

1 In our original draft when we -- that we provided
2 to the task force, under exceptions we have on-site deep-
3 trench burial, and we had alternative closure methods. And
4 upon comments that we received from multiple parties, we
5 decided to integrate this method into the rule and out of
6 the exception provision. So I would like to make that
7 clarification. And we did take that comment into
8 consideration and create a change.

9 Subparagraph (a), the intent of the proposed
10 language is to remind applicant and operators that the
11 provisions under paragraph (1) of this subsection, which
12 would be subsection F, or on-site closure, all of those
13 provisions must be satisfied or demonstrated if deep-trench
14 burial is pursued.

15 Subparagraph (b), the operator -- or, I'm sorry,
16 the intent of this provision is to prevent the development
17 of unpermitted surface waste management facilities.

18 This provision specifically states that you must
19 use a separate on-site deep-trench closure for each closure
20 associated with a drying pad or closed-loop systems. We
21 have been approached multiple times asking if people can
22 consolidate multiple closures into one thing. We believe
23 that constitutes a surface waste management facility,
24 either be it a centralized facility, which is defined under
25 part 36. If parties are paying each other, if there's

1 multiple parties and they're not associated with each
2 other, it could be a commercial facility.

3 There are provisions for that, but once you start
4 bringing in waste to one location and consolidating that
5 waste, that falls up under part 36.

6 And so we want to make sure that this does not
7 occur and that we don't have a lot of unpermitted surface
8 waste management facilities out there, so --

9 Q. (By Mr. Brooks) Now in this connection, Mr.
10 Jones, are the -- a deep-trench -- if you use the deep-
11 trench method for a centralized or commercial facility,
12 would that be a landfill?

13 A. That would be a landfill. It would also require
14 100-foot separation to groundwater.

15 Q. Would it also require more extensive liner
16 requirements than we require for deep-trench burial?

17 A. Yes, it would.

18 Q. Continue.

19 A. Certain parties such as the industry committee
20 and Yates Petroleum Corporation have requested that this
21 provision be removed from the rule. Such a change would
22 allow operators to consolidate multiple closures in one
23 location which would possibly be considered an unpermitted
24 surface waste management facility and conflict with the
25 provisions of part 36.