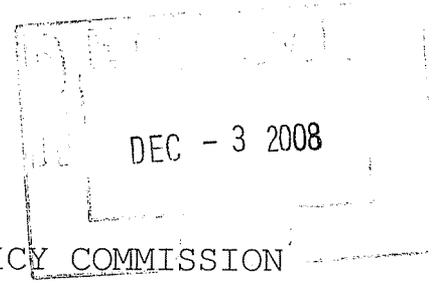


ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

MEETING OF THE  
UNDERGROUND STORAGE TANK POLICY COMMISSION



Phoenix, Arizona  
October 22, 2008  
9:00 a.m.

Location: 1110 W. Washington  
Room 250  
Phoenix, Arizona

REPORTED BY:  
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COMMITTEE MEMBERS PRESENT:

- Gail Clement, Chair
- Philip A. McNeely
- William (Bill) Bunch
- Tamara Huddleston, Esq.
- Karen Gaylord, Esq.
- Catherine Chaberski
- Manoj Vyas
- Jon Findley

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

2  
3 CHAIRPERSON CLEMENT: It's 9:06. We're six  
4 minutes past nine. Even though we have a small attendance  
09:06 5 today, absolutely nil, let's get started. So, this is the  
6 October 22nd, 2008 UST Policy Commission, and we will take  
7 roll call starting with Manoj to my left.

8 MR. VYAS: I am Manoj Vyas. I am from the City  
9 of Globe, and it's a privilege to be on the Commission.

09:06 10 MS. HUDDLESTON: Tamara Huddleston.

11 MR. MC NEELY: Phil McNeely.

12 CHAIRPERSON CLEMENT: Gail Clement.

13 MS. CHABERSKI: Cathy Chaberski.

14 MS. GAYLORD: Karen Gaylord.

09:06 15 MR. BUNCH: Bill Bunch.

16 MR. FINDLEY: Jon Findley.

17 CHAIRPERSON CLEMENT: Welcome everybody. We have  
18 a good turnout for the Commission. Let's just do the real  
19 quick thing, approval of the minutes from the August 27th,  
20 2008 meeting.

21 Did everybody receive the meeting minutes?

22 Is there any discussion? Comments? Any changes?

23 Okay.

24 Is there a motion to approve?

09:07 25 MR. VYAS: Madam Chairman, I move that we approve

1 the minutes of the August 22nd, 2008 UST Policy Commission  
2 Meeting.

3 CHAIRPERSON CLEMENT: Is there a second?

4 MS. CHABERSKI: Second.

09:07 5 CHAIRPERSON CLEMENT: Second by Ms. Chaberski.

6 All in favor?

7 (Chorus of ayes.)

8 CHAIRPERSON CLEMENT: Anyone opposed?

9 Okay. The August 27th, 2008 meeting minutes have  
09:07 10 been approved.

11 Okay. The next agenda item is recognition of Mr.  
12 Phil McNeely and Mr. Mike O'Hara. And Michael O'Hara --  
13 let me just start there. Michael O'Hara was one of the --  
14 because he's not here -- one of the original Commission  
09:07 15 Members appointed in 1997, and he was very instrumental in  
16 the early stages of the State Assurance Fund, and he  
17 phased out his involvement with the Commission, as he was  
18 phasing out I think his involvement with the SAF. He has  
19 moved with his family to San Antonio, so we will be absent  
09:08 20 one Commission Member, and we're not really having a hard  
21 time with a quorum, but as we move forward, if we could  
22 get a reappointment to that position, that would be very  
23 helpful.

24 And as everybody remembers, it's the Governor's  
09:08 25 Office who does the appointments. I very, very seldom get

1 consulted on that, but if you have any ideas for a  
2 replacement, I'm sure Mr. Fulton or Mr. McNeely would be  
3 interested in hearing that.

4 MR. FINDLEY: What was the position?

09:08

5 CHAIRPERSON CLEMENT: He was the accounting  
6 position. He was a CPA. So someone that's experienced  
7 with that. And we wish him very well. What I would  
8 propose to do is write him -- I know he's already gone.  
9 That's why I didn't make a big to-do out of it today. But  
10 I will write him a letter. We will get him a plaque  
11 similar to what we did with the other Commission Members,  
12 and certainly note the years of service he provided to the  
13 State in that letter, and I'll get that out. I doubt he  
14 will want to show up at a Commission meeting since he's  
15 already moved to San Antonio.

09:09

16 And then the second and most important  
17 recognition that we have today is for our short-timer, Mr.  
18 Phil McNeely, who has done, I think, a remarkable job in  
19 this program, and certainly in my role on the Commission,  
20 I can't say enough good things about your support, your  
21 integrity and your timeliness on responses to me,  
22 particularly when I had a need to get things moving on an  
23 agency opinion or direction.

09:09

24 So, Mr. McNeely has taken the position at the  
25 City of Phoenix, their environmental manager, who was

09:09

1 Karen O'Regan's former position, and it's a very big job.  
2 It's a big job for the City of Phoenix and it's a big job  
3 for the State of Arizona, because they set a lot of  
4 policy. They move this State in certain directions  
09:10 5 because of the size of the population they represent. So,  
6 it's a very important position. And I personally wish you  
7 all the good luck in the world that you can have and  
8 hopefully it's a pay raise.

9 MR. MC NEELY: Yes.

09:10 10 CHAIRPERSON CLEMENT: And I don't know if anybody  
11 else had any other comments that we'd want to give Phil at  
12 this point in time.

13 MS. CHABERSKI: I know that Phil is going to be a  
14 loss to the agency. I've known him over all the years and  
09:10 15 every program he's touched has become efficient and really  
16 made a big and better difference. We will miss you.

17 MS. GAYLORD: I'd just like to say, the only  
18 reason I came onto the Commission was that we had -- I  
19 participated with Steve Owens' task force, and we talked  
09:10 20 about all the problems in the UST program. Well, by the  
21 time I got on the Commission, Phil had already fixed the  
22 program and really turned it around. And it's amazing  
23 what you accomplished, and so I've often felt like my  
24 tenure on the Commission was completely unhelpful and  
09:11 25 unnecessary. There doesn't seem to be much to fix,

1 frankly.

2           While there certainly are issues that we dealt  
3 with, when you look at programs which are still struggling  
4 with really substantial problems in the functionality of  
09:11 5 the program, there is just no comparison. You  
6 accomplished a lot.

7           MR. MC NEELY: Thank you.

8           CHAIRPERSON CLEMENT: Mr. Bunch?

9           MR. BUNCH: As a representative of the regulated  
09:11 10 community, I want to thank Mr. McNeely for his service,  
11 and I think it's an indication of his leadership. The  
12 tone that I see as a regulated entity, I see it as a  
13 spirit of partnership and mutual problem-solving that  
14 emanates all the way through the program. And that's all  
09:11 15 that we can ask for.

16           And I thank Mr. McNeely and all of his staff for  
17 having that disposition. I think it's a productive way to  
18 manage our respective responsibilities. So I thank you  
19 for that, and I wish you the best of luck moving forward.

09:12 20           CHAIRPERSON CLEMENT: Mr. Findley?

21           MR. FINDLEY: Well, I've enjoyed working with you  
22 here, and as a representative of the environmental  
23 community, I look forward to working with you in your new  
24 position. We worked with Ms. O'Regan, and I think you  
09:12 25 will find it an interesting position, and probably pulled

1 in many different ways, because it's a very diverse area  
2 that you're going to be covering, but I will look forward  
3 to that.

4 MR. MC NEELY: Thank you.

09:12 5 CHAIRPERSON CLEMENT: Manoj?

6 MR. VYAS: Thank you. I've been a short-timer on  
7 the Commission. One thing that I have come to appreciate  
8 in my public sector life is that team members and the  
9 leader is what drives the engine in the train, regardless  
09:13 10 of what are the issues or who is on the train. But if it  
11 was not for them, programs, commissions and the service to  
12 the taxpayers always get compromised somehow, and I'm  
13 proud of every member of the team that we've had a chance  
14 to interact with and see support from.

09:13 15 And for you as their leader and supporter to us,  
16 it's a big loss to ADEQ. We commend you for everything  
17 you've done, and I'm sure now on the city side of the  
18 fence you will as well, given the opportunity, and I want  
19 to offer my half a cent worth because I do happen to  
09:13 20 interact with the city. We wish you all the best, but  
21 thank you beyond words.

22 CHAIRPERSON CLEMENT: Ms. Huddleston?

23 MS. HUDDLESTON: Well, I've worked with Phil for  
24 a long time and thoroughly enjoyed it. He's been a  
09:14 25 pleasure to work with, but I think anything else I would

1 have to say is under attorney-client privilege.

2 MR. MC NEELY: We'll keep it to ourself.

3 CHAIRPERSON CLEMENT: We didn't have time to  
4 really pull a lot together, but we are planning on doing  
09:14 5 that. And I'm not sure exactly when we will have our next  
6 meeting and, if it's convenient, we would invite you back.  
7 If not, it's not a requirement, but at the end of this  
8 meeting we will know when we plan our next meeting, maybe  
9 even in your new position you could come.

09:14 10 You have been such an asset to this agency, and I  
11 sincerely hope that they are able to continue forward in  
12 the direction that you've taken this program and other  
13 programs. I really appreciate it.

14 (Applause.)

09:14 15 CHAIRPERSON CLEMENT: And we have Mr. Fulton, who  
16 will be joining the Commission and obviously taking over  
17 the responsibilities. He's been with the agency a long  
18 time, knows the ins and outs, knows the politics, and  
19 we'll be all at your disposal so you can learn more about  
09:15 20 the UST program. And I think it's in a really good  
21 position. I mean, at this point in time the program  
22 probably is in the best position since I've been involved,  
23 which is 1987, and I think we've really got things in  
24 place, we've got great teams that work at the section  
09:15 25 level and then unit manager level, and we've got a lot of

1 other components in place, so, hopefully it will be an  
2 easy job for you. And --

3 MR. FULTON: Sure. I've heard the -- Phil is  
4 going to be very much missed. I'm going to forward my  
09:15 5 phone to his city number.

6 MR. MC NEELY: You get my personal cell, too.

7 MR. FULTON: Oh, yeah, personal cell, too. But,  
8 yeah, I think he's left us in a really good position and  
9 there's probably not going to be a whole lot, but tweaking  
09:16 10 here and there in case management to do.

11 I'm here to listen today and learn a bit more  
12 about the program even myself, about the legislative  
13 agenda, and things like that. But I'm happy to be here  
14 and I hope I can be of service to you. I don't know -- I  
09:16 15 think I will be handing out cards next meeting, but we  
16 will get you contact information as soon as I figure out  
17 what my phone number will be, and there is a whole lot of  
18 experience sitting in this program, so it should be pretty  
19 easy for me, actually. Thank you.

09:16 20 CHAIRPERSON CLEMENT: Okay. Thank you, Phil.

21 MR. MC NEELY: You are welcome.

22 CHAIRPERSON CLEMENT: We are going to turn it  
23 over to you now, which is the ADEQ updates.

24 MR. MC NEELY: ADEQ updates. Well, I'd like to  
09:16 25 respond to all your comments now. I do appreciate all of

1 your support and your service. I get paid to be here.  
2 None of you guys -- Tamara does, too, but all you guys are  
3 volunteering, and I really do appreciate you showing up.  
4 You guys all show up at the Commission. We had in the  
09:17 5 past where the Commission, we had a hard time getting the  
6 quorum. But for the last few years it's been pretty easy,  
7 and all of you have been very supportive and you guys gave  
8 me credit for all the changes. But really, you have Joe,  
9 who's been here 20 years now -- or 20 years, and Ron's  
09:17 10 been here 11 years, and Tara, you know, those are the  
11 three work horses that get everything done.

12 So, it's -- and then your role in it, getting the  
13 SAF rules done was a huge part of making this program a  
14 lot more efficient, and without your support, I don't know  
09:17 15 if we would ever get those things through. And the House  
16 Bill 2425 for the Energy Act and the MNA rules, all that  
17 stuff has really made our program a lot more efficient.  
18 It's really all happened in the last four or five years.

19 So, we're not a very popular program. When we  
09:17 20 give out money, we are popular, or if we close sites, but  
21 besides that, we are not very popular. We deny money if  
22 we don't close a site. It's not a very popular program.

23 So, having a Policy Commission independent and  
24 representing all the different stakeholder groups really  
09:18 25 is helpful, when we ask the legislature, if guys give

1 support.

2 So, hopefully you will keep supporting the  
3 program because we do have sunset coming. It's two years  
4 down the road, and we still have a thousand sites to  
09:18 5 close, so I think they will probably -- agency will need  
6 the UST Policy Commission support to figure out how to  
7 move forward. And we've got to protect our \$60 million  
8 fund. With their sweeps, we've just got to make sure that  
9 actually gets -- that was the whole plan, to get that  
09:18 10 money so we could handle the orphan sites, handle these  
11 sites that aren't going to get cleaned up, so, you've got  
12 to carry through with the plan, Senate Bill 1306 has to be  
13 carried through or it won't work.

14 So, thanks, Ron, and thanks, Joe, and Tara is not  
09:18 15 here, but, really, it's going to go seamless and Mike's  
16 going to have an easy time with the three experienced  
17 section managers to keep on going.

18 And thanks, Al. Al's been around a long time.  
19 He's in the background, but Al's been really a key person.  
09:19 20 He closed 400 sites in the last four years, and Al's been  
21 really pushing that hard working behind the scenes, so,  
22 it's good teamwork.

23 Now I'll go to the ADEQ updates. Turn to your  
24 handout. We will start with the State Assurance Fund, the  
09:19 25 colored graph. As you can see, things are running very

1 smoothly now. In August we received 58 claims. The SAF  
2 section made determinations on 78, so we did 20 more than  
3 what was received. And in September the same, 51 claims  
4 came in the door, 68 went out the door.

09:19 5 So, we're down to 87 claims in-house, which is  
6 very low considering we can do 68, 70 in one month. We  
7 are really down to a 45-day backlog of claims, nothing  
8 compared to what we had years in the past.

9 So, now we go to the -- flip back to the appeals  
09:20 10 pages. We have -- we had 30 informal appeals received in  
11 September, and we processed 30. And it's not on your  
12 list, but we have in-house, total, we have 48 informal  
13 appeals in-house, which is really very low, and a lot of  
14 those informal appeals are very minor stuff, just waiting  
09:20 15 for information to come in.

16 And then on the formal appeal side, we had three  
17 requests in September, and we processed three, and we have  
18 20 in-house, so these are very low numbers. We never  
19 really reported in the past the total number of appeals we  
09:20 20 have. But we have 20 formal, 48 informal, and just --  
21 these are very low. So we're processing -- we're doing  
22 very -- we only have 14 people in the SAF section now. In  
23 the past we would have 30 something. We are very  
24 efficient. I think it's the new rules, and Tara, she's  
09:21 25 very efficient. Plus Joe's group has been working very

1 closely. So it's really working right now.

2 Now I will go back to Joe Drosendahl's handout.  
3 Okay. It's mixed in with your -- sort of way in the back  
4 -- LUST Statistics, the pie chart. Flip back.

09:21 5 As of September 30th, we have 1,134 open  
6 releases. We closed 7,300, so we've closed 87 percent.  
7 Out of that 1,134, there are about 100 that are not SAF  
8 eligible, so we still have about a thousand sites that are  
9 SAF eligible, trying to close in the next year and eight  
09:21 10 months.

11 If you go down to what we have in-house, we have  
12 -- these are pending review. We have six secularization  
13 reports, two corrective action plans. And the big number  
14 that I see is 16 closure requests, which is a good sign.  
09:22 15 So we have -- in-house total, we only have 31 reports that  
16 need reviewing and 16 of them are closure requests. So  
17 that shows a lot of these sites out there for the last  
18 decade have been moving towards closure, and hopefully we  
19 will keep seeing numbers like that where a lot of these  
09:22 20 owner/operators are requesting closure.

21 The MTCP program, that's still coming along. We  
22 removed 176 sites or 176 tanks in the history of the  
23 program. We are getting a little low on the actual cash.  
24 That was at one time \$2.4 million that was put into that  
09:22 25 fund. When the money's gone, the program pretty much ends

1 until we get more money. All along I kept thinking that  
2 when the money goes away, it's such a good program, that  
3 the legislature would probably put some more money in  
4 there from the SAF, but right now with the billion dollar  
09:23 5 deficit, that probably would not happen.

6 So, we have about \$600,000 left. That may last  
7 another year. Hopefully in a year or so the economy will  
8 be doing better, but this program, that's something that  
9 you guys can look at, probably be able to help the program  
09:23 10 to try to get more money put in that program. We've done  
11 Route 66, but there are still other areas of the State  
12 that have abandoned tanks, and we've been looking, but I  
13 think it's a slow process, so I'm sure there are more out  
14 there.

09:23 15 And then, for the record, you know, Mike Fulton  
16 is taking over. On November 17th will be his first day.  
17 My last day is November 14th. And Mike was the Deputy  
18 Director of Waste Program Division. He's just doing a  
19 quick swap of offices right around the corner, so, it will  
09:23 20 be a pretty easy transition.

21 And that's it for the updates. Any questions?

22 CHAIRPERSON CLEMENT: Any questions, Comments?  
23 That program is headed in the right direction, which is  
24 downhill.

09:24 25 MR. MC NEELY: Downhill? Okay.

1 CHAIRPERSON CLEMENT: You know, it's phasing out.  
2 I meant, you know, phasing out, meaning sites, and  
3 cleaning up sites and closing sites.

4 MS. CHABERSKI: Coasting.

09:24 5 CHAIRPERSON CLEMENT: Coasting. That was it.  
6 That's what I meant. Thank you for the word. I didn't  
7 mean it in any kind of a negative sense. I meant it in a  
8 positive sense. Excuse me.

9 MR. FULTON: So all I have to do is ruin the  
09:24 10 program.

11 CHAIRPERSON CLEMENT: A benchmark.

12 We do have a member of the public that showed up.  
13 Thank you. This is the smallest attendance we've ever  
14 had.

09:24 15 Next agenda item, if we are done with the DEQ  
16 updates, discussion of recent legislation and rules  
17 affecting the UST program, or future I'm also thinking.

18 MR. MC NEELY: The only rules on their agenda  
19 right now is Ron Kern's Energy Act, and those rules are  
09:25 20 going to encompass updating our current rules, because a  
21 lot of the references, like the fire code and things like  
22 that, are out-of-date, so we are going to update that.  
23 And the main purpose of those rules would be to come up  
24 with a training program, an operative training program,  
09:25 25 more detail about that.

1           We don't think we need to even put in the rules  
2 anything about the secondary containment requirements or  
3 the red tag authority. We think we can go ahead and  
4 implement that as is on January 1st when the statute goes  
5 into effect.

6           Ron may include some of that stuff, but it's  
7 really not necessary to have them in the program. So we  
8 will do a public process. Ron's been working pretty hard  
9 on those rules trying to get a draft, a rough draft so we  
09:25 10 can actually start having public meetings.

11           CHAIRPERSON CLEMENT: What's your general time  
12 frame?

13           MR. KERN: Sometime after Phil leaves. Mike will  
14 have the privilege.

09:25 15           MR. MC NEELY: Yeah. I don't want to really say.  
16 I can say by November 17th we will have the draft done.

17           CHAIRPERSON CLEMENT: Early next year, late this  
18 year?

19           MR. MC NEELY: I'd say early. I think we'd  
09:26 20 probably have a public meeting in December time frame, or  
21 November, December time frame.

22           MR. KERN: It's possible, yes. I mean, we're  
23 coming along pretty well with the draft right now, and we  
24 do want to go out informal. But it will be subject to  
09:26 25 Mike and the director, everybody.

1 MR. MC NEELY: And we have not opened up the  
2 official docket yet. We don't feel like there is a real  
3 rush right now. We want to make sure we get operator  
4 training right. We are asking EPAs who have already done  
09:26 5 programs in other states that have done it, because we  
6 don't really want to generate our own training.

7 MS. CHABERSKI: Is that by 2012?

8 MR. MC NEELY: August 2012, everybody has to be  
9 trained. The Energy Act actually says by August 2008,  
09:26 10 we're supposed to have a program in place, or 2009.

11 MR. KERN: August 2009, we were supposed to  
12 essentially have all of our program in place to implement  
13 come August of 2012.

14 MR. MC NEELY: And that was the federal level.  
09:26 15 Our statute, we didn't tie our hands. We just said  
16 operators have to be trained by August 2012, because I  
17 think it's more important to actually get a good training  
18 program that everybody agrees with than try and rush to  
19 get one that doesn't work.

09:27 20 And then we will be, depending on the Policy  
21 Commission and big owners and little owners, because  
22 really it's going to be a self-training type thing. We're  
23 not going to go out and train. DEQ does not have  
24 resources to train thousands of operators.

09:27 25 CHAIRPERSON CLEMENT: As we get closer to that,

1 the Evaluation Subcommittee may want more direct  
2 involvement with Mr. Bill Bunch's leadership.

3           And the other comment I wanted to make, at the --  
4 we had last week the UST conference. That was very well  
09:27 5 attended, I thought, and there were excellent questions.  
6 And in particular, I was there for Mr. Kern's presentation  
7 and it was very informative, and very, very well-educated  
8 questions came afterwards. People are really paying  
9 attention to these future changes.

09:27 10           So, just keep us involved in it. You know, we  
11 have -- just as a reminder, our role is a formal comment.  
12 We provide written comments on the rule packages, so we  
13 have a formal role, and we can also have a less more  
14 informal role at our subcommittee meetings, or any other  
09:28 15 public meetings that you want some participation, so just  
16 keep us informed as you move forward.

17           MR. MC NEELY: I would like to comment on that,  
18 too. In the past year is when we had these conferences,  
19 and most of the questions were either SAF related or  
09:28 20 corrective action related. How many times do I sample,  
21 what standards.

22           Now it's -- there was almost no SAF questions, no  
23 corrective action questions, which tells me that things  
24 are running pretty smooth. And all the questions were for  
09:28 25 upcoming Energy Act questions, which is where our program

1 is really going. We are going towards compliance to  
2 prevent releases, so I think the owner/operators and  
3 regulated community out there is really thinking that way,  
4 too, about compliances and compliance with the Energy Act,  
09:28 5 so I think that was a telling from the outside that that's  
6 what the focus is on. Okay.

7 In terms of legislative proposals this year, DEQ  
8 has none right now. But we do have to watch, because  
9 you've all been reading in the papers, we're up to  
09:29 10 approximately a billion dollars in debt. So our SAF Fund  
11 balance is about \$18 million right now. They did sweep 12  
12 or -- 28 million in March time frame, and then they swept  
13 another 12 point something million in July. So they swept  
14 40, almost \$41 million last year. We still have an \$18  
09:29 15 million balance, but we can almost guarantee they're going  
16 to sweep more money out of the SAF. How much? I don't  
17 know. But they're sweeping every fund. I mean, there is  
18 a major effort to sweep every fund that's available, so  
19 that's one thing.

09:29 20 One advantage that we do have in the SAF is we  
21 get a penny a gallon tax, and that brings in about  
22 \$2.5 million a month, so the most we've ever spent in one  
23 year is about \$30 million, so really we -- if that keeps  
24 in, even if they sweep us pretty far down, we should be  
09:30 25 okay to maintain our operations as we get that money in.

1           The main issue would be, you know, if there is a  
2 surge of claims in 2010 or 2011, and trying get that \$60  
3 million in before the SAF sunsets. We do want that.

4           CHAIRPERSON CLEMENT: Is there a chance if they  
09:30 5 continue to sweep the SAF that they will extend the tax  
6 period?

7           MR. MC NEELY: I think there is a chance, but I'm  
8 not sure if the legislature would go along with it.

9           CHAIRPERSON CLEMENT: We don't like taxes. But,  
09:30 10 that's one thing that -- it's probably my least favorite  
11 responsibility on the Commission, but if there is  
12 legislative support that's necessary to keep the fund in  
13 balance, both as a Commission and as individual  
14 representatives of stakeholder groups, please use our  
09:30 15 expertise or our service in that way also as we move  
16 forward so...

17           MR. MC NEELY: And then on a bigger legislative  
18 agenda is our sunset year. We are going to have sunset  
19 hearings in November. I'm not sure of the date yet. It's  
09:31 20 the week of November 10th, but we're apparently scheduled  
21 for the 11th and 12th.

22           MS. GAYLORD: The 12th, but it may be postponed.

23           MR. MC NEELY: The 12th. I've been told the 11th  
24 and 12th, and I've heard the 12th and 13th. I think they  
09:31 25 were scheduling us for two full days. Usually it's an

1 hour or so. It was two eight-hour days.

2 So, we'll let you know what's happening there,  
3 but they're going to be questioning -- you know, typically  
4 in the past you get ten-year sunset, which really  
09:31 5 authorizes the agency to operate for ten years. In the  
6 past it's gone from ten years to five years, then it went  
7 from five years to two years. And typically when you get  
8 a sunset, you have to have an audit and go to legislation  
9 and tell them why you should maintain your authority to  
09:31 10 operate. So that's what we'll be doing in November.

11 I'm not sure if we will be asking anyone to come  
12 and speak on behalf of the agency or not, but it may  
13 happen.

14 CHAIRPERSON CLEMENT: Well, I think there is  
09:32 15 three letters that could be sent to the legislature in  
16 response, which is EPA, and I can't imagine any of the  
17 regulated communities would rather handle the  
18 jurisdiction, the direct jurisdiction of region nonADEQ.  
19 My personal experience of 30 years in the State, I'd much,  
09:32 20 much prefer working under the ADEQ.

21 MR. MC NEELY: In general, it seems like we are  
22 -- our agency, all divisions are very responsive. There  
23 is some issues, but still we are very responsive in terms  
24 of the public meetings, the whole agency is.

09:32 25 CHAIRPERSON CLEMENT: I mean, obviously they're

1 taking it very seriously if there may be two full days of  
2 testimony, but bottom line, what's the probability that  
3 they wouldn't? Probably low, I hope.

09:32 4 MR. MC NEELY: I mean, Senator Gray, who is the  
5 chairman of the committee of reference, which has the  
6 house members and senate members, was in the newspaper. I  
7 haven't talked to him. He says he has no intention of  
8 sunsetting ADEQ. He just wants to ask questions, a lot of  
9 questions, so...

09:33 10 CHAIRPERSON CLEMENT: We shall see.

11 MR. MC NEELY: And besides that, that's all I  
12 have for legislative updates. Really, the rules are the  
13 only thing we will be working on in the next year or so.

14 CHAIRPERSON CLEMENT: Any questions or comments  
09:33 15 for Mr. McNeely?

16 MR. BUNCH: I have one comment, and I apologize  
17 if I have stated this before, but I would recommend that  
18 as you are amending the rules for the operator training,  
19 that you do put in the provisions that require secondary  
09:33 20 containment in the rules of engagement with respect to  
21 dispensary placement and et cetera, and I offer that as a  
22 member of the regulated community. When we operate in  
23 multiple states, our main reference point is the rule set.  
24 And I know the statutes are out there, but most operators  
09:33 25 probably are going to want a reference rule set in their

1 business planning and understanding, you know, what they  
2 have to do to comply.

3 And it may not be a lot of extra work to amend  
4 those sections that have already been provided for in  
09:34 5 statute when you are upgrading the rules anyways, so that  
6 would be my recommendation.

7 MR. MC NEELY: We will look at that, and we did  
8 do that with the SAF rules. In the SAF, you have to go  
9 back and forth to the statute, and that was complicated,  
09:34 10 but it was all comprehensive, but we will look at it.

11 CHAIRPERSON CLEMENT: Any other comments or  
12 questions?

13 Let's move on. The next is the Evaluation  
14 Subcommittee with Mr. Bill Bunch.

09:34 15 MR. BUNCH: Well, it will be short and sweet. We  
16 haven't had a meeting since the last time the Commission  
17 met, but I do agree that as we get into the operator  
18 training discussion.

19 And, forgive me, but was there going to be a  
09:34 20 policy written around red tag or the delivery prohibition  
21 program? Is there a working document that might be  
22 distributed amongst the regulated community we might be  
23 able to comment on?

24 MR. MC NEELY: What we're doing is we're writing  
09:35 25 a sample, or actually the order for the red tag or stop

1 use order, and then the termination order. We are having  
2 that reviewed by in-house counsel right now. Once I get  
3 that, we will share that with the public. We do have --  
4 the website was -- we are sort of organizing how the  
09:35 5 website will look, and we will share that before that goes  
6 into effect.

7           And then we do need to talk about -- we talked  
8 internally who's going to take the red tag off. We're  
9 thinking we can fax you the termination order, you know,  
09:35 10 the owner/operator can take the red tag off themselves,  
11 things like that. And we are developing the actual red  
12 tag. I passed that out. We had a slide of it at the  
13 conference. So that's all we want to share with the  
14 public before January 1st. I think we are probably going  
09:35 15 to be close to doing that, so that will probably be in  
16 December, too.

17           MR. BUNCH: And I mention that just trying to  
18 establish whether or not there is going to be a need for  
19 an Evaluation Subcommittee meeting, and until we have  
09:36 20 something substantive to review, I would say there is  
21 really not a cause for one at this point.

22           MR. MC NEELY: I would say that we probably will  
23 have that before January, because in January it goes into  
24 effect, so I think we probably should vote that you can  
09:36 25 actually look at that between now and January, whenever.

1 I won't be here. I'm putting pressure on these guys,  
2 whenever they get it done.

3 CHAIRPERSON CLEMENT: And I think that's an  
4 excellent suggestion, and the concept would be if the  
09:36 5 materials are available prior to January 1st, the policy  
6 Commission would assign the Evaluation Subcommittee  
7 responsibility to hold the subcommittee meeting to discuss  
8 those items, and I think -- I guess we should vote on  
9 that. I will make the proposal, then.

09:36 10 MR. BUNCH: Maybe we could combine it with one  
11 other potential topic.

12 CHAIRPERSON CLEMENT: Oh, sure. Please.

13 MR. BUNCH: One issue that I see, and I think is  
14 the obligation of the product deliverer. And with respect  
09:36 15 to checking the website, if there's going to be a policy  
16 that the department follows in terms of prosecuting  
17 product deliverers who allegedly violated the delivery  
18 prohibition, maybe because of recalcitrant operator, if  
19 that's going to be left to the discretion of each  
09:37 20 situation.

21 I know that was an issue of concern, and probably  
22 that component of the statute was not something that I  
23 think DEQ had wanted, but it would be interesting to maybe  
24 talk about how -- I don't know if that's even within the  
09:37 25 purview of the committee, but that is an issue I think

1 needs to be addressed at some point.

2 MR. MC NEELY: And I think -- you know, I think  
3 we can talk about it all at the same meeting. I think the  
4 statute is pretty clear that the red tag is not on the  
09:37 5 tank. The whole Internet thing was really APMA's request  
6 to put that in statute, but we are saying if you can  
7 deliver, go there, and there is no red tag on it, the  
8 owner/operator is responsible. They're the ones that  
9 removed it, not the deliverer.

09:38 10 So, the Internet, you know, posting on our  
11 website was really just as a courtesy, but that red tag  
12 has to be on the tank, and I think we put that pretty  
13 clearly in the statute.

14 So, I don't think we need a policy, but we can  
09:38 15 make that more clear to the deliverers. I know Ron's been  
16 out doing some outreach on that, too.

17 MR. BUNCH: I know that concern's been expressed  
18 to me, not in context of the, you know, Policy Commission  
19 but just in general, that concern about the liability.

09:38 20 CHAIRPERSON CLEMENT: Why don't you make the  
21 proposal, then.

22 MR. BUNCH: I propose that --

23 MS. HUDDLESTON: I'm sorry, I think we have a  
24 problem on the agenda. We have under the Technical  
09:38 25 Subcommittee a proposed agenda item stated, so we can vote

1 on it. We don't have that on the Evaluation Subcommittee.  
2 I'm not certain we can vote on it.

3 MS. CHABERSKI: Is it just that they can get an  
4 agenda item to them so that they can host the meeting,  
09:39 5 have the meeting? I'm not sure.

6 CHAIRPERSON CLEMENT: You know, we have done that  
7 with just the update and not -- you know what I mean?

8 MS. HUDDLESTON: I'm not an expert in the field.  
9 I'm just raising the question.

09:39 10 MR. MC NEELY: We have up here the Commission may  
11 discuss and vote on any agenda, so it's technical -- the  
12 Evaluation Subcommittee, it's general, but I think maybe  
13 we can just --

14 CHAIRPERSON CLEMENT: All we're going to do is  
09:39 15 assign the subcommittee to have a subcommittee meeting.  
16 We're not going to take any other measure in terms of  
17 agreeing to anything, and we have used this in the past as  
18 the mechanism for making an assignment, because we don't  
19 know until we have this meeting what --

09:39 20 MS. HUDDLESTON: And I understand that. But  
21 because we have made it clearer in 7, I would just propose  
22 that in the future you make it clearer to both areas.

23 CHAIRPERSON CLEMENT: Do you have any issue?

24 MS. GAYLORD: I can only tell you that on other  
09:40 25 subcommittees we have allowed identification of agenda

1 items without a specific agenda authorization.

2 CHAIRPERSON CLEMENT: We've done it in the past,  
3 and I will -- this is my responsibility, and I'll make  
4 sure that in the future, on our full agenda, I will just  
09:40 5 have a standing agenda item, and then if we don't need a  
6 meeting, we don't have a meeting, you know, whatever, at  
7 least we will be more than -- we will meet every intent  
8 and letter of the law to the best of our ability.

9 MS. HUDDLESTON: And I'm not counsel for the  
09:40 10 Commission. I'll ask counsel for the Commission to  
11 clarify it.

12 CHAIRPERSON CLEMENT: I mean, I would hate to  
13 hold this up again, because we've done it in the past.  
14 So, on that note, Mr. Bunch.

09:40 15 MR. BUNCH: I move that we have an Evaluation  
16 Subcommittee meeting tentatively for November pending some  
17 sort of published or written guidance offered by the  
18 department with respect to UST Energy Act and House Bill  
19 2425 requirements.

09:41 20 MS. CHABERSKI: I just have a question. Do you  
21 want to say November in case it's not ready? Do we have  
22 to go through the whole thing again?

23 CHAIRPERSON CLEMENT: I would suggest we make it  
24 before January.

09:41 25 MR. BUNCH: Okay.

1 CHAIRPERSON CLEMENT: Then that gives you as much  
2 flexibility as possible.

3 MR. BUNCH: Right. November or December, any  
4 availability.

09:41 5 CHAIRPERSON CLEMENT: So, do you want to repeat  
6 that?

7 MR. BUNCH: I move that the Evaluation  
8 Subcommittee meet in either November or December to review  
9 any written policy or guidance documents offered by the  
09:42 10 department with respect to House Bill 2425 requirements.

11 CHAIRPERSON CLEMENT: Is there a second?

12 MS. GAYLORD: Second.

13 CHAIRPERSON CLEMENT: All in favor?

14 (Chorus of ayes.)

09:42 15 CHAIRPERSON CLEMENT: Anyone opposed?

16 And the reason I do it this way, because I know  
17 it's going to be or assumed potentially it could be  
18 unanimous, I don't do a roll call of each person. It  
19 makes it go quicker. But if anybody ever does desire a  
09:42 20 roll call vote, please just let me know. Okay?

21 Anything else from the Evaluation Subcommittee?

22 MR. BUNCH: That's it. Thank you.

23 CHAIRPERSON CLEMENT: And you will work directly  
24 with June and just -- which is Phil's secretary now, who  
09:42 25 has been providing all of the support and doing an

1 excellent job, so when you time it to get the room and  
2 everything coordinated, perhaps work with June and Ron and  
3 then just copy us.

4 MR. BUNCH: Sounds good.

09:42 5 CHAIRPERSON CLEMENT: Thank you.

6 And now we will move on to the next agenda. Ms.  
7 Chaberski's going to give us an update on the Technical  
8 Subcommittee.

9 MS. CHABERSKI: Well, the first agenda item was,  
09:43 10 there was a request to look at mileage increase. So, when  
11 we started this, we were on our way to \$5 a gallon of gas.  
12 Now we're at under \$3.00. So, I'm not sure where this is  
13 going to go, but I guess the first question the group had  
14 was, is DEQ held into the DOA payment for mileage? I  
09:43 15 mean, if DOA decides -- because we're looking at potential  
16 changes to go up and down. At our city, we follow IRS,  
17 and that goes up and down. So, before we started to say  
18 we want things changed, we wanted to know if they even had  
19 the authority to make the change or are you locked into  
09:43 20 DOA?

21 MR. MC NEELY: We're not locked into DOA. We  
22 just felt that's what all state workers get -- employees  
23 get paid. We follow them. We just needed to have some  
24 baseline. We could have followed the IRS or the Federal  
09:44 25 Government, too, but we just stuck with DOA, so we're not

1 locked into it.

2 MS. CHABERSKI: So the current mileage rate shows  
3 45 cents a gallon -- I mean a mile.

4 I'm sorry, that was too funny.

09:44 5 As I said, I know that we were skyrocketing when  
6 we talked about this. I can say that in Glendale we use  
7 the IRS, and at the peak, which we are still, and I  
8 imagine they are going to roll it down, it was 58 and a  
9 half cents per gallon, and that has gone from 50 to 58 and  
09:44 10 a half cents per gallon when it surged. And I don't know  
11 how often the IRS changes. It seems maybe like six  
12 months, or if there is something extraordinary that  
13 happens.

14 So part of what the folks at the subcommittee  
09:44 15 wanted to know is, is it possible, you know, to get more  
16 competitive in the market when gas increases, and we  
17 didn't know the last time, or how often the mileage is  
18 looked at. So, that's kind of what they wanted to bring  
19 to the table and ask about.

09:45 20 MR. MC NEELY: I don't know how often DOA looks  
21 at the mileage. I can find that out. One thing about us  
22 changing up and down, it's not quite as easy just to  
23 change it. We have to change our database and our forms.  
24 So, once we change it, it will be changed until next -- I  
09:45 25 mean, we could do it. It's just a lot of work. We only

1 have a year and eight months to go in the program, so,  
2 making a change, hopefully it's a final change, change of  
3 the database one and plug on through.

09:45 4 I can check with DOA and see how often they  
5 change it. We've been checking. They haven't changed it.  
6 As soon as they change it, we're going to go ahead and  
7 change it, but if you really feel like it's necessary, I  
8 mean, we could have.

09:45 9 MS. CHABERSKI: I think what the group was also  
10 interested in was triggers. I mean, it went from just --  
11 IRS went from 50 cents to 58 cents in this huge surge,  
12 so, I mean, the bottom line for the administrative, it's  
13 just my opinion that it's a lot of work for eight cents.  
14 And I don't know if we're going to stabilize here, but  
09:46 15 just because we had been in such an unusual situation, it  
16 looked like gas was going to go nonstop.

17 So, I guess, if you could find out also what the  
18 trigger is, you know, is there a trigger for DOA, like a  
19 certain percentage up, or what are they basing it on so  
09:46 20 that the group requesting can kind of understands how this  
21 is done.

22 And then the other request on the meaning was to  
23 see what other folks, like other entities were doing, like  
24 IRS and APS. I just know the IRS, so I don't know how  
09:46 25 often they change. But, are there other options of using

1 -- if they're different for a good reason, more efficient  
2 reason, some other guidance other than DOA, so that was  
3 their request.

09:47 4 CHAIRPERSON CLEMENT: What typically would be the  
5 frequency of changes? Do you do it once a year cost  
6 ceiling change; right? So at a minimum, in those cross  
7 ceiling changes, that would be a mechanism to change the  
8 mileage reimbursement, and we've just had that.

09:47 9 MR. MC NEELY: Once a year by statute we have to  
10 -- we do the cost of living index increase, like 3 percent  
11 last year. But we've changed in the past when DOA changed  
12 that. We changed it out of the earmark. We'll go ahead  
13 and change it. We just chose that and it hasn't been an  
14 issue until this hike in gas.

09:47 15 CHAIRPERSON CLEMENT: So, we would have the  
16 chance potentially, it wouldn't be an unreasonable  
17 expectation to do it perhaps every six months if there was  
18 a mechanism, a reason. We did have a reason for people to  
19 be concerned a few weeks ago, even, because the pricing  
09:47 20 was getting so high compared to reimbursement.

21 MS. CHABERSKI: But, as I said, I think people  
22 realized that you don't want to change it every other  
23 week, but it just looked like it was nonstop, we were  
24 going to get to \$8 and stay there, or something, so it was  
09:48 25 reasonable.

1           And then it did big picture interest for the  
2 future, how does this go about, what options do we have,  
3 that kind of a thing, so we appreciate that.

4           That brings us to -- so that was number two on  
09:48 5 the minutes, and the specifics are there.

6           Number three was the purge/no purge. When the  
7 process takes this long to come to meeting, I have to go  
8 to my notes. It's very clear like six weeks ago.

9           I don't think this appeared to be controversial.

09:48 10          And, Joe, if I miss something, please let me  
11 know.

12          But the purge and nonpurge appendix -- you should  
13 have these as a handout -- Appendix H from the groundwater  
14 sampling, the group wanted this Appendix H to be changed  
09:49 15 to be consistent with the rule and the statute, which  
16 really doesn't speak to saying that purging is necessary.  
17 The appendix says that, and nothing in the statute, it's  
18 kind of a gray area, and it's a consultant discretion.

19          So, did I get that right, Joe?

09:49 20          MR. DROSENDAHL: Based on site specific.

21          MS. CHABERSKI: Site specific information,  
22 correct. So, the request was change that Appendix H, the  
23 language in there, to make it consistent with the statute  
24 and rule that gives discretion on a site specific basis.

09:49 25          CHAIRPERSON CLEMENT: Just a follow-up question

1 to that. What does Appendix H say now about purging?

2 MS. CHABERSKI: I made a note in my notes, but it  
3 actually does say that purging is necessary somewhere in  
4 the appendix, and I don't have it highlighted.

09:50 5 Joe, do you have it handy?

6 It's stronger language saying that it's  
7 necessary.

8 MR. BUNCH: The bottom bullet, second to the  
9 bottom.

09:50 10 MS. CHABERSKI: Second to the bottom. Yes.  
11 "Purging monitor wells prior to sampling is necessary."

12 Thank you.

13 CHAIRPERSON CLEMENT: And that, in addition to  
14 the purge/no purge question, are there other technical  
09:50 15 things that would require them to do their guidance  
16 document?

17 MS. CHABERSKI: This was the only issue that we  
18 talked about, the language and the appendix.

19 CHAIRPERSON CLEMENT: Is that a major work item  
09:50 20 to fix that, to reissue that guidance?

21 MR. MC NEELY: The guidance document is what, 300  
22 pages thick, the whole thing. And Joe's been wanting to  
23 sort of reduce a lot of that for many years. We just  
24 haven't bit that off. We could change this pretty quick,  
09:51 25 we could just change the appendix and put it in. It's on

1 our website. We just have to change it on the website, I  
2 mean, so we could do that.

3 CHAIRPERSON CLEMENT: Is there any downside to  
4 doing that that anybody has identified?

09:51 5 MR. MC NEELY: The problem with the purging is a  
6 lot of times we will have ten years of good data that  
7 shows it's going down, but the last, it's like six inches  
8 or a foot of water in the well, then we're stuck with,  
9 well, the guidance says you have to purge to close the  
09:51 10 site. That's what's been causing some issues. We have  
11 the history. We know the site's been cleaned. They've  
12 done their remediation. Why do we have to purge it.

13 So, we've been doing really site specific, really  
14 not in accordance with this because this is okay, so we  
09:51 15 wanted to give -- it was brought to our attention the  
16 guidance said that, so we wanted to actually make it more  
17 consistent with what reality is.

18 CHAIRPERSON CLEMENT: So the reality would be it,  
19 it is dependent on site circumstances, so it would give a  
09:52 20 more open statement rather than you must purge type of  
21 statement?

22 MR. MC NEELY: That's right.

23 CHAIRPERSON CLEMENT: Do we need to make that  
24 recommendation as a Commission, we make that  
09:52 25 recommendation?

1 MS. CHABERSKI: Yes. That's what we want to do.  
2 But we wanted, I guess, to take these steps in this  
3 process, we had to ask for your response and our  
4 recommendation is to change them.

09:52 5 CHAIRPERSON CLEMENT: Do we as a Commission then  
6 want to make that proposal? Do you want --

7 MS. CHABERSKI: No. Go ahead.

8 MR. BUNCH: Can I ask a clarifying question  
9 first?

09:52 10 CHAIRPERSON CLEMENT: Sure.

11 MR. BUNCH: Would the guidance, and forgive my  
12 ignorance in the actual rule, would the guidance state  
13 that we would purge work where possible? Is that the aim?

14 MS. CHABERSKI: I think we just wanted to take  
09:52 15 out the -- I think we just wanted to take out that that it  
16 is necessary that you have to do it, because the guidance,  
17 if I remember from my notes, actually refers to the rule,  
18 and the rule is a site specific kind of gray area up to  
19 the discretion. So, they were inconsistent, so we wanted  
09:53 20 to make -- and the way to make it consistent was to take  
21 out the "is necessary" portion of the appendix, and that  
22 we believe would cover it.

23 MR. BUNCH: So the department has the right to  
24 require purging if it feels necessary. Thank you.

09:53 25 CHAIRPERSON CLEMENT: Any other questions or

1 discussion? Okay. Cathy -- or Ms. Chaberski?

2 MS. CHABERSKI: What did I say? I move to strike  
3 that "necessary" portion in Appendix H regarding purging,  
4 that it's necessary to purge so that it's therefore  
09:53 5 consistent with the rule of the statute.

6 CHAIRPERSON CLEMENT: Is there a second?

7 MR. BUNCH: I second.

8 CHAIRPERSON CLEMENT: All in favor?

9 (Chorus of ayes.)

09:53 10 CHAIRPERSON CLEMENT: Anyone opposed? No.

11 So, the UST Policy Commission recommends that the  
12 agency update the Appendix H of their technical guidance  
13 to allow the flexibility of purging/nonpurging, to remove  
14 purging as a requirement. Okay.

09:54 15 MS. CHABERSKI: And that's all we had on our --  
16 my meeting notes, those two items.

17 CHAIRPERSON CLEMENT: Is there any other hot  
18 topics that have come to your attention?

19 MS. CHABERSKI: I have not received anything. I  
09:54 20 don't know if Theresa Kalaghan has or not, but I have not  
21 received any agenda items for the future.

22 CHAIRPERSON CLEMENT: So, at this point in time  
23 you do not propose an additional subcommittee meeting?

24 MS. CHABERSKI: No.

09:54 25 CHAIRPERSON CLEMENT: I have not heard anything

1 other than I got a quick e-mail from Theresa this morning,  
2 a last minute cancellation of her attendance, but I have  
3 not heard anything else. Technically I've not heard of  
4 any other concerns.

09:54 5 Great. Okay. This may be our fastest meeting  
6 yet.

7 Oh. When I was -- the next agenda item was mine.  
8 When I was putting together just a brief presentation for  
9 the UST conference, I actually read the statute, and we  
09:55 10 have two obligations besides our general, our oversight  
11 obligations, and one is to elect a chairperson and the  
12 other was to elect a vice-chairperson.

13 Since I've been involved on the Commission, to  
14 the best of my knowledge, we've never had a  
09:55 15 vice-chairperson, but it's actually in the statute that we  
16 are to do that. And I thought I would bring it to  
17 everyone's attention, and we don't necessarily have to do  
18 an election today, but I wanted you to know the background  
19 of that, that I wasn't just trying to get out of my job.

09:55 20 So, my suggestion is -- not that I wouldn't like  
21 somebody to take this over -- but my suggestion is that we  
22 each in our own best ability to think about what we would  
23 like to do in terms of contribution to be the  
24 vice-chairperson, and since people are already assigned,  
09:56 25 appointed or elected to the subcommittee roles, perhaps

1 one of the subcommittee chairs or co-chairpersons would be  
2 interested to provide a chair since they already have a  
3 role in the higher level of participation, or someone new  
4 that would like to be vice-chairperson.

09:56 5 I'm not going to be put anybody on the spot  
6 today, but if you would think about that. And if I don't  
7 hear a volunteer, I will probably be on the phone with a  
8 few people and see if I can get a volunteer, and then on  
9 the next agenda we will have the actual election of that  
09:56 10 -- or those people if they want to have a run-off, and --

11 MS. CHABERSKI: She's thinking big.

12 CHAIRPERSON CLEMENT: And I do try to participate  
13 as much as possible. There is usually only one or two  
14 meetings a year that I miss, so there wouldn't be a lot  
09:56 15 for the vice-chair to do, hopefully, but it is a  
16 requirement of the statute that I found out about, so, we  
17 do have to take action on it.

18 So, anyway, that's all. Is there any discussion  
19 or questions regarding that?

09:57 20 Okay. Then I had an assignment. Everybody  
21 received the letter. It took me a while to get it out.  
22 Sorry. I have to read my to-dos right after this meeting  
23 instead of right before the next one.

24 But we did get a response to Mr. Greg Jones out  
09:57 25 per our agreement at the last Policy Commission meeting.

1 I tried to represent factually, and also to express our  
2 appreciation of his comments and explain why we are not  
3 taking any further action relative to his comments. And  
4 so that did get out, and I have not heard any further  
09:57 5 comment from Mr. Jones, so hopefully that is sufficient  
6 to address his needs.

7 And now we're on Item No. 10, the general call to  
8 the public. We have one public. Is there any general  
9 call or comments from that public?

09:58 10 Okay. Next. Summary of meeting action items.  
11 Gosh, just those who want to see me afterwards for the  
12 contribution for recognition of Phil.

13 Mr. Bunch is going to stay in contact with the  
14 agency and set up an Evaluation Subcommittee meeting in  
09:58 15 November or December, and I believe that's --

16 Oh, and then the agency's going to follow up on  
17 DOA, mileage costs, just getting an understanding of the  
18 frequency and the triggers for changing those mileage  
19 costs, mileage reimbursement fees.

09:58 20 Okay? Anything else I might have missed? Okay.

21 The next Commission meeting is scheduled for  
22 November 19th. It would be my suggestion we do not hold a  
23 November meeting unless anyone disagrees with that. We  
24 seem to be moving forward pretty quickly with everything.

09:59 25 And then the next December meeting -- I have that

1 here -- is the 17th, which is the third Wednesday of the  
2 month. I say we keep that date on our calendars, if we  
3 can. And then the Commission, as we approach that, I  
4 think depending on Mr. Bunch's subcommittee and the status  
09:59 5 of the rules, we may need that December meeting, so if  
6 everybody just keeps that date open. If we have a  
7 meeting, it will be December 17th, and then I'll just make  
8 a decision if there is any agenda items or not.

9 MS. CHABERSKI: I just want to say that it was  
09:59 10 great that you have the calendar for the next year  
11 already. June sent that out last month, so that was real  
12 helpful.

13 MR. MC NEELY: And that is on our website, or it  
14 will be on.

09:59 15 MS. CHABERSKI: Oh, is it?

16 CHAIRPERSON CLEMENT: And the website, you've had  
17 some recent changes, looks very good, too, by the way.

18 So, okay, does that work for everybody? The next  
19 meeting will tentatively be December 17th. The agenda  
10:00 20 items will include, if the time is appropriate, an  
21 Evaluation Subcommittee report out, the DOA issue,  
22 mileage.

23 Anything else anybody will have? If you have any  
24 agenda items, please give them to me. I do not field  
10:00 25 agenda items. If they have any relevancy to the Policy

1 Commission, they get on the agenda, but we have to follow  
2 the open meeting law requirements so that's why they go to  
3 me.

4 Any other comments, questions? Okay.

10:00

5 Next meeting. Okay?

6 And on that note, the October 22nd, 2008 UST  
7 Policy Commission meeting is adjourned. Thank you  
8 everybody.

9 (10:00 a.m.)

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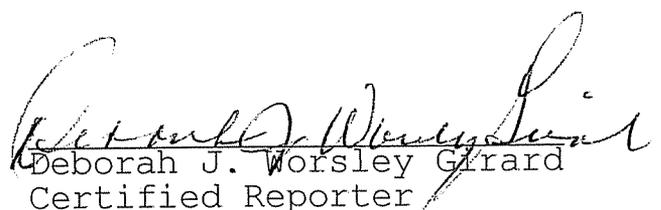
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C E R T I F I C A T E

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 45 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 22nd day of October, 2008.

  
Deborah J. Worsley Girard  
Certified Reporter  
Certificate No. 50477

