

**MINUTES**  
**HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL**  
**October 6, 2005**  
**Oklahoma City, Oklahoma**

Approved HWMAC  
 January 11, 2007

**Notice of Public Meeting** The Hazardous Waste Advisory Council convened for a continued meeting at 10:00 a.m. October 6, 2005 in the Multipurpose Room of Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the requirements for regularly scheduled meetings of the Open Meetings Act, Section 303 of Title 25 of the Oklahoma Statutes and notice of the meeting was given to the Secretary of State. The agenda was posted the meeting facility and the Department of Environmental Quality a minimum of 24 hours prior to the meeting. Ms. Jody Reinhart called the meeting to order and roll call was taken and a quorum was confirmed.

**MEMBERS PRESENT**

Jody Reinhart  
 David Bradshaw  
 Michael Graves  
 Gerald Ihler  
 Bob Kennedy  
 Kathy Martin  
 Steve Tomberlin

**DEQ STAFF PRESENT**

Jon Roberts  
 Catherine Sharp  
 Pam Dizikes  
 Mary Johnson  
 Sherry Combs  
 Myrna Bruce

**MEMBERS ABSENT**

Wesley Anderson  
 Bruce Elwell

**OTHERS PRESENT**

The sign-in sheet is attached as an official part of these Minutes.

**Chairperson's Report** None

**Approval of Minutes** Mr. Bradshaw made motion to approve the Minutes of the January 11, 2005 meeting as presented and Ms. Martin made the second.

**Roll call.**

David Bradshaw	Yes	Kathy Martin	Yes
Michael Graves	Yes	Steve Tomberlin	Yes
Jerry Ihler	Yes	Jody Reinhart	Yes
Bob Kennedy	Yes		

**Motion carried.**

**Rulemaking – OAC 252:205** Mr. Jon Roberts explained that the purpose of the proposed amendments would update the reference to the federal hazardous waste regulations found in 40 CFR to incorporation by reference the 40 CFR regulations as they existed on July 1, 2005. The amendments would also incorporate amendments to the 40 CFR that took effect after July 1, 2005. The proposal would also eliminate rules that pertain to revoked statutes and eliminate rules for which there is no longer a federal regulatory basis. And would update regulatory citations for other DEQ rules and apply various minor formatting changes to simplify reading. Mr. Roberts fielded questions and comments regarding the proposal. Following discussion, Ms. Reinhart called for a motion to adopt the rules as presented. Mr. Michael Graves made motion to approve and Ms. Kathy Martin made the second.

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
1  
2  
1  
3  
1  
4  
1  
5  
1  
6  
1  
7  
1  
0

*Transcript pages 7 - 27*

**Roll call.**

David Bradshaw	Yes	Kathy Martin	Yes
Michael Graves	Yes	Steve Tomberlin	Yes
Jerry Ihler	Yes	Jody Reinhart	Yes
Bob Kennedy	Yes		<b>Motion carried.</b>

**Election of Officers** Mr. David Bradshaw nominated Ms. Reinhart to continue as Chair for the following year. Mr. Graves made the second.

*Transcript pages 28-29*

**Roll call.**

David Bradshaw	Yes	Kathy Martin	Yes
Michael Graves	Yes	Steve Tomberlin	Yes
Jerry Ihler	Yes	Jody Reinhart	Yes
Bob Kennedy	Yes		<b>Motion carried.</b>

Mr. David Bradshaw nominated Mr. Bob Kennedy to continue as Vice-Chair and Mr. Graves made the second.

*Transcript pages 29-30*

**Roll call.**

David Bradshaw	Yes	Kathy Martin	Yes
Michael Graves	Yes	Steve Tomberlin	Yes
Jerry Ihler	Yes	Jody Reinhart	Yes
Bob Kennedy	Yes		<b>Motion carried.</b>

**New Business** None

**Dates and Locations** These dates and locations were discussed and agreed upon by Council: January 17 at DEQ; April 6 in Alva; July 11 in Tulsa; October 5 in Ardmore.

*Transcript pages 31-36*

**Adjournment** At 10:30 a.m. Mr. Kennedy moved to adjourn and Mr. Graves seconded.

**Roll call.**

David Bradshaw	Yes	Kathy Martin	Yes
Michael Graves	Yes	Steve Tomberlin	Yes
Jerry Ihler	Yes	Jody Reinhart	Yes
Bob Kennedy	Yes		<b>Motion carried.</b>

**A copy of the hearing transcripts are attached and made an official part of these minutes.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
2  
3  
4  
5  
6  
7  
1  
o

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

SOLID WASTE MANAGEMENT ADVISORY COUNCIL

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

OF REGULAR MEETING - ITEMS 1-8

HELD ON OCTOBER 6, 2005, AT 10:00 A.M.

IN OKLAHOMA CITY, OKLAHOMA

\* \* \* \* \*

REPORTED BY: Christy A. Myers, CSR

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
2  
1  
3  
1  
4  
1  
5  
1  
6  
1  
7  
1  
0

MEMBERS OF THE COUNCIL

- WESLEY ANDERSON - MEMBER
- DAVID BRADSHAW - MEMBER
- BRUCE ELWELL - MEMBER
- MICHAEL GRAVES - MEMBER
- GERALD IHLER - MEMBER
- BOB KENNEDY - VICE-CHAIR
- KATHY MARTIN - MEMBER
- JODY REINHART - CHAIR
- STEVE TOMBERLIN - MEMBER

STAFF MEMBERS

- MYRNA BRUCE - SECRETARY
- JON ROBERTS - LPD

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
2  
1  
3  
1  
4  
1  
5  
1  
6  
1  
7  
1  
0

PROCEEDINGS

MS. REINHART: We'll do a call to order and Ms. Bruce, if you would do that, please.

MS. BRUCE: David Bradshaw.

MR. BRADSHAW: Here.

MS. BRUCE: Michael Graves.

MR. GRAVES: Here.

MS. BRUCE: Gerry Ihler.

MR. IHLER: Here.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Here.

MS. BRUCE: Kathy Martin.

MS. MARTIN: Here.

MS. BRUCE: Steve Tomberlin.

MR. TOMBERLIN: Here.

MS. BRUCE: Jody Reinhart.

MS. REINHART: Here.

MS. BRUCE: For the record, absent is Bruce Elwell and Wesley Anderson.

MS. REINHART: Okay.

MS. BRUCE: We do have a quorum.

1 MS. REINHART: Good. This is a regularly held scheduled meeting  
2 of the Hazardous Waste Management Council and it was called in accordance with the Open  
3 Meeting Act.

4 Notice for this October 6, 2005 meeting was filed with the Secretary of State  
5 on November 24th, 2004 -- is that right?

6 MS. BRUCE: Yes.

7 MS. REINHART: November 24th, 2004? Okay. And amended on  
8 June 14th, 2005. The agenda was duly posted at the DEQ, 707 North Robinson, Oklahoma  
9 City, Oklahoma, 24 hours prior to the meeting.

10 Only matters appearing on the posted agenda may be considered at this regular  
11 meeting. In the event that this meeting is continued or reconvened, public notice of the date,  
12 time and place of the continued meeting will be given by announcement at this meeting.

13 Only matters appearing on the agenda of a meeting which is continued may be  
14 discussed at the continued or reconvened meeting. Okay.

15 MS. BRUCE: That's November of '04 because they have to be posted  
16 by December 15th.

17 MS. REINHART: Right. I got to think about that, I'm thinking, okay.

18 MS. BRUCE: It seems like a long time ago.

19 MS. REINHART: It does, almost a year ago. Okay. The next item  
20 agenda is the Chairperson's Report and I don't have anything to report at this time. Is there  
21 anything that any of the Council Members would like to report? Okay.

22 Seeing none, we'll go to Item Agenda No. 4, which is a Discussion,  
23 Amendment and Roll Call Vote to approve Minutes of the January 11th, 2005 Hazardous  
24 Waste Management Advisory Council meeting. Are there any questions or discussions by the  
25 Council? Okay. Seeing none, is there -- are there any discussions or questions by the public?  
26

1 Okay. Seeing none, do I have a motion to approve the Minutes from the January 11th  
2 meeting?

3 MR. BRADSHAW: I so move.

4 MS. REINHART: Okay. Mr. Bradshaw made the motion.

5 MS. MARTIN: Second.

6 MS. REINHART: And Ms. Martin made the second.

7 MS. MARTIN: With one caveat, my name is Kathy with a "K".

8 MS. BRUCE: Okay.

9 MS. MARTIN: No big deal, I just noticed it.

10 MS. REINHART: Okay. Seeing that, would you do a roll call, please.

11 MS. BRUCE: David Bradshaw.

12 MR. BRADSHAW: Yes.

13 MS. BRUCE: Michael Graves.

14 MR. GRAVES: Yes.

15 MS. BRUCE: Gerry Ihler.

16 MR. IHLER: Yes.

17 MS. BRUCE: Bob Kennedy.

18 MR. KENNEDY: Yes.

19 MS. BRUCE: Kathy Martin.

20 MS. MARTIN: Yes.

21 MS. BRUCE: Steve Tomberlin.

22 MR. TOMBERLIN: Yes.

23 MS. BRUCE: Jody Reinhart.

24 MS. REINHART: Yes.

25 MS. BRUCE: Motion approved.

1 MS. REINHART: Okay. Item Agenda No. 5 is a Rulemaking  
2 Hearing, which is amendments to OAC 252:205 and Jon Roberts is going to be doing the  
3 presentation.

4 MR. ROBERTS: Okay. Well, good morning. As you all know, once a  
5 year we have to meet to adopt our reference, the latest revisions to the hazardous waste  
6 regulations now in 40 CFR. So what we're wanting to do today is to ask you to approve our  
7 revisions to our hazardous waste regulations to incorporate our reference to 40 CFR revisions,  
8 our regulations, as they exist on July 1st, 2005. And then one thing we're doing a little bit  
9 different this year that we don't normally do, is there were some -- a recent amendment to 40  
10 CFR that was actually final -- the rule was published after July 1st of 2005, so that it wouldn't  
11 show up in the July 1st edition of 40 CFR. So we're asking you all to go ahead and let us  
12 approve that -- incorporate that addition, also, today.

13 And then we're just doing some minor housekeeping changes to our hazardous  
14 waste regulations, we've got some rules that are in there that pertain to revoked statutes, and  
15 so we're asking that those rules also be eliminated. We just need to update a few regulatory  
16 citations in the hazardous waste rules that refer to other DEQ rules and there are just a few  
17 minor formatting changes that we're also asking you guys to consider.

18 First what I would like to do is kind of discuss real briefly just the 40 CFR, the  
19 significant 40 CFR revisions that are in the July 1st edition of the federal haz waste rules and  
20 then discuss the changes that we're asking you all to consider based on my September 19th  
21 letter that I hope you all got.

22 As far as the significant revisions to 40 CFR that are incorporated in the July  
23 1st edition, probably the most important one, the one that seems to be generating the most  
24 questions to our office now, is the new hazardous waste uniform manifest. After several years  
25 of studying, EPA finally promulgated a new hazardous waste manifest earlier this year. There

1 is a -- and, you know, one thing that EPA did with this manifest is they made what is truly  
2 going to be a uniform hazardous waste manifest. The current manifest, you know, all the  
3 states can have a different, you know, requirements and everything on the manifest, so that  
4 the generators, you know, they have to check with their own state plus the receiving state to  
5 make sure that they meet all the manifest requirements that they have to do.

6 Under the new uniform manifest, there are very few optional items on the  
7 manifest and there can be no state-only requirements that are on the manifest, so it will make  
8 it much easier for generators to comply with the manifest requirements across state  
9 boundaries. There is a 12-month delayed compliance date for the new manifest so that prior  
10 to September 5th, 2006, companies can use either the old or the new hazardous waste  
11 manifest. But after September 5th, 2006, then everybody will be required to use the new  
12 uniform manifest.

1 Another thing that is a little bit different about this one is that the EPA will  
2 actually have a certification process for companies to print those -- print the new manifest and  
3 so only certified companies will be able to print the new hazardous waste manifest. And to  
4 help people find the companies that are going to be printing the manifest, we've got a link on  
5 the hazardous waste portion of the Land Protection Division's webpage that links over to the  
6 EPA's registry for the hazardous waste manifest. Right now there's nothing on that page, it  
7 just says that the registry will be forthcoming, but that will be the page where I presume EPA  
8 will be listing the companies that will be approved to print the manifest. And if that link ends  
9 up changes, you know, we'll change it on our webpage, also.

10 Another change on 40 CFR was the addition of a new hazardous waste code,  
11 K181, which is a hazardous non-wastewaters generated from the production of certain dyes  
12 and other colorants. The effective date on that was August 23rd of 2005 and I don't believe  
13 we have any facilities in Oklahoma that are -- that will be generating that waste code, so I

1 won't go into a whole lot of detail on exactly what that waste code encompasses, but TSDs  
2 will need to revise their permits to accept that waste code if that's what they decide to do.

3 Another significant change, and this is the one that was promulgated by EPA  
4 after July 1st, 2005, that we would like to go ahead and incorporate into our rules now, is EPA  
5 passed a new mercury containing equipment universal waste rule. Basically, in a nutshell,  
6 what this does is it expands the current universal waste requirements for mercury thermostats  
7 to include any equipment that has elemental mercury in it as a -- as something that's integral  
8 to the function of the equipment, such as, you know, switches and thermostats can still be  
9 applied, gas meters, anything that has elemental mercury in it would be eligible to be  
10 managed under the universal waste rules. This doesn't apply to things that exhibit a mercury  
11 characteristic.

12 And by adopting this particular provision now, that will allow generators in  
13 Oklahoma to go ahead and use the less stringent universal waste requirements for mercury  
14 contained equipment when these rules become effective next June, as opposed to having to  
15 wait until the next incorporation by reference and then the rules being approved in June of  
16 2007. So we'll have a year's head start on being able to go ahead and use this provision.

17 So since it's a benefit to the regulated community that do generate mercury containing  
18 equipment, we would like to go ahead and have you approve the adoption of that particular  
19 requirement now, as opposed to waiting another year.

20 MS. REINHART: What's the effective date of the mercury rule? I  
21 mean, it's after -- it was promulgated after July, but I don't -- I didn't know when the actual  
22 effective date was.

23 MR. ROBERTS: Yes, I think it was in August.

24 MR. RABATINE: August 5th.

25 MS. REINHART: August 5th?

1 MR. ROBERTS: Was it? Okay.

2 MS. REINHART: Okay. Did they publish that July 5th -- did they  
3 publish that July 5th or something like that and gave up a month --

4 MR. ROBERTS: It just happened after the July 1st deadline.

5 MS. REINHART: Yes. Okay.

6 MS. MARTIN: Are we at a point to ask a question?

7 MS. REINHART: Yes. Are you finished, Jon, with your presentation?

8 MR. ROBERTS: I'm finished with just the 40 CFR revisions and I  
9 have a little bit more about the special things we want you to do based on (inaudible).

10 MS. REINHART: Okay.

11 MS. MARTIN: Can I ask you a question about one of the things you  
12 just talked about?

13 MR. ROBERTS: Yes.

14 MS. MARTIN: On the form that we're changing our state form to the  
15 uniform form --

16 MR. ROBERTS: Yes.

17 MS. MARTIN: -- are we going to be losing any information that was  
18 important?

19 MR. ROBERTS: The only information that we'll be losing is there is a  
20 requirement of -- since we can't put any state-only information on the form, our current rules  
21 and statutes require that generators put their disposal plan number on the manifest. Since you  
22 can't have state-only information on the manifest form, the new form, part of the revisions of  
23 our rules is to delete that requirement out of the rules that generators put the disposal claim  
24 number on the manifest and then I believe we'll go ahead and ask the legislature to consider  
25 removing that provision out of the Haz Waste Management Act, also.

1 MS. REINHART: So if -- how would generators -- I mean state rules  
2 and laws right now require you to have a disposal claim by the DEQ, correct?

3 MR. ROBERTS: Correct.

4 MS. REINHART: So how would you, as a state, know -- I mean,  
5 because I'm looking at it from a TSD perspective. When I see that number on the manifest, I  
6 know that they have contacted you guys, gotten the disposal plan, and we can verify that you  
7 have that information. So how is that verification going to be made? Because, you know,  
8 disposal plans are a revenue generating function through that.

9 MR. ROBERTS: Right.

10 MS. REINHART: So how is the DEQ -- I mean, how is that going to  
1 function?

2 MR. ROBERTS: Well, it -- you know, we don't get, we don't require  
3 that we get copies of manifests --

4 MS. REINHART: Correct.

5 MR. ROBERTS: -- form anyway.

6 MS. REINHART: Right.

7 MR. ROBERTS: So whether the disposal plan number was on the  
8 manifest or not, you know, we wouldn't know that unless we went out and did a generator  
9 inspection or an inspection of the TSD.

10 MS. REINHART: Right. And see, we've been cited as a TSD for not  
1 having that number on a manifest before.

2 MR. ROBERTS: Right.

3 MS. REINHART: So I'm just asking how we as a TSD know that they  
4 complied with the Oklahoma laws then?

5 MR. ROBERTS: You probably -- you won't.

1 MS. REINHART: Okay. We won't have that -- we won't be able --  
2 you guys won't be able to cite the TSDs or you'll just, when you go to a generator site, you'll  
3 be auditing --

4 MR. ROBERTS: Right, right.

5 MS. REINHART: -- to see what they shipped out to verify that they've  
6 gotten a disposal plan.

7 MR. ROBERTS: The requirements are that the generator has the  
8 disposal plan with us which identifies the TSDs that they're going to be using.

9 MS. REINHART: Right.

10 MR. ROBERTS: But we don't have a requirement in our rules that  
11 says that the TSDs have to make sure that the generator has a disposal plan before they accept  
12 the waste.

13 MS. REINHART: Okay.

14 MR. ROBERTS: So if you accepted the waste from a facility that  
15 didn't have a disposal plan with us, that would not be a violation --

16 MS. REINHART: On the TSD. It would only go back to the  
17 generator.

18 MR. ROBERTS: -- it would go back to the generator, right.

19 MS. REINHART: Okay.

20 MR. BRADSHAW: Jon, did you say there was something in state law  
21 that required that number to be on the manifest?

22 MR. ROBERTS: That is a statutory requirement, yes.

23 MR. BRADSHAW: So -- but we're going to change the rules before  
24 they change the law?

25  
26

1 MR. ROBERTS: We're not -- we don't technically have to have it in  
2 the rules anyway, because it's a statutory requirement. So we're not really reducing anything  
3 regulatory-wise be removing it out of the rules. It's mostly just been in the rules as a  
4 convenience --

5 MR. BRADSHAW: Okay.

6 MR. ROBERTS: -- to the generator so they would know what their  
7 statutory requirement was.

8 MS. REINHART: That was probably one of the few things that we left  
9 in there when we did the re-write/de-wrong process a few years ago, because we were trying  
10 to remove all the statutory requirements out of the rules since they were already in the  
11 Oklahoma rules and just keep just what they needed to know in there. That was just the  
12 Oklahoma regulations.

13 MR. BRADSHAW: So this needs to be a real priority on the  
14 legislative agenda.

15 MR. ROBERTS: It needs to be removed from the statutes. If it's left in  
16 there, since that -- I don't think there's anything we can do to enforce that requirement because  
17 it's a -- it goes against what the federal requirements are.

18 MR. BRADSHAW: Okay.

19 MR. ROBERTS: Certainly to clean things up, it should probably be  
20 removed.

21 MR. BRADSHAW: Okay. I'm straight.

22 MR. ROBERTS: Okay.

23 MS. MARTIN: Okay. I have several strange things and I'm totally  
24 fine with you not having a number or having a number, whichever way you want it. The  
25 reason why I asked the question in the beginning was if you've no longer got that information

1 on a form, that you might get it some other way or communicate it some other way so we  
2 don't lose the information that we've already decided is important for us as a state.

3 So I understand having a form that everybody uses across the country that is  
4 the same no matter where they get it and so they don't have to download 50 different forms or  
5 whatever, I understand that concept. But I don't understand -- I don't automatically say, well,  
6 then we don't need that information because the feds don't want it and that's why I asked. And  
7 just because the federal law doesn't require it doesn't mean you couldn't enforce a state law,  
8 you just made that comment and I don't agree with it.

8 MR. GRAVES: I don't think that's correct.

9 MS. REINHART: Well, no --

1 MR. GRAVES: It would be preemptive.

0 MS. MARTIN: On RCRA, that's the way you can't have any stricter  
1 rule than federal rules?

1 MR. GRAVE: In this particular case, when you've got a uniform  
2 across the board, the feds have the authority to do that in its programs. The state would not be  
1 able --

3 MS. MARTIN: On a form, like a little form that you fill out?

1 MS. REINHART: Yes.

4 MR. GRAVE: We could leave the thing on the books but we wouldn't  
1 be able to enforce it.

5 MS. MARTIN: Okay. Well, I'll take that under advisement.

1 MR. BRADSHAW: It's just messy to leave it on there.

6 MR. GRAVES: Yes, it is. It's confusing.

7 MS. REINHART: Well and what happened was, is that some states  
1 were just requiring so much more additional information. Oklahoma was probably one of the  
0

1 least, I mean the state required the least additional information on a manifest. And the feds,  
2 you know, they established the uniform hazardous waste manifest back in the early '80's and  
3 was pretty straightforward at that point. But then, as time went on, states kept adding more  
4 and more information to it and it just became a nightmare when you went from state to state  
5 to state, you know. So the feds just are taking greater steps at this point and they're basically  
6 saying nothing on it, you know, and they put that in their laws that they're promulgating and  
7 stuff like that, so.

8 MS. MARTIN: Okay.

9 MS. REINHART: Anyway -- okay. Are there any further questions by  
10 the Council Members?

1 MR. BRADSHAW: I would just like to thank you for moving that  
2 mercury containing equipment rule forward like that, I think that's an excellent thing to do.  
3 You know, I think this strips out a lot of confusion and does help our industry and I think if  
4 anything it really helps environmental quality and I think it draws attention to those kinds of  
5 pieces of equipment and you really get better compliance than you would have otherwise, so  
6 that's appreciated.

7 MS. REINHART: Okay.

8 MR. ROBERTS: All right. So -- okay. The other thing that we  
9 wanted to do and this was kind of an after-the-fact thing, after we published the proposed  
10 rules and everything, thanks to Mr. Rabatine, the initial incorporation by reference rules in  
1 205-3-1 is where we identified as a specific federal register notices for the manifest rules, the  
2 K181 rule and mercury containing debris or mercury containing equipment rules. But I since  
3 learned, thanks to Mr. Rabatine, that because the K181 rule and the manifest rule for the final  
4 rule were published before July 1st, 2005, that those will be ending -- those are ending 2000 --  
5 July 1st, 2005 version of 40 CFR. And since the mercury containing equipment rule came

1 after July 1st, that won't be in the rule, so what we would like for you guys to do is just keep  
2 the rule as clean as possible and not -- you know, make sure that there's no confusion on  
3 anything, is basically, you know, eliminate from the rule so its federal register notices, the  
4 specific federal register notices for K181 and the hazardous waste manifest rule and then also  
5 the corrections to those rules that EPA adopted, also. What we would propose that the new 3-  
6 1 read is as follows, if I can just kind of go ahead --

7 MS. REINHART: Yes, absolutely, please.

8 MR. ROBERTS: -- okay. And this would be 205-3-1 in its entirety.  
9 "When reference is made to Title 40 of the Code of Federal Regulations (40 CFR), it shall  
10 mean (unless otherwise specified) the Hazardous Waste Regulations, Monday, May 19, 1980,  
1 as amended through July 1st, 2005; and the amendment to 40 CFR promulgated at 70 FR  
0 45508 through 45522".

1 MS. REINHART: Okay.

1 MR. ROBERTS: And that should have the same effect as the 3-1 that  
2 was actually published.

1 MS. REINHART: Okay.

3 MR. ROBERTS: And that 70 FR notice is the mercury containing  
1 equipment universal waste rule.  
4

1 MS. REINHART: Are there any questions/discussions by the Council  
5 on that change to the language there in 205-3-1?

1 MR. ROBERTS: And I apologize for not being aware of that  
6 beforehand but --

1 MS. REINHART: That's all right. That's what these kind of meetings  
7 are for, is to get it all straightened out before we get to the Board, so. Okay.

1  
o

1 MR. ROBERTS: -- or if there is any questions on any of the other  
2 modifications that we proposed, also, that we have, clarifications, et cetera.

3 MS. MARTIN: Can I ask one more question?

4 MS. REINHART: Yes, ma'am.

5 MS. MARTIN: Okay. I apologize, I have something in my mouth.  
6 Now it's on the record. Okay. On the mercury containing equipment --

7 MR. ROBERTS: Yes.

8 MS. MARTIN: -- this is the list of all the new stuff that goes under  
9 that rule. Is there anything in here that caused you concern or were they being disposed of in  
a more difficult manner before like paperwork-wise or --

1 MR. ROBERTS: No. Technically speaking, under the current  
0 universal waste rule, the only thing that is included within that is mercury thermostats.

1 MS. MARTIN: Right.

1 MR. ROBERTS: And so if you had these, like, mercury meters or  
2 whatever, technically speaking, if you are going to dispose of them, they would have to be  
1 disposed of as a hazardous waste because they weren't subject to the universal waste rule. But  
3 now, you know, since the meters will be -- that can be universal waste, you can send them off  
1 to a mercury recycler and you'll have less paperwork burden and all that kind of stuff. So  
4 basically it's just expanding the thermostats to include all mercury containing equipment.

1 MS. MARTIN: To encourage the recycling of the mercury?  
5

1 MR. ROBERTS: To encourage the recycling of the mercury, right.

6 MS. MARTIN: Okay. Great.

1 MS. REINHART: All right. Are there any further  
7 questions/discussions by Council Members? Okay. Seeing none, are there any

1  
o

1 questions/discussion by the public? Seeing none, do I hear a motion to adopt the rules as Jon  
2 has explained to us?

3 MR. GRAVES: So moved.

4 MS. REINHART: Okay. I have a motion by Mr. Graves. Do I have a  
5 second.

6 MS. MARTIN: I'll second.

7 MS. REINHART: Okay. Ms. Martin seconded. When you're ready,  
8 Myrna, we'll do a roll call vote by the Council.

9 MS. BRUCE: David Bradshaw.

10 MR. BRADSHAW: Yes.

11 MS. BRUCE: Michael Graves.

12 MR. GRAVES: Yes.

13 MS. BRUCE: Gerry Ihler.

14 MR. IHLER: Yes.

15 MS. BRUCE: Bob Kennedy.

16 MR. KENNEDY: Yes.

17 MS. BRUCE: Kathy Martin.

18 MS. MARTIN: Yes.

19 MS. BRUCE: Steve Tomberlin.

20 MR. TOMBERLIN: Yes.

21 MS. BRUCE: Jody Reinhart.

22 MS. REINHART: Yes.

23 MS. BRUCE: Motion passed.

24  
25

1 MS. REINHART: Okay. Item No. 6 is the Election of Officers for  
2 2006. So to make this easy and clear, we'll just do the nominations by position, Chairperson  
3 and Vice-Chair. Do I have any nominations for Chair for 2006?

4 MR. BRADSHAW: Madame Chair, I think you've held the ship  
5 together very well and I would like to nominate you for continuation of that position.

6 MS. REINHART: Okay.

7 MR. GRAVES: Second.

8 MS. REINHART: Okay. Mr. Graves was the second. Do I have any  
9 other nominations? Okay. Seeing none, we'll close that and Myrna, would you do a roll call,  
please.

1 MS. BRUCE: David Bradshaw.

0 MR. BRADSHAW: Yes.

1 MS. BRUCE: Michael Graves.

1 MR. GRAVES: Yes.

2 MS. BRUCE: Gerry Ihler.

1 MR. IHLER: Yes.

3 MS. BRUCE: Bob Kennedy.

1 MR. KENNEDY: Yes.

4 MS. BRUCE: Kathy Martin.

1 MS. MARTIN: Yes.

5 MS. BRUCE: Steve Tomberlin.

1 MR. TOMBERLIN: Yes.

6 MS. BRUCE: Jody Reinhart.

7 MS. REINHART: Yes.

1 MS. BRUCE: Motion passed.

1 MS. REINHART: Okay. Now we'll do nominations for the Vice-  
2 Chair. Do I hear any nominations for the Vice-Chair?

3 MR. BRADSHAW: Madame Chair, Bob Kennedy has held together,  
4 as well, and I nominate him to continue that position.

5 MR. GRAVES: Second.

6 MS. REINHART: I appreciate that. Okay. Nomination by Mr.  
7 Bradshaw and seconded by Mr. Graves. So, would you do a roll call, please.

8 MS. BRUCE: David Bradshaw.

9 MR. BRADSHAW: Yes.

10 MS. BRUCE: Michael Graves.

11 MR. GRAVES: Yes.

12 MS. BRUCE: Gerry Ihler.

13 MR. IHLER: Yes.

14 MS. BRUCE: Bob Kennedy.

15 MR. KENNEDY: Yes.

16 MS. BRUCE: Kathy Martin.

17 MS. MARTIN: Yes.

18 MS. BRUCE: Steve Tomberlin.

19 MR. TOMBERLIN: Yes.

20 MS. BRUCE: Jody Reinhart.

21 MS. REINHART: Yes.

22 MS. BRUCE: Motion passed.

23 MS. REINHART: Okay. Item No. 7 is New Business. Do we have  
24 any new business to discuss at this meeting? Okay. Do we need to set the dates for the  
25 Council meetings for next year at this time? Okay. I'm just --

1 MS. BRUCE: It's Item No. 6 on the -- or the last item, No. 9.

2 MS. REINHART: -- okay. All right.

3 MS. BRUCE: Under the forum section.

4 MS. REINHART: All right.

5 MS. BRUCE: But if we go ahead and do it on the record, that would  
6 be great.

7 MS. REINHART: Okay. The dates are kind of blank right now and  
8 typically we don't necessarily always have to meet for 2000 -- I mean all the scheduled  
9 meetings may not always be held for 2006. And Ms. Bruce has made some recommendations  
10 for dates. The locations haven't been made yet, but January 17th for Oklahoma City, April  
11 6th for the second quarter, July 11th for the third quarter, and October 5th for the last one.  
12 And the Oklahoma City one typically has to be -- I mean the January one typically has to be  
13 Oklahoma City; is that correct?

14 MS. BRUCE: Yes.

15 MS. REINHART: Okay. So location has been established for that one.  
16 The only other locations we need to have recommendations on would be April 6th and  
17 October 5th. So we can do it separately about dates and then locations or we can do it all  
18 together, however you guys want to proceed.

19 MS. MARTIN: Say that last date again, October.

20 MS. REINHART: October 5th.

21 MR: What was the one before that?

22 MS. REINHART: July 11th. I'll go through them one more time.

23 January 17th, April 6th, July 11th and October 5th. And Mike has prepared these by calendar.

24 MR: Jody.

25 MS. REINHART: Yes, sir.

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
2  
1  
3  
1  
4  
1  
5  
1  
6  
1  
7  
1  
0

MR: Did you say that in addition to the January 17th, you recommend Oklahoma City?

MS. REINHART: No, I did not. It's just January typically always has to be Oklahoma City because there are so many meetings that have to be done in a tight timeframe, it's just easier if we schedule them all here in this multipurpose room. Okay. But we're going to do the locations separate. So are those dates going to work out for everybody for 2006?

MR: So far.

MS. REINHART: So far.

MS. MARTIN: They look pretty good, yes.

MS. REINHART: I don't have my calendar with me, so we're working blind. But I mean, mine's pretty -- I'm flexible. Okay. So we'll go with January 17th, April 6th, July 11th and October 5th. How about locations? I think we've established that January will be in Oklahoma City. Does anybody have any recommendations for April or October meetings?

MS. MARTIN: Who drives the farthest?

MS. REINHART: I think that's between Gerry and me. Well, no, Mr. Tomberlin beats us.

MS. MARTIN: Where are you from?

MR. TOMBERLIN: Alva.

MS. REINHART: Alva.

MS. MARTIN: Okay. From the north.

MS. REINHART: He's -- how far -- how much -- how close of driving distance for you up there?

MR. TOMBERLIN: Two and a half hours.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

MS. REINHART: Is it two and a half?

MR. TOMBERLIN: Yes.

MS. REINHART: So you're -- that's pretty close to mine, mine's only about 30 more minutes, so -- but --

MR: And mine's only an hour and 15 minutes.

MS. REINHART: So it's between you and me where we're driving from, so would you like to host a meeting if we go ahead? I think that would be wonderful to do it in Alva. Okay.

MS. BRUCE: Which one, the October?

MS. REINHART: No, the April 6th. What about the October 5th meeting, because the 11th is in Tulsa. Are there any recommendations for October? We have hit one corner of the state.

MS. MARTIN: South?

MS. REINHART: Well, we don't have any Council Members that are kind of south.

MS. MARTIN: What about regulated industry?

MS. REINHART: Jon, any recommendations about where to go?

MR. ROBERTS: You put me on the spot here.

MS. REINHART: Yes, I know.

MR. ROBERTS: In October?

MS. REINHART: Uh-huh.

MR. ROBERTS: That may be right around OU/Texas weekend.

MS. REINHART: So, Norman?

MS. MARTIN: Maybe far away from I-35.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

MS. REINHART: We don't want to go to Norman, they're having bombs go off there.

MS. BRUCE: Ardmore is almost there.

MS. REINHART: Ardmore. We've actually held one down there before. Okay. All right.

MS. BRUCE: I was just teasing that you all are going to end up on I35 at OU/Texas weekend.

MS. REINHART: No, we're not, our meetings -- October 5th is like --

MS. BRUCE: October 5th is a Thursday.

MS. REINHART: -- yes, so -- see, we're just be that much closer if we're going to go to the game. Okay. So the meetings will be October -- or January will be Oklahoma City, April would be Alva, July would be Tulsa and October 5th would be Ardmore. Do I have -- do I need to make a motion on that? This doesn't need a vote, does it?

Okay. So we've all agreed. MS. BRUCE: We can if you want.

MS. REINHART: I don't think that's necessary. Okay. Is there any other new business at this time? Okay. Do I hear a nomination to adjourn?

MR. KENNEDY: I move we adjourn.

MS. REINHART: Okay. Second?

MR. GRAVES: Second.

MS. REINHART: Okay. Mr. Kennedy made the motion and Mr. Graves made a second. Can we do a roll call.

MS. BRUCE: David Bradshaw.

MR. BRADSHAW: Yes.

MS. BRUCE: Michael Graves.

MR. GRAVES: Yes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
2  
1  
3  
1  
4  
1  
5  
1  
6  
1  
7  
1  
0

MS. BRUCE: Gerry Ihler.  
MR. IHLER: Yes.  
MS. BRUCE: Bob Kennedy.  
MR. KENNEDY: Yes.  
MS. BRUCE: Kathy Martin.  
MS. MARTIN: Yes.  
MS. BRUCE: Steve Tomberlin.  
MR. TOMBERLIN: Yes.  
MS. BRUCE: Jody Reinhart.  
MS. REINHART: Yes.  
MS. BRUCE: We're adjourned.

(End of Proceedings)

1  
2  
3  
4  
5  
6  
7  
8  
9  
1  
0  
1  
1  
1  
2  
1  
3  
1  
4  
1  
5  
1  
6  
1  
7  
1  
8

CERTIFICATE

STATE OF OKLAHOMA )  
 ) ss:  
COUNTY OF OKLAHOMA )

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceedings were tape recorded by me and thereafter transcribed under my direction; that said proceedings were taken on the 6th day of October, 2005, at Oklahoma City, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the \_\_\_\_th day of October, 2005.

\_\_\_\_\_  
CHRISTY A. MYERS, C.S.R.  
Certificate No. 00310