

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
MEETING OF THE
UNDERGROUND STORAGE TANK POLICY COMMISSION

Phoenix, Arizona
December 15, 2004
9:00 a.m.

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1 COMMITTEE MEMBERS PRESENT:

2 Gail Clement, Chairperson

3 Hal Gill, Vice Chairman

4 Karen Gaylord

5 Mike O'Hara

6 Barbara Pashkowski

7 Theresa Foster

8 Philip McNeely

9 Myron Smith

10 Roger Beal

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

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3 CHAIRPERSON CLEMENT: We're glad you're here. We
4 did not have our November meeting. We were unable to get
5 a date and a time where we had a full group of the UST
6 Policy Commission members to enable voting. We didn't
7 have a quorum, so we delayed the meeting until December
8 15th, which is today, so welcome.

9 Let's start with the roll call. Theresa.

10 MS. FOSTER: Theresa Foster.

11 MS. PASHKOWSKI: Barbara Pashkowski.

12 MR. SMITH: Myron Smith.

13 MR. MC NEELY: Philip McNeely.

14 CHAIRPERSON CLEMENT: Gail Clement.

15 MR. GILL: Hal Gill.

16 MR. O'HARA: Michael O'Hara.

17 MS. GAYLORD: Karen Gaylord.

18 MR. BEAL: Roger Beal.

19 CHAIRPERSON CLEMENT: Next agenda item. Did
20 everybody receive the October 2004 meeting minutes?

21 You were supposed to. And did you have a chance
22 to review them?

23 Is there a motion to approve?

24 MR. O'HARA: I move we approve the minutes.

25 CHAIRPERSON CLEMENT: All in favor?

1 (Chorus of ayes.)

2 CHAIRPERSON CLEMENT: All opposed?

3 (No response.)

4 CHAIRPERSON CLEMENT: Let's see. And the next
5 agenda item is a happy chat agenda item. We want to
6 recognize some incredible contributions that were provided
7 by Policy Commission members, George Tsiolis and Roger
8 Beal, and I personally want to thank Roger for all of the
9 years of contribution to the UST program. And you embody
10 the kind of UST owner and operator that at least when I
11 helped draft the legislation, the State Assurance Fund was
12 meant to assist with integrity, honesty and commitment to
13 the State of Arizona.

14 I can't tell you, Roger, how much we've
15 appreciated your contribution. We're all sad to see you
16 go, but we're all happy to know that you are going in the
17 right direction from a corrective action standpoint. So I
18 just personally wanted to thank you.

19 And I'm going to turn it over to Phil. I know he
20 has a special recognition.

21 George is not here today. I also want to commend
22 George Tsiolis for his contribution. He was our legal
23 representative and has been replaced on the UST Policy
24 Commission.

25 MR. MC NEELY: Roger, the department wants to

1 thank you. Also, when I started in '98, the Policy
2 Commission was just now starting and you were on it.
3 You've been on it from day one all the way on since I've
4 been involved with the program.

5 And you are actually one of the few people who
6 actually show up, I think probably almost every single
7 meeting and every Policy Commission meeting, and we do
8 appreciate it. And you did represent your small
9 owner/operator as well, and I just want to thank you
10 personally. The Department does appreciate all your time
11 and effort. I think it's a better program because of your
12 efforts, too.

13 MR. BEAL: I thank you.

14 MR. MC NEELY: And we have a certificate signed
15 by Steve Owens thanking you for your help. I will hand
16 that to you.

17 (Presentation of certificate.)

18 MR. MC NEELY: If you could say something.

19 MR. BEAL: Thank you.

20 CHAIRPERSON CLEMENT: Thank you very much.

21 MR. BEAL: Well it's -- yeah, say something.

22 Okay. In December of 1989, just about like today when the
23 law took effect, I was hustling to put in tank monitor
24 wells at that time, and we had a little bit of a problem,
25 so my first heartache started almost this same day in 1989

1 as to some detection, which we determined was spilling
2 overflow which commonly happened at that point in time.
3 The tanks wouldn't hold what the truck dropped in and the
4 rest of it went in the ground.

5 It wasn't a problem prior to this day in 1989,
6 but after that, it was pretty severe, so I think Gail and
7 Lisa Lund and one other person, Martha, I think is her
8 name --

9 CHAIRPERSON CLEMENT: Seaman.

10 MR. BEAL: -- Seaman, we met shortly after that
11 as the road became pretty cloudy very quickly with the
12 kind of problems and the SAF legislation began at that
13 time.

14 I think it's through efforts of you folks and the
15 people that had my ear, things have changed. The Policy
16 Commission was formed and, yes, I've been on it since day
17 one. I'm sad to say I've missed it three times. The
18 inceptional meeting was when I was attending my father's
19 funeral. Three years later it was when I was attending my
20 mother's funeral. About two years after that, it was when
21 I was attending an auction for one of my competitors, so,
22 I got some stuff out of that. But most of the three
23 meetings that I believe that I've missed since we've got
24 started.

25 It's been a very good time for me to work with

1 professionals such as yourselves and think about how to
2 solve a problem as significant as this. I live in the
3 country. I appreciate the environment, and I'm certainly
4 wanting to do the right thing in that regard, as well as
5 being an owner/operator, it's not a financial thing for me
6 as much as it is the right thing for me.

7 I must tell you that I was very shocked and
8 disappointed to be leaving the Commission. Subsequently,
9 though, I must tell you that I received a letter that
10 closed my sight. And on reflection, I can tell you that
11 if I were to remain on the Commission, there is no longer
12 the sense of desperation that I brought, so, I'm glad that
13 Karen Gaylord is taking my place and will represent small
14 owner/operators in the future. She will probably do a far
15 better job as my attitude is changing. I'm not quite
16 grasping the situation completely yet, but I want you to
17 know that I'm thinking about other things. So, thank you
18 very much for this certificate.

19 CHAIRPERSON CLEMENT: Thank you.

20 (Applause.)

21 MR. MC NEELY: And, Roger, you are welcome to
22 come to these meetings and participate if you'd like.

23 MR. BEAL: On the way out the door, you must know
24 that my wife said, "Don't you dare. I don't care what
25 they do, but we've got our letter, your time is in, just

1 leave it there."

2 Know that if I show up, it's going to be kind of
3 a recreational getaway as opposed to real important. It's
4 one of the most important events in my life, it's
5 certainly been a long time in coming. I thought of a
6 million ways to describe this, and I joked with Phil on
7 the phone as I thanked him for the closure. It's like
8 being in a train tunnel and you see the light at the end
9 of the tunnel. And so often it's the train coming the
10 other way. Well, now that I'm out of the tunnel into the
11 daylight, you know, you stand there kind of like a deer in
12 the headlights, what should I do. And I've been with this
13 long enough to know that I should get off the track.

14 CHAIRPERSON CLEMENT: Thank you.

15 MR. BEAL: So, I'm going to leave this, and I'm
16 going to leave this, too.

17 CHAIRPERSON CLEMENT: Thank you. There is a
18 hand-made gift for you. Thank you very much and it's been
19 a pleasure.

20 MR. BEAL: I'm going to sit back here and maybe I
21 will be here for the whole meeting. Thank you.

22 A VOICE: If you'd like, you can sit here. We
23 can ask you questions.

24 MR. BEAL: Too close to the front.

25 CHAIRPERSON CLEMENT: Roger, we're always

1 interested in your view points. If you've got new ideas,
2 you can just pick up the phone. You don't have to make
3 the trip.

4 MR. BEAL: Excellent.

5 CHAIRPERSON CLEMENT: Please stay engaged if you
6 will. Thank you.

7 George is not with us. I know you will send his
8 certificate of appreciation to him directly, and in his
9 absence, thank you, George. We hope you are having a
10 great day.

11 And now the next agenda item, we are going to
12 welcome one of our new members, Karen Gaylord. If you are
13 not familiar with Karen, she has been in the valley for a
14 considerable amount of time. She's very well recognized
15 as a expert in environmental matters, including
16 remediation, and she is an environmental attorney, and she
17 will be representing the small owners and operators in the
18 next year as we move forward with the UST Policy
19 Commission.

20 So, Karen, we are really fortunate to have you
21 join us and we are excited about your contribution.

22 MS. GAYLORD: Thank you.

23 CHAIRPERSON CLEMENT: Do you want to add anything
24 else in terms of your introduction?

25 MS. GAYLORD: I will just briefly say I do

1 represent three small owner/operators and have represented
2 operators in the past, and so I have some familiarity with
3 the burden that can be -- that the small owner/operator
4 can feel in trying to deal with the complexities of this
5 program, but I would say that I feel like what I know is
6 just the tip of the iceberg, and so I'm really hoping to
7 reach out to a lot of other small owner/operators and to
8 people who have the kind of experience that Roger has
9 working with this program for decades. So, I look forward
10 to learning a lot as well as to hopefully offering some
11 contribution.

12 CHAIRPERSON CLEMENT: Thank you. We are really
13 excited to have you, Karen.

14 The other new member we have is not with us
15 today. Her name is Cynthia Campbell. I think many of you
16 are familiar with her. She worked with the agency in the
17 past in the Underground Storage Tank Program. She will be
18 replacing George Tsiolis, and she will be our legal
19 representative on the Policy Commission.

20 We are excited to have the new participants.
21 It's going to be a great year.

22 Okay. Any other comments from anyone else?

23 We will move on to the next agenda item on ADEQ
24 updates. Mr. McNeely is going to provide the first
25 program update.

1 MR. MC NEELY: Thank you, Ms. Chairman.

2 The program update, I will just do a quick thing
3 for anybody new out there that hasn't been to the last
4 couple of meetings.

5 What our priorities are for this year, in
6 general, we had an Senate Bill 1306 pass and that put a
7 lot of new actions that we have to do. We have one cost
8 ceiling starting in June of 2005, and there is a lot of
9 other things we have to have. So what we've been trying
10 to do for the last few months is rewrite the SAF rules,
11 review the cost ceilings.

12 Internally, we are rebuilding a data base so we
13 can implement the new rules and the new cost ceilings and
14 it will be a lot more efficient in tracking what we do.

15 And we've been pushing what we call a Route 66
16 initiative, which is connected to the Municipal Tank
17 Closure Program where we actually can spend state money on
18 orphan tanks to pull tanks, even though they're not a
19 release. That's a program for the rural areas, 15,000 or
20 less.

21 We've been meeting with -- well, starting off,
22 Holbrook and Winslow, we've been meeting with those two 23
towns. We're meeting with consultants, volunteers,
24 owner/operators on how to push this program, how to get 25
these sites cleaned up, and it's taking a lot of our time

1 and effort. So, we've been doing a lot of outreach in the
2 last couple of months. We've done a news letter, we've
3 done a postcard, and we've done a UST Conference. We've
4 also had meetings on the SAF rules.

5 So, that's what we are doing. We're working hard
6 on it. Also, TAP members. It's been sort of a critical
7 situation with the TAP members. We were down to about
8 three. We pushed the Governor's office and we did get 10
9 TAP members assigned, and they're meeting as we speak,
10 going over some training. Phil Schneider and the TAP
11 members are doing that. So, we made a lot of progress in
12 the last few months and we've got a lot more to do
13 starting.

14 To give you an update, I'm going to jump down to
15 the SAF Rule Update. As you know, the original SAF Rule
16 schedule was to have informal comment periods to October
17 31st, and we were going to try to submit that for formal
18 comments on December 1st. We had significant comments,
19 and almost everyone -- universal comment was they want 20
more time, so we have slowed down the process. We've 21
evaluated all the comments. We have a revised rule. I
22 was going to hand it out today, but we're not quite ready,
23 so I think I'm going to try to E-mail it out early next
24 week to everybody on our E-mail list. The plan now is to
25 have a revised rule out early next week, give to

1 approximately January 31st and see how much time we need
2 to go over that for informal commentary.

3 Another part of the main comments is, they need
4 to see the cost ceilings or how they are going to do the
5 cost ceilings. The one cost ceiling before that, they
6 will actually evaluate the rules so it's truly an integral
7 part of the rules. We've been working on that internally
8 heavily trying to figure out exactly how to do that.

9 We are going to have some draft forms for you
10 early next week also. It won't have the cost in it, but
11 it will show you how we are trying to define task and how
12 we're going to try to do it, sort of a combination of T&M
13 and tax base. So, internally, we've been very, very, very
14 busy trying to get this program developed.

15 In the meantime, as you will see when Judy and
16 Joe talk, we've had quite a few claims being submitted,
17 almost three times the number of the average claims last
18 month and in August, so we've been trying to handle that
19 while we are doing all this program development.

20 Internally, we have a lot of vacancies. Judy has
21 authority to hire four hydros. Joe is trying to hire.
22 We've had quite a few vacancies. We are trying to hire 23
but it's difficult to find qualified people with field
24 experience for state pay, so, we are working on that. We
25 are looking for new ways to find resumes, people that are

1 interested. So, if anybody out there has anybody looking
2 for a good state job, we have quite a few vacancies to
3 fill. Well, that's it for my portion.

4 CHAIRPERSON CLEMENT: Okay. Thank you very much.
5 Any questions or comments?

6 Phil, I had a question. After the 31st of
7 January, then you will be revising the rules based on the
8 informal comment period? Do you have a projected date in
9 terms of the overall process?

10 MR. MC NEELY: Yeah. You know, the goal was to
11 get the rules done by the middle of June, because that's
12 when -- July 1st is when a lot of this stuff kicks in, the
13 Senate Bill 1306. So, we are going to try to do it as
14 quickly as possible. That goal may not be met because
15 we're slowing this thing down, but if January 31st we get
16 all the written comments -- we've addressed most of the
17 comments we've received, so I assume the comments will be
18 a whole lot less than we have now. We will -- between
19 January -- in January, we will probably be working on
20 trying to finalize the economic impact and all that kind
21 of stuff, so we will probably need at least a month to get
22 finalized, so early March, trying to get it for early
23 March, which means the formal comment period would
24 probably go to -- and this is all, you know, just off the
25 top of my head, probably due in April. And then GRRRC does

1 have 90 days to review it, so it's already pushing into
2 the July time frame and GRRC may have comments of their
3 own.

4 CHAIRPERSON CLEMENT: What will happen if the
5 rules are not in place in a timely manner relative to the
6 July time frame?

7 MR. MC NEELY: Bill 1306 kicks in anyway. We
8 will have one cost ceiling July 1st, so we can't stall too
9 much. We're going to have to implement one policy and
10 we're going to have to figure out how to do that.

11 The volunteer issues will kick in. There are a
12 lot of things that kick in on July 1st, so really it's to
13 the benefit of having rules in place very close to July
14 1st, and that's why we're pushing it. There is a reason
15 to push the schedule. But we agree, we want to have a 16
rule that everyone understands, not necessarily agrees
17 with, but at least understands and knows the rationale so
18 there is no misunderstanding when we actually move forward
19 with it.

20 CHAIRPERSON CLEMENT: Thank you. Thank you very
21 much, Phil.

22 The next update is the UST Corrective Action
23 Update, and that will be Joe Drosendahl.

24 MR. DROSENDAHL: Good morning.

25 CHAIRPERSON CLEMENT: Good morning.

1 MR. DROSENDAHL: The packet you got contains the
2 October numbers. The November numbers weren't available.
3 They will be available at the next meeting.

4 In regards to the numbers, it seems like a lot of
5 the major reports that we're reviewing are either going
6 down slightly or staying put. The only one that went up
7 is less case closures. I'm not sure why those went up so
8 dramatically. It could be that Nick Giuntoli took an
9 afternoon off. I'm not sure, but we're hoping to get
10 those numbers down to where they need to be on the
11 downhill side.

12 Also in regards to bean counts, just recently, to
13 understand, you know, the work load and the productivity
14 of the corrective action section, I've had my staff submit
15 weekly reports on everything they do.

16 The information that's in your packet is only,
17 you know, a certain part of what they do with just
18 drafting letters, with program development, with facility
19 meeting site visits, and other things passed down from
20 management. I just wanted to see exactly what my staff
21 was doing other than, you know, putting out the few beans
22 that we report.

23 So -- and I'm continuing to streamline where we
24 can to increase, you know, productivity as much as we can.
25 The CAP redevelopment is underway. The staff

1 have looked at the draft. They've submitted comments.
2 We're going to redraft it and then submit the new CAP
3 format to Phil to get his comments.

4 After that, we will be submitting it to the
5 Policy Commission for review. I'm hoping that really
6 streamlines the whole CAP process to make it a very timely
7 process both internally and externally.

8 In regards to risk assessments, the Tier 2
9 software is progressing. There is going to be a meeting
10 the 26th of January to present the beta version to the
11 list of -- I call them guinea pigs -- that will, you know,
12 put it through, you know, rigorous testing to work out the
13 final bugs.

14 Last week Jeanene Hanley and Larry Froebe of
15 MacTec did a presentation at the annual meeting of the 16
Society of Earth Analysis in Palm Springs, and they
17 presented a draft of the Tier 2 software at the meeting 18
and it was extremely well received. People were really 19
thrilled that they could put so much into one software 20
package. There were people even from Canada that gave
21 Jeanene their phone number to tell them exactly when it's
22 going to be available because they want to see if they can
23 use it. So, it was, you know, very widely received as
24 being, you know, just real great, so that was extremely 25
encouraging.

1 We are hoping that, you know, internal to the
2 state, it has the same reaction, and I think that's about
3 it.

4 Any questions?

5 CHAIRPERSON CLEMENT: For those people that are
6 going to be using this software, there is not a purchase
7 price or a lease price or anything like that?

8 MR. DROSENDAHL: No. It's going to be free.

9 CHAIRPERSON CLEMENT: Just a suggestion, and I
10 don't even know if you can do it, but for those people
11 in-state that are going to use it as part of the
12 Corrective Action Program in Arizona, I certainly 13
recommend that that software should be free, but
14 potentially if there is a large national or international
15 interest in the package, you may want to consider leasing
16 it or having a purchase price, because there was a real 17
tax dollar that was put -- an Arizona tax dollar that was
18 put to purchase and develop that software, and it would be
19 nice to get some return if it's that excellent of a
20 package. I don't know if you can do that.

21 MR. DROSENDAHL: I can definitely look into that.

22 Also we were thinking about at the January Policy
23 Commission meeting to have Jeanene come in and do a quick
24 presentation of the software.

25 CHAIRPERSON CLEMENT: That would be great.

1 MR. DROSENDAHL: Just a real quick run-through
2 to, you know, see, you know, what it's like, you know, 15,
3 20 minutes, so, we will try to arrange that.

4 CHAIRPERSON CLEMENT: I think that would be
5 excellent. Does anyone -- that would be a very good
6 opportunity to see it. When do you think it will be
7 implemented, Joe? If the beta version is going to be sent
8 out January 26th, you have that meeting, there is going to
9 be a testing period for the beta version.

10 MR. DROSENDAHL: Right.

11 CHAIRPERSON CLEMENT: Then it will be put into
12 full practice.

13 MR. DROSENDAHL: Right. And it kind of depends
14 on what the testers come up with, how many tweaks they
15 have. I think the testers are going to be given four 16
weeks to run it through, you know, testing. Hopefully 17
with -- you know, I've seen portions of it, and I'm
18 definitely no computer person or risk person. You know, I
19 thought it looked real easy to maneuver through and
20 everything, but it kind of depends on how many tweaks are
21 brought up.

22 CHAIRPERSON CLEMENT: Thank you.

23 Any other questions? Any questions on the matrix
24 that Joe presented before we move on?

25 Okay. We will move on. SAF Monthly Update and

1 we will have Judy Navarrete from ADEQ.

2 MS. NAVARRETE: Thank you. I hope everyone
3 received their packet, and I'm sorry, I wasn't here last
4 month and we didn't have a meeting last month, but in
5 October, we had a total of 197 in process, and this month,
6 the month of November we had 233.

7 It has shot up a little bit and we have missed
8 our 90 days on about 39 applications, and in order to
9 compensate for that, Joe has offered me some help. We're
10 going to have some of his hydros look over some of these
11 applications so that -- because we know how important it
12 is to get that money out the door as fast as possible so
13 people can continue with their corrective actions. So, we
14 will be working on this.

15 And then as Phil said, I'm going to be
16 interviewing and hiring four new hydros. We also have
17 three positions on the administrative side, and then I 18
will have one more that's coming up, another position.

19 So, we'd had a lot vacancies, turnover, and we've
20 had a couple of months of spikes of applications, but it
21 seems like we're going to be able to work through this and
22 hopefully next month's will look much better than this
23 month's.

24 CHAIRPERSON CLEMENT: Judy, before you go on, how
25 many -- what level are the hydros and what level are the

1 admin positions?

2 MS. NAVARRETE: The are Hydro 3s, they are 21s.

3 CHAIRPERSON CLEMENT: And then the admin
4 positions?

5 MS. NAVARRETE: I have an Admin I. I have an IPS
6 I, and there will be a Grade 19 PNPS II.

7 CHAIRPERSON CLEMENT: Thank you. Please
8 encourage anyone. It's a great way to learn and it's a
9 great way to grow, work for the Arizona Department of
10 Environmental Quality, and I would encourage anyone who
11 has friends, relatives or neighbors that would be
12 interested in getting their applications in.

13 MS. NAVARRETE: Yes, and they can just send them
14 to me if they'd like.

15 CHAIRPERSON CLEMENT: Thank you, Judy.

16 MS. NAVARRETE: And on the appeals page, I
17 believe we have one that went to formal this month, or in
18 the month of November, and it was a continuance.

19 CHAIRPERSON CLEMENT: And now with the new TAP
20 panel members, you will be able to ramp that up. Anything
21 that is outstanding, they will be able to hear those
22 cases?

23 MS. NAVARRETE: Right. Everything that has been
24 scheduled to go before a TAP has been scheduled. The TAP
25 has scheduled it for early next year so we will get -- be

1 able to take care of those issues with all our new TAP
2 members.

3 CHAIRPERSON CLEMENT: Thank you. Any questions
4 or comments for Judy?

5 Judy, I've had a couple of comments from the
6 regulated community about, there was a period of time that
7 there was -- I won't say it was more informal, but if
8 there was a slight thing missing in the application,
9 people would pick up the phone and you know you've got it
10 resolved quickly, and at least I have received a few calls
11 that that sort of process has been eliminated, and there
12 is still a lot of paper chasing for very small issues, and
13 I was just wondering if that's intentional or if you've
14 moved in a different direction in terms of your SAF
15 reviews?

16 MS. NAVARRETE: It's not exactly small issues.
17 Most of the things that we have returned is because the
18 owner ID -- the owner was not -- the ID was not eligible
19 to the SAF.

20 And then, too, with the turnover in staff on that
21 front end, I can't -- it can't be trusted to have them do
22 that anymore right now. We will get back to that, but
23 right now I can't do that because they don't know what
24 they're asking for. And then we're going to have to train
25 the new ones that come in, and so this is a better way of

1 handling it for everybody, because, if we send out an AN
2 on the front or we ask for something and it's not correct,
3 then we bother people again and then we bother them again
4 when it's the cost of something, because these people
5 don't know what they're looking at yet correctly on the
6 front end, so we are trying to work through that process,
7 but we're trying to do it as expediently as possible.
8 It's just a little bit of a change.

9 CHAIRPERSON CLEMENT: Thank you. Any other
10 questions? Okay. Thank you very much, Judy.

11 Next, Andrea was not able to be with us today.
12 She had a conflict with her trade group, several important
13 meetings, so she apologizes. She was going to make it by
14 phone, but it wasn't necessary, so Hal Gill, our financial
15 -- excuse me, our Technical Subcommittee Chairperson will
16 be giving us the update on the Financial Technical
17 Subcommittee.

18 MR. GILL: Thank you, Gail.

19 Did everyone get -- I think there was copies up
20 front of the summary, and after our first joint meeting,
21 there were relatively fewer issues, and so we came up with
22 recommendations that went forward to the -- from the
23 Policy Commission to the Director. But this time there is
24 three pages of them, but I'm a little confused on how
25 we're going to make the process work because we're

1 overlapping each other on the drafts and the second
2 drafting being done and the recommendations, so I think I
3 would like to discuss that now, how can we get on the same
4 track where we can get recommendations to you, so you have
5 -- here comes some more recommendations, because there was
6 quite a few left from our first meeting, and then we went
7 into the second meeting, so that's a dilemma that I see.

8 MR. MC NEELY: The recommendations that we have
9 in this one, most of them were covered by the other
10 comments that were received, because I just didn't have
11 the time to really go through that thoroughly, but I read
12 through it quickly. It seems like they were the same
13 recommendations that other people had written in their
14 comments, so we had to either address it or deliberate on
15 it previously. So the draft that we are going to get out
16 on Monday or Tuesday will be -- I will take a quick look
17 at it. I don't think we should be drafting another one,
18 that could go on forever, but I think most of them are
19 already addressed.

20 MR. GILL: That was the one reason I didn't put
21 these into a recommendation format because I felt that 22
they probably would be addressed, and I didn't want to 23
spend hours and hours making recommendations that were 24
already in place.

25 MR. MC NEELY: And, Hal, one thing about our

1 rule, it's going to be a strike-out version, so we're not
2 doing a responsive summary to every question. What we're
3 going to do is just send a rule out showing you what we
4 struck out and what we added, so you will see how we
5 address the issues. But it's not going to actually say
6 this comment is addressed by this. It's going to be a
7 strike-out version. It takes too much time right now to
8 go through every letter and respond to every single
9 question specifically.

10 CHAIRPERSON CLEMENT: I didn't mean to interrupt,
11 Hal, but if we had had the November meeting, we could have
12 incorporated a draft, and so I think we would have been
13 caught up with the process. These, no, we're not.

14 MR. GILL: I think if we are going to be
15 receiving the second draft -- is that next week?

16 MR. MC NEELY: Uh-huh.

17 MR. GILL: Then we will have time for everybody
18 to look at the strike outs and see if there are any issues
19 and we can discuss those and see if there are any
20 recommendations other than from the next meeting. That
21 will come before our next meeting.

22 CHAIRPERSON CLEMENT: And I'm just looking at the
23 future schedule. The first subcommittee meeting is
24 January 6, which is financial, and the second is January
25 12th, which is technical.

1 Have you and Andrea had a chance to talk about
2 which of those meetings you'd like to discuss the rule at?

3 MR. GILL: No. I would assume we're probably
4 going to continue with joint meetings for now. I have to
5 look at my schedule again because I know I had a conflict,
6 but I think the conflict -- actually, I think I was going
7 to see about rescheduling the Technical Subcommittee.
8 Unfortunately, I have a conflict on the 26th risk
9 assessment date, which is unfortunate, but I will get
10 together with her and Al and see what we can work out, but
11 it will be either one of those dates.

12 CHAIRPERSON CLEMENT: And that meeting will be to
13 discuss the redraft of the rule, come up with any
14 recommendations that you would like to put forward to the
15 Policy Commission?

16 MR. GILL: Yes. Compare the redraft with the
17 meeting notes from the last joint meeting and see if there
18 is any issue that we still need to address.

19 CHAIRPERSON CLEMENT: Okay.

20 MR. GILL: And I don't think it's worthwhile
21 going through this whole thing with everybody. It was
22 very difficult to get the gist of the comments off of the
23 large pages we were working on, and especially waiting a
24 month to do it made it even worse, so that's my fault.
25 But, if anyone has questions, they can contact me

1 and we will try -- I will try to figure out and remember
2 what the gist of the comments were when we were putting
3 all these down, but I tried to add to the little bullet
4 points -- Gail was writing as fast as she could -- and to
5 make them understandable, but some of them I didn't even
6 understand, so, if they make no sense, that's why.

7 Unless there is anything else you want me to do,
8 that's basically it.

9 CHAIRPERSON CLEMENT: Are there any other
10 technical issues that are sort of leaping at the
11 forefront, other than the risk assessment software right
12 now?

13 MR. GILL: The one that was -- we had the list of
14 issues that we, the Technical Subcommittee, were meeting
15 to discuss, and I think the one that is kind of on the
16 wayside now, although we're in other meetings right now,
17 has to do with the areas of vapor intrusion, and we were
18 looking at working with the state to try to come up with
19 what is an accepted means of sampling and to get true air
20 samples for models, and -- but the vapor intrusion
21 meetings have started, so that's taken care of, and that's
22 one of the issues we are discussing.

23 So, that was the number one thing that was out
24 there, and I need to -- because we've been so involved in
25 this, I need to look back and see if there are any other

1 issues that were still left on our list, and I don't
2 remember any. I think we're pretty up to speed, and so we
3 can put all of our efforts on the draft rule.

4 CHAIRPERSON CLEMENT: All right. Good. Thank
5 you, Hal.

6 The next agenda item is discuss proposed SAF
7 rule. For some reason my name is next to it. Maybe I
8 should look to you. I think we already have.

9 I don't have any other additional comments.

10 We will just move on from there. Wow. We are
11 really starting to make these meetings go quickly. We're
12 down to the Summary of Meeting Action Items, and I'm
13 trying to think what the action items are.

14 You are going to get the draft rules out next
15 week?

16 MR. MC NEELY: Minutes?

17 CHAIRPERSON CLEMENT: No. For this action. You
18 are going to get the draft rules out next week, the ADEQ
19 is.

20 Hal and Andrea are going to discuss the Financial
21 and Technical Subcommittee Meeting schedule and get that
22 out to the regulated community and the rest of us.

23 Joe is going to schedule the Risk Assessment
24 Software Presentation for January.

25 We are all going to assist ADEQ in getting good

1 hires.

2 Any other agenda items? Mr. Smith?

3 MR. SMITH: I would like to bring one that I
4 brought up before, and I think today shows, you know,
5 where we are as a Commission and working with ADEQ and how
6 hard ADEQ has worked over the past years to get us to this
7 point that we're almost done in 40 minutes that we've been
8 meeting.

9 I proposed earlier this year that we possibly
10 look in going to a bimonthly meeting schedule. I think
11 once we get through the SAF Rule, probably January,
12 February, maybe March, we still need to meet monthly, but
13 I would like to put back out again as an action item that
14 we consider doing that. I think we're at a point now
15 where the issues are not that many anymore and, you know,
16 it's good working between the agency and the RPs and the
17 Commission, you know. I'd just like to see the
18 possibility of going to a bimonthly schedule.

19 CHAIRPERSON CLEMENT: Thank you. Any other?

20 MR. GILL: I would like to, especially with the
21 new hires that hopefully are going to come about, I wanted
22 to put on the agenda for looking at the training issues
23 with ADEQ and the regular public, just bring that up again
24 because that is something that's real easy to go by the
25 wayside because you are so busy, but I think it's

1 extremely important, so I'd just like to bring it up for
2 discussion and have ADEQ look at what their plans might be
3 in any way that the regulated public can help as well.

4 CHAIRPERSON CLEMENT: Any other? I think one
5 thing that I wanted to make sure that we talked about was
6 in 2005, and I don't see it on here, so I'm going to have
7 to talk about it as an action item, what our goals as a
8 Commission are. And I think from -- I've participated in
9 the Commission. We've accomplished a great deal this
10 year.

11 We actually put to print our support of certain
12 types of legislation. We put to print our concerns
13 regarding the rule packages. I think we've all made very
14 strong relationships in getting things moving at ADEQ.
15 Obviously we are seeing a lot more changes at ADEQ, a lot
16 more responsiveness, so, you know, I think we want to
17 continue in that kind of a framework with active
18 participation by the Commission.

19 It really -- the work that we do is dependent
20 both on the input that we receive from the regulated
21 community, and then the work that we ourselves do. So I
22 just encourage everybody to stay involved this year. It's
23 an extremely important rule package which is going to
24 basically determine, you know, pretty much what happens in
25 this program until the end of the program, so we really

1 want to stay on top of it this year, and hopefully our
2 duties will start lessening as we get that rule package --
3 that rule package gets done.

4 So, I want to thank everybody also for their
5 contributions. I know Hal is the yeoman up here. He puts
6 in an enormous amount of time and really takes his
7 responsibilities very seriously in terms of communicating
8 with the regulated committee. So, if you are not on his
9 e-mail list and you are a technical person, please make
10 sure you contact him to get on his e-mail list because he
11 does send out a lot of good materials for everybody.

12 Anything else that anybody has? I think for the
13 next meeting, it is going to be January 26th, we have a
14 schedule of all the meetings, at least as we know of them
15 now, and that's on the table there. And I believe the
16 next meeting will be in this room, 250, at ADEQ, and it
17 looks like they are trying to do that for all of the
18 meetings next year.

19 In January I'm also hoping that we can get the
20 Attorney General's Office, Laurie Woodall, here to give us
21 basically, these are the requirements of the Commission,
22 we'll have new members, we can kind of get started on the
23 right foot. If we have any legal questions for Laurie, we
24 will be able to ask her at that point in time. We have
25 been sort of delaying that. We originally had her

1 scheduled for October and we just kept pushing that back,
2 so I think January would be a good time for her to
3 participate.

4 And if Al is in the room, if you could see if she
5 could be available --

6 MR. JOHNSON: Sure.

7 CHAIRPERSON CLEMENT: -- that would be great.

8 Any general call to the public? Any public
9 comments?

10 We are just rolling here. If there are no other
11 issues, comments, questions, I will ask you to adjourn the
12 meeting. Thank you very much. We will see you next year.
13 Happy New Year.

14 (9:47 a.m.)

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C E R T I F I C A T E

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 32 pages constitute a full true and correct transcript of said shorthand record all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 15th day of December, 2004.

Deborah J. Worsley Girard
Certified Court Reporter
Certificate No. 50477