

MINUTES
REGULAR SCHEDULED MEETING
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
9:00 A.M., July 12, 2001
Oklahoma Department of Environmental Quality
707 North Robinson
Oklahoma City, Oklahoma 73101

These minutes are a summary of the meeting held July 12, 2001, as required by the Open Meeting Act. The meeting was recorded and the tapes are available for inspection and copying at the Land Protection Division Office located in Oklahoma City, Oklahoma, 405-702-5213.

This meeting was convened in accordance with the notice of regularly scheduled council meetings on file at the Office of the Secretary of State as required by the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. This notice was filed with the Secretary of State by December 15, 2000. The agenda for this meeting was posted on the entrance door of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, 24 hours prior to the meeting in accordance with Section 311 of the Open Meeting Act.

The following materials were made available at the handout table: Meeting Agenda, Minutes of October 12, 2000 Meeting, Summary of Legislation pertaining to Land Protection Division, Environmental Legislation 2001 Final Report, Chapter 5 of the Solid Waste Financial Assurance Program Report, Procedure for Calculating Final Closure and Post-Closure Costs. Landfill Methane Outreach Program booklet provided by Brian Guzzone, EPA, and recent copies of the 510's and 520's as approved by the Legislature and effective June 1, 2001.

Agenda Items 1 and 2.

Chairman Ken Purdy called the meeting to order at approximately 9:10 am. Roll call was taken and the following council members were present: Ken Purdy, Ralph Triplett, Jr., Jay Stout, Bill Torneten, and Jeff Shepherd. Chairman Purdy declared that technically a quorum was not present, since the official letter of appointment for Jeff Shepherd has not been received by the DEQ. Chairman Purdy then introduced and welcomed Jeff Shepherd, the replacement for Steve Mason and announced that Mr. Mason will now be serving on the Environmental Quality Board.

The Chair entertained a motion to postpone approval of the October 12, 2000 Minutes until later in the agenda to give additional council members time to arrive and form a quorum. Motion was made by Mr. Triplett and seconded by Mr. Torneten to postpone approval of the Minutes until a quorum is present. Roll call was taken and the motion passed unanimously. During roll call, Mr. Landers arrived and completed the quorum as needed. Prior to the conclusion of the meeting, Mr. Shepherd presented his appointment letter to the DEQ.

Agenda Item 4. APPROVAL OF THE MINUTES OF THE OCTOBER 12, 2000 REGULAR MEETING

Motion was made by Ralph Triplett, Jr., and seconded by Bill Torneten to approve the minutes of the October 12, 2000 meeting. A roll call vote was taken and the motion passed unanimously.

Agenda Item 3. PUBLIC FORUM

Mr. Purdy then opened discussion for public forum. No comments were made.

Agenda Item 5. PRESENTATION ON EPA'S LANDFILL METHANE OUTREACH PROGRAM

Mr. Jon Roberts of the DEQ introduced Brian Guzzone and Linda Nutting and stated they would give a short presentation on EPA's Landfill Methane Outreach Program. This program has been designed to assist communities, landfills and private businesses with development of productive uses for landfill methane gas.

Brian Guzzone thanked the Council and the Oklahoma DEQ for inviting them to present a program. He stated he is with the EPA National Headquarters in Washington D.C. The main goal of their program is focusing on alternative

uses for landfill methane gas and to partner with communities and landfills on a voluntary basis to achieve this goal. Landfills are the largest source of methane emissions in the United States, presenting a significant opportunity to recover methane and use it beneficially. Currently there are 325 landfill gas projects operational in the United States. The uses primarily are to generate electricity and in a pipeline application similar to natural gas. Methane produces only half the heating value of natural gas. The average project eliminates about two hundred thousand tons a year of CO₂ equivalent emissions. A substantial reduction in methane occurs from these projects. The EPA doesn't regulate these projects, but rather works in conjunction with the regulated community and the state. He stated there are many cost effective options for reducing emissions as well as environmental benefits. These projects can be economical. Benefits outlined were improved landfill management, reduced air pollution, reduced ozone emissions, and an increase in local jobs for the communities. Mr. Guzzone stated their website contains considerable information pertaining to the benefits that would improve our environment as well as economics. Website address is: www.epa.gov/lmop or to contact Mr. Guzzone, guzzone.brian@epa.gov. Phone number is: 202 564-2666.

Agenda Item 6. LEGISLATIVE UPDATE – Fenton Rood stated that there are two documents relevant to the legislative update and those documents are available at the handout table. First, a letter from Mark Coleman, dated May 29, 2001 which is an overview of the legislative issues. Second, a document titled Legislation 2001 Land Protection Division presenting a summary of the bills that passed. Most of the changes were reflected in the waste tire program. There are two issues regarding landfills. The first is that large landfills have to file a plan for vegetative cover. Second, historically, if a landfill has an off-site borrow area, that area was regulated by the Department of Mines. The new legislation states that off-site borrow areas are now under the jurisdiction of the DEQ.

Chairman Purdy requested a briefing on the statute regarding vegetation. Mr. Rood stated his understanding was the new statute would apply only to very large landfills (landfills that receive over 200 tons per day). Large landfills will have to vegetate even faster than the requirement of our current rule. This issue will be presented before the council, because rules will have to be written for it.

Agenda Item 7. COUNCIL UPDATE ON SOLID WASTE ACTIVITIES - Jon Roberts advised the Council that the rewrite/dewrong changes to the 510's and 520's was passed by the Legislature this past session, and became effective June 1, 2001. Copies of the rules were provided and can be reviewed on our website at www.deq.state.ok.us/rulesindex.htm

Mr. Roberts then updated the Council on the in-depth review and revision of Solid Waste rules that is underway. The rule review process was initiated at the request of the regulated community and a brief history of the project was presented. The project began May, 2000. During this time frame, we have had 11 public meetings to discuss various aspects of the rules, both to set up a format for the final product and also to discuss individual portions of the rules. Agreement was made early in the program that the final product of the process would be a single set of rules which would be applicable to all of the solid waste disposal facilities regulated by the Division. One very important issue to the regulated community was to have a set of rules that identified all of their requirements in one document.

Overall the process has worked well, we've received helpful information from the regulated community to reduce costs to the operators while still maintaining environmental protection. Everything associated with this project is on the DEQ web page at www.deq.state.ok.us/waste/sw/swrulesdev.htm

Chairman Purdy asked if a new date for council review has been established, because last year, it was projected to be summer of 2001.

Mr. Roberts answered that his personal goal is to have all work done and the final set of rules put together by the end of this year. Therefore, draft rules could be presented to the council at the first meeting of 2002.

Comments were made about the lack of attendance at the last few meetings, and encouragement was made to rejoin the process and make your voice heard.

Mr. Roberts also informed the Council that Solid Waste has a project underway to take out of post-closure the landfills that closed approximately 8 years ago. When Subtitle D was implemented, many landfills opted to close rather than adhere to the Subtitle D requirements. The end of this 8-year period is near. To expedite this effort, earlier this Spring, a letter was sent to all landfills that were due to come out of post-closure either this year or next. This letter summarized what the post-closure requirements are to give them opportunity to have any deficiencies corrected before a final post-closure inspection was made. The inspectors, over the next year, will be inspecting each one of these landfills based on their scheduled date to come out of post-closure. Those that have met all of the requirements will be taken out of post-closure. Any landfills that have not met all requirements will be asked to make corrections so that post-closure can proceed.

In addition to the letter, DEQ inspectors will be contacting each permit holder a month or two before final inspection answering questions and offering assistance where needed.

Council members had several questions regarding clarification of certain expenditures involved in post-closure, all of which were explained to their satisfaction.

Mr. Roberts then discussed the Solid Waste Financial Assurance Program report. He began with a brief summary of the history and development of the project. At the last Council meeting in October 2000, the DEQ was directed to develop rules to implement the results of the guidance document. We have been working on that since that time. We are close to having the draft version of those rules ready to present to the Council and to the rules committee. The DEQ web page at www.deq.state.ok.us/waste/sw/financialassurance/index.htm provides the report and worksheet.

Regarding financial assurance, DEQ began posting price deflators on our web page. Those are the inflation factors that are required by the new revisions to the 510's and 520's to be used when calculating the inflation adjustments for financial assurance. This can be obtained from the web page at www.deq.state.ok.us/waste under Implicit Price Deflators. The web page has both the Implicit Price Deflators for gross national product and gross domestic product. Either one can be used for the inflation adjustment required for financial assurance.

A short discussion followed Mr. Roberts' presentation.

Chairman Purdy asked if there were any further questions from the council or the public. No response was made.

Agenda Item 8. NEW BUSINESS

No comments were made.

Agenda Item 9. PUBLIC FORUM ISSUES (continued)

Fenton Rood announced the good fortune of having two Environmental Quality Board members attending this meeting. Chairman Purdy also acknowledged gratitude for the presence of Chairman Jerry Johnston and Mr. Steve Mason. Chairman Purdy again welcomed and introduced Jeff Shepherd as the new council member replacing Mr. Mason. He stated the next council meeting will be October 11, 2001 in Piedmont, OK.

There being no further comments, Chairman Purdy moved to adjourn. Motion to adjourn was made by Mr. Jeff Shepherd and seconded by Mr. Ralph Triplett. Roll call vote was taken and the motion passed unanimously.

Agenda Item 10. ADJOURNMENT

Meeting adjourned at 10:10 a.m.