

**MINUTES
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL**

October 9, 2014

Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official after Approved by HWMAC
On April 15, 2015

Notice of Public Meeting - The Hazardous Waste Advisory Council convened for a Regular Meeting at 10:00 a.m. on October 9, 2014 at the Oklahoma Department of Environmental Quality (DEQ), 707 N. Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meetings Act, with notice of the meeting given to the Secretary of State on November 18, 2013. The agenda was posted at the DEQ at least twenty-four hours prior to the meeting. Mr. Lee Grater, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Wesley Anderson
Michael Graves
Bob Kennedy
Marsha Slaughter
Noble Stanfield
Terry Vandell
Lee Grater

DEQ STAFF PRESENT

Stephen Baldrige
Kelly Dixon
Quiana Fields
Traci Kelly
Mike Edwards
Jon Roberts
Clifton Hoyle
Roarke Blackwell

MEMBERS ABSENT

Eric Benson
Ray Reaves

OTHERS PRESENT

Judy Thompson, Court Reporter

Chairperson's Report - Ms. Kelly Dixon, Division Director of the Land Protection Division (LPD) gave a brief overview of changes within the agency and the division. Mr. Grater welcomed new Councilmember, Noble Stanfield who replaced Earl Hatley.

See transcript pages 4 - 9

Discussion, Amendment, and Roll Call Vote to Approve the Minutes of the October 10, 2013 meeting - Mr. Graves moved to approve and Mr. Kennedy made the second.

See transcript pages 9 - 10

Wesley Anderson	Yes	Noble Stanfield	Yes
Michael Graves	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Marsha Slaughter	Yes		

Presentation and Discussion – Mr. Jon Roberts, Environmental Programs Manager of the LPD gave an overview on the DEQ budget as it applies to the Hazardous Waste Program.

See transcript pages 10 - 15

Rulemaking Hearing – OAC 252:205-3-1 and 205-3-2 - Mr. Edwards mentioned that this permanent rulemaking is to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2014. Also, Mr. Edwards stated the one significant change for this rule is a conditional exclusion for solvent contaminated wipes.

Following questions and comments by the Council, and none by the public, Mr. Grater called for a motion. Mr. Graves moved to approve. Ms. Slaughter made the second.

See transcript pages 15 - 18

Wesley Anderson	Yes	Noble Stanfield	Yes
Michael Graves	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Marsha Slaughter	Yes		

Elections of Officers for 2015 - Mr. Graves nominated that Mr. Reaves remain as Vice-Chair. Mr. Grater made the second.

See transcript pages 18 - 20

Wesley Anderson	Yes	Noble Stanfield	Yes
Michael Graves	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Marsha Slaughter	Yes		

Mr. Graves nominated that Mr. Grater remain as Chair. Ms. Slaughter made the second.

See transcript pages 20 - 21

Wesley Anderson	Yes	Noble Stanfield	Yes
Michael Graves	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Abstain
Marsha Slaughter	Yes		

Set Meeting Dates for 2015 - Mr. Grater stated the Council needs to set dates for next year. Following discussion by the Council and staff, the proposed meetings set for 2015 will be April 15 in Oklahoma City and October 8 in Tulsa. Mr. Kennedy moved to accept the dates proposed. Mr. Anderson made the second.

See transcript pages 21 - 27

Wesley Anderson	Yes	Noble Stanfield	Yes
Michael Graves	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Marsha Slaughter	Yes		

New Business - None

Adjournment – Mr. Graves moved to adjourn and Ms. Vandell made the second.

See transcript pages 39 - 40

Wesley Anderson	Yes	Noble Stanfield	Yes
Michael Graves	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Marsha Slaughter	Yes		

TRANSCRIPT OF PROCEEDINGS
OF THE DEPARTMENT OF ENVIRONMENT QUALITY
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL
ON OCTOBER 9, 2014, AT 10:00 A.M.
HELD IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY: JUDY THOMPSON, CSR

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<p>1 MEMBERS OF THE COUNCIL 2 MR. WESLEY ANDERSON 3 MR. ERIC BENSON 4 MR. MICHAEL GRAVES 5 MR. BOB KENNEDY 6 MS. MARSHA SLAUGHTER 7 MR. NOBLE STANFIELD 8 MS. TERRY VANDELL 9 MR. LEE GRATER 10 RAY REAVES 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 Ms. Slaughter? 2 MS. SLAUGHTER: Here 3 MS. FIELDS: Mr. Stanfield? 4 MR. STANFIELD: Here. 5 MS. FIELDS: Ms. Vandell? 6 MS. VANDELL: Here. 7 MS. FIELDS: Mr. Grater? 8 MR. GRATER: Here. 9 MS. FIELDS: We have a quorum. 10 MR. GRATER: The Chairperson's report is 11 the next item on the Agenda. I'll yield to Mike 12 Edwards. 13 MR. EDWARDS: Thank you, Mr. Grater. 14 I just wanted to say, welcome to the 15 Council, to Mr. Stanfield, and the rest of the 16 members. 17 I'm just going to introduce our new 18 Division Director, Kelly Dixon. As you all probably 19 know, she is our new Division Director. So I'll 20 hand it off to her. 21 MS. DIXON: Good morning. Can everybody 22 hear me? 23 Welcome. I'm glad to be here today and 24 want to thank you guys for coming and thank you for 25 your service to the State and to the Division and to</p>
Page 3	Page 5
<p>1 (Meeting commenced at 10 00) 2 MR. GRATER: The October 9, 2014, regularly 3 scheduled meeting of the Hazardous Waste Management 4 Advisory Council is called in accordance with the 5 Open Meetings Act. 6 Notice was filed with the Secretary of 7 State on November 18, 2013. The Agenda was duly 8 posted 24 hours prior to the meeting of the DEQ. 9 Only matters appearing on the posted Agenda 10 can be considered at this regular meeting. In the 11 event that this meeting is continued or reconvened, 12 public notice of the date, time, and place of the 13 continued meeting will be given by announcement at 14 this meeting. Only matters appearing on the Agenda 15 of a meeting which is continued may be discussed at 16 the continued or reconvened meeting. 17 Will you do the roll call? 18 MS. FIELDS: Mr. Anderson? 19 MR. ANDERSON: Here. 20 MS. FIELDS: Mr. Benson is absent 21 Mr. Graves? 22 MR. GRAVES: Here. 23 MS. FIELDS: Mr. Kennedy? 24 MR. KENNEDY: Here. 25 MS. FIELDS: Mr. Reeves is absent</p>	<p>1 the Agency. 2 I wanted to sort of give you a little brief 3 overview of some changes since the last time we met, 4 which I think was October of last year. We've had a 5 lot of changes, and many of you may know them. But 6 in case you haven't heard, I'm just going to go 7 through them real quickly. 8 Scott Thompson, who was our Division 9 Director, has gone on to be the Executive Director 10 over our Agency. That's created sort of a trickle 11 effect in our division. I was the Assistant 12 Director for four years, and then I was Acting 13 Director. Now I'm the Director. 14 Fenton Rood has moved up to the Assistant 15 Director. Many of you may know him. 16 Scott also created a new division called 17 External Affairs. And the purpose of that division 18 is to really enhance our customer service and our 19 technical assistance to the regulated community and 20 to the citizens of the State. 21 That new division is populated by two 22 people from our division, or formerly from our 23 division. One is Lloyd Kirk. He's the Division 24 Director, who was formerly our Brownfields Manager 25 in our division.</p>

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1 And then Saba Tahmassebi, who was our Chief
 2 Engineer, is now in the External Affairs Division.
 3 He has a new roll called the Agency Chief Engineer.
 4 And he also has a role as Ombudsman for permit
 5 assistance, especially for people who are
 6 experiencing issues with permits.
 7 So that whole division has been created to
 8 really help us enhance our customer service.
 9 Scott also wanted the Agency -- not really
 10 a new direction, but really wanted us to focus on
 11 customer assistance and to come up with practical
 12 solutions to problems. So we're all engaged in
 13 figuring out how we do that and working towards
 14 doing that.
 15 One other thing I wanted to talk to you
 16 about is a snapshot of the Agency Budget. You may
 17 or may not know that about 60 percent of the
 18 Agency's budget is fees. Ten percent of the budget
 19 is appropriations and then 30 percent is Federal
 20 funds. That's for the whole Agency.
 21 Land Protection Division doesn't have any
 22 appropriations at all, which is the good news -- the
 23 good news and the bad news.
 24 So unless you were paying attention in May
 25 of this year, the Legislature reduced our budget

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1 They took \$1.9 million in State appropriations and
 2 \$12 million of our revolving fund, which is,
 3 basically, our fee balances.
 4 That \$1.9 million affected, primarily,
 5 three divisions in our Agency: The Lab, Water
 6 Quality Division and our Local Services Division.
 7 The revolving funds affected, primarily,
 8 Land. And the money that went back to the State
 9 from the Revolving Fund mostly came from our cleanup
 10 programs.
 11 So that's kind of that in a snapshot.
 12 Going forward, this coming legislative
 13 session, we plan to ask them to make us whole on the
 14 appropriations, ask for that money back, as an
 15 ongoing source of income.
 16 And we also plan to ask for money to help
 17 replace aging equipment in our lab, so we can
 18 maintain our excellence in our lab.
 19 We will also be asking for restorations for
 20 some of our cleanup money.
 21 So that's kind of a snapshot of what's been
 22 happening in our Agency since you last met.
 23 And, unless you guys have questions, I'll
 24 turn it back over to Mike.
 25 MR. GRATER: Ms Kelly?

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1 MS. DIXON: Yes.
 2 MR. GRATER: The Revolving Fund money that
 3 you lost for the cleanups, is that, primarily, from
 4 the underground storage tank cleanup funds or --
 5 MS. DIXON: Some of it was. The bulk of it
 6 was, yes. I think Jon is going to go over the
 7 Hazardous Waste budget in more detail for you guys,
 8 and you'll see some of that.
 9 MR. GRATER: And you lost the appropriated
 10 portion of that, in total?
 11 MS. DIXON: Excuse me?
 12 MR. GRATER: You lost the total amount that
 13 had been appropriated to the Agency?
 14 MS. DIXON: No, no, not the total amount.
 15 It was \$1.9 million.
 16 MR. GRATER: Okay. What percentage of the
 17 total?
 18 MS. DIXON: I don't know.
 19 MR. GRATER: Thank you.
 20 MR. EDWARDS: I guess, since it's been
 21 handed back to me, I will hand it immediately back
 22 to you, Lee.
 23 MR. GRATER: Okay, thank you.
 24 The Chairperson's Report, introduction of
 25 new Council Members

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1 Welcome.
 2 MR. STANFIELD: Thank you.
 3 MR. GRATER: You're replacing Earl Hatley.
 4 Earl served for an awfully long time. I actually
 5 wasn't aware that he was no longer serving. Did he
 6 withdraw or retire?
 7 MR. EDWARDS: To be honest, I'm not really
 8 sure exactly what the reasons are.
 9 MR. GRATER: Welcome, sir.
 10 MR. STANFIELD: Thank you.
 11 MR. GRATER: The next issue on the Agenda
 12 is Discussion, Amendment and Roll Call Vote to
 13 Approve the Minutes, to approve the Minutes of the
 14 October 10, 2013, Hazardous Waste Management
 15 Advisory Council meeting.
 16 Are there any questions or discussions from
 17 Members of the Council?
 18 (No questions or discussions)
 19 I, personally, read them, and I didn't find
 20 any exceptions that I could see.
 21 MR. GRAVES: I move for adoption.
 22 MR. GRATER: There's been a move to adopt.
 23 MR. KENNEDY: I'll second.
 24 MR. GRATER: It's been seconded.
 25 Would you call the roll, please?

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1 MS. FIELDS: Mr. Anderson?
 2 MR. ANDERSON: Yes.
 3 MS. FIELDS: Mr. Graves?
 4 MR. GRAVES: Yes.
 5 MS. FIELDS: Mr. Kennedy?
 6 MR. KENNEDY: Yes.
 7 MS. FIELDS: Ms. Slaughter?
 8 MS. SLAUGHTER: Yes.
 9 MS. FIELDS: Mr. Stanfield?
 10 MR. STANDFIELD: Yes.
 11 MS. FIELDS: Ms. Vandell?
 12 MS. VANDELL: Yes.
 13 MS. FIELDS: Mr. Grater?
 14 MR. GRATER: Yes.
 15 MS. FIELDS: Motion passed.
 16 MR. GRATER: The next item on the Agenda is
 17 the Presentation and Discussion of the DEQ budget as
 18 it applies to the Hazardous Waste Program. Mr. Jon
 19 Roberts will be addressing us.
 20 MR. ROBERTS: Thank you, Mr. Grater.
 21 One of the things Scott had wanted to do
 22 with all the Councils is to be a little bit more
 23 forthcoming with you on our budget, so you'll
 24 understand a little bit better where the fees and
 25 appropriations and stuff go in each one of the

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1 programs. So I'm going to give you just a quick
 2 overview of the budget for Hazardous Waste.
 3 No discussion of the budget is complete
 4 without an actual discussion of where the money
 5 comes from. We didn't include it in the packages
 6 that were mailed to you. But did everybody pick up
 7 a copy of the Hazardous Waste Fee off the table when
 8 you came in?
 9 MR. GRATER: Yes.
 10 MR. ROBERTS: One of the things that we've
 11 done to be a little bit more open with the public on
 12 fees is to put all of our fees online so that people
 13 can see easier what the fees are for their
 14 respective programs.
 15 So in Hazardous Waste, you know, basically,
 16 we've essentially got three broad categories of
 17 fees. We have generator fees, we have fees that are
 18 paid by the treatment storage and disposal
 19 facilities, and then we have fees that are charged
 20 for petitions to delist with Hazardous Waste, which
 21 we've actually never -- nobody has ever submitted a
 22 Petition to do that yet, so we haven't had to charge
 23 that fee.
 24 So our two biggest fee categories are
 25 generator fees and the TSD fees.

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1 All of our fees, essentially, are set by
 2 statute. And in most cases, or in some cases, the
 3 Statutes present a range that the fees can be, and
 4 then we have to come up with the rules to actually
 5 set the fees. And so that's where you guys come in
 6 every so often when we need to make a case to change
 7 our Hazardous Waste Fees, at least the ones that can
 8 be done by rule because they're not set firm by
 9 Statute.
 10 So this sheet, this one handout is,
 11 basically, all of the fees that are in our rules and
 12 Statutes for the Hazardous Waste Program.
 13 And unless somebody has any particular
 14 questions about specific fees or anything, I'll go
 15 on and start talking a little bit about the budget.
 16 MR. ROBERTS: Okay. The other sheet that
 17 you have is called Hazardous Waste Fees Budgeted and
 18 Expended. The front side is for the fiscal year
 19 '14, and then the back is the projected budget for
 20 fiscal year '15.
 21 Basically, for fiscal year '14, we had,
 22 approximately, \$1.9 million dollars in fee income
 23 from all the Hazardous Waste Fees that are charged.
 24 And, approximately, \$1 million through EPA grants
 25 That's pretty much the steady income stream we have

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1 every year. Fee income doesn't really fluctuate
 2 just a whole lot each year.
 3 So somewhere in the neighborhood of close
 4 to \$3 million is, typically, what our total fee
 5 income is every year.
 6 And then below that is the table that
 7 shows, basically, a summary of each category of
 8 fee. You know, what we've tried to do is take all
 9 of the expenses of the divisions that are charged to
 10 Hazardous Waste Fees. And then put them into little
 11 easily identifiable blocks, so to speak, that are
 12 relatively self-explanatory.
 13 So the left column -- over on the right
 14 side, the left column is what was budgeted for each
 15 one of those categories for fiscal year '14 and what
 16 was actually expended, is the last column on that
 17 page.
 18 So, in total, we budgeted a little bit over
 19 \$2.8 million for fiscal year '14, and we spent just
 20 over \$2.7 million, so we had a little bit of reserve
 21 left over.
 22 And at the end, Senate Bill 2127, that was
 23 the Hazardous Waste Fee contribution to that \$12
 24 million that the Legislature took from our revolving
 25 fund.

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1 Then on the backside, of course, that's our
 2 projected budget for fiscal year 2015. And, as you
 3 can see, we don't have the projected incomes up
 4 there, but it should be, approximately, the same,
 5 somewhere in the neighborhood of \$2.9 million, or
 6 so, \$2.9 million to \$3 million. And we're
 7 projecting an overall budget for next fiscal year of
 8 \$2.9 million.
 9 So that's really the budget in a nutshell.
 10 I'm certainly willing to try to answer any
 11 specific questions that you may have about our
 12 budget and expenditures. Like I said, this is going
 13 to start being an annual thing for this meeting each
 14 year to, again, give Council a little bit of a
 15 summary of what our budgets are and what the money
 16 is being spent on.
 17 MR. STANFIELD: Jon?
 18 MR. ROBERTS: Yes, sir.
 19 MR. STANFIELD: This Senate Bill 2127, is
 20 that ongoing? In other words, if you have monies
 21 left over from the budget this year, they'll take
 22 it?
 23 MR. ROBERTS: No, it's just a one-time
 24 deal.
 25 MR. STANFIELD: Okay, thank you.

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1 MS SLAUGHTER: How much of the budget
 2 comes from fees that are paid?
 3 MR. ROBERTS: About \$1.9 million. And,
 4 like I said, that's relatively steady over the
 5 years. That doesn't fluctuate all that much.
 6 MR. GRATER: Any other comments or
 7 questions by Council?
 8 MR. GRAVES: Just a comment. This is
 9 really helpful. We appreciate it.
 10 MR. GRATER: Any comments from the public?
 11 (No comments from the public)
 12 MR. ROBERTS: Okay. Thank you.
 13 MR. GRATER: The next item on the Agenda is
 14 Rulemaking Hearing - OAC 252.205-3-1 and 205-3-2.
 15 Permanent rulemaking to incorporate by reference the
 16 Federal Hazardous Waste Regulations found in 40 CFR,
 17 Parts 124 and 260 through 279 revised as of July 1,
 18 2014.
 19 Yield to Mike Edwards.
 20 MR. EDWARDS: Thank you, Mr. Grater.
 21 This is really, what I would consider, the
 22 meat of the meeting, the rulemaking aspect. And
 23 it's going to be very similar to the ones we've done
 24 in the last several years. As you all know, we do
 25 the incorporation by reference every year.

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1 And, as Lee just stated and as is described
 2 on the Agenda, this year, there were not a lot of
 3 changes as has been the case in the recent past.
 4 The one significant change is described on
 5 your documents as a conditional exclusion for
 6 solvent-contaminated wipes. So that new rule, which
 7 is less stringent than the previous Federal
 8 Regulations, is the one thing that we are,
 9 specifically, incorporating for this year.
 10 And EPA believes that it will reduce the
 11 overall compliance cost for the industry. And it
 12 could benefit small business.
 13 So in light of that, we are recommending
 14 that the incorporation by reference be passed, which
 15 would incorporate that new rule.
 16 I don't really have anything else to add to
 17 that. So if we want to have a discussion, we can do
 18 that.
 19 MR. STANFIELD: Can you describe the type
 20 of businesses that this will affect?
 21 MR. EDWARDS: Sure.
 22 Primarily, it would be businesses that are
 23 currently using rags or wipes for cleaning. A lot
 24 of times, businesses, for instance, auto-related,
 25 auto repair might degrease a metal surface before

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1 they paint it. So that would be one.
 2 And, really, any type of industry that does
 3 that type of thing. It could be degreasing,
 4 cleaning, really anything that you would use a rag
 5 or, like, a paper towel, that involves using a
 6 solvent, that type of thing.
 7 MR. STANFIELD: Thank you.
 8 MR. EDWARDS: Any other questions?
 9 MR. GRATER: I have, personally, read this
 10 regulation and have had a great deal of involvement
 11 in it over the last two years since it's been
 12 proposed, and it's effectively a very minor change.
 13 It really amounts to nothing more than a paperwork
 14 tracking exercise. It reduces the paperwork. The
 15 ultimate disposal will be the same, and, ultimately,
 16 the storage onsite usage will be the same. Nothing,
 17 in effect, really changes. It's actually a
 18 commendable action by the Agency, in my opinion.
 19 Any other comment from the Council?
 20 (No comments)
 21 Any comments from the public?
 22 (No comments)
 23 Do we have a motion to approve?
 24 MR. GRAVES: So moved.
 25 MS. SLAUGHTER: Second.

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1 MR. GRATER: The motion has been made and
 2 seconded to approve.
 3 Ms. Fields, would you call the role,
 4 please?
 5 MS. FIELDS: Mr. Anderson?
 6 MR. ANDERSON: Yes.
 7 MS. FIELDS: Mr. Graves?
 8 MR. GRAVES: Yes.
 9 MS. FIELDS: Mr. Kennedy?
 10 MR. KENNEDY: Yes.
 11 MS. FIELDS: Ms. Slaughter?
 12 MS. SLAUGHTER: Yes.
 13 MS. FIELDS: Mr. Stanfield?
 14 MR. STANDFIELD: Yes.
 15 MS. FIELDS: Ms. Vandell?
 16 MS. VANDELL: Yes.
 17 MS. FIELDS: Mr. Grater?
 18 MR. GRATER: Yes.
 19 MS. FIELDS: Motion passed.
 20 MR. GRATER: The next item on the Agenda is
 21 Election of Officers for 2015. We have nominations
 22 for Council. Are all the offices open this year?
 23 There's only two, President and Vice President. I
 24 assume they're both open.
 25 MR. EDWARDS: I believe so.

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1 MR. KENNEDY: Some other agencies are
 2 multi-year.
 3 MR. GRATER: We're annual, okay.
 4 So do we have any nominations for the
 5 office of the Vice President?
 6 Is the current Vice President willing to
 7 continue serving?
 8 MR. GRAVES: Who is the current Vice
 9 President?
 10 MR. GRATER: I think it's Reaves.
 11 MR. GRAVES: He's not here, so that's easy.
 12 I nominate Mr. Reaves as Vice President.
 13 MR. GRATER: Mr. Reaves has been nominated,
 14 and I will second that nomination.
 15 Would you call the roll, please?
 16 MS. FIELDS: Mr. Anderson?
 17 MR. ANDERSON: Yes.
 18 MS. FIELDS: Mr. Graves?
 19 MR. GRAVES: Yes.
 20 MS. FIELDS: Mr. Kennedy?
 21 MR. KENNEDY: Yes.
 22 MS. FIELDS: Ms. Slaughter?
 23 MS. SLAUGHTER: Yes.
 24 MS. FIELDS: Mr. Stanfield?
 25 MR. STANDFIELD: Yes.

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1 MS. FIELDS: Ms. Vandell?
 2 MS. VANDELL: Yes.
 3 MS. FIELDS: Mr. Grater?
 4 MR. GRATER: Yes.
 5 MS. FIELDS: Motion passed.
 6 MR. GRATER: That will leave the current
 7 office of President, which I hold.
 8 Are there any nominations or comments?
 9 MR. GRAVES: How many years have you done
 10 this?
 11 MR. GRATER: I think it's going on four.
 12 MR. GRAVES: Really?
 13 MR. GRATER: yes, I believe it is. Time
 14 gets away.
 15 MR. GRAVES: Time gets away.
 16 The silence is deafening.
 17 MR. GRAVES: Even though our history of
 18 this Council has been to change Chairs out every
 19 three or four years, because I've been on it ever
 20 since the beginning, but we aren't really doing much
 21 right now. So I don't really see any reason to do
 22 that. All we're really doing is incorporating
 23 things by reference all the time.
 24 So I would like to nominate Lee Grater.
 25 MS. SLAUGHTER: Second.

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1 MS. FIELDS: Mr. Anderson?
 2 MR. ANDERSON: Yes.
 3 MS. FIELDS: Mr. Graves?
 4 MR. GRAVES: Yes.
 5 MS. FIELDS: Mr. Kennedy?
 6 MR. KENNEDY: Yes.
 7 MS. FIELDS: Ms. Slaughter?
 8 MS. SLAUGHTER: Yes.
 9 MS. FIELDS: Mr. Stanfield?
 10 MR. STANDFIELD: Yes.
 11 MS. FIELDS: Ms. Vandell?
 12 MS. VANDELL: Yes.
 13 MS. FIELDS: Mr. Grater?
 14 MR. GRATER: Abstain.
 15 MS. FIELDS: Motion passed.
 16 MR. GRATER: We still have a quorum, right?
 17 MS. FIELDS: Yes.
 18 MR. GRATER: I appreciate that vote of
 19 confidence. Thank you.
 20 The next item on the Agenda is New
 21 Business.
 22 Limited to any matter not known or which
 23 could not have been reasonably foreseen prior to the
 24 time of --
 25 MR. KENNEDY: We need to do the calendar.

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1 MR. GRATER: Oh, we've got to do the
 2 calendar. I'm sorry. I apologize.
 3 Mr. Kennedy, I appreciate that.
 4 ...set meeting dates for 2015. I would
 5 assume we will likely only meet in the final quarter
 6 of next year again, unless the Agency perceives any
 7 upcoming business that we're not aware of at this
 8 time.
 9 MR. EDWARDS: Actually, we do foresee the
 10 need for probably one additional meeting next year.
 11 We've been working on developing some changes to the
 12 transfer station rules. And it's in the early
 13 stages, but what we would like to do is, when we get
 14 those more finalized, get them to a state where we
 15 can actually present something to you, we'd like to
 16 go ahead and do that. And then probably attempt to
 17 incorporate those again next year in October.
 18 So what we're thinking about is holding a
 19 meeting, probably, in April. So if we can set a
 20 meeting in April, and then another meeting in
 21 October, that's what we would like to do. I've got
 22 a range of dates if that will help.
 23 MR. GRATER: Absolutely.
 24 MR. GRAVES: I have a question, Jon.
 25 When we were talking before the meeting you

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1 were talking about the Small Quantity issue. Will
 2 that require any rule changes?
 3 MR. ROBERTS: Not at this time, we're not
 4 anticipating any rule changes. But I, actually,
 5 meant to discuss that a little bit in part of my
 6 budget briefing. So once we get through with this
 7 portion, I would like to have a few minutes to talk
 8 a little bit about our Small Quantity Generator
 9 Program, if that's okay.
 10 MR. EDWARDS: So back to the date, in
 11 April, the week of the 6th through 10th or the 13th
 12 through the 17th seem to be pretty good. It's
 13 pretty much wide open. Wednesday is the 8th, and
 14 Thursday the 9th. And then the 16th is a Thursday,
 15 the 17th is a Friday. So those are some
 16 possibilities.
 17 MR. GRAVES: I would prefer the 16th.
 18 MR. STANFIELD: I'd prefer the 16th.
 19 MR. KENNEDY: That's fine. That's a
 20 Thursday, the 16th?
 21 MR. EDWARDS: Yes. All right. So that's
 22 April 16th of 2015.
 23 MR. GRAVES: Here in Oklahoma City?
 24 MR. EDWARDS: Actually, we haven't
 25 contemplated that yet. Do you want to discuss where

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1 it will happen?
 2 MR. GRAVES: Well, if we're doing three
 3 next year, we need to do at least one in Tulsa.
 4 MR. EDWARDS: I think we're just going to
 5 do two. And I think we've, traditionally kind of
 6 have been alternating the one in October between
 7 Tulsa and Oklahoma City.
 8 So with that in mind, next year, we would
 9 contemplate doing the October meeting probably in
 10 Tulsa. So we can do the April meeting here if
 11 that's agreeable.
 12 MR. ROBERTS: If I may interject, we just
 13 found out that the Solid Waste Council has a meeting
 14 scheduled on April 16th. So Quiana can't be two
 15 places at the same time. Can we do concurrent
 16 meetings? Just kidding. So, yes, I think we're
 17 going to probably need to pick a different date in
 18 April.
 19 MR. EDWARDS: Are Thursdays better for
 20 people, in general?
 21 MR. STANFIELD: It doesn't make any
 22 difference. Do the 15th?
 23 MR. EDWARDS: The 15th would be a
 24 Wednesday. That's fine with me. We don't really
 25 have any needs. So shall we do it the 15th? That

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1 is tax day, if that matters.
 2 MR. KENNEDY: That gives you until midnight
 3 to get back to Tulsa. That's fine.
 4 MR. EDWARDS: Okay. Let's do April 15th.
 5 That will be easy to remember, of 2015.
 6 MR. GRATER: So we've set a meeting for
 7 April 15, 2015, to be held in Oklahoma City,
 8 probably, in this room.
 9 MR. EDWARDS: Right.
 10 MR. GRATER: And then subsequently, the
 11 October meeting will be a date yet to be determined,
 12 and the location will likely be in Tulsa.
 13 MR. EDWARDS: Right. We can determine the
 14 date. Again, I have a range here. The week of the
 15 5th through the 9th, the week of the 13th through
 16 the 16th or the week of the 19th to the 23rd.
 17 One consideration, the Environmental
 18 Quality Board meeting is, typically, in November.
 19 And I think it's within the first two weeks. I
 20 don't think those dates have been set yet, so we
 21 might want to lean towards the early part of October
 22 because of that.
 23 So I would propose Wednesday, the 7th, or
 24 Thursday, the 8th.
 25 MR. GRAVES: That's fine, either day.

<p>Page 26</p> <p>1 MR. EDWARDS: For variety, let's go with a 2 Thursday 3 MR. KENNEDY: Thursday, October 8th? 4 MR. EDWARDS: Yes. 5 MR. GRATER: I've heard a few mumbblings for 6 Thursday. So I think that works. Thursday the 8th. 7 MR. EDWARDS: In Tulsa of 2015. 8 MR. GRATER: So we have scheduled the 9 October meeting for October, 2015, at a location in 10 Tulsa. 11 Jon, you had a comment on the Small -- 12 MR. GRAVES: We need a roll call for that. 13 MR. KENNEDY: I move we accept those two 14 dates for our 2015 calendar. 15 MR. ANDERSON: I second that. 16 MS. FIELDS: Mr. Anderson? 17 MR. ANDERSON: Yes. 18 MS. FIELDS: Mr. Graves? 19 MR. GRAVES: Yes. 20 MS. FIELDS: Mr. Kennedy? 21 MR. KENNEDY: Yes. 22 MS. FIELDS: Ms. Slaughter? 23 MS. SLAUGHTER: Yes. 24 MS. FIELDS: Mr. Stanfield? 25 MR. STANDFIELD: Yes.</p>	<p>Page 28</p> <p>1 Whereas, like with the Large Quantity 2 Generators, they get inspected at least once every 3 five years. They're usually bigger companies that 4 can hire a compliance staff that helps keep them in 5 compliance with all the rules. And we're mandated 6 by EPA to inspect those every five years, so we have 7 to do that. 8 But there is no specific mandate on how 9 often Small Quantity Generators have to be 10 inspected. So we worked those and with, you know -- 11 after we've figured out what our core commitments 12 are going to be to meet the EPA authorization and 13 receive our grants and everything. 14 But what this program envisions is we are 15 putting together, basically, a self-certification 16 checklist that the Small Quantity Generators will 17 fill out. It narrows all the Hazardous Waste 18 Regulations for those generators down to about 30 or 19 35 individual, you know yes, no, and questions. 20 And what they'll do is they'll -- we 21 anticipate this being done as an annual self- 22 certification thing. We'll send these out to them, 23 and they'll, basically, sit down and fill those 24 checklists out and send them back to us saying yes 25 or no, whether they are or aren't in compliance with</p>
<p>Page 27</p> <p>1 MS. FIELDS: Ms. Vandell? 2 MS. VANDELL: Yes. 3 MS. FIELDS: Mr. Grater? 4 MR. GRATER: Yes. 5 MS. FIELDS: Motion passed. 6 MR. GRATER: Hopefully, with two meetings 7 next year, I'll be a little bit more in tune with 8 the Agenda, and I won't be stumbling so much. I 9 apologize. 10 Mr. Roberts, you have some comments? 11 MR. ROBERTS: Yes. 12 One thing I wanted to bring to your 13 attention that we're doing, we are developing, what 14 we're calling, a Small Quantity Generator Self- 15 Certification Program. 16 It's modeled after what the State of 17 Colorado has done with, apparently, pretty great 18 success. And the reason we're doing this is we 19 found, over the years, that, frequently, some of our 20 biggest compliance issues have come from Small 21 Quantity Generators who are not quite as familiar 22 with the Hazardous Waste Regulations. They don't 23 have the finances to hire, you know, like, an 24 environmental health and safety staff, necessarily, 25 to keep up with all those things.</p>	<p>Page 29</p> <p>1 individual requirements. 2 And then, as part of that, there's going to 3 be some extensive guidance documents and training 4 that we're going to provide to them that, really, it 5 doesn't just tell them this is what the rule says. 6 It shows them this is what compliance with the rule 7 is going to look like at your facility. 8 And then, once the self-certifications come 9 back in, eventually, once the program is fully in 10 place, we'll pick a subset of those to go out and do 11 inspections on to verify whether or not they are 12 actually in compliance. 13 And then from that, we can do some 14 statistical analysis to determine, based on this 15 subset and inspections that we did, what is the 16 overall compliance rate with the Small Quantity 17 Generator universe. 18 In Colorado, when they first started their 19 self-certification program, I believe it was 20 somewhere in the neighborhood of, like, maybe 20 21 percent or so of the facilities were 100 percent in 22 compliance with their regulatory requirements. 23 And then over the years, that has gradually 24 increased to where, I think now, they're like 90 or 25 95 percent in compliance.</p>

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1 So they've been able to demonstrate a
 2 tremendous improvement in the compliance rates of
 3 their Small Quantity Generators, which, you know,
 4 one, it helps them because they are in compliance
 5 with the Regulations, and they don't have to worry
 6 about the State people coming when they do
 7 inspections, and you're writing them up for a bunch
 8 of violations and doing enforcement.
 9 And it helps the Enforcement Staff, because
 10 then they can focus their efforts on, you know, one,
 11 meeting the grant commitments that we have to meet
 12 with EPA, but focus on the real problem facilities
 13 that need to have some higher levels of enforcement
 14 with them.
 15 So Cliff Hoyle, back there in the green
 16 tie, he's been with DEQ for several years.
 17 MR. HOYLE: A decade.
 18 MR. ROBERTS: A decade, okay.
 19 So he's taken on the responsibility of
 20 putting this program together.
 21 And we've just, initially, gotten the
 22 initial Small Quantity Generator checklist out to
 23 all of the Small Quantity Generators in the State,
 24 or at least all of them that we know of. And those
 25 are starting to trickle back in.

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1 And then based on that, the plan is to put
 2 together a training program. And then start having
 3 some -- bringing the Small Quantity Generators in
 4 for some training to show them, you know, as I said,
 5 what compliance looks like. He's also put together
 6 some guidance documents that went out with the
 7 checklist.
 8 And so, you know, once we get this initial
 9 round done, then we'll see, kind of, where we are,
 10 what we need to change, what worked well, what
 11 didn't work so well. And then, for the next round,
 12 revise the program as we need to.
 13 So this is kind of going to be a multi-year
 14 effort to put together what the final program is
 15 going to be. But then, once it's fully in place and
 16 implemented, our goal, as I said, is to really get,
 17 basically, all of the Small Quantity Generators
 18 involved in the program, and then work with them
 19 annually, basically, to ensure that they understand
 20 the Regulations, and they are in compliance.
 21 So this is just one of the new outreach
 22 efforts that we're trying to do to, hopefully,
 23 target a category of generators that really need
 24 some help in understanding what the Regulations are.
 25 We think most of them do want to comply with the

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1 Regulations, but they're just so complex -- I mean,
 2 we who live this every day, even, have a hard time
 3 with the Regulations sometimes. So these people,
 4 their main business is making money, not necessarily
 5 complying with Regulations that they don't always
 6 fully understand what the Regulations are. And this
 7 should help them do that and come into compliance
 8 and improve compliance.
 9 And so that's what we're trying to do. And
 10 I just wanted to bring that to your attention so
 11 you'll know what we're doing.
 12 We'll probably have future updates at
 13 future Council meetings on where exactly we are with
 14 this. But, as I said earlier, we're not
 15 anticipating, at this point, any rules to do this.
 16 It's strictly going to be a voluntary program. And,
 17 hopefully, we'll be very successful in keeping it as
 18 a voluntary program.
 19 So that's kind of the new initiative that
 20 we're doing. I'll certainly take any questions that
 21 you guys may have.
 22 Yes, sir?
 23 MR. STANDFIELD: Have you thought about
 24 emphasizing the penalties for false reports? I
 25 mean, you hit right on it. They're about money.

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1 they're, not about compliance
 2 MR. ROBERTS: Yes. We will, I believe --
 3 and Cliff, correct me if I'm wrong. We are, as far
 4 as this first round, we are emphasizing that the
 5 people who don't respond at all, you know, they may
 6 actually subject themselves to an inspection.
 7 If we go out, and the ones that have
 8 responded, we'll make a subset of those to do
 9 inspections on. And we have told them that, you
 10 know, we will look a little more strongly on what
 11 type of enforcement would be necessary if we find
 12 out they certified to something that, in actuality,
 13 wasn't true.
 14 But, of course, that's going to depend on
 15 the nature of what the violation was, too,
 16 obviously. And how well they understood it. I
 17 mean, it could be that they were truthful in
 18 certifying what they thought the Regulations were.
 19 But, you know, then come to find out they didn't
 20 understand what the requirement was. And we weigh
 21 all those kinds of things on any kind of enforcement
 22 response.
 23 MR. STANFIELD: Thank you.
 24 MR. GRAVES: I think it's a great idea, but
 25 I'm more concerned with people who haven't really

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1 paid attention to the program, filling out the
 2 checklist and, basically, turn themselves in because
 3 they've got violations
 4 And I would assume that, if you guys are
 5 going develop this over a few years, people like
 6 that you want to work with them and not hammer them
 7 in the first place until this all gets up and
 8 running.
 9 MR. ROBERTS: Yes, that's correct.
 10 Obviously, there's going to be some types of
 11 violations that you can't, necessarily, overlook. I
 12 mean, if somebody actually were to admit to us that
 13 they're taking all their hazardous waste and dumping
 14 it out the back door, obviously, we can't turn a
 15 blind eye to something like that
 16 We do have provisions in our Chapter 4
 17 Rules that, if people turn themselves in,
 18 potentially, you know, we have to weigh that.
 19 MR. GRAVES: That's where I was going.
 20 You're going to have to certify it, at some point.
 21 And that still qualifies as self-reporting.
 22 MR. ROBERTS: I don't know. That's a good
 23 question.
 24 You know, to that specific question, I
 25 don't really know what the answer is. But, clearly,

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1 we'd like people to be truthful with us, obviously.
 2 And if they're not doing something correctly, our
 3 goal, of course, is to help them. And that's the
 4 main thing we want to do, and that's what we're
 5 trying to emphasize with this, is this is really
 6 intended to be a nonregulatory way to work with DEQ
 7 to come into compliance.
 8 MR. GRAVES: I understand. I would just
 9 encourage you for the three or four years when
 10 you're trying to get this up and running and get
 11 training in there that, where you have the
 12 discretion, if they're not doing something that's
 13 just egregious, treat it as a self-report so that we
 14 can get more people to comply. Down the road, you
 15 may want to change that policy.
 16 MR. ROBERTS: Right, thank you.
 17 MS. SLAUGHTER: Do you have a rough idea of
 18 the percentage of the total universe that are Small
 19 Generators? Industrial waste treatment, we manage
 20 as part of our Clean Water Act compliance. I would
 21 say probably 90 percent. I'm curious if it's a very
 22 large number.
 23 MR. ROBERTS: Mike, you may know better
 24 than I.
 25 We've got, out of our whole universe, you

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1 know, basically, everybody that has EPA ID.
 2 Numbers, there's probably about 600 that are Small
 3 Quantity Generators.
 4 MR. EDWARDS: And we've sent out about 400
 5 letters to bring people into this program. The ones
 6 that we excluded at this point are, like, big box
 7 stores, that a lot of times, they've already got
 8 some kind of environmental program in place. So
 9 we're trying to focus on, you know, the mom and pop
 10 stores and the corner car repair shop, or something,
 11 that doesn't necessarily have the knowledge to
 12 comply with the Hazardous Waste Regulations.
 13 The exact percentage, I don't know. But we
 14 sent out about 400 letters.
 15 MR. GRATER: Jon, in a past life, I've done
 16 two major self-disclosures for Large Quantity
 17 Generators. And those are pretty complicated in
 18 terms of the legal implications. You have to hire
 19 attorneys, you have to hire an outside consultant to
 20 get the benefit of legal protection of self-
 21 disclosure under EPA rules. It's pretty
 22 complicated.
 23 That just kind of sounds like it may be
 24 very difficult to actually award these people some
 25 self-disclosure protection to the Small Quantity

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1 Generators under this program. It may require a
 2 fair amount of work on your part.
 3 I think it's commendable, and it's a great
 4 idea. Most Small Quantity Generators, and you're
 5 right, the rules are extremely complicated. I've
 6 been on one or two occasions responsible for SQG's
 7 facilities. And I don't even remember the exact
 8 deadlines. I can't remember whether you've got a 90
 9 days storage or six months storage, or exactly what
 10 the trigger for the amount of waste you can have
 11 onsite at any one time. I'd have to look those up.
 12 But most of the mistakes that SQG's make
 13 are they just don't get stuff out soon enough. They
 14 end up holding the drum over the time limit. They
 15 acquired too many kilograms of waste at one time.
 16 Most of it is not due to their generation
 17 rate. It's problems with getting it off site. And
 18 either inaction on their part or difficulty dealing
 19 with the companies that they disclose those to.
 20 So I think it's a commendable project. I
 21 really do.
 22 I would just -- you know, if I'm a Small
 23 Quantity Generator, and I get this letter in the
 24 mail, and, like, yadda-yadda-yadda, and the boss
 25 finds out that I'm going to self-report, I can see

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1 some real problems there.
 2 So, unfortunately -- I hope you can make it
 3 work, but it may not be that simple. Good luck.
 4 MR. ROBERTS: We'll figure out a way to
 5 make it work.
 6 MR. GRATER: Good.
 7 MR. KENNEDY: Has there been anyone
 8 specifically looking at Colorado's program with
 9 regard to the issues we're talking about right now,
 10 about self-reporting and voluntary disclosure type
 11 issues?
 12 MR. ROBERTS: Not that I know of. One
 13 thing that's going to be different about our
 14 program, is, actually, Colorado mandates
 15 participation in the self-certification program.
 16 And their rules levied penalties for not reporting
 17 and penalties for false reports.
 18 We didn't want to do it that way. We
 19 wanted to try to do this as more of a customer
 20 service approach because we felt like we'd get more
 21 people into the program, and they would be truthful
 22 with us, if they realized that we're not -- we're
 23 not requiring them to do this. We're trying to do
 24 this in a nonregulatory, nonenforcement approach.
 25 So we're, basically -- that's where the

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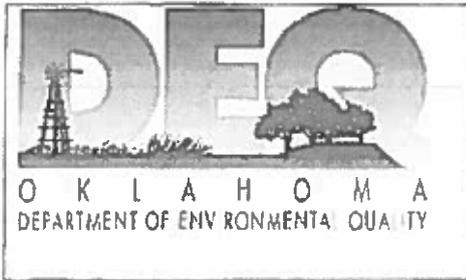
1 similarities in our programs end, is theirs is a
 2 mandatory program where ours, right now, is going to
 3 be voluntary. But we're hoping, through our
 4 approach, we can get people in and get them more
 5 willing to work with us, if they know that our first
 6 response isn't going to be to turn around and hammer
 7 them once they've told us whether or not they were
 8 in compliance.
 9 MR. GRATER: I would think that it would be
 10 one thing if someone chose not to participate. But,
 11 personally, I would take a rather dim view of
 12 someone who intentionally misrepresented an answer
 13 on a form.
 14 MR. ROBERTS: And I agree.
 15 MR. GRATER: Any other comments from the
 16 Committee?
 17 (No comments)
 18 Any comments from the public?
 19 (No comments)
 20 Next item is -- I'm reading the Agenda very
 21 carefully -- is New Business. Limited to any matter
 22 not known or which could not have been reasonably
 23 foreseen prior to the time of posting the Agenda (24
 24 hours prior to this date)
 25 Any new business?

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1 The next item would be the conclusion of this.
 2 MR. GRAVES: I move we adjourn.
 3 MR. GRATER: A motion has been made to
 4 adjourn. Do I hear a second?
 5 MS. VANDELL: Second
 6 MS. FIELDS: Mr. Anderson?
 7 MR. ANDERSON: Yes.
 8 MS. FIELDS: Mr. Graves?
 9 MR. GRAVES: Yes.
 10 MS. FIELDS: Mr. Kennedy?
 11 MR. KENNEDY: Yes.
 12 MS. FIELDS: Ms. Slaughter?
 13 MS. SLAUGHTER: Yes.
 14 MS. FIELDS: Mr. Stanfield?
 15 MR. STANDFIELD: Yes.
 16 MS. FIELDS: Ms. Vandell?
 17 MS. VANDELL: Yes.
 18 MS. FIELDS: Mr. Grater?
 19 MR. GRATER: Yes.
 20 MS. FIELDS: Motion passed.
 21 (Meeting adjourned at 10:45)
 22
 23
 24
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1 CERTIFICATE
 2
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) SS
 4 COUNTY OF OKLAHOMA)
 5
 6 I, Judy Thompson, a Certified Shorthand Reporter for
 7 the State of Oklahoma, do hereby certify that proceedings
 8 were taken by me in stenotype and thereafter transcribed
 9 and is a true and correct transcript of the proceedings,
 10 that the proceedings were taken on October 9, 2014, in
 11 Oklahoma City, State of Oklahoma, that I am not an
 12 attorney for nor a relative of either party, or otherwise
 13 interested in this action
 14 WITNESS MY HAND AND SEAL THIS 15TH DAY OF OCTOBER,
 15 2014
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 17 Judy Thompson
 18 Oklahoma Certified Shorthand Reporter
 19 Certificate No 01674
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**HAZARDOUS WASTE MANAGEMENT
ADVISORY COUNCIL**

Attendance Record
October 9, 2014
Oklahoma City, Oklahoma

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Address and/or Phone and/or E-Mail

Noble Stanfield	Committee	OKC
Jan Roberts	DEQ	jan.roberts@leg.ok.gov
Quiana Fields	DEQ	
Lu R. Hunt	Comite	Enid
Stephen Baldridge	DEQ	OKC
Traci Kelly	DEQ	OKC
Bob Kennedy	Hwmac	Tulsa
Clifton Hays	DEQ	OKC
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Kelly Dixon	DEQ	