

**MINUTES**  
**HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL**  
**October 28 2010**

Tulsa Tech- Riverside Campus  
 Alliance & Conferencing Center- Room A-229  
 801 West K Place  
 Jenks, OK 74132

Draft for EQB November 16, 2010  
 Approved HWMAC October 13, 2011

**Notice of Public Meeting** The Hazardous Waste Advisory Council convened for a regular meeting at 10:00 a.m. October 28, 2010 at the Tulsa Technology Center, Riverside Campus. 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 December 3, 2009. The agenda was posted the meeting facility and the Department of Environmental Quality a minimum of 24 hours prior to the meeting. Mr. Lee Grater, Chair, called the meeting to order and roll call was taken and a quorum was confirmed. Mr. Grater welcomed Ms. Slaughter and Ms. Vandell and asked the Council to introduce themselves and provide a bit of background information.

**MEMBERS PRESENT**

Wesley Anderson  
 Lee Grater  
 Michael Graves  
 Earl Hatley  
 Bob Kennedy  
 Ray Reaves  
 Marsha Slaughter  
 Terry Vandell

**DEQ STAFF PRESENT**

Mike Edwards  
 Jerry Sanger  
 Myrna Bruce

**MEMBERS ABSENT**

Stephen Bogdahn

**OTHERS PRESENT**

Christy Myers, Court Reporter

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

**Discussion, Amendment, and Roll Call Vote to Approve the minutes of the April 22, 2010 meeting.** Mr. Graves made motion and Mr. Hatley made the second.

*See transcript pages 5 - 6*

Michael Graves	Yes	Wesley Anderson	Yes
Earl Hatley	Yes	Ray Reaves	Yes
Bob Kennedy	Yes	Marsha Slaughter	Abstain
Lee Grater	Yes	Terry Vandell	Abstain

**Rulemaking Hearing - OAC 252:205-3-1** Mr. Mike Edwards stated that this rulemaking is made yearly to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2010 to be equivalent with federal regulations. Mr. Edwards pointed out two changes that were noted in the Rule Impact Statement. Following discussion, Mr. Grater called for a motion. Mr. Kennedy moved approval as proposed. Mr. Graves made the second.

*See transcript pages 9 - 16*

Michael Graves	Yes	Wesley Anderson	Yes
Earl Hatley	Yes	Ray Reaves	Yes
Bob Kennedy	Yes	Marsha Slaughter	Yes
Lee Grater	Yes	Terry Vandell	Yes

**Election of Officers for 2011** – Following discussion, Lee Grater nominated Ray Reaves for Vice-Chair. Mr. Graves made the second. Mr. Hatley moved that Mr. Reaves be accepted by unanimous vote. Ms. Slaughter seconded.

*See transcript pages 16 - 18*

Michael Graves	Yes	Wesley Anderson	Yes
Earl Hatley	Yes	Ray Reaves	Abstain
Bob Kennedy	Yes	Marsha Slaughter	Yes
Lee Grater	Yes	Terry Vandell	Yes

Mr. Reaves nominated Lee Grater to remain as Chair. Mr. Hatley made the second and Ms. Slaughter moved that nominations cease.

*See transcript pages 19 - 20*

Michael Graves	Yes	Wesley Anderson	Yes
Earl Hatley	Yes	Ray Reaves	Yes
Bob Kennedy	Yes	Marsha Slaughter	Yes
Lee Grater	Abstain	Terry Vandell	Yes

**Announce Dates/Locations for 2011 Meetings** Discussion led to the selection of quarterly meetings on the second Thursday – January 13 ; April 14; July 14; and October 13.

**New Business** General discussion among Council.

**Adjournment** Motion to adjourn made by Mr. Graves with the second by Mr. Hatley.

Michael Graves	Yes	Wesley Anderson	Yes
Earl Hatley	Yes	Ray Reaves	Yes
Bob Kennedy	Yes	Marsha Slaughter	Yes
Lee Grater	Yes	Terry Vandell	Yes

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE REGULARLY SCHEDULED  
HAZARDOUS WASTE MANAGEMENT  
ADVISORY COUNCIL MEETING  
ON OCTOBER 28, AT 10:00 AM  
HELD IN TULSA, OKLAHOMA

\* \* \* \* \*

MYERS REPORTING SERVICE

ORIGINAL

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1 COUNCIL MEMBERS  
2 LEE GRATER - CHAIRMAN  
3 MICHAEL GRAVES  
4 RAY REAVES  
5 ALAN RIFFEL  
6 WESLEY ANDERSON  
7 PAUL HAGAMEIER  
8 EARL HATLEY  
9 BOB KENNEDY  
10 MARSHA SLAUGHTER  
11 TERRY VANDELL  
12  
13 STAFF  
14 MYRNA BRUCE - DEQ SECRETARY  
15 JON ROBERTS  
16 MIKE EDWARDS  
17 JEFFERY SANGER  
18 SHERRY COMBS  
19  
20  
21  
22  
23  
24  
25

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1 Myrna, would you call the roll,  
2 please.  
3 MS. BRUCE: Steven Bogdahn is  
4 absent. Michael Graves.  
5 MR. GRAVES: Here.  
6 MS. BRUCE: Earl Hatley.  
7 MR. HATLEY: Here.  
8 MS. BRUCE: Bob Kennedy.  
9 MR. KENNEDY: Here.  
10 MS. BRUCE: Lee Grater.  
11 MR. GRATER: Here.  
12 MS. BRUCE: Wesley Anderson.  
13 MR. ANDERSON: Here.  
14 MS. BRUCE: Ray Reaves  
15 MS. BRUCE: Marsha Slaughter.  
16 MS. SLAUGHTER: Here.  
17 MS. BRUCE: Terry Vandell.  
18 MS. VANDELL: Here.  
19 MS. BRUCE: We have a quorum and  
20 welcome, Terry and Marsha.  
21 MR. GRATER: We're glad you're  
22 here. Since we have two new Members today,  
23 how about if we go around the room and  
24 introduce ourselves and give a little bit  
25 of background.

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1  
2 PROCEEDINGS  
3  
4 MR. GRATER: Call to order this  
5 meeting of the Hazardous Waste Management  
6 Advisory Council to order.  
7 Protocol Statement. The October 28,  
8 2010 regularly scheduled meeting of the  
9 Hazardous Waste Management Advisory Council  
10 was called in accordance with the Open  
11 Meeting Act. Notice filed with the  
12 Secretary of State on December 3rd, 2009.  
13 The Agenda was duly posted at this facility  
14 and the DEQ, 707 North Robinson, Oklahoma  
15 City, Oklahoma.  
16 Only matters appearing on the posted  
17 Agenda may be considered at this regular  
18 meeting. In the event that this meeting is  
19 continued or reconvened, public notice of  
20 the date, time, and place of the continued  
21 meeting will be given by announcement at  
22 this meeting. Only matters appearing on  
23 the Agenda of a meeting which is continued  
24 may be discussed at the continued or  
25 reconvened meeting.

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1 MR. GRAVES: Michael Graves. I'm  
2 an attorney with Hall Estill. I've been on  
3 this Council since its inception and was  
4 first Chair.  
5 MR. HATLEY: I'm Earl Hatley. I  
6 represent the statewide environmental  
7 community. I'm the Grand River Keeper for  
8 the Grand River Watershed in northeast  
9 Oklahoma. I work with the Oklahoma  
10 Sustainability Network. I'm a member of  
11 their Board of Directors.  
12 MR. KENNEDY: I'm Bob Kennedy  
13 with North Star Environmental, an  
14 environmental consultant here in Tulsa.  
15 I've worked in the hazardous waste business  
16 for about 25 years now. I've been the  
17 Chairman and Vice-Chairman several times on  
18 this Council. I've been a member of the  
19 Council since 1997, I think.  
20 MR. GRATER: I'm Lee Grater. I'm  
21 Senior Compliance Manager at the Clean  
22 Arbors (inaudible) Lone Mountain facility.  
23 I've been on the Council since 2007. I've  
24 been the Chairperson for a year.  
25 MR. ANDERSON: I'm Wesley

1 Anderson. I'm out of Oklahoma City. I'm  
2 an environmental consultant with a company  
3 called Environmental Solutions Specialists  
4 and I've been in the environmental business  
5 for about 25, 26 years and on the Council,  
6 I think, since '97. That's hard to  
7 believe.

8 MR. REAVES: I'm Ray Reaves. I  
9 just retired in 2007 as the County Engineer  
10 of Oklahoma County. And before that I was  
11 a base commander at Tinker Air Force Base  
12 and began the project to clean up Tinker  
13 Air Force Base in 1984. I've been on the  
14 Council since 2007.

15 MS. SLAUGHTER: I'm vaguely  
16 familiar with that work. I'm Marsha  
17 Slaughter. I'm the Utilities Director in  
18 -- for Oklahoma City government. I'm  
19 responsible for water, sewer, and  
20 residential trash in Oklahoma City, which  
21 includes property that Oklahoma City's  
22 water utilities truck leases to Tinker Air  
23 Force Base. It was a part of the cleanup.

24  
25 MS. VANDELL: Terry Vandell. I'm

1 MR. KENNEDY: Yes.  
2 MS. BRUCE: Lee Grater.  
3 MR. GRATER: Yes.  
4 MS. BRUCE: Wesley Anderson.  
5 MR. ANDERSON: Yes.  
6 MS. BRUCE: Ray Reaves  
7 MR. REAVES: Yes.  
8 MS. BRUCE: Marsha Slaughter.  
9 MS. SLAUGHTER: Should I abstain,  
10 given I wasn't present.

11 MS. BRUCE: Either way. If  
12 you've read them and agree --

13 MS. SLAUGHTER: I think I prefer  
14 to abstain.

15 MS. BRUCE: Okay.  
16 And Terry.

17 MS. VANDELL: Abstain.

18 MS. BRUCE: Okay. Motion passed.  
19

20 MR. GRATER: The next issue on  
21 the Agenda is rulemaking hearing for OAC  
22 252:205-3-1. Permanent rulemaking to  
23 incorporate by reference the federal  
24 hazardous waste regulations found in 40 CFR  
25 Parts 124 and 260 through 279 revised as of

1 with ConocoPhillips, Remediation Program  
2 Manager. And I'm out of the Ponca City  
3 Refinery. I manage their remediation  
4 program and numerous other sites for  
5 ConocoPhillips. I've been in this field  
6 for 25-plus years.

7 MR. GRATER: Okay. Any  
8 discussion regarding the minutes of the  
9 April 22, 2010 Hazardous Waste Management  
10 Advisory meeting? Does anyone have any  
11 comments on the meeting -- on the minutes,  
12 I'm sorry.

13 Do we have a motion to approve?

14 MR. GRATER: Do we have a motion  
15 to approve?

16 MR. GRAVES: Move for approval.

17 MR. HATLEY: Second.

18 MR. GRATER: Motion's been  
19 approved and seconded. We'll call for a  
20 roll call vote.

21 MS. BRUCE: Michael Graves.

22 MR. GRAVES: Yes.

23 MS. BRUCE: Earl Hatley.

24 MR. HATLEY: Yes.

25 MS. BRUCE: Bob Kennedy.

1 July 1, 2010.

2 Mike, do you have a presentation?

3 MR. EDWARDS: Yes. Okay.

4 Thanks, Lee and thanks to all of you for  
5 coming. I definitely appreciate the  
6 quorum.

7 This a meeting that we do every year  
8 to change the date in our rules to make it  
9 equivalent with the previous years  
10 additional federal regulations. And it  
11 essentially involves changing a 2009 to a  
12 2010; it's really not a whole lot more  
13 complicated than that as far as the actual  
14 rule change goes. And hopefully you all  
15 did read the Rule Impact Statement. I  
16 think a couple of you may have that in  
17 front of you. That summarizes the two  
18 changes, the federal regulations that we're  
19 incorporating.

20 One of them is basically a  
21 housekeeping thing, it's fixing typos,  
22 fixing broken citations and correcting some  
23 omissions. There's really not any impact  
24 on Oklahoma Hazardous Waste facilities with  
25 that. It's neither more stringent or less

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1 stringent, it's just different.  
2       So there's really not a whole lot  
3 else to say about that one.  
4       The other one that is a little more  
5 significant, I guess, involves cross  
6 boundary shipments of hazardous waste to  
7 foreign countries for purposes of recovery.  
8 For the purposes of this Council, the most  
9 important thing about that is that EPA  
10 regulates that. We won't have any  
11 delegation for those activities because  
12 it s a matter of foreign policy. So again,  
13 that's really not going to have any impact  
14 on the DEQ. It's conceivable that it could  
15 have some impacts on Oklahoma hazardous  
16 waste facilities that are involved in those  
17 types of transactions. But again, since  
18 EPA has jurisdiction over it there is  
19 really no impact on DEQ from that. It's a  
20 little more stringent and that's why we  
21 have to incorporate it in order to maintain  
22 our authorization status.  
23       So, I wish I had more to say about  
24 it but that's literally -- those are the  
25 only two significant changes to the federal

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1 regulations that we are incorporating by  
2 changing those dates. So I'd be happy to  
3 answer any questions, and Jerry Sanger is  
4 here to help me out if I can't answer any  
5 particular question.  
6       MR. HATLEY: These are State  
7 Department rules, right?  
8       MR. EDWARDS: The EPA, these --  
9       MR. HATLEY: Well, I mean they  
10 come down from the State Department to the  
11 EPA --  
12       MR. EDWARDS: That I --  
13       MR. HATLEY: -- since they are a  
14 cross boundary?  
15       MR. EDWARDS: I'm sure they may  
16 be involved in it. But I think EPA has the  
17 ultimate jurisdiction on that. They have -  
18 - basically the facilities that are  
19 involved in that have a lot of  
20 notifications that they have to do to EPA  
21 and I think -- this is pure speculation on  
22 my part, but I suspect it came about  
23 because of the all the stories in the media  
24 involving -- like computer monitors that  
25 went to China and Africa and there were

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1 significant problems with that. So I  
2 suspect that the Feds are beefing that up a  
3 little bit, but again that's kind of  
4 speculation on the reason that I think  
5 that.  
6       MR. GRATER: Mike, I have some  
7 knowledge of the rulemaking process in  
8 regards to materials coming across from  
9 Canada. And strictly speaking there, it s  
10 a negotiation process between EPA and the  
11 Department of Environment Canada, to  
12 reconcile the paperwork at the border  
13 crossings. Which if you've ever been  
14 through that it's -- it's tedious, to say  
15 the least. You have two sets of paperwork  
16 that are just completely different and EPA  
17 tends to -- on our side of the border we  
18 tend to make a different piece of paper, a  
19 different form for every activity. Canada  
20 tends to take one or two import/export  
21 documents and force everything into those,  
22 make them fit whether they do or not.  
23       MR. HATLEY: Well, we do have the  
24 oil pipeline, but I take it this is a  
25 different issue from what I read.

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1       MR. GRATER: Yeah. The  
2 experience that I've had is the material is  
3 either trucked or trained --  
4       MR. HATLEY: Yeah.  
5       MR. GRATER: -- and it's -- that  
6 you're going to have to pass manifest and  
7 go through border and get a customs  
8 clearance and all that at the border.  
9 There's some transportation issues. DOT  
10 gets involved as to whether or not -- and  
11 the Canadian equivalence to whether or not  
12 the transporters have the proper permits on  
13 both sides of the borders or if they have  
14 to transfer the material from one  
15 transporter to another.  
16       Any other comments or questions?  
17       MR. EDWARDS: That's all I have.  
18  
19       MR. GRATER: If there are no  
20 other comments or questions, do we --  
21       MR. KENNEDY: I move that we  
22 accept as proposed, 2009 to 2010.  
23       MR. GRATER: Motion to accept.  
24       MR. GRAVES: Second.  
25       MS. BRUCE: Are you ready for a

1 roll call?  
 2 MR. GRATER: Please.  
 3 MS. BRUCE: Michael Graves.  
 4 MR. GRAVES: Yes.  
 5 MS. BRUCE: Earl Hatley.  
 6 MR. HATLEY: Yes.  
 7 MS. BRUCE: Bob Kennedy.  
 8 MR. KENNEDY: Yes.  
 9 MS. BRUCE: Lee Grater.  
 10 MR. GRATER: Yes.  
 11 MS. BRUCE: Wesley Anderson.  
 12 MR. ANDERSON: Yes.  
 13 MS. BRUCE: Ray Reaves  
 14 MR. REAVES: Yes.  
 15 MS. BRUCE: Marsha Slaughter.  
 16 MS. SLAUGHTER: Yes.  
 17 MS. BRUCE: Terry Vandell.  
 18 MS. VANDELL: Yes.  
 19 MS. BRUCE: Motion passed. Thank  
 20 you.  
 21 MR. GRATER: Next issue is the  
 22 election of officers for 2011. We have a  
 23 Vice-Chairman and a Chairman.  
 24 Any nominations for the  
 25 Vice-Chairman position?

1 MR. GRAVES: Right. Second.  
 2 MR. GRATER: Okay. Are there any  
 3 other nominations?  
 4 MR. HATLEY: I move that we  
 5 accept Mr. Reaves by unanimous vote.  
 6 MS. SLAUGHTER: Second.  
 7 MS. BRUCE: I said we didn't need  
 8 microphones in here but it's just but --  
 9 MR. GRATER: I can talk lower.  
 10 MS. BRUCE: Now are we ready for  
 11 a vote?  
 12 MR. GRATER: Yeah.  
 13 MS. BRUCE: For Vice-Chair -- Ray  
 14 Reaves for Vice-Chair.  
 15 Michael Graves.  
 16 MR. GRAVES: Yes.  
 17 MS. BRUCE: Earl Hatley.  
 18 MR. HATLEY: Yes.  
 19 MS. BRUCE: Bob Kennedy.  
 20 MR. KENNEDY: Yes.  
 21 MS. BRUCE: Lee Grater.  
 22 MR. GRATER: Yes.  
 23 MS. BRUCE: Wesley Anderson.  
 24 MR. ANDERSON: Yes.  
 25 MS. BRUCE: Ray Reaves

1 MR. GRAVES: I nominate Bob  
 2 Kennedy.  
 3 MR. KENNEDY: I'd like to decline  
 4 another year, if I -- well, I can; not if I  
 5 can, I can't. And see if again we can --  
 6 again, I've had the position twice as Chair  
 7 and twice as Vice-Chair so if there are  
 8 some other recommendations for rotating the  
 9 position.  
 10 MR. REAVES: Is there a problem  
 11 with keeping the same Chair?  
 12 MR. KENNEDY: That is, and we've  
 13 done that several times when it's kind of  
 14 been a quieter year.  
 15 MR. REAVES: Would I have to  
 16 nominate Lee? Is that the way to do it?  
 17 MR. GRATER: We're actually  
 18 working on a Vice-Chair right now, I think.  
 19  
 20 MR. REAVES: Oh. Okay.  
 21 MR. GRATER: For Vice-Chair I  
 22 would nominate Ray Reaves since Bob  
 23 declined.  
 24 (Comments)  
 25 MR. GRATER: Is there a second?

1 MR. REAVES: Abstain.  
 2 MS. BRUCE: Marsha Slaughter.  
 3 MS. SLAUGHTER: Yes.  
 4 MS. BRUCE: Terry Vandell.  
 5 MS. VANDELL: Yes.  
 6 MS. BRUCE: Thank you.  
 7 MR. GRATER: Are there  
 8 nominations for Chairman?  
 9 MR. REAVES: I nominate Lee as  
 10 Chair.  
 11 MR. HATLEY: Second.  
 12 MR. GRATER: Are there any other  
 13 nominations?  
 14 MS. SLAUGHTER: I move that the  
 15 nominations cease.  
 16 MR. GRATER: Okay. Myrna, do the  
 17 roll.  
 18 MS. BRUCE: Michael Graves.  
 19 MR. GRAVES: Yes.  
 20 MS. BRUCE: Earl Hatley.  
 21 MR. HATLEY: Yes.  
 22 MS. BRUCE: Bob Kennedy.  
 23 MR. KENNEDY: Yes.  
 24 MS. BRUCE: Lee Grater.  
 25 MR. GRATER: Abstain.

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1 MS. BRUCE: Wesley Anderson.  
2 MR. ANDERSON: Yes.  
3 MS. BRUCE: Ray Reaves  
4 MR. REAVES: Yes.  
5 MS. BRUCE: Marsha Slaughter.  
6 MS. SLAUGHTER: Yes.  
7 MS. BRUCE: Terry Vandell.  
8 MS. VANDELL: Yes.  
9 MS. BRUCE: Motion passed.  
10 MR. GRAVES: In keeping with our  
11 tradition, you've got to do it for two  
12 years. Misery loves company.  
13 MR. GRATER: I appreciate that.  
14 Announce dates for the 2011  
15 meetings. Anyone have any -- Mike, do you  
16 have any suggestions on what, when, and  
17 where?  
18 MR. EDWARDS: I defer to Myrna.  
19 MR. GRAVES: She's the calendar  
20 queen.  
21 MR. GRATER: Okay.  
22 MS. BRUCE: We have been doing  
23 like the fourth Thursday which is what this  
24 is, but that gets pretty close to our Board  
25 meetings when we have to go into the month

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1 for the Board. I discussed with Mike, and  
2 we think maybe the second Thursday -- first  
3 or second Thursday would be best. Either  
4 way you want, moving it up --  
5 MR. GRATER: Sure. Sure.  
6 MS. BRUCE: -- and you typically  
7 meet on Thursday. In January, like the  
8 first Thursday is the 6th and the second  
9 Thursday is 13th.  
10 MR. KENNEDY: You might want to  
11 go to the second on the first of the year.  
12 I don't know if any other holidays are that  
13 close to the first week for April and --  
14 MS. BRUCE: And then April there  
15 are no holidays. The second Thursday is  
16 the 14th. The first Thursday is the 7th  
17 but if we -- if we kind of go on the second  
18 one, April is the 14th, and then July the  
19 second Thursday is also the 14th. That  
20 gets us away from the 4th of July holiday.  
21 And then in October the second Thursday  
22 will be the 13th and that gives us a couple  
23 more weeks to go into the November Board  
24 meeting if we need to.  
25 MR. GRATER: Uh-huh.

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1 MS. BRUCE: If you --  
2 MR. KENNEDY: I think second  
3 Thursday in those quarters on those months  
4 are fine.  
5 MR. GRATER: Is that a formal  
6 motion?  
7 MR. KENNEDY: I move that we plan  
8 our 2011 calendar for -- the dates again  
9 will be --  
10 MS. BRUCE: January 13th.  
11 MR. KENNEDY: January 13 --  
12 MR. GRAVES: April 14, July 14,  
13 and October 13.  
14 MR. KENNEDY: Exactly. I don't  
15 have my reading glasses today and that's  
16 very small print.  
17 MR. GRATER: Any other comments  
18 or discussion? Does that work for  
19 everybody?  
20 MS. BRUCE: That works.  
21 MR. GRATER: I'll second it.  
22 MR. KENNEDY: At 10:00 a.m.  
23 again?  
24 MR. GRATER: Yeah.  
25 MS. BRUCE: Do you want to talk

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1 about locations?  
2 MR. GRATER: Yeah.  
3 MR. KENNEDY: I'd like all four  
4 of them to be here. I live four miles from  
5 here.  
6 MR. GRATER: What do you think,  
7 Mike?  
8 MR. EDWARDS: Well, we were  
9 discussing earlier that with the potential  
10 weather concerns might be an idea -- sorry,  
11 Bob, to take it back to the DEQ, at least  
12 for the October meeting and January, and a  
13 lot of the times the other two meetings get  
14 cancelled.  
15 MR. GRATER: Uh-huh.  
16 MR. EDWARDS: The only thing on  
17 the horizon right now to indicate that  
18 those meetings are going to be necessary  
19 [inaudible] but there's a pretty good  
20 chance those meetings might get cancelled.  
21 So I guess my suggestion would be DEQ in  
22 Oklahoma City for the January and October  
23 meetings and the other two I really don't  
24 have any.  
25 MR. KENNEDY: Leave them open or

1 -- I think in the past some people have had  
2 some suggestions, you know, later on in the  
3 year and with enough time, where people are  
4 coming from. If they're coming from the  
5 northeast --

6 MR. HATLEY: Yeah. Way in the  
7 corner. So if I'm going to Tulsa, to go on  
8 to Oklahoma City is not that bad.

9 MR. EDWARDS: I'll be happy to  
10 sign your travel claims if that worries --

11 MR. GRAVES: Why don't we skip --  
12 tentatively schedule the April and July  
13 ones for here just so if something is down  
14 we can change them later. They probably  
15 won't happen anyway.

16 MR. GRATER: Yeah. We can change  
17 them. Likely if we have those two meetings  
18 there is a pretty good possibility that  
19 they would involve something that's a  
20 regional issue. And it might be  
21 appropriate to just schedule them near the  
22 heart of the issue. So if we schedule them  
23 here, they're subject to change.

24 MR. EDWARDS: The first meeting  
25 at DEQ; second and third, Tulsa, or at the

1 MR. KENNEDY: Yes.  
2 MS. BRUCE: Lee Grater.  
3 MR. GRATER: Yes.  
4 MS. BRUCE: Wesley Anderson.  
5 MR. ANDERSON: Yes.  
6 MS. BRUCE: Ray Reaves  
7 MR. REAVES: Yes.  
8 MS. BRUCE: Marsha Slaughter.  
9 MS. SLAUGHTER: Yes.  
10 MS. BRUCE: Terry Vandell.  
11 MS. VANDELL: Yes.

12 MS. BRUCE: Motion passed. Thank  
13 you.

14 MR. GRATER: Do we have any new  
15 business; limited to any matter not  
16 reasonable foreseen prior to the time of  
17 the posting of the Agenda.

18 MR. HATLEY: Well, there were  
19 going to be some citizens here that had  
20 called me about Bartlesville and the  
21 cleanup that is going on up there from the  
22 smelter.

23 MR. GRATER: The zinc smelter?

24 MR. HATLEY: Yes. And they were  
25 telling me all kinds of problems that were

1 DEQ?

2 MR. GRATER: Yeah. We don't want  
3 to miss those January ice storms in  
4 Oklahoma City.

5 (Further discussion about meeting  
6 dates)

7 MR. GRATER: So we're looking at  
8 the first and last meeting in Oklahoma City  
9 at the DEQ office, the other two  
10 tentatively scheduled for this facility in  
11 Tulsa with subject to change as needed by  
12 whatever issues are presented at those  
13 meetings.

14 Any other comments? Do we have a  
15 motion?

16 MR. HATLEY: I so moved.

17 MR. GRATER: Second?

18 MR. GRAVES: Second.

19 MR. GRATER: Moved and seconded.

20 Myrna.

21 MS. BRUCE: Michael Graves.

22 MR. GRAVES: Yes.

23 MS. BRUCE: Earl Hatley.

24 MR. HATLEY: Yes.

25 MS. BRUCE: Bob Kennedy.

1 going on. I thought that they were going  
2 to be here but they are not here.

3 There is a group of citizens that  
4 are starting to get organized over what  
5 they're seeing. I guess all I can do is  
6 give you a heads-up on that, because I  
7 haven't driven over there to see what  
8 they're talking about. They said they  
9 would come here and explain it but they  
10 didn't.

11 MR. REAVES: Earl, what location  
12 is that?

13 MR. HATLEY: At -- what did I  
14 say? I meant Blackwell.

15 MR. GRATER: No. You said  
16 Bartlesville.

17 MR. HATLEY: Did I say  
18 Bartlesville?

19 MR. GRATER: Okay.

20 MR. HATLEY: I'm sorry. I got --

21  
22 MR. GRAVES: Yeah. I thought  
23 that would have already been taken care of.

24

25 MR. HATLEY: I worked in

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1 Bartlesville on that one and so it always  
2 pops out of my head. No, I mean Blackwell.  
3 And I don't know, that issue has been going  
4 on for so many years I thought it was done  
5 and then they showed up at my office --  
6 well at our conference that we had in  
7 Miami, and were going on and on about that.  
8 So I invited them here to raise the issue,  
9 but they didn't show up so I just -- they  
10 may come at one of our meetings. If they  
11 do I guess we can talk about what they have  
12 to say. I'm not going to speak for them  
13 because I haven't seen for myself -- I  
14 haven't gone over there.  
15 MR. GRATER: So this is an issue  
16 that is appropriate for this Council to  
17 deal with. Should they contact Mike and --  
18 MR. HATLEY: Yeah. Yeah.  
19 MR. EDWARDS: And I would  
20 definitely recommend if not me, at least  
21 somebody in our division.  
22 MR. HATLEY: Okay.  
23 MR. EDWARDS: Especially if they  
24 do want to raise issues at one of our  
25 meetings, if we could have a little bit of

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1 notice just so we could have the  
2 appropriate personnel here. Because I  
3 don't have any dealings with legal  
4 situations and I'm not sure even if we do -  
5 -  
6 MR. SANGER: They don't have to  
7 take it to the Council for that.  
8 MR. KENNEDY: Just make it an  
9 agenda item.  
10 MR. HATLEY: I've talked to Scott  
11 about that issue in the past and, you know,  
12 he seems to be really up on it. That's why  
13 I thought it was done. But --  
14 MR. EDWARDS: I think there's  
15 been some additional lawsuits but --  
16 MR. HATLEY: Yeah. There is  
17 something going on there. They were  
18 telling me that there's places that haven't  
19 been cleaned up yet and, you know, they're  
20 having trouble on it. I heard about some  
21 lawsuits and I thought that thing was off  
22 the radar years ago, so that was a surprise  
23 to me.  
24 MR. EDWARDS: We can definitely  
25 have some people that are involved in that

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1 oversight attend one of these meetings.  
2 MR. HATLEY: And the other thing  
3 is EPA is doing rulemaking on fly ash from  
4 power plants and the -- right now they're  
5 taking public comment on whether to put fly  
6 ash landfills under RCRA Subtitle C or D,  
7 hazardous or, special is what they're  
8 calling it otherwise. I know Scott  
9 Thompson has been in the newspaper several  
10 times saying that it should not be  
11 regulated. I didn't know that employees  
12 could express those kinds of opinions, but  
13 he's done that. So I don't know how that's  
14 going to fall. That might end up at our  
15 table at some point.  
16 MR. GRATER: I don't think  
17 anybody does at this point in time.  
18 MR. HATLEY: Yeah. That's all I  
19 got.  
20 MR. KENNEDY: Some times Scott,  
21 you know, does gives the Director's Report.  
22 I know he's not here today, but Jerry, do  
23 you have any comment on the status of the  
24 fly ash at the federal --  
25 MR. SANGER: Well, on the fly ash

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1 issue, as you said, it's open for public  
2 comment at the federal level. And I think  
3 depending on how that goes, if they do want  
4 to regulate it pursuant to Subtitle C then  
5 it would fall within your -- within this  
6 Council's jurisdiction. And then we would  
7 have to decide what the state wants to do  
8 with it. It sounds like it would be a more  
9 stringent rule, so it does become a part of  
10 the hazardous waste program. If we want to  
11 maintain our authorization we have to  
12 continue to be at least as stringent as the  
13 federal program. And, therefore, we would  
14 have to decide if we really wanted to fight  
15 that battle.  
16 If it goes a solid waste route then,  
17 it would go to the Solid Waste Council to  
18 vote on it. so I think right now it's --  
19 MR. GRATER: Uh-huh.  
20 MR. SANGER: -- kind of up to the  
21 federal ruling process.  
22 MR. HATLEY: And then on the  
23 other hand we can do what we want as long  
24 -- we can be more stringent if we want to  
25 be. What -- I remember now what Scott was

1 talking about was fly ash as a product.  
 2 And he was right that fly ash is a product,  
 3 but it's just like the chat piles at  
 4 Picher. Those chat piles, yeah, they're a  
 5 product but we have a superfund up there  
 6 cleaning it up. So they're selling what  
 7 they can and what they can't sell is going  
 8 to be put in a hazardous waste-type  
 9 landfill situation and capped. And say,  
 10 you do the same thing with fly ash, what  
 11 you don't sell has to be dealt with and  
 12 tonight you're going to see -- I'm pretty  
 13 sure it's tonight, on one of the TV  
 14 stations, at least here in Tulsa they're  
 15 running a report on Bokoshe and the fly ash  
 16 problem down there with the AES plant at  
 17 Poteau. And that has -- I've worked with  
 18 those people in Bokoshe and there was a lot  
 19 of illegal things being done down there and  
 20 a lot of people have gotten sick and I'm  
 21 not a doctor so I can't make those  
 22 connections. All I know is I've driven  
 23 through the area and people are wearing  
 24 respirators and you can see the fly ash in  
 25 the air and so somewhere there has to be a

1 would be adjournment.  
 2 MR. GRAVES: So moved.  
 3 MR. HATLEY: Second.  
 4 MR. GRATER: Moved and seconded,  
 5 Myrna.  
 6 MS. BRUCE: Michael Graves.  
 7 MR. GRAVES: Yes.  
 8 MS. BRUCE: Earl Hatley.  
 9 MR. HATLEY: Yes.  
 10 MS. BRUCE: Bob Kennedy.  
 11 MR. KENNEDY: Yes.  
 12 MS. BRUCE: Lee Grater.  
 13 MR. GRATER: Yes.  
 14 MS. BRUCE: Wesley Anderson.  
 15 MR. ANDERSON: Yes.  
 16 MS. BRUCE: Ray Reaves  
 17 MR. REAVES: Yes.  
 18 MS. BRUCE: Marsha Slaughter.  
 19 MS. SLAUGHTER: Yes.  
 20 MS. BRUCE: Terry Vandell.  
 21 MS. VANDELL: Yes.  
 22 MS. BRUCE: Thank you. We are  
 23 adjourned.  
 24 (Meeting Concluded)  
 25

1 balance. And I think that got shut down  
 2 and that's partly why EPA is doing this is  
 3 because one of the -- well, I know the  
 4 Water Keeper Alliance, with which I'm  
 5 affiliated in, Sierra Club, has gone across  
 6 country and picked out issues like this and  
 7 put them together and that caused EPA to  
 8 come up with public comment. And I've  
 9 looked at a lot of fly ash landfills, you  
 10 know, around Oklahoma and for the most part  
 11 they are being managed. I don't see dust  
 12 or anything like that. As long as we can  
 13 keep them out of ground and surface water  
 14 that's the main issue -- and out of the  
 15 air. But we're talking about what isn't  
 16 sold and there is a distinction there. So  
 17 if we want to look into that, we can, or  
 18 just wait and see what EPA does. You'll  
 19 probably want to just wait for EPA, I'm  
 20 sure.  
 21 MR. GRATER: I don't think we  
 22 have any choice.  
 23 Is there any other comments or  
 24 questions?  
 25 I guess the next order of business

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1                    C E R T I F I C A T E  
2 STATE OF OKLAHOMA    )  
3                    )    ss:  
4                    I, CHRISTY A. MYERS, Certified  
5 Shorthand Reporter in and for the State of  
6 Oklahoma, do hereby certify that the above  
7 meeting is the truth, the whole truth, and  
8 nothing but the truth; that the foregoing  
9 meeting was taken down in stenography and  
10 thereafter transcribed by me; that said  
11 meeting was taken on the 28th day of  
12 October, 2010, at Tulsa, Oklahoma; and that  
13 I am neither attorney for, nor relative of  
14 any of said parties, nor otherwise  
15 interested in said action.  
16                    IN WITNESS WHEREOF, I have hereunto  
17 set my hand and official seal on this, the  
18 31st day of October, 2010.  
19  
20  
21                    \_\_\_\_\_  
22                    CHRISTY A. MYERS, C.S.R.  
23                    Certificate No. 00310  
24  
25

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