

**MINUTES**  
**Solid Waste Management Advisory Council**  
**January 17, 2013 Regular Meeting**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City Oklahoma**

Official SWMAC Approved  
on September 19, 2013

**Notice of Public Meeting** - The Solid Waste Management Advisory Council convened for its regular meeting at 9:00 a.m. on January 17, 2013, in accordance with the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice of regular meeting was filed to the Office of the Secretary of State on November 16, 2012. Agendas were posted on the entrance doors at the Department of Environmental Quality (DEQ) Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Jeff Shepherd, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Todd Adcock  
Steve Landers  
Jim Linn  
Traci Phillips  
Jeff Shepherd  
Bill Torneten

**DEQ STAFF PRESENT**

Scott Thompson  
Mike Stickney  
Kole Kennedy  
Jon Roberts  
Fenton Rood  
Ferrella March  
Jeff Schultz  
John Gowan  
Michele Woods  
Hillary Young  
Sarah Penn  
Rob Singletary  
Quiana Fields

**MEMBERS ABSENT**

Brenda Merchant

**OTHERS PRESENT**

Christy Myers, Court Reporter

**Approval of the Minutes for the September 20, 2012 Solid Waste Management Advisory Council Meeting** – Mr. Linn moved approval of the September 20, 2012 minutes and Mr. Adcock made the second.

*See transcript pages 4-5*

**Roll Call**

Todd Adcock	Yes	Bill Torneten	Yes
Steve Landers	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

**Director's Report** - Mr. Fenton Rood, Environmental Programs Manager, Land Protection Division, stated there are two items that will be going before the Legislature. Mr. Steve Thompson, Executive Director, DEQ, has been asked by the President Pro Tempore to convene a group that will focus on increasing recycling to help Oklahoma Manufacturers that use recycled materials as their raw materials. Also, a proposal to clarify the hazardous waste facilities that accept non-hazardous waste must pay the same fee that a solid waste landfill would pay for the waste.

*See transcript pages 5 – 8*

**Proposed Changes to Chapter 515 Management of Solid Waste** – The Department is proposing to amend OAC 252:515-1-2 to exempt from the definition of “Land Disposal Facility” roofing material recycling facilities and used tire recycling facilities. The Department is also proposing to add a new OAC 252:515-19-50 in response to recent legislative changes to 27A O.S. 10-801.2, pertaining to exterior and interior slopes, and renumbering the remaining Subchapter 19, 5. Mr. Fenton Rood stated that the Department made corrections to headings and citations and grammar changes. There has been no other substantive change since the Department worked on the changes at the September 20, 2012 meeting. There were no questions or comments from the public. Before voting on this item, Mr. Rood advised the Council of a recommendation on procedure from the Counsel. Ms. Sarah Penn, Deputy General Counsel, recommended that the Council vote on each item separately, the slopes pertaining to exterior and interior OAC 252:515-19-50 and the Land Disposal Facility OAC 252:515-1-2. Mr. Linn moved to approve the exterior and interior slope language and Mr. Adcock made the second.

*See transcript pages 8 - 15*

<b>Roll Call</b>			
Todd Adcock	Yes	Bill Torneten	Yes
Steve Landers	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

Mr. Rood briefly explained the Land Disposal Facility rule. Hearing no comments, Mr. Linn moved to approve. Mr. Torneten made the second.

*See transcript pages 15 - 16*

<b>Roll Call</b>			
Todd Adcock	Yes	Bill Torneten	Yes
Steve Landers	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

**Proposed Changes to Chapter 515 Management of Solid Waste** – The Department is proposing to amend OAC 252:515 by adding a new Subchapter 41 in response to recent legislative changes to 27A O.S. 802.2, relating to Roofing Material Recycling Facilities. Mr. Rood gave an overview of the rule. Following discussion by the Council and the public, Mr. Scott Thompson, Division Director, LPD, recommended the Council form a workgroup to evaluate the roofing material recycling facility. Ms. Penn advised the Council to vote on the rule and then the resolution and the creation of the workgroup. After hearing comments from the Council, Mr. Linn moved to approve the rule and Mr. Adcock made the second.

*See transcript pages 16 - 73*

<b>Roll Call</b>			
Todd Adcock	Yes	Traci Phillips	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Due to the number of comments and questions and advice on Ms. Penn, the Council will create a workgroup committee to evaluate the roofing material recycling facility. Ms. Phillips made a motion and Mr. Landers made the second. The workgroup committee is formed of the following Council members: Ms. Phillips, Mr. Adcock and Mr. Shepherd. The public participants are Mr. Chris Davis, Mr. Pete Schultz, Mr. Mike O’Brian and Mr. Don Linker.

*See transcript pages 73 - 78*

<b>Roll Call</b>			
Todd Adcock	Yes	Traci Phillips	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

**Public Forum** - No public issues were raised.

**New Business** - None

**Adjournment** - Mr. Linn made the motion to adjourn and Mr. Adcock made the second.

*See transcript pages*

**Roll Call**

Todd Adcock	Yes	Traci Phillips	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

**Transcript and Attendance Sheet are attached as an official part of these Minutes.**

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL MEETING  
ON JANUARY 17, 2013, AT 9:00 A.M.  
HELD IN OKLAHOMA CITY, OKLAHOMA

\* \* \* \* \*

# Myers Reporting

Sheet 2 Page 2

## MEMBERS OF THE COUNCIL

JEFF SHEPHERD  
JIM LINN  
STEVE LANDERS  
TODD ADCOCK  
BILL TORNETEN  
TRACI PHILLIPS  
BRENDA MERCHANT

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## PROCEEDINGS

MR. SHEPHERD: This January 17, 2013 meeting of the Solid Waste Management Advisory Council was called in accordance with the Open Meeting Act.

Notice was filed with the Secretary of State on November the 16th, 2012. The Agenda was duly posted on the doors of the DEQ, 707 North Robinson, Oklahoma City, Oklahoma, at least 24 hours prior to the meeting.

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

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Do you want to call roll?

MS. FIELDS: Todd Adcock.

MR. ADCOCK: Here.

MS. FIELDS: Steve Landers.

MR. LANDERS: Here.

MS. FIELDS: Jim Linn.

MR. LINN: Here.

MS. FIELDS: Brenda Merchant is absent. Traci Phillips is absent. Bill Torneten.

MR. TORNETEN: Here.

MS. FIELDS: Jeff Shepherd.

MR. SHEPHERD: Here.

MS. FIELDS: We have a quorum.

MR. SHEPHERD: Do we have a quorum?

MS. FIELDS: Yes.

MR. SHEPHERD: Approval of the Minutes for the September 20, 2012 Solid Waste Management Advisory Council meeting.

MR. LINN: I'll move that they be approved if there are no questions.

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MR. ADCOCK: Second.

MS. FIELDS: Todd Adcock.

MR. ADCOCK: Yes.

MS. FIELDS: Steve Landers.

MR. LANDERS: Yes.

MS. FIELDS: Jim Linn.

MR. LINN: Yes.

MS. FIELDS: Bill Torneten.

MR. TORNETEN: Yes.

MS. FIELDS: Jeff Shepherd.

MR. SHEPHERD: Yes.

MS. FIELDS: Motion passed.

MR. SHEPHERD: Let's do the Director's Report. Do you want --

MR. ROOD: Good morning, Mr. Chairman.

MR. SHEPHERD: Good morning.

MR. ROOD: Two items that I wanted to call your attention to primarily deal with upcoming legislation.

One is that our Executive Director, Steve Thompson, has been asked by the President Pro Tem to convene a group that will focus on

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<p>1 increasing recycling and the 2 perspective, particularly from the 3 Senator that asked for this, is to 4 help Oklahoma manufacturers, like Mr. 5 Lander's company, that use recycled 6 materials as their raw materials. 7 And then secondly, the other 8 item that I'm aware of that is 9 likely to be considered at the next 10 Legislature is a proposal to clarify 11 that hazardous waste facilities that 12 accept non-hazardous waste, must pay 13 the same fee that a solid waste 14 landfill would pay for the waste. 15 So those are the two items 16 that I'm aware of that will be 17 coming before the next Legislature. 18 MR. SHEPHERD: Is there not 19 a fee for disposal of hazardous 20 waste? 21 MR. ROOD: There is a fee 22 for disposal of hazardous waste. The 23 question is when a facility that is 24 permitted for hazardous waste accepts 25 non-hazardous waste.</p>	<p>1 MR. SHEPHERD: All right. 2 Does anybody have any questions for 3 Fenton? 4 All right. Moving on. 5 Proposed changes to Chapter 515, 6 Management of Solid Waste. The 7 Department is proposing to amend OAC 8 252:515-1-2 to exempt from the 9 definition of "Land Disposal 10 Facility" roofing material recycling 11 facilities and used tire recycling 12 facilities. The Department is also 13 proposing to add a new OAC 14 252:515-19-50 in response to recent 15 legislative changes to 27A O.S. 16 10-801.2 pertaining to exterior and 17 interior slopes and renumbering the 18 remaining Subchapter 19, Part 5. 19 MR. ROOD: Mr. Chairman, 20 this Agenda item deals with landfill 21 slopes. If you will recall we had a 22 statute that limited exterior slopes. 23 We developed a draft of rules to 24 implement that statute which we 25 presented before the Council at the</p>
<p>Page 7</p> <p>1 MR. SHEPHERD: They would 2 normally not have to pay the fee? 3 MR. ROOD: Apparently they 4 have not been. 5 MR. SHEPHERD: Is that a 6 lot? 7 MR. ROOD: Depends on which 8 year you track. Right now it would 9 be. 10 MR. SHEPHERD: Okay. The 11 legislation for the recycling, is it 12 legislation for a task force or is 13 it legislation for changes in 14 recycling rules? 15 MR. ROOD: We don't know if 16 there will be a legislative proposal 17 yet that comes out of this 18 discussion. There has not been a 19 bill introduced. It's simply the 20 President Pro Tem asked our Director 21 to convene a group of interested 22 people to talk about it. 23 MR. SHEPHERD: Who is the 24 President Pro Tem this year? 25 MR. ROOD: Senator Bingman.</p>	<p>Page 9</p> <p>1 last meeting. If you will recall, I 2 think we had a very positive 3 discussion. As a result of that 4 discussion we made changes that we 5 distributed after the Council 6 meeting. And then I also wanted to 7 call your attention to the list of 8 Scrivener's notes that appears in 9 your packet right ahead of your 10 minutes, and on this particular item 11 we made corrections to headings and 12 citations and grammar changes. 13 There has been no other 14 substantive change since we last 15 distributed the language that we 16 worked on at our last meeting. 17 MR. SHEPHERD: Questions and 18 discussion by the Council? 19 MR. LANDERS: I've got a 20 question, I guess, for Fenton. 21 How this will play out actually 22 for those facilities who have a 23 pre-approved landfill plan, I guess, 24 or a design plan as mentioned in the 25 statute.</p>

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1 For example, I have a landfill  
2 that exceeds 4 to 1 exterior slope.  
3 And, of course, that plan was --  
4 design was approved back in the mid-  
5 '70s. So would I then need to write  
6 a letter stating we don't meet the  
7 exterior slope requirement, yet, we  
8 have a pre-approved -- or a  
9 pre-approved design? Is it that  
10 simple or are we going to have to do  
11 something else?

12 MR. ROOD: We can certainly  
13 talk about it, but I would suggest  
14 that since you've already got a plan  
15 that DEQ has approved you're in  
16 compliance.

17 MR. LANDERS: Okay.

18 MR. ADCOCK: What is the --  
19 and we talked about it last time.  
20 What is the vehicle that DEQ will  
21 determine if someone is out of  
22 compliance?

23 MR. ROOD: Ultimately, we  
24 would rely on your engineer. We're  
25 going to do our measurements with the

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1 handheld GPS devices. But if you  
2 disagree with our findings, then we  
3 would certainly yield to the findings  
4 of your engineer. And recall that  
5 the rules ask for if -- when we find  
6 facilities that are not in compliance  
7 the rules ask for as a first step  
8 for the facilities to submit a plan  
9 to us about how you will come into  
10 compliance.

11 MR. ADCOCK: Okay. Since  
12 this -- our last meeting, I think it  
13 was in September, I went and talked  
14 to some surveyors just to kind of  
15 get an idea of accuracy and what  
16 tools are available. And from what  
17 -- the two that I talked to both  
18 said a handheld GPS is good to, you  
19 know, determine elevations, but if --  
20 no one can walk a straight line from  
21 point A up the hill to point B and  
22 if you're off left or right you  
23 could easily get calculations that  
24 are wrong. So they're -- that would  
25 be my first concern. So if someone

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1 comes out and gets two points on a  
2 slope, they say you're out of  
3 compliance, you get a letter, you've  
4 got 60 days to comply, do -- is the  
5 landfill to go back to its past or  
6 its latest aerials or survey to --  
7 and show you? Is that kind of how  
8 -- what's the process going to be at  
9 that point?

10 MR. ROOD: Remember the  
11 first step in compliance would be to  
12 submit a compliance plan. Now in  
13 the event that you contest our  
14 findings, then we would work with  
15 your engineer and look at his data.

16 MR. ADCOCK: Okay.

17 MR. SHEPHERD: Is there  
18 going to be an overall -- if a  
19 landfill submits an aerial  
20 topographic map, and it shows that  
21 there's ten percent of the slope are  
22 -- ten percent is out of compliance,  
23 either a 3 to 1 or a 4 to 1, does  
24 that mean that they're going to have  
25 to do a plan and fix those small

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1 areas? Is there going to be some  
2 allowance for anything?

3 MR. ROOD: Well, I would  
4 point you back to the statutory  
5 language that says an overall slope  
6 of 4 to 1. And so in your example  
7 where you've got ten percent out, I  
8 think we could easily work with that  
9 and then work with the facility to  
10 develop a way to correct that.

11 MR. SHEPHERD: Bill, do you  
12 any questions?

13 MR. TORNETEN: No.

14 MR. SHEPHERD: Jim?

15 MR. LINN: No, sir.

16 MR. SHEPHERD: Is there any  
17 questions from the public? All  
18 right. We need a motion.

19 MR. ROOD: Mr. Chairman?

20 MR. SHEPHERD: Yes.

21 MR. ROOD: If you're ready  
22 to contemplate a vote, our Counsel  
23 has some recommended procedures for  
24 you.

25 MR. SHEPHERD: Okay.

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Sheet 5 Page 14

1 MS. PENN: Good morning.  
2 My name is Sarah Penn and I'm with  
3 the Office of General Counsel. And  
4 I'm filling in for Trevor Hammons who  
5 is on military leave at the moment.  
6 If you will look at the Agenda  
7 and look at the Number 5, you have  
8 two items to consider. And so I  
9 would just recommend that you vote on  
10 each item separately, the slope issue  
11 and then the land disposal facility  
12 issue, just to make it more clear.  
13 So you will have two votes under  
14 Item Number 5. And so on this one  
15 you're making a motion about the  
16 rules pertaining to exterior and  
17 interior slopes, and then on the next  
18 motion you will discuss the land  
19 disposal facility definitions.  
20 MR. SHEPHERD: Okay.  
21 MR. LINN: I'll move to  
22 approve the exterior and interior  
23 slope language.  
24 MR. ADCOCK: Second.  
25 MS. FIELDS: Todd Adcock.

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1 MR. ADCOCK: Yes.  
2 MS. FIELDS: Steve Landers.  
3 MR. LANDERS: Yes.  
4 MS. FIELDS: Jim Linn.  
5 MR. LINN: Yes.  
6 MS. FIELDS: Bill Torneten.  
7 MR. TORNETEN: Yes.  
8 MS. FIELDS: Jeff Shepherd.  
9 MR. SHEPHERD: Yes.  
10 MS. FIELDS: Motion passed.  
11 MR. SHEPHERD: All right,  
12 for the land disposal facility. Do  
13 you -- is there any introduction that  
14 is needed for that, Fenton? For  
15 this?  
16 MR. ROOD: Well, clearly a  
17 roofing material recycling facility  
18 is not the same as a landfill. And  
19 because of the broad definition of  
20 land disposal facility, it's  
21 appropriate to make it clear in the  
22 rules that the roofing material  
23 recyclers are not a land disposal  
24 facility; not subject to the two-year  
25 groundwater evaluation and other

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1 provisions like that.  
2 MR. SHEPHERD: Okay.  
3 Questions from the Council?  
4 Questions from the public? All  
5 right.  
6 MR. LINN: I'll move to  
7 approve the language.  
8 MR. TORNETEN: Second.  
9 MS. FIELDS: Todd Adcock.  
10 MR. ADCOCK: Yes.  
11 MS. FIELDS: Steve Landers.  
12 MR. LANDERS: Yes.  
13 MS. FIELDS: Jim Linn.  
14 MR. LINN: Yes.  
15 MS. FIELDS: Bill Torneten.  
16 MR. TORNETEN: Yes.  
17 MS. FIELDS: Jeff Shepherd.  
18 MR. SHEPHERD: Yes.  
19 MS. FIELDS: Motion passed.  
20 MR. SHEPHERD: All right.  
21 Number 6, proposed changes to Chapter  
22 515 Management of Solid Waste.  
23 The Department is proposing to  
24 amend OAC 252:515 by adding a new  
25 Subchapter 41 in response to recent

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1 legislative changes to 27A O.S. 802.2  
2 relating to Roofing Material  
3 Recycling Facilities. Fenton.  
4 MR. ROOD: As you indicated  
5 in your introduction, again, this is  
6 in response to statute. And, again,  
7 we had a conversation about the  
8 proposals at our last meeting. These  
9 rules are styled to apply to the  
10 operations that would (inaudible)  
11 roofing material from roofers and  
12 clean it up to the level that  
13 asphalt plants can actually use the  
14 asphalt shingles as part of their raw  
15 materials.  
16 Once the material has been  
17 cleaned it turns into an industrial  
18 raw material, so these rules would  
19 not apply to piles of shingles at  
20 asphalt plants that would be part of  
21 their raw materials. It would apply  
22 to the companies that are preparing  
23 those materials for an asphalt plant.  
24 MR. SHEPHERD: Questions  
25 from the Council?

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Sheet 6 Page 18

1 MR. LINN: Fenton, how many  
2 such facilities currently exist to  
3 your knowledge?  
4 MR. ROOD: Well, recall from  
5 our discussion last time that the  
6 statute was initiated as a result,  
7 particularly, of two facilities that  
8 were in this region of the state  
9 where reported recyclers accumulated  
10 materials and then abandoned them.  
11 We know of at least three who are  
12 currently in the business. We've had  
13 discussions with a number of other  
14 interested people about providing the  
15 recycling services. And in terms of  
16 the development of the market, Mr.  
17 Linn, the City of Oklahoma City now  
18 has specifications that allow the use  
19 of the recycled asphalt shingles in  
20 your asphalt projects. And if anyone  
21 has driven on any of the new asphalt  
22 recently in El Reno that was all  
23 laid with shingles in the asphalt.  
24 MR. SHEPHERD: How much  
25 shingles can be used -- does anybody

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1 know how much shingles can be used  
2 in a ton of asphalt?  
3 MR. ROOD: The Asphalt  
4 Association tells me that they can  
5 use up to five percent and they  
6 believe that it makes a higher  
7 quality asphalt product at a lower  
8 cost.  
9 MR. SHEPHERD: Five percent  
10 of the --  
11 MR. ROOD: Of the total  
12 mix.  
13 MR. SHEPHERD: That's not  
14 very much.  
15 I mean, granted when we -- I  
16 guess during the regular course of a  
17 year without any sort of hailstorms  
18 or anything like that, I would  
19 suspect that a recycling facility  
20 could process it and get rid of it  
21 somehow. But, I mean, what happens  
22 when we have an ice storm or a  
23 hailstorm, and we have, I don't know  
24 200,000 roofs that need to be  
25 replaced. Then it's just going to

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1 go to these facilities and be  
2 stockpiled there.  
3 MR. ROOD: That would be a  
4 business decision taken on by the  
5 recycler.  
6 Now, Mr. Shepherd, recall that  
7 because of the fact that the problem  
8 facilities were totally abandoned,  
9 one of the requirements of the  
10 statutes and one of the requirements  
11 of these rules is that we have  
12 financial assurance to guarantee  
13 cleanup.  
14 MR. TORNETEN: Well, they  
15 are certainly not prevented from  
16 disposing at a solid waste disposal  
17 facility (inaudible).  
18 MR. ROOD: Well, it's my  
19 understanding that the solid waste  
20 industry supported the statute  
21 because it leveled the playing field  
22 between the currently permitted  
23 facilities and the recyclers.  
24 MR. ADCOCK: I'm not sure  
25 if I missed it on -- you're going to

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1 be collecting quarterly reports and  
2 fees from these facilities?  
3 MR. ROOD: That is what the  
4 statute directs us to do.  
5 MR. ADCOCK: And have you  
6 determined what those fees are?  
7 MR. ROOD: It's the same  
8 fees that you pay as a landfill  
9 operator.  
10 MR. ADCOCK: So it's going  
11 to be \$1.25 a ton?  
12 MR. ROOD: Per ton.  
13 MR. ADCOCK: And are these  
14 on the monthly reports -- I mean,  
15 all this reads pretty much exactly  
16 like a solid waste facility, you  
17 know, reports have to be in by the  
18 10th of each month. How are those  
19 amounts calculated? Are they going  
20 to require scales? Are they going  
21 to -- by the yard, I mean, or is  
22 that up to each individual facility?  
23 MR. ROOD: Both the statute  
24 and the rules require installation of  
25 the scales, just like you're required

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<p>Sheet 7 Page 22</p> <p>1 to.</p> <p>2 MR. ADCOCK: Okay.</p> <p>3 MR. TORNETEN: Is there</p> <p>4 anything that would keep a solid</p> <p>5 waste disposal facility from</p> <p>6 undertaking recycling at a facility,</p> <p>7 stockpiling?</p> <p>8 MR. ROOD: Nothing</p> <p>9 whatsoever. I believe we have at</p> <p>10 least one in the Tulsa area that is</p> <p>11 currently doing that.</p> <p>12 MR. ADCOCK: And the</p> <p>13 stockpiling doesn't require -- does</p> <p>14 it require any special attention for</p> <p>15 these facilities as far as storm</p> <p>16 water control, liner, or any type of</p> <p>17 placement?</p> <p>18 MR. ROOD: Well, a facility</p> <p>19 that operates properly will not have</p> <p>20 any disposal onsite. So there's not</p> <p>21 a requirement for a liner but</p> <p>22 certainly a requirement for storm</p> <p>23 water management.</p> <p>24 MR. ADCOCK: So you're</p> <p>25 saying that there's -- there wouldn't</p>	<p>Page 24</p> <p>1 available on the handout table and we</p> <p>2 also distributed a DEQ response to</p> <p>3 those comments.</p> <p>4 MR. SHEPHERD: So Fenton, if</p> <p>5 I'm understanding it correctly, from</p> <p>6 DEQ's response, a manufacturing</p> <p>7 facility that would receive processed</p> <p>8 roofing material would not be</p> <p>9 required to obtain a solid waste</p> <p>10 permit and therefore pay the fee; is</p> <p>11 that correct?</p> <p>12 MR. ROOD: That is correct.</p> <p>13 MR. SHEPHERD: Okay. And</p> <p>14 if you could, just for my benefit</p> <p>15 and possibly for others, are you</p> <p>16 aware of what sort of processing</p> <p>17 these companies are required to do to</p> <p>18 asphalt shingles to make them ready</p> <p>19 for raw material for a manufacturer?</p> <p>20 MR. ROOD: Well, if you</p> <p>21 could imagine a typical roofing job,</p> <p>22 there is -- there are a variety of</p> <p>23 materials that come off the roof.</p> <p>24 As I understand it the asphalt</p> <p>25 industry is only interested in the</p>
<p>Page 23</p> <p>1 be any stockpile onsite?</p> <p>2 MR. LANDERS: They're just</p> <p>3 stockpiled but they're not disposing</p> <p>4 of it.</p> <p>5 MR. ADCOCK: Oh, I see.</p> <p>6 Okay. Okay. I understand.</p> <p>7 MR. SHEPHERD: They would be</p> <p>8 required to get an industrial storm</p> <p>9 water permit, I would assume.</p> <p>10 MR. ROOD: Yes.</p> <p>11 MR. SHEPHERD: Morning,</p> <p>12 Traci.</p> <p>13 MS. PHILLIPS: I apologize</p> <p>14 for being late.</p> <p>15 MR. SHEPHERD: That's all</p> <p>16 right.</p> <p>17 MS. PHILLIPS: Where are we</p> <p>18 at?</p> <p>19 MR. SHEPHERD: We're in the</p> <p>20 middle of talking about the roofing</p> <p>21 recycling.</p> <p>22 MR. ROOD: Mr. Chairman, I</p> <p>23 would also point out that we received</p> <p>24 comments from APAC which we</p> <p>25 distributed to you and we have</p>	<p>Page 25</p> <p>1 asphalt shingles and so the roofing</p> <p>2 recycler would be removing the other</p> <p>3 debris and taking that to a landfill</p> <p>4 and delivering clean asphalt shingles</p> <p>5 to an asphalt manufacturer.</p> <p>6 MR. SHEPHERD: Thank you.</p> <p>7 MR. ADCOCK: I was reading</p> <p>8 through that letter from APAC and</p> <p>9 questions -- or -- it brings up the</p> <p>10 permitting, oversight, and</p> <p>11 inspections of these facilities, the</p> <p>12 obligation of Oklahoma DEQ. This is</p> <p>13 going to be under Land Protection.</p> <p>14 How many facilities do you know that</p> <p>15 you're going to have to start</p> <p>16 inspecting right off the bat or do</p> <p>17 you anticipate?</p> <p>18 MR. ROOD: Well, I know of</p> <p>19 two immediately and one landfill.</p> <p>20 Now obviously we're already</p> <p>21 inspecting the landfills so the two</p> <p>22 recyclers would be additional</p> <p>23 facilities.</p> <p>24 MR. ADCOCK: Do you have</p> <p>25 any sort of idea on growth of what</p>

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1 they're going to be doing -- what  
2 you would be doing next year or in  
3 the coming years? I only ask  
4 because I know that your inspection  
5 on Land Protection is already  
6 short-staffed and how does that  
7 affect your ability to inspect growth  
8 and current facilities?

9 MR. ROOD: Okay. First of  
10 all, in terms of growth, from what  
11 the asphalt industry tells me,  
12 they're very interested in using this  
13 material. The historical limitation  
14 on the market has been the approval  
15 of the mix design by the State  
16 Department of Transportation. I  
17 don't believe that approval has taken  
18 place yet but the asphalt industry  
19 expects approval shortly. So I would  
20 think that that would expand the  
21 market and I would think that we  
22 have more recyclers respond to that  
23 market demand.

24 Now in terms of our ability, I  
25 can report to you that just this

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1 week we were able to replace one of  
2 our vacancies in terms of landfill  
3 inspectors and while the statute does  
4 not authorize us to hire any new  
5 employees, we expect to be able to  
6 handle the new facilities that  
7 develop.

8 MR. SHEPHERD: Any more  
9 questions from the Council?

10 MR. LINN: Fenton, I was  
11 just looking at the response to Item  
12 1. It indicates that there was an  
13 initial NA response on Items 18 and  
14 19 of the RIS. I don't recall that  
15 -- I don't have the original with me  
16 but I don't recall that 19 indicated  
17 NA. You might check that.

18 MR. ROOD: Thank you.  
19 MR. LINN: You bet.  
20 MR. SHEPHERD: Anybody else?  
21 Steve? Bill?

22 Questions from the public? You  
23 have to come up here. State your  
24 name.

25 MR. PEEPLES: Do I need to

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1 push talk?

2 MR. SHEPHERD: Yes.  
3 MR. PEEPLES: I'm Andy  
4 Peeples with APAC Central. Question  
5 is indicated that the rules that  
6 impact the recyclers that, you know,  
7 accumulate material, how does it  
8 affect an asphalt plant if we collect  
9 that material on a site and we  
10 process it onsite? Are we going to  
11 have to go file a -- obtain a solid  
12 waste permit?

13 MR. ROOD: If an asphalt  
14 company also chooses to be a roofing  
15 material recycler and accept all the  
16 materials off the roof, then clean  
17 them up, then they would be under  
18 the requirements of these rules. It  
19 was our understanding that most of  
20 the asphalt companies are not  
21 interested in doing that. They  
22 wanted to receive clean shingles as  
23 the raw materials.

24 MR. PEEPLES: Well, in that  
25 case we we only accept clean

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1 materials. They're source separated.  
2 We don't -- we don't remove any  
3 trash but if we accept them the  
4 roofer would handle all of the, you  
5 know, source separating. There's  
6 only stockpiles of shingles. So --  
7 but in that case we would probably  
8 still be subject to the solid waste  
9 permit.

10 MR. ROOD: If you're  
11 handling only clean shingles as part  
12 of your asphalt production operation,  
13 these rules don't apply to you.

14 MR. PEEPLES: Okay. Well,  
15 it's confusing because in the  
16 Response to Comments, I think one of  
17 the last questions or maybe question  
18 Number 2, DEQ's response was that if  
19 we accept unprocessed -- I guess, we  
20 need a definition of what unprocessed  
21 is for shingles and does it require  
22 a solid waste permit. You know,  
23 processed or -- unprocessed does that  
24 mean removing paper from it -- trash  
25 from it or does it mean grounding

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1 the shingles up to get them ready to  
2 put in the asphalt mix?  
3 MR. ROOD: According to the  
4 definitions in the statutes and the  
5 rules, the unprocessed would be  
6 roofing material. The combination of  
7 materials that come off of a typical  
8 roofing job. In your example where  
9 you're handling the shingles, whether  
10 they're ground or not ground, these  
11 rules would not apply to you. And  
12 if it's -- further it's my  
13 understanding that there's a  
14 relatively short shelf-life to the  
15 ground shingles so that we would  
16 expect most of the grinding  
17 operations to actually take place at  
18 the asphalt producers.  
19 MR. PEEPLES: Okay. Thank  
20 you. Well, one more question. I  
21 guess my understanding is that they  
22 would not apply in our case.  
23 MR. ROOD: Correct.  
24 MR. PEEPLES: Okay. Okay.  
25 Thank you.

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1 MR. SHEPHERD: You're  
2 welcome.  
3 REPORTER: Andy, is it  
4 P-e-o-p-l-e-s?  
5 MR. PEEPLES: P-e-e-p-l-e-s.  
6 REPORTER: Okay. Thank you.  
7 MR. SHEPHERD: Any other  
8 questions? Comments?  
9 MR. LANDERS: I guess at an  
10 asphalt plant using shingles, I mean,  
11 there's going to be some amount, I  
12 would guess. I don't know. There  
13 is some amount of waste that would  
14 come out of that. I mean you're  
15 going to -- the yield, I'm guessing  
16 is not 100 percent even from these  
17 ground up asphalt shingles, but that  
18 is not considered debris; right?  
19 That would require a permit? I'm  
20 guessing there. I don't -- I don't  
21 know. I'm sure that you -- Mr.  
22 Peeples is an expert on that, but --  
23 MR. ROOD: The analogy that  
24 I would use that applies to your  
25 business --

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1 MR. LANDERS: Yeah.  
2 MR. ROOD: -- is that the  
3 roofing material recycler is  
4 analogous to the paper stop processor  
5 that gathers your basic raw material  
6 and provides it at the grade that  
7 you specify.  
8 MR. LANDERS: Uh-huh.  
9 MR. ROOD: Now, clearly when  
10 you receive bales of paper in your  
11 manufacturing process you've still  
12 got some waste associated with it.  
13 MR. LANDERS: Right. Yeah.  
14 MR. SHEPHERD: Go ahead.  
15 MR. DAVIS: Chris Davis,  
16 Rubber Roll-off and Recycling. My  
17 question is for the scales. For the  
18 recycling facilities you can do --  
19 you can do it on yardage, so why --  
20 why -- why do we have to have the  
21 scales? And if we do -- if it is a  
22 mandatory requirement, how long will  
23 we have to put the scales in place?  
24 MR. ROOD: Well, we're  
25 covering existing facilities with

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1 proposed consent agreements. And  
2 particularly for existing facilities  
3 we are proposing that we use the  
4 yardage requirement in the statute  
5 that tells us how to convert for the  
6 purposes of fees, but the statute  
7 does require the installation of the  
8 scales. So we would have to work  
9 with you on a compliance plan.  
10 MR. SHEPHERD: Isn't there  
11 an opportunity for the recycler to  
12 reimburse himself for the cost of the  
13 scales in the statute or not that  
14 specific statute but other statutes?  
15 MR. ROOD: The landfills  
16 that were originally required to have  
17 scales do have the opportunity to get  
18 reimbursements out of the fees that  
19 they collect for their capital  
20 expenses. And the recycler  
21 facilities would have the opportunity  
22 to do the same thing just like  
23 landfills.  
24 MR. SHEPHERD: Okay. And  
25 what is it? A nickel or what is it?

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1 MR. TORNETEN: Twenty-five  
2 cents I believe.  
3 MR. SHEPHERD: Twenty-five  
4 cents a ton?  
5 MR. TORNETEN: Right.  
6 MR. LINN: Up to 40,000 a  
7 year, I believe, or something like  
8 that.  
9 MR. SHEPHERD: Uh-huh. So  
10 you would be able -- if you had to  
11 put a scale in, you would be able to  
12 get reimbursed over a period of time.  
13 MR. TORNETEN: How do you  
14 levy the tax on the material that  
15 they're processing per cubic yard?  
16 MR. ROOD: The statute has  
17 a conversion factor.  
18 MR. TORNETEN: Based on the  
19 density of what?  
20 MR. DAVIS: It doesn't refer  
21 to density. It just says a cubic  
22 yard weighs approximately -- and I  
23 can't remember the exact number off  
24 the top of my head but that's the  
25 way we get the fee calculations.

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1 MR. TORNETEN: Okay.  
2 MR. ROOD: Frankly, in this  
3 application, I think the conversion  
4 factor in the statute would be  
5 generous towards the recycler as  
6 opposed to towards DEQ.  
7 MR. LINN: I think asphalt  
8 shingles are fairly heavy per cubic  
9 yard. I suspect. I don't have the  
10 figure off the top of my head, and I  
11 certainly don't know what the statute  
12 says, but a cubic yard of shingles  
13 are going to be fairly heavy, I  
14 would expect. That's fairly common,  
15 Bill. In our contracts, for example,  
16 with the landfill providers --  
17 landfill service providers, in case  
18 the scales are down, we have a  
19 conversion factor for putrescible  
20 waste, bulk waste, that sort of  
21 thing. So it's not uncommon.  
22 MS. PHILLIPS: I do have  
23 one question about the fees. Is  
24 that for -- is there ever a period  
25 of time that that's evaluated again

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1 as far the fees for -- and how  
2 that's working coming from the  
3 recycler? I know there was some  
4 discussion that was brought up about  
5 exactly who's paying that fee and if  
6 there's any -- if that fee is  
7 restricting the recycling activity of  
8 the asphalt shingles and so -- my  
9 question is that if, you know, a  
10 year from now -- I mean, do you go  
11 back and look at that and see if  
12 that model is working or is it -- do  
13 we just -- this is it forever?  
14 MR. ROOD: Remember that the  
15 fees are set by statute and so if it  
16 became apparent that you wanted to  
17 propose a change, remember that this  
18 body makes an annual report to the  
19 Legislature. You could certainly  
20 include recommendations with that  
21 report.  
22 MR. SHEPHERD: Do you have  
23 any more questions?  
24 MR. DAVIS: Yes. If there  
25 is a -- the recycling facilities, not

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1 the asphalt plants, but if there is  
2 a licensed scale that is near the  
3 recycling facilities, would we be  
4 able to use that in place of putting  
5 a scale on our own property?  
6 And second, the asphalt  
7 manufacturers are going to want to  
8 buy this by the ton and after the  
9 material is processed and everything  
10 and that's going to be run over the  
11 scales, could -- could we, you know,  
12 use that other licensed scale to  
13 determine how many tons we've had on  
14 the property at that time?  
15 MR. ROOD: My understanding  
16 is that there's a provision that  
17 allows that in the statute for  
18 landfills. We'll have to go back  
19 and re-read it to make sure that it  
20 also applies to your facilities, but  
21 what you're proposing certainly makes  
22 sense.  
23 MR. SHEPHERD: There is no  
24 landfill that's operated with a  
25 remote scale for quite some time.

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1 MR. ROOD: That provision in  
2 the statute does date back quite a  
3 while.

4 MR. SHEPHERD: Uh-huh.

5 MR. TORNETEN: What about  
6 Part 2 of his question if they're  
7 weighing it as it's acquired by the  
8 asphalt plant, can they then pay the  
9 tax at that point or do they have to  
10 pay it at the point they received  
11 it?

12 MR. ROOD: Well, the statute  
13 contemplates the roofing material  
14 recycler to be essential analogous to  
15 a landfill. So the statute says  
16 they are going to weigh as it comes  
17 in the door and that's the basis for  
18 paying their fees. By the same  
19 token as they sort out debris and  
20 send the debris to a landfill, the  
21 statute also contemplates that the  
22 recycler can take a credit in terms  
23 of the fees.

24 MR. SHEPHERD: A credit on  
25 the material that goes to the

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1 landfill?

2 MR. ROOD: Yes. Because  
3 they've got to pay the fee at the  
4 landfill.

5 MR. SHEPHERD: Okay. Okay.

6 MS. PHILLIPS: So --

7 MR. SHEPHERD: Can you  
8 explain that to me?

9 MR. ADCOCK: Yeah. I'm  
10 confused, too.

11 MR. SHEPHERD: Lost me  
12 there.

13 MR. ROOD: Well, okay. In  
14 terms of the example that he's using,  
15 we don't have an interest in his  
16 dealing with the landfill but we can  
17 certainly take a look at whether the  
18 statute allows us to allow him to  
19 use the asphalt company's scales.

20 MR. SHEPHERD: But that's  
21 not what is confusing. That credit  
22 is what is confusing to me.

23 MR. ROOD: Oh. The whole  
24 notion is that you don't pay the fee  
25 twice on the same material.

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1 MR. SHEPHERD: Then how does  
2 the credit apply? How is it --

3 MR. ROOD: Okay. So if a  
4 recycling company takes in a load  
5 from a roofer --

6 MR. SHEPHERD: Uh-huh.

7 MR. ROOD: -- they would  
8 weigh the load.

9 MR. SHEPHERD: Uh-huh.

10 MR. ROOD: I'm assuming that  
11 part of their normal process they  
12 would sort the debris and send the  
13 debris to a landfill.

14 MR. SHEPHERD: Okay.

15 MR. ROOD: When they go to  
16 the landfill with the debris, the  
17 landfill is obligated to charge the  
18 DEQ fee.

19 MR. SHEPHERD: Right.

20 MR. ROOD: So that as they  
21 -- as the recycler files his fee  
22 paperwork with DEQ he takes a credit  
23 for the fees that he paid at the  
24 landfill for the debris.

25 MR. SHEPHERD: Okay.

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1 MR. TORNETEN: Does that  
2 apply to transfer stations?

3 MR. ROOD: No. There is no  
4 requirement for scales at transfer  
5 stations.

6 MS. PHILLIPS: Is it  
7 possible that -- and I'm thinking if  
8 they're smaller recyclers,  
9 (inaudible) but if there's maybe  
10 smaller facilities that don't have  
11 the capacity but are wanting to build  
12 their business, is there, like, a  
13 size limit for or could there be  
14 maybe a size limit or, you know,  
15 whether it's a dollar a tonnage of -  
16 - before you have to install a scale  
17 or a time period so that they have  
18 the time to build up to that where  
19 they can afford to put the scale in.  
20 And I get the reimbursement that you  
21 get reimbursed from the recycling fee  
22 but for a small business that can  
23 still be a challenge to get there.

24 So --

25 MR. DAVIS: Yeah. A huge

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1 challenge.  
2 MS. PHILLIPS: -- right.  
3 MR. ROOD: The way the  
4 statute is currently written, I think  
5 the answer to your question is no.  
6 Because the legislation makes the  
7 process exactly analogous to the way  
8 a landfill operates. That is the  
9 kind of refinement that I think would  
10 be entirely appropriate (inaudible).  
11 MR. TORNETEN: That seems  
12 that we're levying a tax on a  
13 recyclable material when it would  
14 make more sense that the tax should  
15 apply to the actual waste. That  
16 amount of material that can't be  
17 recycled in which case that would be  
18 collected when it's disposed at a  
19 landfill.  
20 MR. ROOD: The issue that I  
21 think the Legislature was actually  
22 addressing is that solid waste fees  
23 are the only source of revenue for  
24 any DEQ solid waste activity. And  
25 bear in mind that, particularly, with

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1 the shingle dumps we've been dealing  
2 with, we've been spending resources  
3 already with this particular issue.  
4 And, again, I think the Legislature  
5 attempted to make it analogous to  
6 landfills and so that's the way the  
7 statute is crafted right now.  
8 MS. PHILLIPS: If this Board  
9 was to recommend a modification to  
10 the statute, how would this Board go  
11 about to do that caveat or to  
12 recommend a size or a ramp-up or  
13 something that allows for growth  
14 within the industry and for  
15 businesses to get there?  
16 MR. ROOD: I think your  
17 process would be to propose and  
18 consider a separate resolution  
19 dealing with that subject.  
20 MR. SHEPHERD: Could we not  
21 vote against these rules, then make  
22 you guys work on them some more and  
23 then bring them back? Or is there a  
24 certain -- is there a specific time  
25 frame that these rules have to be

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1 approved by the Board?  
2 MR. ROOD: Well, in terms  
3 of the rulemaking process, if these  
4 proposals do not advance to the next  
5 Board meeting -- remember that the  
6 Legislature has to review any rules  
7 that the Board passes and so we miss  
8 this Legislative session.  
9 Now, in terms of impact of  
10 that, the statute is in existence and  
11 we've got to follow the statute  
12 whether we've got rules in place or  
13 not.  
14 And the issues that I think  
15 you're referring to are not inherent  
16 in the rules themselves, they're  
17 inherent in the statute -- statutory  
18 construction.  
19 MR. TORNETEN: Yeah, in my  
20 mind --  
21 MR. ROOD: Yeah. Recognize  
22 also that we have the ability through  
23 consent agreements, to accomplish, I  
24 think, several of the objectives that  
25 you're interested in. And, in fact,

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1 all of the consent agreements that we  
2 have proposed for existing roofing  
3 recyclers use the statutory  
4 conversion factor in lieu of scales  
5 for current operations.  
6 MS. PHILLIPS: Right. So  
7 the current businesses would be  
8 covered. Right? So what I'm  
9 hearing is that current operation  
10 fee, you have the ability to work  
11 with them over a period of time to  
12 get to that point. But that might  
13 not necessarily be clear within the  
14 market place, to encourage new  
15 businesses to enter in and get to  
16 that point; correct?  
17 MR. ROOD: I think that's a  
18 fair assessment.  
19 MR. LINN: Sounds like the  
20 capability is already there to work  
21 with the folks who don't have scales  
22 yet, through the cubic yardage  
23 conversion, if I'm hearing you  
24 correctly.  
25 I'm just curious, Chris, what

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<p>Sheet 13 Page 46</p> <p>1 is -- have you checked into the -- 2 what do scales cost? Do we know? 3 MR. DAVIS: Typically, 4 scales, installation, everything run 5 between 40 -- anywhere from 40 to 6 \$60,000.00. 7 MR. LINN: Thank you. 8 MR. SHEPHERD: There's not a 9 -- the statute doesn't require a 10 specific size of scale. 11 MR. ROOD: The statute 12 simply requires installation of 13 scales. It doesn't -- it's not 14 specific. 15 MR. SHEPHERD: There are 16 other types of scales. 17 MS. PHILLIPS: Yeah. But, 18 I mean, I'm certainly (inaudible) 19 you're going to want to use truck 20 scales. 21 MR. SHEPHERD: Yeah. But 22 there are 100 foot scales; there are 23 30 foot scales; there are 40 -- you 24 know, there's different size, 25 different scales. I guess, as long</p>	<p>Page 48</p> <p>1 weighed and everything, up to that 2 point can these smaller companies 3 like us, can we -- can we purchase a 4 bond? Because the tax is to cover 5 cleanup. If something was to happen 6 that facility was to shutdown or 7 something and Oklahoma had to step in 8 to clean the facility up, could the 9 recycler purchase a bond to cover him 10 until that material is ground and 11 then able to be weighed and then -- 12 and then pay the tax after that? 13 MR. ROOD: I think you're 14 comparing two separate issues. First 15 of all, financial assurance is -- 16 like you said, is designed to provide 17 a guarantee that we can clean up a 18 facility that gets abandoned. And 19 the statute and the rules allow a 20 variety of different mechanisms to 21 provide that financial assurance 22 including a surety bond, like you 23 mentioned. 24 But then the separate issue 25 that you referred to was the notion</p>
<p>Page 47</p> <p>1 as the scale that's installed is 2 certified by the -- 3 MR. DAVIS: Department of 4 Agriculture. 5 MR. SHEPHERD: -- 6 Agriculture, then it's considered a 7 certified scale; right? 8 MR. ROOD: That's correct. 9 The State Department of Agriculture 10 is the certifying agency for the 11 state. 12 MR. SHEPHERD: So, I mean, 13 there are other types of scales that 14 can be purchased and installed that 15 may not cost 40 or 60 -- I don't 16 know. I'm not a scale person. 17 MR. DAVIS: Well, in the 18 first meeting we discussed this and, 19 yeah, it was discussed that we needed 20 to install truck scales. So that's 21 what we were going off of. 22 MR. SHEPHERD: Okay. 23 MR. DAVIS: I had another 24 question, too. Once the material is 25 ground, you know, it's going to be</p>	<p>Page 49</p> <p>1 of -- I'm assuming when you talk 2 about a tax you're talking about the 3 fees, and the -- again, the 4 contemplation analogous to a landfill 5 is that the fees are charged on the 6 material as they come in the door. 7 MR. SHEPHERD: Did that 8 answer your question? 9 MR. DAVIS: Yes. 10 MR. SHEPHERD: Okay. Is 11 there any other questions? 12 MR. TORNETEN: Do you feel 13 the way this is structured promotes 14 recycling, encourages new facilities 15 to go into operation or -- 16 MR. ROOD: Well, first of 17 all, remember that the rules 18 themselves are structured the way 19 they are because the statute directs 20 us to do that. They are 21 deliberately structured the same way 22 the rules are for other facilities 23 that we regulate. Now does it 24 encourage companies to go into 25 business? My response would have to</p>

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1 be based on what the asphalt  
2 manufacturers tell me in terms of if  
3 they have an interest in getting this  
4 material. And so I would assume  
5 that there would be entrepreneurs  
6 developed to satisfy that market  
7 demand.

8 MS. PHILLIPS: So at the  
9 end of the day that interest is  
10 really there if DOT approves the mix.

11 MR. ROOD: The State  
12 Department of Transportation approval  
13 is critical for the development of  
14 the entire market. Although, as I  
15 cited, we have some examples of  
16 cities that are already allowing the  
17 use of the shingles in their mix.

18 MR. TORNETEN: I mean, it  
19 has to be -- you would have to have  
20 some incentive for the roofing  
21 companies to take their shingles to a  
22 recycler versus just haul them to the  
23 landfill.

24 MR. SHEPHERD: Well, I think  
25 the incentive would be the lower --

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1 to charge a lower rate at the door

2 --

3 MR. TORNETEN: Or accept  
4 them.

5 MR. SHEPHERD: -- or accept  
6 them for free or whatever they want  
7 to do. But I think we have to  
8 remember though that, you know,  
9 without the rule -- without this  
10 rule, and without this statute, you  
11 know, we have some illegal dumps. I  
12 think that's the purpose of the  
13 statute was to try to prevent these  
14 in the future. So, I mean, albeit  
15 it's -- I think it's a good set of  
16 rules. Probably not the best that  
17 we could have come up with, but --  
18 and I think the goal was to prevent  
19 future abandoned dumps.

20 MR. ROOD: Mr. Chairman, I  
21 would point out that the abandoned  
22 dumps that we're dealing with were  
23 basically created because the  
24 operators were charging much lower  
25 fees than area landfills.

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1 MR. SHEPHERD: Correct. And  
2 they didn't know that -- they had  
3 really no plan to recycle. I think  
4 they just charged money and collected  
5 a bunch of money and split town.  
6 That would be my guess. How much is  
7 it going to cost the state to -- or  
8 the person who owns the land, or  
9 whoever it is, going to cost to  
10 clean them up?

11 MR. ROOD: For one of the  
12 worst facilities here in Oklahoma  
13 City our preliminary estimate was \$3  
14 million.

15 MR. ADCOCK: Man.

16 MR. SHEPHERD: That's a lot  
17 of money. Is the person who did  
18 that -- is that person around or is  
19 that person gone, is she/he -- I  
20 don't know?

21 MR. ROOD: The alleged  
22 perpetrator has been arrested and  
23 bonded out of jail and the case  
24 hasn't come up yet.

25 MR. SHEPHERD: Okay. Good

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1 for him.

2 Are there any other questions  
3 or comments, concerns? Do we want  
4 to talk about the issue that you  
5 were talking about, Traci, and see if  
6 there's something that we can add?

7 MS. PHILLIPS: Yes. I  
8 think (inaudible) the cleanup that  
9 this is to -- the statute was  
10 originally created to solve the  
11 illegal dumping problem. It's also  
12 an opportunity for our state to  
13 encourage recycling so anything that  
14 we can do to help modify this, I  
15 think would be a good idea. So, you  
16 know, how those issues -- whatever we  
17 need to do to go forward to create a  
18 resolution --

19 MR. SHEPHERD: Okay.

20 MS. PHILLIPS: -- I think  
21 would be --

22 MR. SHEPHERD: Yeah. Do  
23 you have a question?

24 UNIDENTIFIED: No. She just  
25 said it.

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1 MR. SHEPHERD: Okay.  
2 MS. PHILLIPS: Yeah. And  
3 with that we don't know if there's  
4 any encouragement from DEQ that could  
5 happen with coordination with DOT  
6 that help with that process or if  
7 they're already on track, but  
8 certainly having a larger market  
9 statewide versus community -- you  
10 know, individual communities creates  
11 a larger market which then, in itself  
12 will create better recycling.  
13 MR. SHEPHERD: Right.  
14 MR. ROOD: It's my  
15 understanding from the Asphalt  
16 Producers Association that they work  
17 very closely with DOT and they're the  
18 ones who provided the information to  
19 me that they expect the mix design  
20 to be approved soon.  
21 MR. SHEPHERD: Chris?  
22 MR. DAVIS: I have one more  
23 question. He mentioned earlier, the  
24 gentleman with APAC, that if it's a  
25 source separated material was he

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1 susceptible to these rules and you  
2 told him that he wasn't. So if the  
3 other recycling facilities, if they  
4 only take in source separated  
5 material would we be susceptible to  
6 this rule too?  
7 MR. SHEPHERD: No.  
8 MR. DAVIS: So that would  
9 eliminate us having to put a scale  
10 in?  
11 MR. SHEPHERD: If you're  
12 accepting source separated material,  
13 i.e., just the shingles, as I  
14 understand you don't need a permit.  
15 MR. ROOD: Well, Chris, it's  
16 my understanding in your operation  
17 you work with your roofing customers  
18 to separate at the job site so that  
19 you're only dealing with the asphalt  
20 shingles, so I think Mr. Shepherd's  
21 assessment would be correct.  
22 MR. DAVIS: Thank you.  
23 MR. TORNETEN: There is a  
24 definite distinction there. I mean,  
25 they're not accepting the shingles to

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1 process them. They are just  
2 stockpiling them and then moving them  
3 off to a plant where they will be  
4 processed. They are still --  
5 MR. LANDERS: They're not  
6 grinding.  
7 MR. TORNETEN: -- they don't  
8 process them?  
9 MR. LANDERS: They're not  
10 grinding or processing somehow?  
11 MR. TORNETEN: I would say  
12 (inaudible).  
13 MR. ROOD: It might be  
14 helpful to draw the comparison to the  
15 \$3 million cleanup site. We've had  
16 a couple of roofing material  
17 recyclers look at the sites. We've  
18 had one that actually operated there  
19 for a month. The (inaudible) took  
20 in so much debris that it's  
21 uneconomical for anybody to recover  
22 what shingles are there.  
23 MR. SHEPHERD: So it's all  
24 going to have to be collected and  
25 hauled to a (inaudible).

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1 Well, do you have any ideas  
2 for your proposal?  
3 MR. ROOD: Mr. Chairman, if  
4 it would be helpful we could  
5 certainly work with Ms. Phillips and  
6 draft some proposals.  
7 MR. SHEPHERD: Okay. I  
8 think we have one more comment.  
9 MR. THOMPSON: I am Scott  
10 Thompson, Director of the Land  
11 Protection Division. I would  
12 recommend that you guys set up a  
13 workgroup. You know, subset of the  
14 Council.  
15 MR. SHEPHERD: Yeah.  
16 MR. THOMPSON: But I think  
17 the way we've written these and the  
18 way the statute was crafted and the  
19 way we've tried to interpret that, is  
20 to minimize the areas of control.  
21 And as soon as -- we're just dealing  
22 with clean shingles, we're trying not  
23 to inhibit that part of the process  
24 or the asphalt plants. We've had  
25 meetings with ODOT and industry folks

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1 about rubber modified asphalt and  
2 shingles in asphalt and really it's  
3 going to take more of the road  
4 builders pushing at ODOT harder. And  
5 there has been some management  
6 changes in ODOT recently that might  
7 help, because there's some historical  
8 memories of our past attempts to use  
9 rubber modified asphalt stuff that  
10 made great roads. Really safe roads,  
11 you can drive on them in the rain  
12 like they're dry, but the way they  
13 were making them in the old days was  
14 kind of problematic and they've got  
15 new techniques and grind the rubber  
16 finer now and stuff so you can get  
17 some -- some better roads for less  
18 cost now than the standard asphalt.  
19 It used to be it cost more and you  
20 had to invest in different types of  
21 equipment.

22 MR. SHEPHERD: Uh-huh.  
23 MR. THOMPSON: But, you  
24 know, I think we're getting closer.  
25 And if ODOT approves the shingles

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1 then we will have some road or some  
2 other materials that can be used too.  
3 But we don't expect the shingles,  
4 unless this takes off in a huge way,  
5 to -- we don't expect the majority  
6 of the shingles in Oklahoma to be  
7 recycled in this manner. We think  
8 it will be a small percentage, so we  
9 also want to protect against the  
10 illegal dumping --

11 MR. SHEPHERD: Right.  
12 MR. THOMPSON: -- and try  
13 to prohibit that.

14 MR. SHEPHERD: Yeah. And I  
15 think that the illegal dumping occurs  
16 when we have an event like a  
17 hailstorm when there's hundreds of  
18 thousands of roofs that have to be  
19 replaced. That's, I think, when we  
20 get the dumping.

21 MR. THOMPSON: I think  
22 that's a lot of it but in some rural  
23 areas I think it's standard procedure  
24 for some folks. And so, you know,  
25 we have in Oklahoma the problem of

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1 Tribal lands and non-Tribal lands and  
2 who enforces what where and --

3 MR. SHEPHERD: Yeah.  
4 MR. THOMPSON: -- even  
5 getting a good map of what's really  
6 tribal land and what is not can be  
7 problematic in some areas. So we've  
8 had some issues in that regard, but  
9 we've tried to work with BIA and the  
10 Tribes and (inaudible).

11 MR. SHEPHERD: But if we  
12 approve these rules we can still  
13 supplement them with -- have an extra  
14 meeting or two.

15 MR. THOMPSON: Well, I think  
16 that the main thing is to make sure  
17 that we stay friendly to the small  
18 guys --

19 MR. SHEPHERD: Yes.  
20 MR. THOMPSON: -- and try  
21 to work with them and help them get  
22 into business and stuff.

23 MR. SHEPHERD: Absolutely.  
24 MR. THOMPSON: And that, you  
25 know --

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1 MR. SHEPHERD: We don't want  
2 to kill anybody's business.

3 MR. THOMPSON: Right. And,  
4 you know, if -- our inspectors are  
5 pretty reasonable folks but  
6 occasionally we might actually -- you  
7 know, we might go after something a  
8 little too hard, where somebody is  
9 basically receiving clean material  
10 but there is a little bit of debris  
11 in it, we just need to use good  
12 sound judgment and double check  
13 ourselves and make sure we're not  
14 persecuting somebody for a de minimus  
15 amount of material.

16 MR. SHEPHERD: Yeah.  
17 MR. THOMPSON: So I think  
18 our folks tend to work that way but  
19 we can do some things to make sure  
20 and see if there's any ways to  
21 encourage, promote, develop the  
22 market more.

23 MR. SHEPHERD: Yeah.  
24 MR. THOMPSON: That would be  
25 fine with us.

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1 MR. LINN: I would think,  
2 Jeff, that encouragement of the  
3 business to flourish would be in  
4 DEQ's best interest due to the fact  
5 that they're going to have fewer  
6 facilities like the ones they're  
7 managing now.

8 MR. SHEPHERD: Uh-huh. I  
9 agree.

10 MR. LINN: And should the  
11 business take off, again only five  
12 percent of them -- five percent of  
13 the asphalt can be made from  
14 shingles, as I understand it from  
15 what was stated earlier, so it's --  
16 I would say that the small business  
17 owner and DEQ's goals are the same.

18 MR. SHEPHERD: Yeah. I  
19 think so.

20 MR. LINN: It's the fee  
21 that will be difficult for being  
22 unprocessed for them, but they're  
23 already dealing with the financial  
24 burden, DEQ --

25 MR. SHEPHERD: Uh-huh.

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1 MR. LINN: -- in any case  
2 of the lack of any regulation.

3 MR. SHEPHERD: Yeah. Do we  
4 need to make a separate motion on  
5 the workgroup?

6 MS. PENN: Yes. A  
7 resolution.

8 MR. SHEPHERD: Resolution.  
9 Okay.

10 MS. PENN: You would  
11 probably address the rules first --

12 MR. SHEPHERD: Okay.

13 MS. PENN: -- and then  
14 address the resolution and the  
15 creation of a workgroup.

16 MR. SHEPHERD: That being  
17 said, is there any other questions or  
18 comments concerning the rules for the  
19 roofing material recycling  
20 facilities?

21 MS. PHILLIPS: I'm sorry.  
22 Maybe I missed some of the discussion  
23 (inaudible).

24 MR. SHEPHERD: Showing up  
25 late, I think.

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1 MS. PHILLIPS: Yeah. I  
2 know. When we say roofing material  
3 recycling facility, again, that's  
4 covering rules for unclean material;  
5 correct? So material that's not  
6 source separated?

7 MR. ROOD: That would be  
8 the whole purpose of the roofing  
9 material recycling facility.

10 MR. LANDERS: Seems to me  
11 there may be a challenge in  
12 determining what is truly a de  
13 minimus amount of debris in the clean  
14 shingles. If I'm a roofer and I'm  
15 separating, why would I not just take  
16 it right to the asphalt plant? Skip  
17 the middle guy and go right to the  
18 asphalt plant, unless there's -- they  
19 wouldn't take it like that. If they  
20 won't, then there could be more than  
21 a de minimus amount. It seems like  
22 that could be a challenge for an  
23 inspector, determining what is truly  
24 de minimus or not.

25 MR. TORNETEN: Well, I think

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1 the whole economics of this is, you  
2 know, going to depend on  
3 transportation. You know. Obviously  
4 a roofer is not going to want to  
5 haul this any further than he  
6 absolutely has to, so if it's -- if  
7 there is a recycling facility that's  
8 reasonably close versus an asphalt  
9 plant where they've got to go twice  
10 as far, they're probably going to  
11 take it to the recycling facility.  
12 Probably also true of the landfill.  
13 If there is a landfill that's really  
14 close, it's probably going to make  
15 more sense to just short-haul it to  
16 the landfill than it is to recycle  
17 it. So that's going to weigh  
18 heavily on the economics of it all.  
19 There is no way of knowing how that  
20 will all pan out.

21 MS. PHILLIPS: To me it is  
22 kind of confusing the distinction  
23 between source separated and not  
24 source separated. I just think that  
25 -- I know I'm kind of backtracking

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1 here, and I apologize. It's just I  
2 think it's kind of confusing -- can  
3 kind of be confusing for some of the  
4 companies out there.  
5 MR. LINN: Traci, I think  
6 an easier -- not easier but the way  
7 I'm thinking about it -- the  
8 distinction I'm making is processed  
9 or unprocessed based on how the  
10 language reads and, yes, source  
11 separated. I can't imagine a roofer  
12 would have twin containers. There's  
13 no room in my house and I've had  
14 three roofs in 24 months. Anybody  
15 who lives in Oklahoma City has had  
16 about the same.  
17 MR. TORNETEN: Three.  
18 MR. LINN: But for me the  
19 issue is source separation -- again,  
20 I don't see how a roofer is going to  
21 have two containers on the lawn at  
22 my house. Very likely, if there  
23 becomes a market for this material  
24 and it's made worthwhile for a roofer  
25 too, they will figure out how to

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1 accomplish it, but I don't see a lot  
2 of source separation at the job site  
3 unless it's a large commercial  
4 situation. There certainly won't be  
5 at my house. But I don't know.  
6 Like you said, it depends on how it  
7 pans out. How the business --  
8 MS. PHILLIPS: Yeah.  
9 MR. LINKER: I'm with  
10 (inaudible) Roll-off Recycling, too.  
11 REPORTER: What is your  
12 name?  
13 MR. LINKER: Don Linker.  
14 REPORTER: Thank you.  
15 MR. LINKER: Our roofers  
16 that we work with, we give them a  
17 break on the price if all their  
18 plastic is bagged, all the trash that  
19 comes off the roof that isn't  
20 shingles, is put right at the front  
21 of the roll-off so we can take it  
22 out with no -- how do I want to say  
23 it?  
24 MR. LINN: No contamination?  
25 MR. LINKER: No

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1 contamination to the load. Now  
2 nails, flashing, and stuff like that  
3 is fine from our asphalt company that  
4 we have talked to, because their  
5 grinder will remove all that with a  
6 magnet. So --  
7 MR. DAVIS: We require less  
8 than five percent board materials  
9 when it's brought to our facility.  
10 Any more than that it's not -- it's  
11 not feasible for us to take that  
12 material in. Wood shakes and things  
13 like that, we don't take those at  
14 all. In fact, we --  
15 MR. SHEPHERD: Take that  
16 straight to the landfill.  
17 MR. DAVIS: Right. But  
18 five percent -- if it's any more  
19 than five percent we reject the load.  
20 MR. SHEPHERD: Well, I --  
21 again, I think we're getting bogged  
22 down in some of the minutia that  
23 might be more suited for our  
24 workgroup if one is proposed by  
25 resolution. And the rules -- the

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1 rules can be amended at any time, so  
2 --  
3 MS. PHILLIPS: I propose a  
4 workgroup be created.  
5 MR. SHEPHERD: Well, let's  
6 vote on the rules first.  
7 Yes.  
8 MR. O'BRIAN: Hi. I'm Mike  
9 O'Brian with Creek County Landfill.  
10 One thing as I'm sitting here  
11 listening to this that I've been  
12 thinking about is, we already have in  
13 place all the landfills and  
14 everything we're trying to accomplish  
15 here can be accomplished in a  
16 landfill. If it's recycling that  
17 we're looking for and we really want  
18 to try to recycle and get it out of  
19 the landfill, which makes a lot sense  
20 to me, is there not something you  
21 can do for us as landfill operators  
22 in the way of credits or whatever in  
23 our DEQ fees that incentivizes (sic)  
24 us to -- to take the shingles out of  
25 the stream? Just a suggestion.

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<p>Sheet 19 Page 70</p> <p>1 MR. SHEPHERD: I suspect, in 2 answer to your question, that that 3 would be a statutory situation; would 4 it not, Fenton?</p> <p>5 MR. ROOD: Remember that 6 part of the reason that the statute 7 was created was that the reported 8 recyclers were vastly undercutting 9 the landfills because the landfills 10 are obligated to have scales and pay 11 DEQ fees. And so the attempt in the 12 statute was to make the requirements 13 the same as what landfills have to 14 already comply with. And I would -- 15 I would expect where market 16 conditions make it feasible, I would 17 expect to see landfills become 18 recyclers.</p> <p>19 MR. ADCOCK: Wouldn't that 20 just require a permit modification on 21 -- on your part and then that would 22 go in your monthly reports to DEQ. 23 I think it's the second column of 24 recycled waste that is -- is not 25 susceptible to the fee that is reused</p>	<p>Page 72</p> <p>1 separate the -- those shingles, would 2 they be required to do that on liner 3 or is that considered C and D, where 4 they can do that on an area that's 5 within the permitted boundary but is 6 not on liner, so they could do that?</p> <p>7 MR. ROOD: Well, remember if 8 you're recycling the shingles you're 9 not disposing of them. So you could 10 have that processing activity 11 wherever it makes sense on your site.</p> <p>12 MR. SHEPHERD: All right. 13 One more time. Any questions or 14 comments? Additional questions or 15 comments?</p> <p>16 MR. LINN: I'll move that 17 the language be approved.</p> <p>18 MR. ADCOCK: Second. 19 MS. FIELDS: Todd Adcock. 20 MR. ADCOCK: Yes. 21 MS. FIELDS: Steve Landers. 22 MR. LANDERS: Yes. 23 MS. FIELDS: Jim Linn. 24 MR. LINN: Yes, ma'am. 25 MS. FIELDS: Traci Phillips.</p>
<p>Page 71</p> <p>1 or recycled waste?</p> <p>2 MR. ROOD: Sure. It would 3 be a simple process because, 4 remember, you're already in 5 compliance with all these 6 requirements here.</p> <p>7 MR. ADCOCK: So that's -- 8 basically to answer his question, 9 that mechanism is in place for you, 10 it's just up to the landfills to 11 make that modification and to start 12 that process.</p> <p>13 MR. LINN: Yeah. I would 14 think, Todd, those loads are going to 15 be weighed when they arrive at the 16 landfill and then they would be just 17 like any other processing facility 18 where their residuals, that is the 19 debris as Fenton calls it, that's 20 left over from the separation 21 process, would be credited in the 22 monthly report.</p> <p>23 MR. ADCOCK: Fenton, would 24 those -- would roofing loads come in 25 if a landfill was to want to</p>	<p>Page 73</p> <p>1 MS. PHILLIPS: Yes. 2 MS. FIELDS: Bill Torneten. 3 MR. TORNETEN: Yes. 4 MS. FIELDS: Jeff Shepherd. 5 MR. SHEPHERD: Yes. 6 MS. FIELDS: Motion passed. 7 MR. SHEPHERD: All right.</p> <p>8 Now we can entertain a motion to 9 establish a workgroup for the roofing 10 recycling facilities. If that's what 11 you want to call it. Roofing 12 Recycling Facilities Workgroup. Is 13 that good enough?</p> <p>14 Who is going to be a part of 15 the workgroup? Do we need to 16 establish all of that? Is this 17 something that is just ad hoc?</p> <p>18 MS. PENN: I think you can. 19 I think you should vote on a motion 20 to establish the workgroup --</p> <p>21 MR. SHEPHERD: Okay. 22 MS. PENN: -- and then I 23 would take volunteers --</p> <p>24 MR. SHEPHERD: Okay. 25 MS. PENN: -- who wants to</p>

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<p>1 be involved in the workgroup. 2 MR. SHEPHERD: Okay. 3 MS. PENN: And maybe just 4 two or three of the committee members 5 would be appropriate and then ask for 6 the people from the industry and the 7 DEQ staff to participate and then you 8 all can setup the mechanics of when 9 and where you're going to meet -- 10 MR. SHEPHERD: Okay. 11 MS. PENN: -- after that. 12 MR. LANDERS: I guess we 13 can have too many committee members; 14 right? 15 MS. PENN: That is correct. 16 You cannot have a quorum. 17 MR. LANDERS: Yeah. 18 MR. SHEPHERD: Then we could 19 set policy. All right. 20 So is there a motion? 21 MS. PHILLIPS: I make a 22 motion to create a workgroup 23 committee to evaluate the roofing 24 material recycling facility 25 requirements for small businesses.</p>	<p>1 MR. LANDERS: It's kind of 2 like work. Come up with a good idea 3 and you get to go do it. 4 MS. PHILLIPS: I know. I 5 know. 6 MR. SHEPHERD: Well, you've 7 also got your ways to -- 8 (Multiple voices) 9 MS. PHILLIPS: All right. 10 I will be the Chair. 11 MR. SHEPHERD: All right. 12 Anyone else want to be a member of 13 the committee. 14 MR. ADCOCK: Yeah. I'll be 15 on it. 16 MR. SHEPHERD: I'll do it, 17 I guess. 18 MS. PENN: Two or three is 19 fine. 20 MR. SHEPHERD: All right. 21 We'll go with three, Traci, and Todd, 22 and myself. 23 Is there anybody from the 24 public that wants to be a part of -- 25 Chris?</p>
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<p>1 MR. LANDERS: I'll second 2 it. 3 MR. SHEPHERD: All right. 4 MS. FIELDS: Todd Adcock. 5 MR. ADCOCK: Yes. 6 MS. FIELDS: Steve Landers. 7 MR. LANDERS: Yes. 8 MS. FIELDS: Jim Linn. 9 MR. LINN: Yes. 10 MS. FIELDS: Traci Phillips. 11 MS. PHILLIPS: Yes. 12 MS. FIELDS: Bill Torneten. 13 MR. TORNETEN: Yes. 14 MS. FIELDS: Jeff Shepherd. 15 MR. SHEPHERD: Yes. 16 MS. FIELDS: Motion passed. 17 MR. SHEPHERD: Okay. Now 18 what do we do? 19 MS. PENN: Now ask for 20 volunteers for the committee. 21 MR. SHEPHERD: Who would 22 like to volunteer? Traci? 23 MS. PENN: I would suggest 24 that Ms. Phillips be the Chair. 25 MR. SHEPHERD: Good idea.</p>	<p>1 MR. DAVIS: Yes. 2 MR. SHEPHERD: Okay. Pete? 3 And that was Chris Davis; correct? 4 MR. DAVIS: Yes. 5 MR. SHEPHERD: Okay. And 6 Pete Schultz. Anybody else? Come 7 on. 8 MR. O'BRIAN: Okay. Mike 9 O'Brian. 10 MR. SHEPHERD: Mike O'Brian. 11 MR. LINKER: I'll be in 12 there, too. Don Linker. 13 MR. SHEPHERD: Okay. 14 MS. PENN: We just need to 15 make sure we collect your contact 16 information so we can make sure we 17 have -- 18 MR. SHEPHERD: Okay. And 19 then we'll work with Fenton or 20 somebody on DEQ representation and 21 when we'll meet and everything. 22 MS. PENN: Yes. 23 MR. SHEPHERD: Okay. I 24 don't guess we need to vote on 25 anything then. Okay. Okay. All</p>

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1 right. Moving on.  
2 Number 7, Public Forum. Open  
3 discussion. Okay.  
4 Number 8. New Business? Is  
5 there any new business?  
6 All right. I think that's it.  
7 That's it.  
8 MR. LINN: Motion to  
9 adjourn.  
10 MR. ADCOCK: Second.  
11 MS. FIELDS: Todd Adcock.  
12 MR. ADCOCK: Yes.  
13 MS. FIELDS: Steve Landers.  
14 MR. LANDERS: Yes.  
15 MS. FIELDS: Jim Linn.  
16 MR. LINN: Yes, ma'am.  
17 MS. FIELDS: Traci Phillips.  
18 MS. PHILLIPS: Yes.  
19 MS. FIELDS: Bill Torneten.  
20 MR. TORNETEN: Yes.  
21 MS. FIELDS: Jeff Shepherd.  
22 MR. SHEPHERD: Yes. Meeting  
23 adjourned.  
24 (Proceeding concluded)

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## C E R T I F I C A T E

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 meeting is the truth, the whole truth, and nothing but the truth; that the foregoing meeting was taken down in shorthand and thereafter transcribed by me; that said meeting was taken on the 17th day of January, 2013, 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 24th day of January, 2013.

*Christy Myers*  
CHRISTY A. MYERS, CSR  
Certificate No. 00310

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**SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL**  
Attendance Record  
January 17, 2013  
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

	<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
<input checked="" type="checkbox"/>	Quiana Feld DEQ	
<input type="checkbox"/>	MIKE O'BRIEN CREEK CO. LANDFILL	
<input type="checkbox"/>	DANNY ROSENUTTER CREEK CO. LANDFILL	
<input checked="" type="checkbox"/>	Kate Kennedy DEQ	
<input checked="" type="checkbox"/>	Jim Linn City of OKC - SWAC	
<input checked="" type="checkbox"/>	Bob Slighty DEQ	
<input type="checkbox"/>	Andy Peoples APAC-Central, Inc.	
<input type="checkbox"/>	Chris Johnson APAC-central, Inc	
<input checked="" type="checkbox"/>	Mike Stickney - DEQ	
<input type="checkbox"/>	Chuck Bradley APAC-CENTRAL-INC.	
<input checked="" type="checkbox"/>	Michelle Woods - DEQ	
<input checked="" type="checkbox"/>	Hillary Young - DEQ	
<input type="checkbox"/>	PATRICK RICEY - DEQ	
<input checked="" type="checkbox"/>	Jon Roberts - DEQ	
<input checked="" type="checkbox"/>	Sarah Penn - DEQ	
<input checked="" type="checkbox"/>	Ferrella March - DEQ	
<input checked="" type="checkbox"/>	Fenton Rood - DEQ	
<input checked="" type="checkbox"/>	Jeff Schwartz - DEQ	
<input checked="" type="checkbox"/>	John C. Modzelewski City of McAlester	
<input type="checkbox"/>	Melissa Laught - Cardinal Engineering	
<input type="checkbox"/>	Melissa Adler-McLubbin - DEQ	
<input checked="" type="checkbox"/>	John Gowan - DEQ	
<input type="checkbox"/>	Kelly Danner OMC	
<input type="checkbox"/>	Steve Landers G-P	



THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL  
 RULEMAKING RECOMMENDATION  
 TO THE ENVIRONMENTAL QUALITY BOARD

**Identification of Proposed Rulemaking:**

Chapter Number and Title:

**OAC 252:515-19-50 Management of Solid Waste**

On **January 17, 2013** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

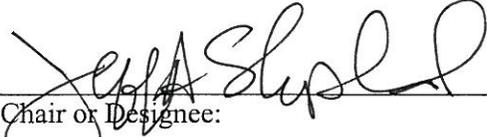
    X     permanent [take effect after legislative review]

           emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

  
 Chair or Designee:

Date Signed: 1/17/13

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Todd Adcock	✓			
<del>Thomas Grafton</del>				
Steve Landers	✓			
Jim Linn	✓			
Brenda Merchant				X
Traci Phillips	✓			
Jeff Shepherd	✓			
Bill Torneten	✓			
Vacancy				
Vacancy				

THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL  
 RULEMAKING RECOMMENDATION  
 TO THE ENVIRONMENTAL QUALITY BOARD

**Identification of Proposed Rulemaking:**

Chapter Number and Title:

**OAC 252:515-1-2 Management of Solid Waste**

On **January 17, 2013** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

  X   permanent [take effect after legislative review]

       emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

  
 Chair or Designee:

Date Signed: 1/17/13

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Todd Adcock	✓			
<del>Thomas Grafton</del>				
Steve Landers	✓			
Jim Linn	✓			
Brenda Merchant				X
Traci Phillips	✓			
Jeff Shepherd	✓			
Bill Torneten	✓			
Vacancy				
Vacancy				

THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL  
 RULEMAKING RECOMMENDATION  
 TO THE ENVIRONMENTAL QUALITY BOARD

**Identification of Proposed Rulemaking:**

Chapter Number and Title:

**OAC 252:515-41 Management of Solid Waste**

On **January 17, 2013** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

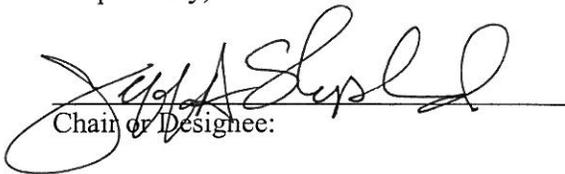
    X     permanent [take effect after legislative review]

           emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

  
 Chain of Designee:

Date Signed: 1/17/13

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Todd Adcock	✓			
<del>Thomas Grafton</del>				
Steve Landers	✓			
Jim Linn	✓			
Brenda Merchant				X
Traci Phillips	✓			
Jeff Shepherd	✓			
Bill Torneten	✓			
Vacancy				
Vacancy				