

DRAFT MINUTES
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL
October 16, 2008
DEQ Multipurpose Room
707 North Robinson
Oklahoma City, Oklahoma

To EQB November 18, 2008
For HWMAC approval 2009
 Scheduled meetings
 January 29 - April 23
 July 23 - October 22

Notice of Public Meeting The Hazardous Waste Advisory Council convened for a continued meeting at 10:00 a.m. October 16, 2008 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 on November 2, 2007. The agenda was posted the meeting facility and the Department of Environmental Quality a minimum of 24 hours prior to the meeting. Mr. Robert Kennedy, Chair, called the meeting to order and roll call was taken and a quorum was confirmed.

MEMBERS PRESENT

Lee Grater
 Earl Hatley
 Bob Kennedy
 Ray Reaves
 Alan Riffel

DEQ STAFF PRESENT

Scott Thompson
 Jon Roberts
 Mike Edwards
 Pam Dizikes
 Don Hensch
 Sherry Combs
 Myrna Bruce

MEMBERS ABSENT

Wesley Anderson
 Bruce Elwell
 Michael Graves
 Paul Hagameier

OTHERS PRESENT

Christy Myers, Court Reporter

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

Chairperson's Report None

Approval of Minutes Mr. Kennedy called for approval of the Minutes. Mr. Earl Hatley moved for approval of the October 11, 2007 Minutes as presented in the packet. Mr. Reaves made the second. Roll call as follows with motion passing.

See transcript pages 5 - 6

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|-------------|-----|-------------|-----|
| Earl Hatley | Yes | Lee Grater | Yes |
| Ray Reaves | Yes | Bob Kennedy | Yes |
| Alan Riffel | Yes | | |

Rulemaking – OAC 252:205-3-1 and OAC 252:205-3-2 Mr. Mike Edwards advised that the proposal would incorporate by reference the federal hazardous waste regulation found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2008. The proposal also would fix a typographical error and add clarification language to part of the Oklahoma

rules in response to a rule involving waste that passed by EPA. Mr. Don Hensch, Land Protection Division identified a change that should be made in 205-3-2(c). After discussion, Mr. Kennedy read the correction into the record and called for a motion. Mr. Earl Hatley moved to accept the regulation as corrected. Mr. Grater made the second.

See transcript pages 6 - 9

| | | | |
|-------------|-----|-------------|-----|
| Earl Hatley | Yes | Lee Grater | Yes |
| Ray Reaves | Yes | Bob Kennedy | Yes |
| Alan Riffel | Yes | | |

Election of Officers Mr. Kennedy suggested Michael Graves for Chairman for the upcoming year. Mr. Reaves made the motion and Mr. Riffel made the second.

See transcript pages 9 - 10

| | | | |
|-------------|-----|-------------|-----|
| Earl Hatley | Yes | Lee Grater | Yes |
| Ray Reaves | Yes | Bob Kennedy | Yes |
| Alan Riffel | Yes | | |

Mr. Kennedy declined to continue as vice-chair and nominated Mr. Lee Grater to serve as vice-chair. Mr. Reaves made the second.

See transcript pages 10 - 12

| | | | |
|-------------|-----|-------------|-----|
| Earl Hatley | Yes | Lee Grater | Yes |
| Ray Reaves | Yes | Bob Kennedy | Yes |
| Alan Riffel | Yes | | |

Announce Dates/Locations 2008 Meetings Discussions led to Calendar Year 2009 meetings being scheduled for January 29, April 23, July 23, and October 22 all at the DEQ Multipurpose Room unless otherwise changed.

See transcript pages 13 - 14

| | | | |
|-------------|-----|-------------|-----|
| Earl Hatley | Yes | Lee Grater | Yes |
| Ray Reaves | Yes | Bob Kennedy | Yes |
| Alan Riffel | Yes | | |

New Business None.

Adjournment Meeting adjourned at 10:25 a.m.

A copy of the hearing transcripts and sign-in sheet are attached and made an official part of these minutes.

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE HAZARDOUS WASTE MANAGEMENT
ADVISORY COUNCIL REGULAR MEETING
HELD ON OCTOBER 16, 2008, AT 10:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA
* * * * *

MYERS REPORTING SERVICE
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MEMBERS OF THE COUNCIL

MICHAEL GRAVES, CHAIR, ABSENT
BOB KENNEDY, VICE-CHAIR
LEE GRATER, MEMBER
ALLAN RIFFEL, MEMBER
RAY REAVES, MEMBER
EARL HATLEY, MEMBER
BRUCE ELWELL, MEMBER, ABSENT
PAUL HAGEMEIERS, MEMBER, ABSENT
WESLEY ANDERSON, MEMBER, ABSENT

STAFF MEMBERS

MYRNA BRUCE, SECRETARY
DON HENSCH, HWD

MEETING

MR. KENNEDY: Good morning. Why don't we get started here. It's looking like it should be a short meeting. One tape only probably here for you, Christy.

(Comment by Reporter)

MR. KENNEDY: Let me start out here. This is the regularly scheduled meeting of the Hazardous Waste Management Advisory Council, and it was called in accordance with the Oklahoma Open Meeting Act.

Notice for this October 16th, 2008 meeting was filed with the Secretary of State on November 30th, 2007. The Agenda was duly posted 24 hours prior to the meeting at the DEQ, at 707 North Robinson, Oklahoma City, Oklahoma.

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.

Myrna, would you do a roll call vote.

MS. BRUCE: Earl Hatley.

MR. HATLEY: Present.

MS. BRUCE: Ray Reaves.

MR. REAVES: Present.

MS. BRUCE: Allen Riffel.

MR. RIFFEL: Present.

MS. BRUCE: Lee Grater.

MR. GRATER: Present.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Present.

MS. BRUCE: And absent we have Paul Hagemeyer, Bruce Elwell, Wesley Anderson, and Michael Graves. And we have a quorum.

MR. KENNEDY: Okay, good. Again, just a reminder for the Council Members, when you're speaking, if you would press on the blue button where you get the red light

that shows your microphone is active. I know that will help at least one person very much here.

Agenda Item Number 3 is the Chairperson's Report. Michael Graves is the Chairperson of our Council this year. He's not present here today. We actually haven't had a meeting since he's been the Chairman, and so there is no Chairperson's Report.

So we're going to move now to Agenda Item Number 4 which is Discussion, Amendment and Roll Call Vote to approve the Minutes of the January 11, 2007 Hazardous Waste Management Advisory Council meeting. Is there any questions or discussion by the Council about our last meeting Minutes? Any questions or discussion by the public?

MR. HATLEY: I would like to move to accept the Minutes.

MR. KENNEDY: Okay.

MR. REAVES: Second.

MR. KENNEDY: Okay. We have a motion and a second. Myrna, would you take a roll call vote.

MS. BRUCE: Earl Hatley.

MR. HATLEY: Aye.

MS. BRUCE: Ray Reaves.

MR. REAVES: Aye.

MS. BRUCE: Allen Riffel.

MR. RIFFEL: Aye.

MS. BRUCE: Lee Grater.

MR. GRATER: Aye.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Aye.

MS. BRUCE: Motion passed.

MR. KENNEDY: Okay. Agenda Item Number 5 is a rulemaking hearing for OAC 252:205-3-1 and OAC 252:205-3-2. This is permanent rulemaking to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260 through 279 revised as of July 1, 2008.

Mike Edwards is going to make a short presentation here.

MR. EDWARDS: All right. Thank you for coming. As Mr. Kennedy just said, the main purpose of this meeting is the incorporation by reference just like we did last year and the past years. That's pretty straightforward. We are also fixing the typographical error that we discovered last year and didn't get a chance to correct. And we're adding clarification language to part of the Oklahoma rules in a response to a rule passed by EPA, involving waste.

I think that's pretty well described in the packet of materials, so I would be happy to answer any questions.

MR. KENNEDY: Is there any discussion or comments from the Council on the proposed changes? Any discussion or comments from the public?

MR. HENSCH: I noticed what appeared to be a typographical error in subparagraph 205-3-2(c) on the second line, "Conditions remain subject to regulation as hazardous waste if they waste". It reads "if they waste" and I think it should be "if the waste".

MR. KENNEDY: That is correct.

MR. GRATER: It should read "the wastes exhibit".

MR. KENNEDY: You're also recommending a change from "waste" to "wastes", pluralizing that.

MR. GRATER: Yes.

MR. KENNEDY: Should that be pluralized or is it singular because of "the listing for F019" here?

MS. DIZIKIES: Can we make it "waste" singular, and "exhibits" plural?

MR. KENNEDY: Are you fine with that?

MR. GRATER: Yes.

MR. KENNEDY: So then corrections, again, that's 252:205-3-2(c)(3) would now state, in 261.31(a), the listing for F010, add at the end: "Zinc phosphate sludges meeting exemption conditions remain subject to regulation as hazardous waste if the waste exhibits a hazardous waste characteristic."

Does that sound right? Okay. Any other comments or discussion concerning this Agenda Item with the modifications that we just made?

Is there a motion then?

MR. HATLEY: I would move to accept the regulations as corrected.

MR. KENNEDY: Is there a second?

MR. GRATER: I'll second that.

MR. KENNEDY: Can we have a roll call vote.

MS. BRUCE: Earl Hatley.

MR. HATLEY: Aye.

MS. BRUCE: Ray Reaves.

MR. REAVES: Aye.

MS. BRUCE: Allen Riffel.

MR. RIFFEL: Aye.

MS. BRUCE: Lee Grater.

MR. GRATER: Aye.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Aye.

MS. BRUCE: Motion passed.

MR. KENNEDY: I'd like to move to Agenda Item Number 6 which is the Election of Officers for 2009. Due to the fact we haven't had a meeting since January when we had nominated Mr. Graves as our Chairman -- he went out of town before I had a chance to visit with him -- but due to his lack of being able to operate in that function very much this past year, I'd like to nominate

Mr. Graves to continue on as the Chair of this Council.

Are there any other nominations for the Chair position from the Council?

MR. REAVES: I'd like to move

that the nomination be closed.

MR. KENNEDY: Okay.

MR. RIFFEL: I'll second that.

MR. KENNEDY: All right. Can we

have a roll call vote on that.

MS. BRUCE: Earl Hatley.

MR. HATLEY: I approve.

MS. BRUCE: Ray Reaves.

MR. REAVES: Aye.

MS. BRUCE: Allen Riffel.

MR. RIFFEL: Aye.

MS. BRUCE: Lee Grater.

MR. GRATER: Aye.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Aye.

MS. BRUCE: Motion passed.

MR. KENNEDY: Now our Vice-Chair position. Do we have any nominations for the Vice-Chair for our Council for the 2009 year?

MR. RIFFEL: I would move that Bob Kennedy be approved.

MR. KENNEDY: I appreciate that. I've been the Vice-Chair for two years -- I've also been the Chairman for about a year-and-a-half, and then Vice-Chair this past year. So to get a new and fresh face in here, I would also nominate Lee Grater to serve in that position as Vice-Chair.

Any other nominations?

MR. RIFFEL: Hearing your comments, I would recall my motion for nomination for Bob Kennedy.

MR. KENNEDY: Okay. If it's acceptable to Lee, which I think it is --

MR. GRATER: I would be honored.

MR. KENNEDY: -- I would make a motion again as Vice-Chair -- to nominate Lee as the upcoming Vice-Chair for 2009.

Is there a second for that?

MR. REAVES: I'll second that.

MR. KENNEDY: Okay. Let's take a roll call vote on that.

MS. BRUCE: Earl Hatley.

MR. HATLEY: Aye.

MS. BRUCE: Ray Reaves.

MR. REAVES: Aye.

MS. BRUCE: Allen Riffel.

MR. RIFFEL: Aye.

MS. BRUCE: Lee Grater.

MR. GRATER: Aye.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Aye.

MS. BRUCE: Motion passed.

MR. KENNEDY: I think in the past, normally, at this point things get turned over to the new Chairman or Vice-Chair. The fact that there is no other business other than Agenda Item 7, if I could go ahead and close out the meeting here, we'll just do that.

Agenda Item 7 is New Business, and it's limited to any matter not known or which could not have been reasonably foreseen prior to the posting of the agenda 24 hours prior to the meeting.

Is there any new business we need to consider that falls within that criteria?

Okay. Is there a motion to adjourn our meeting here right now?

MR. RIFFEL: So moved.

MR. REAVES: Second.

MR. KENNEDY: Okay. Let's take a roll call vote on our adjournment, then.

MS. BRUCE: Earl Hatley.

MR. HATLEY: Aye.

MS. BRUCE: Ray Reaves.

MR. REAVES: Aye.

MS. BRUCE: Allen Riffel.

MR. RIFFEL: Aye.

MS. BRUCE: Lee Grater.

MR. GRATER: Aye.

MS. BRUCE: Bob Kennedy.

MR. KENNEDY: Aye.

MS. BRUCE: Meeting adjourned.

MR. KENNEDY: Agenda Item Number 9 is our open forum session and announcement of dates and locations for 2009 meetings.

Is there anything that anyone would like to bring up in open forum that they would like to discuss at this time?

MR. HENSCH: Good morning. Again, I'm Don Hensch, Land Protection Division. Some of you may have heard about

-- October 7, last week, last Tuesday, the EPA administered and signed a new definition solid waste revision that is basically intended to make recycling easier (inaudible) situations. It applies to -- recycling is done either by the generator on his own property, or by a sister company of the generator. There is also a provision for a separately owned recycling company to accept the waste. But there has to be certain provisions (inaudible) which is financial assurances.

But in any case, I've got written material I'd like to pass out. If you have any questions, I'll try to answer those, otherwise you can read them at your own leisure.

MR. KENNEDY: Okay. Thank you.

If we could look at our 2009 schedule to establish some meeting times here.

(Whereupon, a discussion about 2009 meeting dates took place after which the following was decided)

MR. KENNEDY: By way of review,

that would be January 29, April 23rd, July 23rd, and October 22nd for the 2009 Schedule.

(Board Meeting Dates were announced)

MR. KENNEDY: Thank you.
Anything else?

Thank you all for coming and I appreciate the Council Members being here today as well.

(Meeting Concluded)

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
proceedings is the truth, the whole truth,
and nothing but the truth; that the
foregoing proceeding was taken by me in
shorthand and thereafter transcribed under
my direction; that said proceedings were
taken on the 16th day of October, 2008, 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
23rd day of October, 2008.

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