portion would be handled at DEQ.

23 And it's my understanding that a good majority
24 of the higher level risk assessments all should be

25 handled at the Department of Health Services and only a

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1 certain percentage and certain tiers of the UST program
2 are handled at DEQ. So I think it would be very
3 helpful to have a presentation or at least someone
4 available next time.

5 (Ms. Ren Willis-Frances arrives)

6 CHAIRPERSON CLEMENT: Good morning. We don't
7 mean to put you on the spot but we do have a few
8 questions. We just got a report on the underground
9 storage tank risk assessment status report and we had
10 some questions relative to that. And I don't want to
11 just spring this on you without you even seeing the
12 document. Ren, could you spell your name?

13 MS. WILLIS-FRANCES: R-e-n, W-i-l-l-i-s dash
14 F-r-a-n-c-e-s. Yes. I have seen this report. Okay.
15 It was --

16 CHAIRPERSON CLEMENT: We were just going to
17 ask that you be present at the next commission meeting
18 because we had questions. Now you're here. And I
19 think the basic question is that it does not appear
20 that a lot of risk assessments are being done.

21 Is there an explanation or are we misreading
22 or do we not have current statistics?

23 MS. WILLIS-FRANCES: Actually we went to great
24 lengths to make sure that these are updated numbers.

25 What you are seeing, however, is half of our workload.

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1 UST is a big section. It does make up half of the
2 workload, but the voluntary remediation sites, WQARF
3 sites, RCRA sites are also there as well as other
4 divisions, aquifer permit sites.

5 And we handle all those risk assessments. We
6 have one fully-trained risk assessor to handle that
7 workload. And so I am in the awkward position of not
8 having enough resources to do the work.

9 The way I'm remedying that is, I have been
10 throwing that one resource I have at developing some
11 software that will speed this. And that is what's been
12 causing the recent bottleneck.

13 We had been doing them pretty quickly before
14 we started developing the software, but now that we're
15 in the development phase and she's been pulled off an
16 awful lot for that, we aren't getting sites done very
17 quickly. We do expect to have the software done by
18 this summer. And at that point I'm told I can get this
19 backlog gone in about three months.

20 And I do not expect it to build up again. I
21 think the software's going to be that useful.

22 CHAIRPERSON CLEMENT: The software will be
23 available to the regulated community as a tool they
24 will use to submit a risk assessment to you or is this

25 your internal review software?

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1 MS. WILLIS-FRANCES: Both.

2 CHAIRPERSON CLEMENT: Both sides?

3 MS. WILLIS-FRANCES: Yes. We will be
4 providing it at either no cost or nominal cost. I
5 mean, a nominal cost would be like the cost of a CD,
6 but I think we're going to be able to have it so you
7 can download it from the web for free.

8 MS. FOSTER: That's very nice for new risk
9 assessments, but if some have been in the works since
10 2000, 2001, are you expecting every owner-operator to
11 go back, hire a consultant and recite the risk
12 assessment based on the new software?

13 MS. WILLIS-FRANCES: No, I don't. I think
14 that that would be an option they might consider
15 because it would speed review on some of these.

16 Another part of the problem that we have with
17 our reviews is we don't review each report just once.
18 Typically the reports are not up to current standards
19 as far as adequacy of environmental data quality.

20 And because of that, we review them pretty
21 thoroughly. We send a memo back to the RP or the
22 consultant and they have to revise, rewrite the report
23 anyway at that point once we give a detailed review.

24 That is very often the case.

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MS. FOSTER: Would that detail be required

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1 when the original risk assessment was submitted?

2 MS. WILLIS-FRANCES: Yes. That is why, when
3 we get them done with the software, all that detail
4 will be built in by the software. And so we probably
5 will not have that iterative back and forth with the
6 consultant and the owner-operator.

7 CHAIRPERSON CLEMENT: George, go ahead.

8 MR. TSIOLIS: Ren, is it your sense that a lot
9 of risk assessments that are being submitted are not
10 being supported by adequate data points?

11 MS. WILLIS-FRANCES: Yes, I would say the bulk
12 of them.

13 CHAIRPERSON CLEMENT: Could you clarify the
14 role now of DEQ versus DHS in risk assessment reviews
15 because I certainly don't understand it any longer.

16 MS. WILLIS-FRANCES: What happens with a site
17 that comes from the WQARF program or the Voluntary
18 Remediation Program is that we review the data quality
19 and sufficiency. Once we're assured of that, we send
20 it to DHS and they review the actual exposure
21 assessment, risk assessment work.

22 UST sites typically do not go over there. I
23 have been considering sending them some to get the
24 bottleneck taken care of, but so far I haven't found a

25 report that has sufficient data to send them.

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1 MR. GILL: Ren, I just completed, I think
2 five, the last five on your list probably at the end of
3 last year, and as far as I know, we haven't received
4 anything back. So I don't know if there's not enough
5 data being turned in. And I guess the confusion is,
6 because you are doing WQARF as well as USTs, how much
7 of what you're saying applies to USTs and how much
8 applies to WQARFs?

9 There's not enough data in the UST ones. And
10 I -- believe me, I know there's limited data because we
11 only have four borings to collect data from.
12 But I haven't heard back that that is not enough data.

13 And so my question is, where I'm going is that
14 all the UST consultants that are doing UST work and are
15 working for owner-operators are doing or are planning
16 on doing risk assessments on sites based on existing
17 software that's out there which allows a certain amount
18 of data to be put in.

19 And I guess the question I'm asking, if that
20 isn't adequate, we need to know now so we can start
21 putting in more data points during investigation so
22 we're not wasting the money on a risk assessment and
23 then having to go back and put in more data after the
24 fact.

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MS. WILLIS-FRANCES: Sure. I understand the

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1 forward information would be helpful. It isn't even so
2 much the data quantity as much as the data quality. If
3 you get a good maximum concentration, then you don't
4 have to do the statistics to get a 95 percent UCL. So
5 you can get away with less data in many cases,
6 especially on smaller sites that have characteristics
7 of USTs. We do have the same the problem with data
8 quality from WQARF and VRP. It's an emerging science,
9 risk assessment is. And we haven't gotten everybody up
10 to date on it.

11 What I have done is I have developed an
12 outline that shows our expectations in a risk
13 assessment. Again, Ms. Foster, this would help the new
14 ones but it's not a lot of help for the ones that are
15 in the system that show the kinds of information we
16 need to call a report sufficient. And that I am going
17 to try to make available to the public fairly soon.

18 CHAIRPERSON CLEMENT: In follow-up to that,
19 what would be that time frame, because obviously this
20 is a moving target for the regulated community, and we
21 need to have as much information to the regulated
22 community as soon as possible to avoid this bottleneck.

23 MS. WILLIS-FRANCES: I just gave it to Amanda
24 yesterday for the first time, so it will probably have

25 to go through management review to make sure that the

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1 outline itself is correct, but then also it will have
2 to go through some sort of decision-making process to
3 see how we're going to release it.

4 CHAIRPERSON CLEMENT: So are you telling me in
5 a six-month time frame or a three-month time frame, can
6 you give us an estimate --

7 MS. WILLIS-FRANCES: I really couldn't.

8 CHAIRPERSON CLEMENT: So you don't know?

9 MS. WILLIS-FRANCES: Yes.

10 CHAIRPERSON CLEMENT: Fair. The other
11 question I had was, there were a series of meetings
12 regarding the DEQ role versus the DHS role, and it was
13 not clear, having attended most of those meetings, that
14 DEQ was going to do a data sufficiency and quality
15 review in front of DHS. And is that the agreement that
16 you have with DHS?

17 MS. WILLIS-FRANCES: DHS did not feel that
18 they had the expertise to review some of the data
19 quality issues with environmental data points.

20 MR. TSIOLIS: I was at some of those meetings
21 and I forget which DHS official was there, but it
22 became clear that the portion -- a risk assessment
23 consists of generally two portions.

24 One is the fate and transport of the

25 pollutant, how it absorbs onto the soil matrix, how the

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1 pollutant volatilizes from the point of maximum
2 concentration 30 feet below the surface to the point of
3 exposure to the human in the surface. That pollutant
4 transport is something that they do not have the
5 expertise to handle.

6 And the understanding that I got from those
7 meetings was that that is included in the data review
8 that DEQ is working on. Once you have the point of
9 exposure determined, then the dose response portion of
10 the model is what DHS does, the toxicological aspect
11 based on the dose.

12 CHAIRPERSON CLEMENT: Thank you. Any other
13 questions or comments on this? This is obviously an
14 area of great concern because we have been looking at
15 risk assessments and the failure of the agency to
16 respond in a timely manner on their reviews, I don't
17 know, since I have been a participant on the commission
18 about a year now.

19 So we would really encourage the agency, if
20 there are documents that will help the regulated
21 community to meet your regulatory requirements and to
22 clarify the roles, frankly, between DHS and DEQ I think
23 would be very helpful.

24 MS. WILLIS-FRANCES: Managers have made real

25 clear to me that improvement of this situation is a

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1 priority. So I do expect that there will be a lot more
2 communication between us.

3 MR. TSIOLIS: You could also use more
4 resources?

5 MS. WILLIS-FRANCES: Yes.

6 CHAIRPERSON CLEMENT: Is there any process in
7 place to hire any additional resources?

8 MS. WILLIS-FRANCES: The process of training a
9 new risk assessment person will probably be dedicated
10 to UST sites that are prepared, have site reports that
11 are prepared with the tier-two software. And so we'll
12 have an entire person who reviews tier-two reports.

13 CHAIRPERSON CLEMENT: And your reference that
14 the tier-two software and the agency, tier-two software
15 that you're developing --

16 MS. WILLIS-FRANCES: This is software that we
17 are developing. It will look a lot like what's out
18 there commercially available, but it will have
19 Arizona-specific numbers and it will print reports that
20 are specific to Arizona as requirements.

21 CHAIRPERSON CLEMENT: Thank you.

22 MR. GILL: I would just ask, the document that
23 you mentioned that you're trying to get through the
24 process, if you could move that as rapidly as possible

25 so we can make decisions on the -- the consultants need

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1 to know whether or not they need or it's a good idea to
2 try to do a risk assessment on a site. And so we need
3 to know if we have adequate data to do that.

4 MS. WILLIS-FRANCES: I will communicate that
5 to my managers.

6 MR. TSIOLIS: Madam Chair, if I could just
7 add, this issue of risk-based cleanups is just going to
8 keep growing, and there's a valid policy reason for
9 promoting risk-based case closures. It's in the
10 interests of the regulated community to do everything
11 we can to support DEQ in getting additional full-time
12 employment positions and staffing qualified people
13 because risk assessment is complex.

14 For that reason, I don't think this committee
15 ought to be allergic against recommending specifically
16 to the legislature that a specific appropriation occur
17 for this specific purpose.

18 CHAIRPERSON CLEMENT: Are you suggesting that
19 we consider that as an action item?

20 MR. TSIOLIS: Maybe in the next meeting.

21 CHAIRPERSON CLEMENT: I think we need to flesh
22 this out more and have a much broader discussion. And
23 it should involve DHS.

24 MR. TSIOLIS: And we would need to know what

25 the need is.

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1 CHAIRPERSON CLEMENT: Right.

2 MR. TSIOLIS: Boldly stating the salary need
3 of a risk assessment person.

4 MS. WILLIS-FRANCES: The Department contact is
5 Will Humble.

6 CHAIRPERSON CLEMENT: Mr. Drosendahl.

7 MR. DROSENDAHL: In regards to the new report
8 format, I'm sure it will be kind of tweaked to make it
9 even better, but I'd like to thank Al Johnson. He was
10 the creator of the new format.

11 CHAIRPERSON CLEMENT: It's very helpful. He
12 did a good job. Mr. Beal?

13 MR. BEAL: I would just like -- maybe Al can
14 answer it or you can, but why are we developing new
15 software if we have commercially available software?
16 How does that follow that we would be rewriting it?

17 MS. WILLIS-FRANCES: A lot of the commercially
18 available software isn't specific to Arizona's
19 conditions. For instance, it doesn't consider a lot
20 of -- it doesn't consider the dust inhalation pathway
21 because it's developed in Pennsylvania where there's a
22 lot of vegetation. And dust is never the driver. Dust
23 can actually be a driver on risk assessments.

24 That's just one example of how some of these

25 packages are inadequate for Arizona conditions. We're

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1 developing software, essentially taking their model but
2 making sure that it has all the pathways that are
3 relevant to Arizona, that it considers Arizona's
4 specific regulatory levels; for instance, for arsenic.

5 So it'll have such Arizona-specific things.

6 Beyond that, it will develop reports that are specific
7 to our UST regulations that are required. So it will
8 also save the step of taking the output from the
9 commercial software and writing a report from it. This
10 software will allow you to skip that step and will
11 print out the reports.

12 MR. BEAL: Thank you.

13 MS. WILLIS-FRANCES: We will be training
14 consultants in this simultaneous with deploying the
15 software. So we will be offering free training on it.

16 CHAIRPERSON CLEMENT: How long have you been
17 in the development of this now?

18 MS. WILLIS-FRANCES: I have been involved for
19 about two years, Joe?

20 CHAIRPERSON CLEMENT: But this particular
21 software package that the agency is developing, how
22 long has it been in process?

23 MS. WILLIS-FRANCES: I don't know.

24 MR. DROSENDAHL: When was the contract award?

25 MS. WILLIS-FRANCES: Last June. So it's a

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1 year and a half. Last June.

2 CHAIRPERSON CLEMENT: So June of 2003?

3 MR. DROSENDAHL: 2003.

4 MR. GILL: I thought that there was a deadline
5 that's already past.

6 MS. WILLIS-FRANCES: There was. There was a
7 contractor that was not technically capable,
8 apparently, of fulfilling the contractor's requirement
9 that we contracted for. And so we had to go back into
10 negotiations on the contract.

11 CHAIRPERSON CLEMENT: So is the contract -- so
12 is the work being done internal to DEQ or external to
13 DEQ with a contractor assisting DEQ?

14 MS. WILLIS-FRANCES: It is being done by a
15 contractor.

16 CHAIRPERSON CLEMENT: By a contractor. And
17 your basic role is oversight and review?

18 MS. WILLIS-FRANCES: We are overseeing it, we
19 are reviewing it, we are giving them the necessary
20 technical information to build spread sheets that will
21 be linked in the software.

22 MR. GILL: What existing software are you
23 using as the basis --

24 MS. WILLIS-FRANCES: We're not using anything
25 as the basis because there were copyright difficulties.

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1 It will look quite a bit like the Indian lands
2 calculator, I believe is what it's called, Indian lands
3 risk calculator which was developed by EPA -- well, it
4 was developed by a contractor for the EPA.

5 MR. TSIOLIS: For what it's worth, there's a
6 piece of legislation that got approved in House
7 Government Committee yesterday that would enable state
8 agencies to take money from the licensing of their own
9 intellectual property.

10 MS. WILLIS-FRANCES: Maybe we could fund a
11 position.

12 MR. TSIOLIS: That's just a thought.

13 CHAIRPERSON CLEMENT: Any further questions?
14 Mr. Beal?

15 MR. BEAL: Did I hear you say that there was
16 copyright problems from taking an existing program and
17 modifying it to Arizona?

18 MS. WILLIS-FRANCES: Yes.

19 CHAIRPERSON CLEMENT: If there are no further
20 questions, we'll go on. Thank you very much.

21 MS. WILLIS-FRANCES: I'll stay in case there's
22 any questions at the end.

23 CHAIRPERSON CLEMENT: Technical Subcommittee

24 update.

25 MR. GILL: Al, did you have copies of the

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1 minutes?

2 MR. JOHNSON: I'm sorry?

3 MR. GILL: Copy of the minutes.

4 MR. DROSENDAHL: You should have the technical
5 subcommittee minutes in the packet.

6 MR. GILL: They don't have this one?

7 MR. JOHNSON: They should. It was in their
8 packet.

9 MR. GILL: And this one wasn't?

10 CHAIRPERSON CLEMENT: I didn't get one.

11 MR. GILL: I got this off the Internet. Well,
12 basically, maybe we could move on to one of the later
13 ones.

14 CHAIRPERSON CLEMENT: I don't know if we'll
15 even be able to address this topic adequately, the
16 Financial Subcommittee Update. And Andrea Martincic is
17 not here with us today. I think she's at the
18 legislature. I did not attend that meeting so I have
19 nothing to report. Did anyone on the commission attend
20 that meeting and have any updates available?

21 MR. TSIOLIS: If I could recommend that
22 whatever happened at the committee, at the Financial
23 Subcommittee Meeting regarding SAF phase-out issues has

24 evolved, given the legislation which was the next topic
25 on the agenda, perhaps Tamara should enlighten us.

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1 MS. HUDDLESTON: What I know is that there is
2 a meeting ongoing right now to discuss issues.

3 MR. TSIOLIS: I think we really can't address
4 5 and 6 meaningfully until we know what happens at
5 today's meeting.

6 CHAIRPERSON CLEMENT: Why don't we take a
7 quick break, 10 minutes, and then we'll get our pieces
8 of paper. Thank you.

9 (Meeting Break)

10 CHAIRPERSON CLEMENT: I wanted to ask you if
11 you could give us just a very brief two-sentence update
12 on the current status of UST legislation as you know it
13 at this point in time.

14 MR. ROCHA: As I know the current status of
15 the legislation, obviously there's two bills that are
16 out there, one that has a lot of points, let's put it
17 that way, that there's several individuals in the stake
18 holder community have expressed concern about. I
19 cannot go into all of the points but that one piece of
20 legislation is out there.

21 There's a second one that was kind of a
22 compromised, not a compromised but an agreed-upon
23 legislation that was recommended by the stake holders

24 in the round table, and you have the points in the
25 letter and the position that the Department took on

0032

1 that. And both are out there. There is currently a
2 meeting that is being held in which both bills are
3 being looked at to try to arrive at an amendment or a
4 compromised bill. And that's pretty much the status as
5 I know it.

6 CHAIRPERSON CLEMENT: And it's my
7 understanding that at least the primary bill addressing
8 the State Assurance Fund has both an eligibility cutoff
9 date and a State Assurance Fund cutoff date.

10 MR. ROCHA: That is correct. And in the bill
11 they have both cutoff dates, as you put them, and
12 eligibility and a phase-out of the fund. And the dates
13 were 2005 -- 2006 and 2009.

14 CHAIRPERSON CLEMENT: And I have been told
15 that it's unlikely that anything will pass without an
16 actual fund cutoff date.

17 MR. ROCHA: That is the discussion. I do not
18 know what the legislature will do, but that is the
19 current position that I have heard as well. I cannot
20 comment any more other than the legislature will do
21 whatever the legislature wants to do.

22 CHAIRPERSON CLEMENT: Ms. Foster.

23 MS. FOSTER: Is the UST committee or UST

24 division also keeping track of any House bills or
25 Senate bills that are being proposed by anyone in the

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1 state Superfund program to be able to access the funds?

2 MR. ROCHA: We in the department are keeping
3 track of all legislation that is affecting ADEQ,
4 whether it's the Superfund, you know, WQARF, or through
5 UST. We are keeping track of those and trying to
6 ensure that one does not totally destroy the other or
7 that it is the scope of what the agency intends to do.
8 So yes, the answer is yes.

9 CHAIRPERSON CLEMENT: Thank you very much. I
10 know you're a little bit distant from the issue but I
11 appreciate you volunteering what you do know.

12 I assume at the next policy commission meeting
13 we'll be a lot closer to an actual bill that has been
14 bandied about a lot more than it is currently, and
15 we'll ask the agency and Andrea to provide us more
16 information at that point in time.

17 But I would encourage folks that, this process
18 is ongoing, it's active, there's a lot of dispirit
19 interests out there, and it is important that your
20 opinions be heard in the legislature.

21 Anything else on that? Okay. We'll jump back
22 to the Technical Subcommittee Update now that we all
23 have handouts.

24 MR. GILL: Our last meeting was on February
25 11, and we continued working on the groundwater study

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1 concerns and recommendations that came out of the
2 groundwater study by ASU. Just to kind of give you
3 sort of a background, this has been going on for many
4 months. And we had reached the point to where DEQ had
5 provided draft language on all the issues.

6 And there were several issues, about eight or
7 10 of them. And this has been -- the draft guidance
8 language has been provided to the policy commission
9 before. And then we went back to that language and
10 addressed each one of the issues again with that
11 language.

12 We arrived at consensus language on -- and
13 I'll read this since you don't have all these
14 documents. I'll read briefly what each item is or each
15 issue. But we arrived at consensus language on issue
16 1-A which was basically groundwater flow direction
17 issues, the concerns being that we wanted to make sure
18 during our investigations that we were indeed putting
19 our downgradient wells in the correct location, that it
20 was indeed downgradient.

21 And so there was language drafted. We made a
22 few changes to it, and we're waiting for the consensus
23 language. And all of these issues that I'm talking

24 about right now, there has been consensus language
25 completed, and we're waiting for DEQ to provide that

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1 language to the policy commission. And Joe just told
2 me that due to the rigmarole with the legislature, not
3 much has been done.

4 Well, basically, it has to get through
5 management. And management's down at the legislature.
6 So Joe's hoping that all the issues that we have
7 arrived at consensus language will be provided at the
8 next policy commission.

9 And what I will provide is this draft document
10 again which will have the new consensus language. We
11 will look at the ones that we have agreed upon and see
12 if we can vote on approving that and get those issues
13 into the bulletin because that's our aim, our
14 number-one aim.

15 And along those lines, Judy, has there been
16 any changes, because I know that there were changes
17 going on the last time we were going to put things in
18 the bulletin. Is that all finalized and it's easy to
19 get things on the bulletin now? And do we know or are
20 you still doing it or whose handling it?

21 MR. DROSENDAHL: As far as I know, it's a DEQ
22 process.

23 MS. NAVARRETE: I think once it's voted on

24 here in the policy commission, I mean, there is no
25 format that you have to go through. We'll just put it

0036

1 on there.

2 MR. GILL: And all of the issues of getting
3 that up and going are all finalized and it's all ready
4 to go?

5 MS. NAVARRETE: Yes.

6 MR. GILL: Because that's the main thing we
7 want to do is get these issues out there to the
8 regulated community and to the public and it's clear
9 how we are supposed to address these issues.

10 Okay. As I said, the first one was 1-A which
11 is groundwater flow direction issues. 1-E which is
12 remediation confirmation sampling for a LUST site
13 closure. And there was some concerns about which wells
14 you sample to confirm a clean site.

15 And there was language put in there, consensus
16 language arrived at as to which wells to sample and in
17 some instances how long to wait to make sure that your
18 rebound -- you're taking into account rebound at a
19 site. That's another one that will be coming out the
20 next meeting.

21 4-A, this is ADEQ, UST and SAF Requirements
22 for Interim Status Report slash Summaries for
23 Reimbursement Purposes. What did we finally do on

24 that? I can't even remember now.

25 CHAIRPERSON CLEMENT: Ms. Navarrete?

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1 MS. NAVARRETE: I believe John Alspach

2 reported on that last month.

3 MR. GILL: It's on our list. There's going to
4 be some language coming out.

5 Oh, I remember. Joe had said that you were
6 working on the general requirements for a rationale.
7 Because there's so many different types of applications
8 that could be turned in for reimbursement, you
9 obviously couldn't do a rationale that's going to cover
10 everything, being real site specific or down to the
11 small details, but we wanted general requirements, the
12 real simple -- that has to be in every single one of
13 them regardless of the site-specific issues or not.

14 And that was something I remembered that Joe
15 said he was working on. And the last one that we're
16 waiting for consensus language on is 4-B which is
17 basically the same thing. There were two issues that
18 were going to be resolved with the general language.

19 Okay. So those will be provided -- the
20 consensus language on those issues will be provided to
21 the commission for the next meeting in the form of this
22 document again. And then we continued on with
23 additional issues, the first one being 1-G collection

24 of contaminant data at distances greater than 300 feet
25 from the source. The issue here in our discussions

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1 was, because of the way that we typically do our
2 investigations, we may have borings and wells on the
3 site, and then the next boring or well could be -- or
4 the next well moving off site for groundwater releases
5 could be, you know, 300, 400 foot away. And it will be
6 nondetect.

7 But one of the requirements, and this all goes
8 back to monitored natural attenuation, is that we need
9 to -- one of the very first requirements for MNA is
10 requiring or being able to prove that your plume is
11 stable which means it's not continuing to move.

12 So if you've got dirty wells and then had a
13 nondetect well 400 feet way, we don't know if it's
14 stable or not. And so that was one of the issues that
15 was brought up through the groundwater study was that
16 many, many sites had dirty wells, and then a well quite
17 far away that said it was a nondetect. And so if we
18 were going to be using MNA, we would need to have wells
19 in between.

20 So the action item, the DEQ is going to be
21 looking at language to clarify the definition of the
22 in-fill wells as they are calling them. And one of the
23 main issues is that they are also going to look at, if

24 your last clean well is something like 10, 15, 20
25 benzene or something like that, do you truly need

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1 another one 100 feet away?

2 In other words, we don't want to just put one
3 in just so we have one because that's a pretty low
4 level. So DEQ's going to be looking at what kind of
5 levels to be looking at and when you would definitely
6 need an in-fill well.

7 1-H dealt with the attenuation of MTBE and
8 basically a vertical investigation of MTBE because we
9 do know that in areas of recharge, let's say, like,
10 near Camelback Mountain or whenever you have a
11 production well, irrigation or production well nearby,
12 you can actually have -- MTBE will dive in the aquifer.

13 So the question was, if you have MTBE on your
14 site, do you always have to investigate for vertical
15 migration of MTBE?

16 And so they are putting the language together
17 again, and in this case it will be much more site
18 specific because unless you are truly in an area of
19 aquifer recharge or near a large production or
20 irrigation well and depending on your concentrations,
21 you may not need to investigate because that can be
22 very expensive. So we're looking at that.

23 And 1-I is the cost-effective remedial

24 options, MNA versus active remediation. And this is a
25 real critical one right now with the current

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1 legislation.

2 If the SAF is going to go away in 2009, 2010,
3 all the SAF funding, our discussion was, well, we can't
4 have MNA that's going to go well beyond that because
5 when you have monitored natural attenuation, you are
6 going to be monitored. MNA is not a do-nothing
7 alternative. You have to monitor the number of wells
8 that you've set up to monitor.

9 And if the fund is going to be sunset at
10 2009/2010, and your plan shows that you're going to be
11 going to 2020, you're going to be spending a lot of
12 money.

13 Now, this might be a moot point. One of the
14 clarifications that we are looking at also is removal
15 of the source which is a requirement of EPA, removal or
16 reduction in the source before continuing with the
17 monitored natural attenuation. And as long as the
18 source is gone, then maybe five, 10 years might be a
19 viable time period but if the source is there it is
20 not.

21 But this is extremely important, and we'll
22 continue looking at that at the next meeting as well.

23 But I know the DEQ has put in language for -- well,

24 they are revising the language for discussion at the
25 next subcommittee meeting on all these three issues.

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1 But MNA is a really important issue to look at with the
2 advent of this new legislation.

3 The next thing I had on the agenda was to
4 discuss the draft DEQ UST Release Confirmation Policy.
5 And Joe informed me that him and his staff are looking
6 at completely re-doing the existing draft policy which
7 is a couple years old now, I think. I can say we all
8 felt that was a good thing because we had real problems
9 with the draft policy. So Joe's looking at that now.

10 I don't know if you could tell us everything
11 that's going on, what kind of time frame.

12 MR. DROSENDAHL: Yes. That policy has been
13 totally revamped. It's currently going through a quick
14 review with internal staff which is due next week.
15 After that, I'll be giving it to management to look at.
16 So I'm hoping by the next policy commission that that
17 might be ready for distribution.

18 MR. GILL: So we should be able to discuss it
19 at the next subcommittee and two weeks later bring it
20 to policy commission for discussion?

21 MR. DROSENDAHL: Yes.

22 MR. GILL: Great. Thanks, Joe. Actually 3-A
23 was MNA as a stand-alone remedy, and that ties in with

24 the cost-effective remedial option. So it's the same
25 discussion. 3-B was the vapor migration. We didn't

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1 get to that, except the DEQ will include some -- well,
2 what we discussed in that, and again, it goes back to
3 the risk assessment issues. I was waiting for Gail to
4 be able to be at the meeting to discuss the vapor
5 migration in detail because I wasn't sure exactly what
6 the issues in the round table discussions were.

7 But the one issue that came out of our
8 discussion was, in doing risk assessments, they are
9 always failing the indoor air inhalation portion of the
10 risk assessment. And that's primarily because your
11 USTs, all we have to go on are soil analytical data,
12 and we're putting that into an air inhalation model.

13 And in talking with Dr. Johnson and the model
14 that he's working on now and the existing EPA models,
15 what you truly need to do is have a direct measurement
16 of the air quality. And so we're looking at -- we're
17 discussing that issue now and looking at the types of
18 direct measurement techniques that are out there for
19 vapors, soil vapors in the soil pores. So that'll be
20 on the agenda for next meeting.

21 And then DEQ provided us with a DEQ training
22 program, Underground Storage Tank UST Corrective Action
23 Section Technical Training Plan, February 10th. We

24 discussed it a little bit because it was just handed
25 out at the meeting, and made a few suggestions so

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1 there's -- by the next policy commission it'll be
2 finalized and handed out to the policy commission as
3 well. And, Joe, if I could ask if we can look at it
4 again next subcommittee, whatever changes, so I'm
5 familiar with it before we come to the policy
6 commission, I'd appreciate it.

7 And then we will be putting on the agenda for
8 next time as well the vapor migration, we're still
9 looking at the feasibility studies and pilot test
10 issues. We had a gentleman at the last subcommittee
11 meeting that was a huge proponent of pilot testing.

12 And I think he gave some real convincing
13 arguments to go along with what many of us have been
14 saying as to how important the pilot tests are in
15 designing your system. And seeing's how the major cost
16 of the remedial program and the length of time that it
17 goes, the pilot study will indeed show you exactly what
18 you need to do to design your system.

19 And if you design it, spend your money up
20 front, it's going to be a lot more cost effective than
21 going longer in the remedial process.

22 So anyway, we're going to be discussing that
23 issue. And I think that's about it.

24 CHAIRPERSON CLEMENT: Any questions or
25 comments from the commission on the Technical

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1 Subcommittee? Okay. Thank you.

2 MR. GILL: I'd just like to say also that DEQ
3 is working real hard on getting the draft language to
4 us, and we really appreciate the working relationship
5 we have had in the last several meetings with DEQ.

6 I know the time frame is getting longer and
7 longer, mainly because of the legislature now, but we
8 are indeed trying to get these things finally on the
9 bulletin so we can clarify some of these issues for the
10 owner-operators and consultants.

11 CHAIRPERSON CLEMENT: Thank you, Hal. Our
12 next agenda item is discussion of agenda items for the
13 next commission meeting. And I will encourage
14 everyone, if you've got new agenda items, I think
15 everything we see on today's agenda will be included in
16 the next agenda for the next meeting, but are there any
17 other items that the commission members at this time
18 would like to see included?

19 The next is the General Call to the Public.
20 Are there any comments from the public, the regulated
21 community? Could you identify yourself and also fill
22 out a card?

23 MR. MORGAN: Rick Morgan. Some concerns over

24 the RBCA risk assessment issue. We have a rule. We
25 have soil remediation levels that were presumably

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1 arrived at by using a model that was sufficient to
2 arrive at that number that was protective of human
3 health and the environment.

4 We go to rule and say, okay, let's start
5 applying and using RBCA as a closure mechanism. We
6 proceed in certain instances with RBCA screening
7 models, reports. And we're now hitting the wall.

8 One, DEQ can't preview them. Two, I'm
9 hearing, well, we need to change the whole process. I
10 hear concerns about reports that are already in. Is
11 the new process going to be retroactive to reports that
12 have already been submitted?

13 The upshot may be that risk assessment people
14 tend to want more and more and more and more data, raw
15 data. They tend to want data validation by specialty
16 consultants who validate data, EPA level-3 data
17 validation. We're now talking about the costs are
18 going to go through the ceiling. And is SAF going to
19 be reimbursing for those costs?

20 The thing's starting to spiral. It's getting
21 out of hand. If you all on the commission want to do
22 something important, stop it. Just dig your heels in
23 and stop it. The alternative is to not do any more

24 risk assessments. Take everything to tier one, then go
25 argue it at an informal or informal appeal to get your

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1 SAF money back.

2 You're beating your heads against the wall
3 with RBCA. If you all have the power to stop it, stop
4 it. That's all I've got.

5 CHAIRPERSON CLEMENT: Mr. Beal.

6 MR. BEAL: I think that's a very good point.
7 I do. And I think that that's a topic for the agenda
8 that we can discuss. What we're looking at -- I think
9 when we start looking at SAF cutoffs and natural
10 attenuation, I mean, a lot things that we have put in
11 place are now at risk.

12 The information that we have based our plans
13 on is being questioned. How we have done the work up
14 to this point is maybe not adequate enough to meet the
15 risk requirements that we're hearing about. I think
16 it's going to be a pretty impactive six months.

17 CHAIRPERSON CLEMENT: And because this is not
18 a stand-alone item on the agenda, I have to be careful
19 about what we can and can't discuss, but definitely we
20 will make risk assessment and a lot of these
21 sub-comments a part of the agenda for next time because
22 clearly it is one place that I can see in the program
23 that we are not getting a lot of progress. Everywhere

24 else we have really moved forward.

25 MR. O'HARA: Is there some information we

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1 should be requesting from DEQ for the next meeting so
2 we have a better understanding of, for instance, where
3 they are not getting enough data or where they feel
4 like they need more data, because I don't really have
5 an understanding. And maybe we can get some more
6 information for the next meeting to clarify it.

7 MR. BEAL: One area would be, what's the
8 financial impact of these additional data requirements
9 if what we have been doing, if Hal's been submitting
10 risk-based closures based on commercial software that
11 are now showing to be inadequate for Arizona standards,
12 then I'm going to assume that he's going to have to go
13 back and get some other data if it's going to cost
14 money. And if everybody has to do that, how much more
15 is it going to cost than the work that's already been
16 done?

17 That's what I meant by being inefficient. I
18 don't mean to say that anything's been done incorrectly
19 but perhaps not complete enough for the changes that
20 we're looking at.

21 CHAIRPERSON CLEMENT: What I would suggest is
22 that I'll put together a draft agenda quickly and ask
23 that you add to it so that we can give that to DEQ and

24 make sure that they are prepared to respond. And I
25 think we have danced around a few points, but the clear

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1 rub to me is there are technical requirements for an
2 investigation in the UST plume that are paid for by the
3 State Assurance Fund.

4 And there has been this problem in the past of
5 money versus technical sufficiency maybe would be a
6 fair way to say it. And I think we're going to see
7 this rub, from what I'm hearing today, in the risk
8 assessment area very directly. And so your point about
9 where are the deficiencies coming up, what kinds of
10 data validation will be necessary to satisfy these
11 requirements, et cetera.

12 But I think we have got to put our arms around
13 it a little bit more specifically by putting something
14 on paper, get it out to the commission to respond to,
15 and then get it to DEQ in a timely manner so they can
16 be prepared at the next meeting.

17 MR. GILL: I would just ask, Ren, if there's
18 any way that you could provide even a draft copy of
19 that document that you were talking about that you had
20 just finished, literally, yesterday by the next meeting
21 because, as I said, I don't know if any of the issues
22 on your document, you know, are required on my sites.
23 I don't know what deficiencies are because I have never

24 seen anything come back yet. So anything that we could
25 see, as soon as look at it, I would know whether or not

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1 I would be able to provide that or not.

2 MS. WILLIS-FRANCES: I'll do what I can.

3 CHAIRPERSON CLEMENT: And by the end of this
4 week I'll have a draft agenda out. But this has got to
5 be something we need to work on. We want to make this
6 as broad a discussion as we need to have.

7 Okay. Any other public comments at this
8 point? Okay. The next meeting will be March 24th,
9 2004, 9:00 a.m. at DEQ in this room.

10 And there is now a meeting schedule for the
11 next year, 2004. So please pick this up. And unless
12 there's some specific needs, we will try to keep this
13 schedule for the policy commission.

14 Ms. Foster?

15 MS. FOSTER: I would like to thank DEQ for
16 bringing down the reimbursement point numbers from 96
17 down to 48 and now finally paying down to zero so I
18 don't have to wait three years to receive a check. I'm
19 really appreciative of it.

20 But on the other side, I'm concerned if
21 there's a surplus if somebody will come visit us.

22 Thank you.

23 CHAIRPERSON CLEMENT: Thank you, Ms. Foster.

24 The meeting will adjourn.

25 Thank you everyone. (Adjourned at 11:20 a.m.)

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C E R T I F I C A T E

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I HEREBY CERTIFY that the proceedings
had upon the foregoing hearing are contained in the
shorthand record made by me thereof and that the
foregoing 78 pages constitute a full true and correct
transcript of said shorthand record all done to the
best of my skill and ability

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DATED at Phoenix, Arizona this 18th day
of March, 2004.

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Clark L. Edwards
Certified Court Reporter
Certificate No. 50425

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