

MINUTES
Solid Waste Management Advisory Council
January 14, 2016 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at September 15, 2016 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on January 14, 2016, in accordance with the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice of Regular Meeting was filed to the Office of the Secretary of State on October 20, 2015. Agendas were posted on the entrance doors at the Department of Environmental Quality (DEQ) Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Jeff Shepherd, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present. Mr. Shepherd talked on safety precautions in case of an emergency.

MEMBERS PRESENT

Todd Adcock
 Rodney Cleveland
 Steve Landers
 Jim Linn
 Matthew Newman
 Traci Phillips
 Bill Torneten
 Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
 Mike Stickney
 Tad Alford
 Martha Penisten
 Kole Kennedy
 Michele Woods
 Patrick Riley
 Melissa Adler-McKibben
 Jon Roberts
 Jeff Biddick
 Kelly Dillow
 Katrina Pollard
 David Cates
 Rachel Hanigan
 Lloyd Kirk
 Emily Stengel
 Martha Grafton
 Michele Wynn
 Hillary Young
 Quiana Fields

MEMBERS ABSENT

Ilda Hershey
 Brenda Merchant

OTHERS PRESENT

Lynette Wrany, Court Reporter

Approval of the Minutes for the September 17, 2015 Solid Waste Management Advisory Council Meeting – Mr. Newman moved approval of the September 17, 2015 Minutes and Mr. Linn made the second.

See transcript pages 6 – 7

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Steve Landers	Abstain	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Director's Report – Ms. Kelly Dixon, Division Director of the Land Protection Division (LPD) provided an update on division accomplishments.

See transcript pages 7 – 14

Discussion of Composting Rules – Mr. Patrick Riley, Environmental Programs Manager of the LPD, stated the composting rule is a follow-up discussion from the Council meeting in September regarding the U.S. Composting Council’s model compost rule template and potential rule change. Following discussion by the Council and none by the public, Mr. Shepherd called for a motion. Mr. Cleveland made a motion that the DEQ staff would review the rules and come up with draft rules by the next meeting. Ms. Phillips made the second.

See transcript pages 14 – 23

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Discussion of separation from groundwater requirements in Chapter 515 Management of Solid Waste – Mr. Riley stated this is an update regarding the inward gradient landfill, an alternative to current practice in Oklahoma. This item was tabled at the Council meeting in September due to a party that was interested in changing the separation from groundwater rules to allow landfill construction at an elevation within that would be lower than the water table. The presenter was to come back at this meeting with additional information related to environmental performance of those types of constructed landfills. The presenter has decided to no longer pursue this initiative in Oklahoma and the Department is unaware of anyone or any other party that wants to pursue this at this time. Therefore, there is no further discussion on this issue.

See transcript pages 23 - 24

A. Discussion of proposed new Chapter 517 Disposal of Coal Combustion Residuals from Electric Utilities – Ms. Hillary Young, Engineering Manager of the LPD, stated the Department is proposing to create a new Chapter , OAC 252:517 (Disposal of Coal Combustion Residuals from Electric Utilities). The Department is proposing OAC 252:517 in response to the United States Environmental Protection Agency (EPA) promulgating 40 CFR Part 257, Subpart D which prescribes new requirements pertaining to the disposal of coal combustion residuals (CCR) generated from the combustion of coal at electric utilities and independent power producers. Following questions by the Council and the public, Mr. Linn moved to approve with specified changes Ms. Young mentioned. Mr. Adcock made the second.

See transcript pages 24 – 59

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

B. Discussion of proposed changes to Chapter 515 Management of Solid Waste – Mr. Riley stated the Department is proposing to amend OAC 252:515-1-1 by excluding solid waste disposal facilities used exclusively for disposal of coal combustion residuals, or coal ash, generated from the combustion of coal at electric utilities and independent power producers, from the applicability of OAC 252:515. Following questions by the Council and none by the public, Mr. Linn moved for approval and Mr. Adcock made the second.

See transcript pages 60 – 63

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Public Forum – No public issues were raised.

New Business – None

Adjournment – Meeting adjourned at 10:25 a.m.

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

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<p>1 DEPARTMENT OF ENVIRONMENTAL QUALITY PUBLIC MEETING 2 SOLID WASTE MANAGEMENT ADVISORY COUNCIL 3 4 5 6 7 8 9 10 11 JANUARY 14, 2016 - 9 00 A.M. 12 13 14 15 Multi-Purpose Room, 1st Floor DEQ Building 16 707 N. Robinson Oklahoma City, OK 17 18 19 20 21 22 23 Reported by Lynette H. Wrany, C S.R. #1167 24 25</p>	<p>1 3</p>
<p>1 COUNCIL MEMBERS PRESENT: 2 Todd Adcock Rodney Cleveland 3 Steve Landers Jim Linn 4 Matthew Newman Traci Phillips 5 Bill Torneten Jeff Shepherd - Chair 6 7 8 COUNCIL MEMBERS ABSENT: 9 Ilda Hershey Brenda Merchant - Vice-Chair 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 4</p>

1 Call to order - 9:08 A.M.
2 CHAIR SHEPHERD: This January 14th, 2016
3 meeting of the Solid Waste Management Advisory Council
4 was called in accordance with the Open Meeting Act.
5 Notice was filed with the Secretary of State
6 on October the 20th, 2015. The Agenda was duly posted
7 on the doors of the DEQ, 707 North Robinson, Oklahoma
8 City, Oklahoma at least 24 hours prior to the meeting.
9 Only matters appearing on the posted Agenda
10 may 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 of
15 a meeting which is continued may be discussed at the
16 continue or reconvened meeting.
17 MS. QUIANA FIELDS: Mr. Adcock.
18 MR. ADCOCK: Here.
19 MS. QUIANA FIELDS: Mr. Cleveland.
20 MR. CLEVELAND: Here.
21 MS. QUIANA FIELDS: Ms. Hershey is absent.
22 Mr. Landers?
23 MR. LANDERS: Here.
24 MS. QUIANA FIELDS: Mr. Linn?
25 MR. LINN: Here.

1 MS. QUIANA FIELDS: Ms. Merchant is absent.
2 Mr. Newman?
3 MR. NEWMAN: Here.
4 MS. QUIANA FIELDS: Ms. Phillips?
5 MS. PHILLIPS: Here.
6 MS. QUIANA FIELDS: Mr. Torneten?
7 MR. TORNETEN: Here.
8 MS. QUIANA FIELDS: Mr. Shepherd.
9 CHAIR SHEPHERD: Here.
10 MS. QUIANA FIELDS: We have a quorum.
11 CHAIR SHEPHERD: Thanks. Okay. Now I have
12 to read this safety – health and safety issue. So,
13 bear with me. It's long.
14 We have some safety and housekeeping items to
15 address. For those in attendance that are not DEQ
16 employees, if there is a fire emergency, exit the
17 building in an orderly manner, but do not leave
18 without reporting to the head count meeting location,
19 which is located across Robinson Avenue to the east at
20 the Fire Union Building parking lot. A member of
21 DEQ's building operations will do a head count and
22 collect your visitor's badge if you decide to leave.
23 If there is a tornado or other emergency,
24 there will be an announcement over the PA system. For
25 a tornado, you will be asked to shelter in place here

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<p style="text-align: right;">5</p> <p>1 in the building away from the windows and doors and/or 2 follow the instructions from the announcement. 3 If needed, the First Aid Kit and automatic 4 electronic defibrillator are located in the handicap 5 restroom, which is located just outside the room – 6 this room's southwest exit doors on the right. 7 This room has two exits, one in the northwest 8 corner and one located near the southwest part of the 9 room. 10 The building has three exits: First are the 11 front doors on the east side of the building where you 12 entered. Second are the doors located in shipping and 13 receiving on the north side of the building past the 14 security desk. Those lead to the alley on the north 15 side of the building. Last are the employee entrance 16 doors on the southwest corner of the building. The 17 front doors should be used, if possible. 18 The men's restroom is located on the left in 19 the main hallway past the elevators. The women's 20 restroom is located on the – on the cross hallway 21 just past the men's room or out the southwest room 22 exit doors, around the corner on the right. 23 There are no planned alarm system or elevator 24 alarm tests scheduled for today. 25 All right.</p>	<p style="text-align: right;">7</p> <p>1 MR. TORNETEN: Yes. 2 MS. QUIANA FIELDS: Mr. Shepherd? 3 CHAIR SHEPHERD: Yes. 4 MS. QUIANA FIELDS: Motion passed. 5 CHAIR SHEPHERD: Thank you. Director's 6 Report. Patrick? 7 MR. PATRICK RILEY: We don't have a whole lot 8 of things to talk about today. I do have a few things 9 I'll mention. 10 But to get things started, I'd like to invite 11 Land Protection Division Director Kelly Dixon to say a 12 few words. 13 CHAIR SHEPHERD: Okay. 14 MS. KELLY DIXON: Good morning, everyone. 15 CHAIR SHEPHERD: Good morning, Kelly. 16 MS. KELLY DIXON: I just wanted to take a few 17 minutes to brag a little bit about our division and 18 some of its -- some of our accomplishments that we've 19 had this past year and to let -- to give you a glimpse 20 into what we've been up to and what we've been doing, 21 some of the good news stories. 22 The Village in Oklahoma City got a 23 Brownfields Grant for clean up of a dilapidated 24 apartment structure. That clean up, that was a 25 blighted area, it had a lot of crime, because it was</p>
<p style="text-align: right;">6</p> <p>1 MR. TORNETEN: Do you take questions on that? 2 CHAIR SHEPHERD: There's lighted lights that 3 will guide you out. 4 Traci made two meetings in a row on time. 5 MR. LINN: We get a round of applause for 6 that. Thank you, Traci. 7 CHAIR SHEPHERD: All right. Here we go. 8 Roll call has been done. Approval of the 9 minutes for September 17th, 2015 Solid Waste 10 Management Advisory Coun. Meeting. 11 MR. NEWMAN: Motion to approve. 12 MR. LINN: Second. 13 MS. QUIANA FIELDS: Mr. Adcock? 14 MR. ADCOCK: Yes. 15 MS. QUIANA FIELDS: Mr. Cleveland? 16 MR. CLEVELAND: Yes. 17 MS. QUIANA FIELDS: Mr. Landers? 18 MR. LANDERS: Abstain. 19 MS. QUIANA FIELDS: Mr. Linn? 20 MR. LINN: Yes. 21 MS. QUIANA FIELDS: Mr. Newman? 22 MR. NEWMAN: Yes. 23 MS. QUIANA FIELDS: Ms. Phillips? 24 MS. PHILLIPS: Yes. 25 MS. QUIANA FIELDS: Mr. Tometen?</p>	<p style="text-align: right;">8</p> <p>1 abandoned and boarded up. That clean up spurred lots 2 of development. There's a lot of houses, there are 3 housing developments and community centers. So this 4 is a really good story that highlights the clean up 5 aspect of Brownfields and how it leads to 6 redevelopment and adds to the tax base. So that's 7 something that we -- a story that we like to tell. 8 Also, the Okmulgee Development -- Okmulgee 9 Area Development Authority in Okmulgee received the 10 National Brownsfield Award this past year for its 11 efforts to redevelop the old Basin Refinery. It was a 12 partnership between the county and the city and 13 Phillips 66 to clean up this refinery. 14 The clean up is done. And after the clean 15 up, the OADC has been able to beneficially bring 16 businesses to that property. There's a hotel, there's 17 a Ford dealership that's going in and there's also a 18 -- it's a hardware store. I can't think of the name 19 of it right now. And they have plans for continued 20 development. So they're bringing more tax base into 21 the community because of the clean up. 22 We also started this year a project to go 23 across the state and assess school laboratories for 24 chemicals and help them inventory what they have and 25 clean up the chemicals. I think we've got 25 out of</p>

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9	<p>1 30 applications that we have completed to date. 2 And the good news story about this, I think, 3 not only is it were we able to help the schools clean 4 these up, but we're going a step beyond and referring 5 them to our pollution prevention program where they 6 can counsel them on how to give them some tools on how 7 to use small-scale chemistry and not collect so many 8 chemicals in the future. So they have a -- it's a 9 long-term goal. 10 And I wanted to end today with a project that 11 got recognition from Keep Oklahoma Beautiful. Matt 12 Newman with Covanta was recognized for his efforts on 13 a mercury thermostat take-back program. This program 14 was created to collect mercury thermostats. Covanta 15 reached out to Locke Supply, who was willing to play. 16 And, you know, what's interesting about that is Locke 17 Supply is a local Oklahoma company. And they were 18 willing to participate when these big box stores 19 weren't. So and DEQ partnered with Covanta, a lot of 20 the public utilities partnered with Covanta to get the 21 word out and make this project a success. 22 And I don't know if you want to say a few 23 words about that, but, you know, you were recognized 24 by Keep Oklahoma Beautiful in November for your 25 efforts.</p>	11
10	<p>1 MR. NEWMAN: Yeah. It's just a great example 2 of public-private partnerships. And Fenton and 3 Patrick helped tremendously. It was Product 4 Stewardship Institute, Thermostat Recycling 5 Corporation, Locke Supply, and then OG&E, AEP-PSO and 6 ONG all reaching out to their clients. 7 And the electric utilities have thermostat 8 replacement programs. So this is a shoe in to keeps 9 these thermostats out of landfills and to recycle them 10 appropriately. I think ONG will -- has already 11 contacted over 800,000 of their clients. So, with the 12 utilities' outreach and education, really the DEQ's 13 outreach and education, we'll make a huge difference 14 and make this a success. 15 MS. KELLY DIXON: Yeah. We've even got our 16 local environmental folks out in the -- out in the 17 counties reaching out and spreading the word about 18 this program, too. So we're -- it has been a success 19 and we think it will continue to be a success. 20 So those are some of the good news stories I 21 just wanted to share with you guys. And I'm going to 22 turn it back over to Patrick. 23 MR. PATRICK RILEY: Thank you. 24 MR. NEWMAN: Could I give you one more good 25 news story? Is that all right, Patrick?</p>	12
9	<p>1 MR. PATRICK RILEY: Sure. 2 MR. NEWMAN: So last year's Keep Oklahoma 3 Beautiful Towering Spirit Award was awarded to Covanta 4 in a partnership with the Oklahoma Bureau of Narcotics 5 for their Take-Back Program, where they put the boxes 6 in police departments across the state. 7 Later today we will take some pictures and 8 celebrate. We have collected and properly disposed of 9 over 100,000 pounds of pill weight since we started 10 this program. And that is keeping it out of our 11 waterways, it's keeping it out of the kids' hands. 12 And as you know, the drug abuse, prescription drug 13 abuse problem in Oklahoma is just pandemic. We lose 14 -- it's the largest killer of our youth in Oklahoma. 15 So another good news story and with the DEQ's 16 help in communicating that program as well. 17 MR. PATRICK RILEY: That's great news, Matt. 18 Thanks for sharing that. Do you know how many pills 19 that works out to be at 100,000 pounds? 20 MR. NEWMAN: I mean, I'd have to have an 21 engineer help me with the math and do a -- 22 MR. PATRICK RILEY: We might have one in the 23 room somewhere we can task with that. 24 MR. NEWMAN: I have confidence, in the 25 millions.</p>	11

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<p style="text-align: right;">13</p> <p>1 really gotten on board. We have energy champions on 2 each floor that promote energy conservation tips. So 3 just one more thing that we're happy to brag about. 4 A couple more updates and then we'll get on 5 to the next Agenda item. The -- at our last meeting 6 we were tasked with -- by the Council to coordinate a 7 work group to review the Closure and Post-closure 8 Costs Worksheets. I just want to provide an update 9 and let the Council and the public know that we've had 10 that first meeting of the work group. Ms. Merchant, 11 Mr. Adcock, Mr. Shepherd, and Mr. Landers participated 12 with DEQ Staff to review those. 13 In accordance with the rules, we have to 14 review those worksheets every five years. And so, 15 we're -- we're working on that now. We have another 16 meeting scheduled for later this month, I believe. 17 And once we have results, we'll present those for 18 review and discussion to the Council. 19 MR. TORNETEN: So those won't go in effect 20 for this year's, Closure/Post-closure Cost Estimates? 21 MR. PATRICK RILEY: Correct. One last thing, 22 if you -- if you're not aware already, there will be a 23 Board and Council orientation at DEQ for -- primarily 24 for new Board and Council Members, just a training 25 event to let them know about what DEQ does and its</p>	<p style="text-align: right;">15</p> <p>1 MR. PATRICK RILEY: And the motion 2 recommended that everyone read the model rule template 3 and come back with questions and comments and continue 4 the discussion today. 5 I'm sharing the input received from 6 businesses or industries that were interested in 7 composting. And so, we're here to continue that 8 discussion and receive any of those comments. 9 And then, I have some information that I'd 10 like to share about the conversation that DEQ had with 11 the Oklahoma Department of Agriculture. 12 CHAIR SHEPHERD: Okay. 13 MR. PATRICK RILEY: So is there information 14 that the Council would like to share, or questions or 15 comments? 16 CHAIR SHEPHERD: I mean, I -- I read the 17 rules. I read them four or five times. So, you know, 18 as far as I'm concerned, I think they're a good base 19 to move from and develop our own set or copy those or 20 however we want to move forward. U.S. Composting 21 Council. 22 MR. PATRICK RILEY: So just to benefit those 23 that maybe weren't at the last meeting or just to 24 summarize what we're talking about, the way the Solid 25 Waste Rules are structured now, we have a scenario</p>
<p style="text-align: right;">14</p> <p>1 mission and activities. And that's going to be held 2 on -- at DEQ on March 24th. And I think the members 3 are going to be contacted individually for that. But 4 just a heads up to be looking for information about 5 that. 6 And if there aren't any questions, then that 7 concludes the Director's Report. 8 CHAIR SHEPHERD: All right. Does anybody 9 have any questions? All right. We'll move on to Item 10 Number 5, Discussion of the Composting Rules, a 11 follow-up discussion regarding the U.S. Composting 12 Council's model compost rule template and potential 13 rule change. 14 MR. PATRICK RILEY: Okay. If you remember, 15 the -- at the last meeting in September, we presented 16 some information from the U.S. Composting Council in 17 the form of their model rules template. And we did 18 this on -- at the request of the Chairman of the 19 Council to see if there were or if there would be 20 benefit to modifying our rules that address 21 composting. 22 And there was some discussion at the meeting 23 and a motion was made to keep this as an Agenda item 24 for this meeting. 25 CHAIR SHEPHERD: Okay.</p>	<p style="text-align: right;">16</p> <p>1 that regulates composting facilities that are for yard 2 waste only and it does not have a lot of design 3 criteria or regulatory oversight. And then we have 4 composting rules, design criteria and regulation for 5 anything else that might be composted. 6 So for yard waste only, it's a very simple 7 process and requires only filing a plan with the DEQ. 8 But if you wanted to add anything else to yard waste 9 to compost, then, the way the rules are structured, 10 you're required to design and operate a facility 11 that's very much like a landfill, with composite liner 12 system, leachate collection, groundwater monitoring, 13 which becomes somewhat cumbersome and maybe overly 14 burdensome and unnecessary for some types of 15 composting materials. 16 So the plan or the composting template that 17 we presented, it uses a tiered approach that tries to 18 balance design and operating criteria with the 19 perceived or anticipated human health and 20 environmental risk of the feedstock and volume of 21 material to be composted so that it, the regulatory 22 and operating criteria, would become more stringent as 23 risk -- with higher risk. 24 So we thought that that might be something 25 that Oklahoma could -- could work with to develop some</p>

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<p style="text-align: right;">17</p> <p>1 rules that -- that would allow and encourage recycling 2 to occur and not burden unnecessarily facilities that 3 wanted to participate in it. 4 It is used in other states. The Department 5 of Agriculture offers composting permits for 6 agriculturally-based materials. The DEQ has a 7 memorandum of understanding with the Department of 8 Agriculture to set out and identify areas where we may 9 have overlapping jurisdiction to kind of understand 10 the gray areas between the two agencies. 11 And the conversations we had with them most 12 recently, last month, composting was a topic and they 13 are being approached by facilities that want to 14 compost things beyond agriculture materials. And from 15 what we've heard in that conversation with the 16 Department of Ag is that they want to encourage 17 composting, but they're also somewhat uncomfortable in 18 granting permits for things that -- that are outside 19 their scope and they would much rather see DEQ do 20 that. But they've also shared the observation that 21 from what they're hearing is that the regulated 22 community sees DEQ's regulations as more burdensome, 23 and so they're coming to the Department of Ag seeking 24 permits. 25 Wanting to promote composting, they hate to</p>	<p style="text-align: right;">19</p> <p>1 MR. PATRICK RILEY: So -- 2 MR. CLEVELAND: Are there any pressing, like 3 -- like needs or questions or problems that have 4 been -- risen and everything, other than just the 5 recommendation from the Composting Council that they 6 put -- 7 MR. PATRICK RILEY: Other than the 8 conversations that we've had with 9 potentially-regulated entities that are seeking 10 permits, I don't think that we've identified 11 particular problems. 12 MR. CLEVELAND: The agencies that are seeking 13 permits, are they seeking permits for something that 14 we don't have rules for right now to apply to them? 15 Is that what we're looking for, looking at right now? 16 MR. PATRICK RILEY: What we're seeing are 17 interested parties that would like to compost certain 18 feedstocks and materials, but -- and we have rules 19 that would cover composting of anything. But the 20 rules are somewhat cumbersome. So if someone wanted 21 to compost anything other than yard waste, they're 22 essentially looking at a permit that's equivalent to 23 seeking a landfill permit and designing a facility 24 that's equivalent to a landfill. And the costs 25 associated with the engineering and the permitting of</p>
<p style="text-align: right;">18</p> <p>1 turn people away. But, again, they think it's DEQ's 2 role. So they will be a -- if we decide to pursue 3 rules, I think that they will be a stakeholder and 4 we'll involve them in that conversation. 5 CHAIR SHEPHERD: What about -- what about 6 wastewater sludge? Is that governed under the DEQ as 7 far as -- 8 MR. PATRICK RILEY: Wastewater sludge is 9 regulated by the Water Quality Department. So we have 10 -- 11 CHAIR SHEPHERD: We have some jurisdiction 12 there. Okay. All right. So where do we move on from 13 here? Do we just move to adopt rules? 14 MR. PATRICK RILEY: It's up to you how we 15 want to proceed. We would do a couple of things. One 16 would be to direct staff to do some research and 17 present some -- our findings. We could present rules 18 to look at. 19 CHAIR SHEPHERD: Have we -- have we bothered 20 to have discussions with the Board on this? 21 MR. PATRICK RILEY: No. 22 CHAIR SHEPHERD: Okay. Maybe we should 23 invite some of them to join our discussions, because I 24 would hate to drag them up to the Board and then have 25 them say we're not approving these.</p>	<p style="text-align: right;">20</p> <p>1 that type of facility are so large that it discourages 2 anyone from pursuing that project further. 3 MR. CLEVELAND: Okay. So -- so what -- what 4 you guys are kind of looking for direction from this 5 Board is action to task DEQ to further look at 6 modifying the rules or changing the rules to -- that 7 reflects the Composting Council that -- their 8 recommendations, and then also to help with these 9 permitting? 10 MR. PATRICK RILEY: Yeah. We could -- we're 11 looking for some direction. Basically we're looking 12 for -- we're asking if you think it's worthwhile for 13 us to do this. 14 I would point out that the Composting Council 15 template is just an example. I don't know that -- 16 that we would implement those rules as they are. I 17 like, in theory, the tiered approach. I think it has 18 benefit. But we wouldn't take that verbatim and make 19 rules from it. 20 But that's a place to start and I like that 21 approach. If you think there's merit in that, we can 22 look at it, continue to look at it and present some 23 ideas. 24 MR. CLEVELAND: Would there be any statutory 25 requirements? Any -- would there need to be anything</p>

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21	<p>1 for this upcoming legislative year, anything that's 2 done that would have to -- that would be reflected on 3 -- 4 MR. PATRICK RILEY: I wouldn't anticipate 5 anything, especially this year. I defer to my 6 attorney about statutes, if he's aware of anything 7 that might be impacted by a composting rule. 8 MR. TAD ALFORD: To my knowledge, I don't 9 think that any statutory change would be necessary. 10 DEQ does have statutory authority to issue commercial 11 composting permits. And so, it would be more just of 12 administrative rules to help, I guess, facilitate this 13 tiered approach. 14 But again, we have jurisdiction over this 15 topic and I don't think there is any statutory 16 impediment, no. 17 MR. TORNETEN: You'd still have to follow the 18 Uniform Permitting Rules, as far as issuing a permit? 19 MR. TAD ALFORD: Correct. 20 MR. PATRICK RILEY: Yes. 21 MR. TAD ALFORD: So as of the right now the 22 different types of permits, Tier I through III, is set 23 out in Chapter 4. So, depending on what we do come up 24 with, it's possible that there my be changes necessary 25 to Chapter 4 of DEQ's Rules, which isn't presented to</p>	23
22	<p>1 this body. But that may be a consideration as well. 2 MR. LANDERS: So what tier is it if someone 3 comes to the DEQ wanting a composting permit? 4 MR. PATRICK RILEY: For yard waste only, 5 it's -- 6 MR. LANDERS: No, the -- 7 MR. PATRICK RILEY: For something? 8 MR. LANDERS: Yes. 9 MR. PATRICK RILEY: It would be a Tier III. 10 It would be a Land Disposal Facility Permit. 11 CHAIR SHEPHERD: I mean, I think it's 12 worthwhile. I mean, I think that there are certainly 13 quite a bit of waste streams and feedstocks out there 14 that could be composted. 15 I guess do we need a motion? 16 MR. CLEVELAND: I make a motion that we 17 direct the DEQ staff to review it. 18 CHAIR SHEPHERD: Do you want them to come up 19 with some draft rules by the next meeting? 20 MR. CLEVELAND: Yeah. Yes. 21 MS. PHILLIPS: I'll second. 22 CHAIR SHEPHERD: Okay. 23 MS. QUIANA FIELDS: Mr. Adcock? 24 MR. ADCOCK: Yes. 25 MS. QUIANA FIELDS: Mr. Cleveland?</p>	24
21	<p>1 MR. CLEVELAND: Yes. 2 MS. QUIANA FIELDS: Mr. Landers? 3 MR. LANDERS: Yes. 4 MS. QUIANA FIELDS: Mr. Linn? 5 MR. LINN: Yes. 6 MS. QUIANA FIELDS: Mr. Newman? 7 MR. NEWMAN: Yes. 8 MS. QUIANA FIELDS: Ms. Phillips. 9 MS. PHILLIPS: Yes. 10 MS. QUIANA FIELDS: Mr. Torneten. 11 MR. TORNETEN: Yes. 12 MS. QUIANA FIELDS: Mr. Shepherd. 13 CHAIR SHEPHERD: Yes. 14 MS. QUIANA FIELDS: Motion passed. 15 CHAIR SHEPHERD: All right. Got your work 16 cut out for you. 17 MR. PATRICK RILEY: Thank you. 18 CHAIR SHEPHERD: You didn't have anything 19 else better to do, right? 20 MR. PATRICK RILEY: That's right. 21 CHAIR SHEPHERD: All right. Moving on to 22 Item Number 6, discussion of separation from 23 groundwater requirements in Chapter 515 Management of 24 Solid Waste. Update regarding, "The Inward Gradient 25 Landfill - An Alternative to Current Practice in</p>	23
22	<p>1 Oklahoma." 2 MR. PATRICK RILEY: If you remember, at our 3 last meeting we had a presentation by a party that was 4 interested in changing the separation from groundwater 5 rules to allow landfill construction at a elevation 6 within -- that would be lower than the water table. 7 CHAIR SHEPHERD: Correct. 8 MR. PATRICK RILEY: And are known as an 9 inward gradient landfill. And at that meeting the 10 item was tabled until the next -- until this meeting 11 to allow the presenter to come back with additional 12 information, especially related to environmental 13 performance of those types of constructed landfills. 14 The presenter has decided to no longer pursue 15 this initiative in Oklahoma. So -- and I'm unaware of 16 anyone or any other party that wants to pursue this at 17 this time. So, I think we've concluded the discussion 18 on this issue. 19 CHAIR SHEPHERD: Okie doke. All right. 20 Moving on to Number 7, Public Rulemaking Hearings. 21 Discussion of proposed new Chapter 517 Disposal of 22 Coal Combustion Residuals from Electric Utilities. 23 MR. PATRICK RILEY: And I'll ask Hillary 24 Young, our Chief Engineer, to present some information 25 regarding the proposed rules.</p>	24

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<p style="text-align: right;">25</p> <p>1 CHAIR SHEPHERD: Okay. Quick question. At 2 the end of this, we're voting on the approval of these 3 rules, correct? 4 MR. PATRICK RILEY: Correct. The draft 5 rules. And we have an A and a B to this section. 6 CHAIR SHEPHERD: Okay. 7 MR. PATRICK RILEY: If we -- if we vote -- or 8 if you vote to pass A, then we can consider B. If you 9 decide that A -- that you don't support A and it 10 doesn't pass, then we don't need to consider changes 11 to 515. 12 CHAIR SHEPHERD: And then we've -- other 13 than -- everything, other than the letter from Ryan, 14 Whaley, Coldiron, Jantzen, Peters & Webber, everything 15 else we've already received and, hopefully, 16 everybody's kind of had a chance to read through it. 17 So what are we doing about -- is Hillary going to 18 address this letter? 19 Is there anybody from Ryan, Whaley and 20 Coldiron here? 21 MR. KENT FLETCHER: I'm Kent Fletcher. I'm 22 with Western Farmers. 23 CHAIR SHEPHERD: Okay. 24 MR. KENT FLETCHER: Ryan and Whaley did this 25 for Western Farmers.</p>	<p style="text-align: right;">27</p> <p>1 adopt it. However, regardless of state 2 implementation, facilities that are affected by the 3 rule are required to abide by it. Citizens, states 4 and Tribes can only enforce requirements under RCRA 5 citizen suits. 6 After internal discussions and meeting with 7 stakeholders, DEQ decided to move forward with 8 adopting the federal requirements. There are several 9 reasons why DEQ decided to move forward on this. 10 First, we believe strongly that DEQ should be in 11 charge of environmental compliance in Oklahoma. 12 Second, there is strong support from the very industry 13 to be regulated by these rules to pursue this rule 14 adoption. 15 We have been told by industry that complying 16 with state rules may offer some protection from 17 citizen suits. If there is a citizen suit, it makes 18 industry's position stronger if they have a permit and 19 a compliance schedule with DEQ. 20 Third, it provides a mechanism for resolving 21 compliance issues without having to resort to 22 lawsuits, a huge benefit to citizens, the regulated 23 community and the State of Oklahoma. 24 And finally, it gives those facilities 25 required to follow these rules the ability to not have</p>
<p style="text-align: right;">26</p> <p>1 CHAIR SHEPHERD: Okay. 2 MR. KENT FLETCHER: Turned those in and just 3 reviewed it. It's -- it's more of clarification or 4 whatever as we go through this rule. That -- some of 5 these issues are not deal killers from Western 6 Farmers' point of view, but it's just to point out 7 that here is some differences. 8 CHAIR SHEPHERD: Okay. 9 MR. KENT FLETCHER: But they're not -- 10 if we look at them, it is just to be 11 considered. It is not a deal killer as far as 12 Western Farmers is concerned. Whether we want 13 this process to go forward. 14 CHAIR SHEPHERD: Okay. All right, Hillary. 15 MS. HILLARY YOUNG: I'm Hillary Young, Chief 16 Engineer of the Land Protection Division. 17 And, as you know, the federal rule on the 18 disposal of coal combustion residuals, or CCR, 19 generated by electric utilities and independent power 20 producers became final on April 17th, 2015. The rule 21 became effective on October 19th, 2015. 22 The federal rule establishes minimum national 23 criteria for the disposal of CCR in landfills and 24 surface impoundments. The final federal rule is 25 self-implementing and EPA does not require states to</p>	<p style="text-align: right;">28</p> <p>1 to follow two separate rules, a state set and a 2 federal set. 3 Now EPA recommended that states revise their 4 Solid Waste Management Plans to address the issuance 5 of CCR rules and to submit revisions of these plans to 6 EPA for approval. The Solid Waste Management Plan 7 will serve as a mechanism where the state will set 8 out, as part of our overall Solid Waste Program, how 9 we intend to regulate CCR landfills and surface 10 impoundments. For the Solid Waste Management Plan to 11 be approved, the state must meet the minimum 12 requirements of the federal rule. And this will be 13 accomplished through this rulemaking. 14 I'd like to stress again that these rules 15 must meet the federal requirements, and they are 16 strongly supported by the industry that will be 17 regulated by them. 18 Once DEQ decided to pursue this rulemaking, 19 we reviewed statutory requirements to ensure there 20 were no contradictions with the federal rules. It was 21 determined two minor changes were needed. The first 22 relates to locating landfills in seismic impact zones. 23 Title 27A exempts NHIW landfills from this siting 24 requirement, so the proposed statutory change will 25 remove the exemption for CCR landfills only. It is</p>

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<p style="text-align: right;">29</p> <p>1 important to note that CCR landfills may still be 2 located in seismic impact zones if engineered 3 correctly. The proposed change will not affect other 4 NHIW landfills or MSW landfills.</p> <p>5 The second proposed statutory change is found 6 in the Mining Code of Title 45. Current statutory 7 language exempted disposal of coal ash in non-coal 8 mining operations from all solid waste permitting 9 requirements. The proposed statutory change removes 10 this exemption. DEQ and the Department of Mines have 11 worked together to address the proposed change.</p> <p>12 DEQ also looked into imposing fees on those 13 facilities that would be regulated by these rules. 14 Stakeholders were supportive. However, when opening a 15 fee statute, you never know what might happen. 16 Therefore, DEQ did not feel comfortable with opening 17 the statute at this time.</p> <p>18 Now that I have given some background, I'd 19 like to move on to the rules themselves. We chose to 20 create a new Chapter 517, rather than incorporate 21 requirements into Chapter 515, for several reasons. 22 First, it allowed us to simply move the federal rules 23 into the new chapter largely intact.</p> <p>24 Second, it makes it clear who is required to 25 follow these rules. So there is no confuses for our</p>	<p style="text-align: right;">31</p> <p>1 statement regarding CCR units being subject to 257.31, 2 257.32 and 257.33. We've removed that statement, 3 because those are references to the other areas of the 4 federal rules, because these referred to locating in a 5 flood plane, endangered species and discharge to 6 surface waters. This language already existed in the 7 515, so we moved that language over from the 515 and 8 put it in the appropriate places in the 517s. And 9 I'll remind you of that when we get there. So those 10 are also federal requirements.</p> <p>11 In 1-3, the Definitions, we tweaked some to 12 fit with state regs and then added the definition of 13 CLIMOCS, which is a publication used to obtain 30-year 14 mean precipitation data in wetlands.</p> <p>15 Section 1-4 through 1-7 is from the 515s. 16 1-4, Terms not defined by Act or rule. This is 17 covering our bases if something's not explicitly 18 defined. Test methods and map scales. It's just 19 standard language from the 515s over what test methods 20 to use. Severability.</p> <p>21 And then I want to call your attention to 22 1-7, Permits. This is the section directing CCR units 23 to be permitted. In (a), Permit required, this is 24 simply stating that a permit is required for all CCR 25 units. And in (b) Existing CCR landfills, Existing</p>
<p style="text-align: right;">30</p> <p>1 other facilities that are regulated by the 515s. 2 And third, it makes the EPA approval process 3 go much more smoothly.</p> <p>4 We began this process by taking the federal 5 rules and applicable rules in Chapter 515 and putting 6 them together into Chapter 517. So every rule in 7 Chapter 517 is either from the federal rules or is 8 from Chapter 515.</p> <p>9 Because the federal rules are 10 self-implementing, our challenge was making those 11 rules work in the context of a permitting program. 12 Some general changes to the federal rules were made 13 throughout Chapter 517. And those changes include the 14 most obvious, which is the citation changes to 517 15 within the rules, any statements regarding national 16 applicability were removed, and the addition of 17 language to require submittal of plans to DEQ.</p> <p>18 Now I will briefly -- I can briefly go over 19 each subchapter to show you where we inserted language 20 from Chapter 515 into the federal rules.</p> <p>21 Subchapter 1. General Provisions. Section 22 1-1 through 1-3 are from the federal rules 257.50 23 through 257.53.</p> <p>24 In 1-2, Applicability of other regulations, 25 this is from 257.52. And in 257.52 there is a</p>	<p style="text-align: right;">32</p> <p>1 Permits. So CCR landfills that are currently -- have 2 a permit, don't have to get a new permit.</p> <p>3 And then they have to do permit upgrades. So 4 within 180 days of the effective date of Chapter 517, 5 unless a specific date within the rules is provided, 6 they must submit a permit mod to ensure compliance 7 with 517. And this won't be a problem for existing 8 facilities, because they're already required to follow 9 the federal rules on a self-implementing basis.</p> <p>10 And then (c) is for Existing CCR impoundment 11 permits permitted under 616. They either must be 12 permitted under Chapter 517 upon expiration of the 13 existing permit or no later than October 19th, 2018, 14 whichever comes first.</p> <p>15 Next is Subchapter 3, Permit Provisions and 16 Applications. All of this subchapter is from Chapter 17 515, Subchapter 3. Again, this subchapter was 18 included in the 517s, because we're making a 19 self-implementing program a permitting program. So 20 this is our standard things that we look for in our 21 permits.</p> <p>22 So, Duration of permit. These permits will 23 be for the life of the site, like other solid waste 24 facilities. Permit transfer. General 25 requirements, which is following our Uniform</p>

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<p style="text-align: right;">33</p> <p>1 Permitting Act. Legal right to property. Permit 2 applications, what we want to see in a permit 3 application. And then the maps that we want to look 4 at to help us evaluate a permit application. And 5 again, this is straight from the 515s. 6 Next is Subchapter 5, Location restrictions. 7 Section 5-1 through 5-5 is directly from the federal 8 rules 257.60 through 257.64. 5-6 through 5-11 is 9 directly from the 515s. Please note that the 100-year 10 flood plane and endangered or threatened species that 11 were in the applicability statement I talked about in 12 Subchapter 1 are addressed here. So these are also 13 requirements of the federal rules. 14 We've moved over the additional location 15 restrictions from the 515s to maintain consistency 16 throughout the Solid Waste Program and so that 17 disposal facilities are sited consistently across our 18 Solid Waste Program. 19 Next is Subchapter 7, Subsurface 20 investigation. This entire subchapter is from 21 Subchapter 7 of the 515s. The reason we moved this 22 into the 517s is because the federal rules have a 23 separation from groundwater requirement but don't set 24 out any procedures for how to make that determination. 25 The subsurface investigation is applicable to new CCR</p>	<p style="text-align: right;">35</p> <p>1 13-7 are from the 515s. Discharges, this language was 2 taken from the 515s. However, this is, again, the 3 third item that was referred to in the applicability 4 portion that referenced other federal rules. So this 5 is also a federal requirement. 13-7 is Leachate 6 collection and management for CCR landfills. 7 Subchapter 15, Closure and Post-closure care, 8 Section 15-1 through 15-4 is from the 515s. And this 9 just has performance standard, DEQ notification, 10 certification and final closure -- and final closure. 11 And then Section 15-5 through 15-9 of the federal 12 rules -- 257 is from the federal rules 257.100 through 13 257.104, with the exception of 517-15-9(c)3. We added 14 language from the 515 that allows DEQ to extend the 15 post-closure period. And one thing to note here is 16 that post closure is 30 years. 17 Section 15-10 through 15-12 from Chapter 515 18 as well, and that has to do with post-closure use of 19 property, certification of post-closure performance 20 and land use restrictions. 21 Next is Subchapter 17, Cost Estimates and 22 Financial Assurance. All of this is from Chapter 515, 23 Subchapter 27. Because the federal rule is 24 self-implementing, there are no financial assurance 25 requirements. As you know, financial assurance is</p>
<p style="text-align: right;">34</p> <p>1 units for lateral expansions of CCR units. 2 Next is Subchapter 9, Groundwater monitoring 3 and corrective action. This subchapter is from the 4 federal rules 257.90 through 257.98, with the 5 exception of 517-9-7(e), and we added the requirement 6 to discuss the results of the corrective measures 7 assessment in a public meeting. This requirement is 8 from the 515s and was carried over for program 9 consistency and because we think public involvement at 10 this point is important. 11 Subchapter 11, Design Criteria. All of this 12 subchapter is from the federal rules 257.70 through 13 257.74 with a couple of exceptions. Starting at 14 517-11-1(e)(2), we added language from the 515s to 15 submit a QAQC plan, obtain written approval from DEQ 16 to construct, provide written notification of 17 construction, and to hold a pre-construction meeting. 18 This language was added again to 517-11-3(c) under 19 Design Criteria for surface impoundments. 20 Again, taking a self -- this is taking a 21 self-implementing program and putting it into the 22 context of a permitting program. 23 Subchapter 13. Operational Requirements. 24 250 -- Section 13-1 through 13-5 are from 257.80 25 through 257.84 of the federal rules. 13-6 through</p>	<p style="text-align: right;">36</p> <p>1 needed because, in the event a facility cannot 2 complete closure or post-closure, the state is 3 required to step in and use the financial assurance to 4 complete it. Financial assurance will apply to all 5 CCR units, so both landfills and surface impoundments. 6 Subchapter 19 is Recordkeeping. This is from 7 the federal rules 257.105 through 257.107. For 8 517-19-2 we added a statement which stated that for 9 those plans requiring approval by DEQ, submittal of 10 the plan constitutes notification. 11 Next we have our Appendixes. Appendixes A 12 and B are the Constituents for Detection and 13 Assessment Monitoring. C and D are Borings and the 14 Drilling Plan and Borehole Depth Calculation Table. 15 And Appendix E and F are for Calculating Closure and 16 Post-closure Care. 17 And I would like to note that there is an 18 error in the footnotes that we will correct. In 19 Appendix E, we referenced -- in footnote b, we 20 referenced 252:515-27-34(a)(2). That should be 21 252:517-17-34(a)(2). And then again in c, it should 22 be -- it is referenced as 252 515-27-8(a)(2), and it 23 should be 252 517-17-8(a)(2). So we'll make those 24 changes. 25 And then again in Appendix F, we have in b in</p>

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<p style="text-align: right;">37</p> <p>1 the footnotes 252 515-27-34(a)(2), should be 2 252 517-17-34(a)(2). And again in e where we 3 reference 515, we will change that to the 517 4 requirement. 5 And then as you -- as Jeff said earlier, we 6 received comments yesterday. And, due to the time 7 constraints, we were unable to prepare a formal 8 written response. But we will provide that for the 9 Board if these rules pass. And with the exception of 10 number 3, we don't propose any changes to these rules 11 based on these comments. However, we can go over the 12 comments or I can just talk about number 3. Whatever 13 you all like. 14 MR. LANDERS: What would be the response to 15 Number 2? 16 MS. HILLARY YOUNG: Number 2. 17 MR. LANDERS: Or why are you not addressing 18 that? 19 MS. HILLARY YOUNG: Well, Number 2 talks 20 about the use of the term "waste." And it says, "In 21 numerous locations throughout proposed a OAC 252-517, 22 use of the term "waste" is inappropriate. A more 23 appropriate approach would be to substitute "CCR" for 24 "waste." And they gave some examples. 25 And our response to that is the federal --</p>	<p style="text-align: right;">39</p> <p>1 beneficial use, before it's been beneficially used, 2 it's a waste until it's -- until it's set out and sent 3 for beneficial use. 4 CHAIR SHEPHERD: So they can't store it on a 5 temporary basis. It's a waste. If they're storing it 6 for temporary -- on a temporary basis for beneficial 7 reuse, it's still a waste, so it has to be stored 8 accordingly. 9 MS. HILLARY YOUNG: Right. 10 CHAIR SHEPHERD: Okay. 11 MR. TAD ALFORD: Just for clarification, once 12 CCR is beneficially reused, it's exempt from these 13 rules and no longer considered a waste. Again, 14 we've -- we're the Solid Waste Management Advisory 15 Council. If it is -- if it is going into a unit 16 that's subject to regulation by these provisions, it, 17 by definition, would be a waste. 18 But again, we're not saying that the material 19 can't be beneficially reused and, therefore, basically 20 taken out of the category of a waste. But these rules 21 apply to the material as it is considered a waste. If 22 it's beneficially reused, it's not a -- these rules 23 don't apply, and, therefore, we don't see that the 24 change is necessary. 25 But again, we're open with whatever the</p>
<p style="text-align: right;">38</p> <p>1 waste is sprinkled throughout the -- both the federal 2 portions that we moved in and some of the state part. 3 So the federal portion needs to stay the same, because 4 we don't know how it would be perceived by EPA when 5 trying to get the Solid Waste Management Plan 6 approved. We can change the state portion, but we 7 don't think it's necessary, because these rules are 8 for the disposal of CCR, so it is a waste. 9 If the Council feels strongly that we should 10 change the state portion, then -- then we could -- we 11 could look at -- we could propose doing that. We 12 could go through and look at it right now, because, 13 you know, we want to vote on these rules today. So if 14 any changes need to be made, we would -- 15 MR. CLEVELAND: Well, was waste defined in 16 all the definitions? I didn't see that. 17 MS. HILLARY YOUNG: No. And I'd like to -- 18 you know, part of the reason for this was that, you 19 know, they said that, "CCR may be managed/stored on a 20 temporary basis in a CCR unit before beneficial reuse, 21 thus the term of "waste" isn't always appropriate." 22 But, you know, this chapter is -- we have a 23 beneficial use exception and the chapter does not 24 apply to practices that meet the definition of 25 beneficial use. So when it -- before it becomes a</p>	<p style="text-align: right;">40</p> <p>1 Council feels is appropriate. But again, if these 2 rules apply, it's a waste. If it's beneficially 3 reused, it's taken out of the purview of these rules 4 and no longer considered a waste. And that kind of -- 5 that was our train of thought. 6 MS. PHILLIPS: Two questions. And I'm sure 7 it's probably in here. But what is the length of 8 storage time for beneficial reuse? So has that been 9 defined somewhere? So if somebody classifies it -- 10 actually, maybe the first question is how and when is 11 that classified as beneficial reuse and then what is 12 the length of storage time that someone can have X 13 amount of pounds, you know, on site destined for 14 beneficial reuse? 15 MR. PATRICK RILEY: We consider if you -- if 16 you store the waste for longer than a year -- 17 MS. PHILLIPS: Okay. 18 MR. PATRICK RILEY: We consider it a waste, 19 that it's -- there is not a legitimate beneficial use, 20 MS. PHILLIPS: Okay. Right. That falls 21 under federal? Is that federal or state? 22 MR. MIKE STICKNEY: I don't know how it's 23 covered in the federal rules. But, in the state 24 rules, it is one year on the beneficial use. 25 MS. PHILLIPS: Okay. Okay. Is there a</p>

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<p style="text-align: right;">41</p> <p>1 minimum pound, you know, that someone can store on 2 site for a length of period of time? Or how do you 3 know? And I'm sure maybe in-and-out weight, you guys 4 are looking at that in reports from an in-and-out 5 weight perspective, that that material is actually 6 being turned over within a year's time period? 7 MR. TAD ALFORD: So with respect to the CCR 8 units, they're not necessarily keeping track of how 9 much material is going into the unit, like a municipal 10 solid waste would. 11 MS. PHILLIPS: Right. 12 MR. TAD ALFORD: Because they don't pay fees 13 on these. So even if CCR is disposed of in an 14 impoundment or landfill, so long as they appropriately 15 beneficially reuse the material, I don't think we 16 would necessarily care how long it had been in that 17 unit. But so long as it is in the unit, it has to be 18 handled in accordance with these rules. 19 So, so long as the material's managed in 20 accordance with the disposal rules, there wouldn't be 21 anything that would prevent them from in the future 22 being able to beneficially reuse that material. 23 CHAIR SHEPHERD: So the bottom line is, 24 that's inconsequential what the -- right? 25 MR. TAD ALFORD: That's our opinion. Because</p>	<p style="text-align: right;">43</p> <p>1 sidestepping disposal. 2 MS. PHILLIPS: Okay. Okay. 3 CHAIR SHEPHERD: I think getting back to 4 Hillary, reading number 3, it does, I mean, the 5 comment seems to be confusing, which makes, I guess, 6 the rule even more confusing. But what are -- what 7 does the rule say and then what is -- what is -- what 8 are we trying -- what is this person trying to say 9 here? 10 MS. HILLARY YOUNG: Well, I think that what 11 they're saying is, because there is -- what they're 12 saying -- what the comment is, is that Proposed 252: 13 517-1-7 requires the existing CCR impoundments be 14 permitted upon expiration. And this is when I was 15 talking about the permits that were permitted under 16 616 would either have to be -- get a permit prior to 17 expiration or by October 19th, 2018. 18 CHAIR SHEPHERD: Uh-huh. 19 MS. HILLARY YOUNG: And they're saying that 20 the permit -- application permitting scheme for 21 existing CCR impoundments that are not expanding is 22 unclear in the proposed rules. And that is because 23 the permitting of an existing impoundment follows a -- 24 in our mind follows the provisions and process set out 25 in Subchapter 3. And so, it refers to them as like a</p>
<p style="text-align: right;">42</p> <p>1 again, if these rules apply, it is a waste. But that 2 doesn't, again, prevent them from being able to 3 beneficially reuse that material in the future. 4 MR. PATRICK RILEY: And I'd point out that at 5 some of our facilities here, at least one of our 6 facilities that I'm aware of, there was CCR extracted 7 from previous disposal when a market was determined 8 that it was available. So, it actually went into the 9 disposal area and reclaimed CCR and then used it 10 beneficially. And otherwise, it could have remained 11 where it was disposed without further regulation. So 12 I think it's when it has value it can be reclaimed and 13 used. 14 MR. LANDERS: Sorry, I said I hope 15 so. 16 MS. PHILLIPS: So you -- you don't have 17 people stockpiling. I mean for the perceived or, you 18 know, the perception that there will be beneficial 19 reuse, since you're seeing that it's going straight, 20 you know, it's being tracked and handled as a waste? 21 MR. MIKE STICKNEY: What you're discussing is 22 what we would call speculative accumulation. And if 23 we were aware of that, then, yes, there are guidelines 24 and rules to regulate that, to eliminate the 25 possibility of it just being stockpiled and</p>	<p style="text-align: right;">44</p> <p>1 new CCR unit. And so we would consider this for solid 2 waste purposes a new CCR unit for permitting purposes. 3 But, however, it may be beneficial for us to 4 clarify this in the language. So we actually have 5 some language proposed to change to make it more clear 6 that where it is applicable to these types of 7 impoundments. And that would be for 517-3-3 in the 8 General Requirements, in (b) where it says, New permit 9 applications. Applications requesting a permit for a 10 new CCR unit or lateral expansion of an existing CCR 11 unit. And then we could add -- we would add the 12 language, "or existing CCR surface impoundments 13 without a solid waste permit" into that, so that it's 14 clear that these apply to those surface impoundments 15 that are existing under other rules. 16 CHAIR SHEPHERD: Right. 17 MS. HILLARY YOUNG: And then again in 18 517-3-6, Permit applications, we would also add under 19 (a). New application, a permit application for a new 20 CCR unit, and then add the language, "and an existing 21 surface impoundment without a solid waste permit shall 22 include all the information required by the Oklahoma 23 Uniform Permitting Act." And that way it's -- it's 24 very clear and there's no confusion. 25 CHAIR SHEPHERD: So if somebody has -- if</p>

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<p style="text-align: right;">45</p> <p>1 somebody has a surface impoundment permitted under 616 2 and they want to build another one, they would have to 3 come and get another -- a permit under 517? 4 MS. HILLARY YOUNG: Right. If it's a 5 CCR impoundment, yes. 6 CHAIR SHEPHERD: That makes sense. 7 MS. HILLARY YOUNG: Right. This is -- this 8 -- 9 CHAIR SHEPHERD: Same as solid waste, right? 10 MS. HILLARY YOUNG: Yes. Yes. And -- and I 11 think this comment is just -- is specifically just 12 referring to the existing -- the existing impoundments 13 that are currently permitted under 616, which are 14 actually CCR impoundments. So -- and they have to 15 move over to the 517s. 16 CHAIR SHEPHERD: Okay. 17 MR. TORNETEN: So when they move over, 18 they're starting from scratch, as far as the 19 permitting process. They have got to submit all the 20 same information that a new permit would have to. 21 They have to go through public comment, all of that? 22 MS. HILLARY YOUNG: That's right. That's 23 right. But under -- I would like to point out though, 24 too, that these surface impoundments, the 616s, have 25 to get new permits every five years. And under the</p>	<p style="text-align: right;">47</p> <p>1 CHAIR SHEPHERD: Yeah. 2 MS. HILLARY YOUNG: Well, that concludes my 3 presentation. 4 MR. CLEVELAND: I have a couple of -- if you 5 don't mind, I have a question just to make sure. 6 CHAIR SHEPHERD: Yeah. 7 MR. CLEVELAND: Okay. I just want to make 8 sure. In 515, the existing chapter, does have some of 9 this. But we created 517. And where is it referenced 10 in 515? Is it -- is that struck? Or does it just say 11 reference to 517? 12 MS. HILLARY YOUNG: That's coming up next in 13 rulemaking. And we will make the exemption then. 14 CHAIR SHEPHERD: So going back to the 15 discussion on the statutory requirements, 27A does 16 exempt NHIWs from seismic locations. 17 MR. TAD ALFORD: Certain NHIW landfills. 18 Those that are non-commercial and generator-owned and 19 operated. 20 CHAIR SHEPHERD: Okay. 21 MR. TAD ALFORD: New -- new units falling 22 into that category are exempt from the prohibition of 23 being within a seismic impact zone. But again, you 24 can engineer your way out of that prohibition. 25 CHAIR SHEPHERD: So then the second change</p>
<p style="text-align: right;">46</p> <p>1 517s, they will be permitted for the life of the 2 facility. So they only have to do it once. 3 CHAIR SHEPHERD: And this is similar to a 4 Solid Waste. And we know -- we've got the situation 5 where we have the big permitted boundary and you can 6 permit, you know, little cells inside. But if 7 somebody's going outside of that permitted boundary, 8 then they have got to go through the whole permitting 9 process. Does that make sense? 10 MR. TAD ALFORD: Just to -- Excuse me. 11 Sorry. 12 CHAIR SHEPHERD: Go ahead. 13 MR. TAD ALFORD: Just to clarify, it's also a 14 product of the Uniform Permitting Code that's in the 15 statutes and also within Chapter 4 of our rules. DEQ 16 wouldn't be able to issue these units a new permit 17 without going through the process. And it will be a 18 Tier III permit. And so, unfortunately, it will 19 require all that process that is as if it would be 20 starting out as a new facility. So our hands are kind 21 of tied with that respect. 22 CHAIR SHEPHERD: Yeah. 23 MR. TORNETEN: So that's the opportunity for 24 anybody that doesn't like coal combustion power plants 25 to step up and say we protest this.</p>	<p style="text-align: right;">48</p> <p>1 was from, you said, from 45? 2 MS. HILLARY YOUNG: Yeah. Title 45 is the 3 Mining Code, because the Department of Mines permits 4 facilities that do reclamation in mining. And coal 5 ash mines are the only ones that are exempted from the 6 federal rules. So a limestone quarry would have to -- 7 that would be permitted under the Department of Mines 8 now will have to get a landfill permit under the 517s. 9 So in the Mining Code, it had exempted all. It 10 exempted coal mining and non-coal mining reclamation 11 projects basically. That -- 12 CHAIR SHEPHERD: So if a -- so if a coal -- 13 if CCR is going back into an old strip mine, it did 14 not need a permit? 15 MS. HILLARY YOUNG: Right. It's exempt. And 16 it would fall under the Department of Mines' 17 jurisdiction. 18 CHAIR SHEPHERD: Okay. And now it's going to 19 fall under 517? 20 MS. HILLARY YOUNG: Not coal mines. It would 21 be other mines that are non-coal mining activities, 22 such as limestone. 23 CHAIR SHEPHERD: So you couldn't take CCR to 24 an old limestone quarry? 25 MS. HILLARY YOUNG: Yes. But it will have to</p>

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<p style="text-align: right;">49</p> <p>1 have a permit under the 517s. 2 CHAIR SHEPHERD: But you could still take it 3 to an old coal mine? 4 MS. HILLARY YOUNG: Right. And that's a 5 federal requirement. So our hands are tied on that as 6 well. 7 CHAIR SHEPHERD: All righty. Fees? So we're 8 going into this without extracting a fee? 9 MS. HILLARY YOUNG: Right. 10 CHAIR SHEPHERD: From these people? 11 MS. HILLARY YOUNG: That's right. 12 CHAIR SHEPHERD: How are we going to regulate 13 them? And how are we going to allocate resources 14 without fees? 15 MS. HILLARY YOUNG: We have decided to 16 -- to use our existing resources to regulate 17 these facilities, because some of them we 18 already regulate them. We regulate the 19 landfills that are existing. We already 20 regulate them without them paying fees. And 21 we -- and the surface impoundments are 22 regulated by Water Quality now. 23 And so, our program has decided to, you know, 24 that we will just use the resources that we have now 25 to take it on, because the industry had asked us to</p>	<p style="text-align: right;">51</p> <p>1 staggering update requirements. And I just wanted to 2 point that out. 3 CHAIR SHEPHERD: Have we done an analysis? 4 Do we feel like those costs, unit costs that we have 5 for 515, are sufficient for the 517s? 6 MR. PATRICK RILEY: You also need to remember 7 that NHIW landfills are currently regulated under 515 8 and are required to submit closure cost estimates 9 using Appendix H and I from 515. 10 CHAIR SHEPHERD: Okay. 11 MR. PATRICK RILEY: So this isn't new. I 12 mean, they will be subject to the same regime as they 13 were previously under 515. 14 CHAIR SHEPHERD: Okay. 15 MR. PATRICK RILEY: So it isn't as big of a 16 change as it sounds like. 17 CHAIR SHEPHERD: Okay. Any other questions 18 from the Council? 19 Is there any other questions or comments from 20 the public? 21 Thank you, Hillary. 22 MR. HOWARD GROUND: Yes. My name is Howard 23 Ground. I'm the President of Environmental Federation 24 of Oklahoma, which is a trade organization of 25 industries here within the state and we work strictly</p>
<p style="text-align: right;">50</p> <p>1 take on these rules. 2 CHAIR SHEPHERD: How many more facilities are 3 we adding? 4 MS. HILLARY YOUNG: Well, we anticipate one 5 coming over from the Department of Mines. Potentially 6 there could be two surface impoundments at existing 7 facilities. 8 CHAIR SHEPHERD: Okay. 9 MS. HILLARY YOUNG: But I'm not -- I'm not 10 positive about that number. But it's not many. 11 CHAIR SHEPHERD: Okay. All right. 12 MR. TORNATEN: In the closure cost appendixes 13 here you reference unit costs obtained from DEQ's 14 website. Do those costs exist now? Or are those to 15 be added? Or -- 16 MR. PATRICK RILEY: It's the same costs that 17 are associated with Chapter 515. 18 MR. TORNATEN: Same costs? 19 MR. PATRICK RILEY: Same costs. 20 MS. HILLARY YOUNG: Yeah. I'd like to note, 21 too, that with the updating of unit costs, I mean, 22 this is covered in 517-17-4 on page 96. Appendix E 23 and F are to be updated coinciding with the update of 24 H and I in 252:515. And that's something we're 25 working on now so that we don't have these, you know,</p>	<p style="text-align: right;">52</p> <p>1 on environmental and water issues. 2 And as Hillary discussed -- and the 3 membership includes the electric utilities, as well as 4 some of those that also beneficially reuse some of the 5 ash that's generated at the utilities. 6 And so, as the member companies, we discussed 7 it within our organization. We -- they approached the 8 DEQ asking, like Hillary mentioned, that the DEQ take 9 on this regulation of this new CCR, instead of just 10 leaving it up to third-party citizen lawsuits for 11 compliance. 12 We have been regulated forever, since these 13 units were built. So we wanted to continue being 14 under DEQ regulation. And as she mentioned, we do 15 feel it gives some protection that we, you know, to 16 show the public we are in compliance. When we are 17 complying with state regs we will, therefore, be 18 complying with federal regs. 19 And we just want to really thank the DEQ for 20 taking this on. We know it's a burden. It's not 21 something they had to do. But it's something we 22 requested and we've been working with them since July 23 to get this done. And then we will also be working 24 with them at the legislature, because there are 25 changes that will be done within the law itself.</p>

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<p style="text-align: right;">53</p> <p>1 And I just wanted to say that. And just so 2 that you as a Council know that, as industry, we would 3 rather be regulated by the DEQ than just rely on the 4 EPA. So we think that's very important. 5 CHAIR SHEPHERD: Okay. Thank you. 6 MR. TOM LAZARSKI: Good morning, Chairman 7 Shepherd and Members of the Council. My name is Tom 8 Lazarski. I'm with Corporate Environmental from OG&E 9 Energy Corp. 10 I just wanted to briefly state our words of 11 support for this rulemaking of the federal Coal 12 Combustion Rules. I wanted to acknowledge also the 13 effort of DEQ here, the team they put together for 14 adopting -- putting this rule together. It took a lot 15 of time and effort. And as Bud also mentioned, it is 16 a multi-disciplinary with utilities supporting this. 17 You know, we understand that the adoption of 18 these federal rules that we feel it rightly places 19 responsibility with regulating and protecting the 20 state resources of ODEQ. And so, the adoption of the 21 federal CCR rule, I guess, will provide us with more 22 regulatory certainty as utilities, such as ours. 23 So, I want to keep my remarks brief, but I 24 just want to let the Council know that we are 25 supporting this rule. So, thank you.</p>	<p style="text-align: right;">55</p> <p>1 think of? 2 MR. PATRICK RILEY: Post-closure. Financial 3 assurance. 4 MS. HILLARY YOUNG: Oh, and financial 5 assurance. Right. 6 MR. TORNETEN: How about leachate collection? 7 Are 616 impoundments required to do leachate 8 collection? 9 MR. PATRICK RILEY: No, they aren't. 10 MS. HILLARY YOUNG: No. 11 MR. TORNETEN: Won't they be required to do 12 leachate collection under 517? 13 MS. HILLARY YOUNG: I don't think so. 14 MR. PATRICK RILEY: It's a surface 15 impoundment. 16 MS. HILLARY YOUNG: Yeah. Because it's a -- 17 yeah. 18 CHAIR SHEPHERD: It's a pond, right? 19 MS. HILLARY YOUNG: It is. It is. It's like 20 wet -- 21 MR. CLEVELAND: We have leachate ponds. 22 MS. HILLARY YOUNG: In a lot of states it's 23 like wet storage. Because you -- the reason why these 24 were put into -- these rules even came around is 25 because of the incident in Tennessee where they had</p>
<p style="text-align: right;">54</p> <p>1 CHAIR SHEPHERD: Thank you. 2 MR. TORNETEN: I had one other question. If 3 -- if a impoundment's currently permitted under the 4 616 rules and now it has to get permitted under these 5 new rules, are there differences in the requirements 6 for the technical requirements, like for liners or 7 anything that would -- location restrictions, anything 8 like that? 9 MS. HILLARY YOUNG: There are differences. 10 For instance, like separation from groundwater. In 11 the 616 it's actually 15 feet and for these rules it's 12 5 feet. There is other -- there is -- there is 13 requirements for monitoring wells for these surface 14 impoundments from Water Quality. It's kind of an 15 option, up to the discretion of DEQ, and where the 16 placement of the impoundment is. This, it's required, 17 no matter what. 18 And I think -- there are certain -- certain 19 demonstrations that have to be made for these 20 impoundments as far as location restrictions. And 21 that's for -- that's the federal portion. And so, 22 they'll have to make certain demonstrations that they 23 meet some of the location requirements of the federal 24 rules. 25 Is there anything else that you guys can</p>	<p style="text-align: right;">56</p> <p>1 the impoundment that collapsed. And we don't have 2 those type of impoundments in Oklahoma. And in 3 various places in the rules it make distinctions 4 between impoundments that are below ground and 5 impoundments that are above ground and certain 6 requirements that are required. 7 For instance, like they have to do like a 8 hazard assessment. And -- and that's, you know, to 9 determine whether or not they'll have some sort of a 10 -- a failure. And that would apply to impoundments 11 that would be above ground. 12 So, there is some -- there's a lot of nuances 13 to the impoundment part of it. It's all federal, 14 comes from the federal requirements. So no matter 15 what, they have to follow those anyway. 16 CHAIR SHEPHERD: Okay. 17 MR. KENT FLETCHER: I'm Kent Fletcher with 18 Western Farmers Electric Cooperative. And I just 19 wanted to say, to back up what Bud and others have 20 said, we appreciate DEQ's work on this. And we 21 support it. And it is better -- we prefer to be 22 regulated by DEQ on this issue. rather than defend 23 ourselves in federal court because of what we have to 24 put on the Internet. So I just think it will be 25 better through DEQ for everyone. Thank you.</p>


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57	<p>1 CHAIR SHEPHERD: Any other questions or 2 comments from the public? 3 Any discussions? Any more discussion from 4 the Council? 5 All right. Do I hear a motion to approve 6 Chapter 517, Disposal of Coal Combustion Residuals 7 from the Electric Utilities? 8 MR. LINN: So moved. 9 MR. LANDERS: I have a question first. So do 10 -- are we also voting on -- do we have a suggested 11 change on the application time line? Was there a -- 12 was there a proposal there also? 13 MR. TAD ALFORD: Not on the time line, 14 but -- 15 MR. LANDERS: A clarification. 16 MR. TAD ALFORD: With respect to the scope, 17 yes. And so, if we could make it clear, however 18 you're proposing to adopt the rules, whether it's 19 inclusive of the articulated changes, and if we want 20 to go over those again, we can, or without those 21 proposed changes and as you have the text in front of 22 you. 23 CHAIR SHEPHERD: Okay. What are the changes? 24 MS. HILLARY YOUNG: The changes are in the 25 appendixes. You know, the costs estimates where we</p>	59	<p>1 MS. QUIANA FIELDS: Mr. Adcock? 2 MR. ADCOCK: Yes. 3 MS. QUIANA FIELDS: Mr. Cleveland? 4 MR. CLEVELAND: Yes. 5 MS. QUIANA FIELDS: Mr. Landers? 6 MR. LANDERS: Yes. 7 MS. QUIANA FIELDS: Mr. Linn? 8 MR. LINN: Yes. 9 MS. QUIANA FIELDS: Mr. Newman? 10 MR. NEWMAN: Yes. 11 MS. QUIANA FIELDS: Ms. Phillips? 12 MS. PHILLIPS: Yes. 13 MS. QUIANA FIELDS: Mr. Torneten. 14 MR. TORNETEN: Yes. 15 MS. QUIANA FIELDS: Mr. Shepherd? 16 CHAIR SHEPHERD: Yes. 17 MS. QUIANA FIELDS: Motion passed. 18 CHAIR SHEPHERD: All right. Now we've got to 19 take those to the Board, correct? 20 MR. PATRICK RILEY: Correct. 21 CHAIR SHEPHERD: And we have -- do we have -- 22 do we have some issues with the Board? 23 MR. TAD ALFORD: I don't believe that there 24 are any issues that we're aware of. 25 CHAIR SHEPHERD: Seismic issues?</p>
58	<p>1 had the -- the footnotes that have the wrong 2 citations. 3 CHAIR SHEPHERD: All right. 4 MS. HILLARY YOUNG: Changing those citations 5 to 517. And the other one is for the existing surface 6 impoundments that are coming over from the 616, 7 including that language in the permitting language 8 where we added the statement of existing CCR surface 9 impoundments without a Solid Waste Permit to the need 10 for a new permit application. And also again, under 11 Permit Applications, following the Uniform Permitting 12 Act. 13 CHAIR SHEPHERD: Okay. 14 MS. HILLARY YOUNG: So we would just insert, 15 "For existing CCR surface impoundments without a Solid 16 Waste permit," into both of those. 17 CHAIR SHEPHERD: Okay. You okay with that? 18 MR. ADCOCK: So do we need to adjust the 19 motion? 20 CHAIR SHEPHERD: I guess we need to adjust 21 the motion to include changes from -- 22 MR. LINN: So I'll move to approve with the 23 specified changes Hillary mentioned. 24 CHAIR SHEPHERD: Sounds good. 25 MR. ADCOCK: Second.</p>	60	<p>1 MR. TAD ALFORD: Well, I think there is a 2 concern. There is an articulated concern just based 3 on the issues with seismicity in the State of 4 Oklahoma. 5 CHAIR SHEPHERD: Okay. 6 MR. TAD ALFORD: In my opinion, it's not that 7 big of an issue, because the requirements that pertain 8 to the seismic impact zones already exist -- 9 CHAIR SHEPHERD: Okay. 10 MR. TAD ALFORD: -- within our rules. 11 CHAIR SHEPHERD: Okay. 12 MR. TAD ALFORD: And apply to other 13 facilities. So imposing these on these non-commercial 14 NHIW CCR Units doesn't really change much, considering 15 they can engineer out of that prohibition. 16 CHAIR SHEPHERD: Okay. 17 MR. TAD ALFORD: So I think if articulated to 18 the Board, I don't see -- I don't see why it would be 19 a hurdle that we couldn't get past. 20 CHAIR SHEPHERD: Okay. All right. We'll 21 move on to Item Number B, Discussion of proposed 22 changes to Chapter 515 Management of Solid Waste. 23 MR. PATRICK RILEY: In all this you'll see in 24 your Board packet, we're just making a small change to 25 the applicability section to remove CCR landfills from</p>

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<p style="text-align: right;">61</p> <p>1 this chapter.</p> <p>2 CHAIR SHEPHERD: Okay.</p> <p>3 MR. PATRICK RILEY: Now that you have passed</p> <p>4 rules or recommended the passage of rules, to regulate</p> <p>5 them by another chapter.</p> <p>6 CHAIR SHEPHERD: Okay.</p> <p>7 MR. LINN: Housekeeping basically.</p> <p>8 CHAIR SHEPHERD: Yes. Do we feel like we</p> <p>9 need to have a discussion on that?</p> <p>10 MR. TORNETEN: Well, I presume they'll</p> <p>11 continue to be under the 616s until such time as they</p> <p>12 move over? So you'll kind of have this dual</p> <p>13 permitting enforcement and inspection?</p> <p>14 MR. TAD ALFORD: Yes. Ultimately the federal</p> <p>15 rules that we've attempted to implement within 517</p> <p>16 apply and there are various states that kick in when</p> <p>17 those provisions do apply. But, yes, these units,</p> <p>18 until the passage of 517, as well as potentially when</p> <p>19 their permit expired, will be continued to be</p> <p>20 regulated by the Water Quality Division. And I assume</p> <p>21 that they would exercise enforcement discretion, if</p> <p>22 there are any inconsistencies or any issues with</p> <p>23 respect to contradictions of what the federal rules</p> <p>24 apply and what the state rules apply, or what the</p> <p>25 state rules require.</p>	<p style="text-align: right;">63</p> <p>1 MS. QUIANA FIELDS: Mr. Cleveland?</p> <p>2 MR. CLEVELAND: Yes.</p> <p>3 MS. QUIANA FIELDS: Mr. Landers?</p> <p>4 MR. LANDERS: Yes.</p> <p>5 MS. QUIANA FIELDS: Mr. Linn?</p> <p>6 MR. LINN: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Newman?</p> <p>8 MR. NEWMAN: Yes.</p> <p>9 MS. QUIANA FIELDS: Ms. Phillips?</p> <p>10 MS. PHILLIPS: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Torneten?</p> <p>12 MR. TORNETEN: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Shepherd?</p> <p>14 CHAIR SHEPHERD: Yes.</p> <p>15 MS. QUIANA FIELDS: Motion passed.</p> <p>16 CHAIR SHEPHERD: All right. Public Forum.</p> <p>17 Quick question. Is there any -- have there</p> <p>18 been any bills prefiled concerning Solid Waste this</p> <p>19 year in the legislature that you're aware of?</p> <p>20 MR. TAD ALFORD: I can only speak to the two</p> <p>21 discussed statutory changes.</p> <p>22 CHAIR SHEPHERD: Okay.</p> <p>23 MR. TAD ALFORD: And there have been bills</p> <p>24 filed. I'm sure one of these other gentlemen can</p> <p>25 speak to whether there is any -- or whether there are</p>
<p style="text-align: right;">62</p> <p>1 MR. TORNETEN: If their five-year renewal</p> <p>2 period's coming up before these are finalized, then</p> <p>3 they can get their five-year renewal but then the 2018</p> <p>4 rule would kick in?</p> <p>5 MR. TAD ALFORD: Correct.</p> <p>6 MR. TORNETEN: But they'd still have to get</p> <p>7 their five-year renewal?</p> <p>8 MR. TAD ALFORD: Correct. And based on the</p> <p>9 fact that again the federal rules apply regardless,</p> <p>10 I'm sure if, if there was a particular issue, that DEQ</p> <p>11 could make a -- make a common sense approach or take a</p> <p>12 common sense approach on how that unit is permitted.</p> <p>13 But I don't know of any that fall within that</p> <p>14 category. But, if they do, I'm sure that we could</p> <p>15 come to a solution that would be both protective of</p> <p>16 human health and the environment as well as workable</p> <p>17 for the unit.</p> <p>18 CHAIR SHEPHERD: Any other questions or</p> <p>19 comments?</p> <p>20 Do I hear a motion to approve discussion of</p> <p>21 the changes to 515?</p> <p>22 MR. LINN: So moved.</p> <p>23 MR. ADCOCK: Second.</p> <p>24 MS. QUIANA FIELDS: Mr. Adcock?</p> <p>25 MR. ADCOCK: Yes.</p>	<p style="text-align: right;">64</p> <p>1 any other Solid Waste bills.</p> <p>2 CHAIR SHEPHERD: Okay.</p> <p>3 MR. TAD ALFORD: But I'm not aware of any.</p> <p>4 CHAIR SHEPHERD: Okay.</p> <p>5 MS. MICHELLE WYNN: I walked in. Sorry.</p> <p>6 MR. TAD ALFORD: This is Michelle Wynn, our</p> <p>7 Legislative Liaison.</p> <p>8 MS. MICHELLE WYNN: We are carrying, as Tad</p> <p>9 mentioned according to the rules that you all have</p> <p>10 accepted that will be presented to the Board, two</p> <p>11 statutory changes that is being considered a DEQ</p> <p>12 request bill that has been filed. At this point</p> <p>13 there's only about 200 bills showing up. January 21st</p> <p>14 is the deadline for language.</p> <p>15 CHAIR SHEPHERD: Okay.</p> <p>16 MS. MICHELLE WYNN: So at that point we will</p> <p>17 know what is actually out there for this session.</p> <p>18 CHAIR SHEPHERD: Okay. Thank you.</p> <p>19 MR. TORNETEN: Are these emergency rules</p> <p>20 or --</p> <p>21 MR. PATRICK RILEY: (Shakes head.)</p> <p>22 MR. TORNETEN: No? On the regular course.</p> <p>23 CHAIR SHEPHERD: So once the Board approves</p> <p>24 them, if the Board -- I'm assuming the Board approves</p> <p>25 them, then they go -- not the statutory stuff, but the</p>

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<p>65</p> <p>1 regulations goes to the Governor and then she has to 2 approve them? 3 MR. TAD ALFORD: They go to the 4 legislature. And depending on their action or 5 inaction, the Governor can then -- 6 CHAIR SHEPHERD: Okay. So we're going to -- 7 If the Board approves them in February, they'll go to 8 the legislature this time around? Okay. Do we know 9 how the Governor stands on these rules? 10 MR. TAD ALFORD: Only through what -- well, 11 the rulemaking process does require these rules to be 12 provided to the Governor's office. 13 CHAIR SHEPHERD: Uh-huh. 14 MR. TAD ALFORD: And then she has 45 days 15 from receipt to reject them, if she so chooses. 16 CHAIR SHEPHERD: Okay. 17 MR. TAD ALFORD: They were not rejected. I 18 had discussions with the General Counsel of the 19 Governor's Office and there weren't any -- there 20 weren't any comments made that suggest that these 21 rules will be killed upon arrival. 22 CHAIR SHEPHERD: Okay. She did that once 23 before. 24 MR. TAD ALFORD: Yeah. So we'll remain 25 hopeful.</p>	<p>67</p> <p>1 ** CERTIFICATE ** 2 STATE OF OKLAHOMA)) SS: 3 COUNTY OF OKLAHOMA) 4 5 I, Lynette Wrany, a Certified Shorthand Reporter 6 within and for the State of Oklahoma, do hereby 7 certify that I reported all of the foregoing meeting, 8 and that I later reduced it to typewritten form, as 9 the same appears herein. 10 I further certify that I am not a relative of, 11 nor attorney for, nor clerk or stenographer for any 12 party to this meeting, and that I am not otherwise 13 interested in the event of the same. 14 I further certify that the above and foregoing 15 typewritten pages contain a full, true and correct 16 transcript of my stenography notes so taken, during 17 said meeting. 18 WITNESS my hand and seal this the 18th day of 19 January, 2016. 20 21  22 23 24 LYNETTE WRANY, C.S.R. Oklahoma Certified Shorthand Reporter Certificate No. 1167 Expiration Date: December 31, 2016 25</p>
<p>66</p> <p>1 CHAIR SHEPHERD: Okay. 2 MS. MICHELLE WYNN: We will monitor and 3 follow that process also -- 4 CHAIR SHEPHERD: Okay. 5 MS. MICHELLE WYNN: -- as part of the 6 legislative process. 7 CHAIR SHEPHERD: Okay. Any other comments, 8 questions, concerns? 9 Is there any new business? 10 All right. I guess we are adjourned. 11 Meeting Adjourned - 10:25 A.M. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	



**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL**

**Attendance Record
January 14, 2016
Oklahoma City, Oklahoma**

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

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**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL**

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Wendy Wynn DEQ	

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

Identification of Proposed Rulemaking:

Chapter Number and Title:

OAC 252:517 Disposal of Coal Combustion Residuals from Electric Utilities [NEW]

On January 14, 2016 the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

 X permanent [take effect after legislative review]

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

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

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

Respectfully,


 Chair or Designee:

Date Signed: 1/14/16

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Todd Adcock	X			
Rodney Cleveland	X			
Ilda Hershey				X
Steve Landers	X			
Jim Linn	X			
Brenda Merchant				X
Matthew Newman	X			
Traci Phillips	X			
Bill Torneten	X			
Jeff Shepherd	X			

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

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:515 Management of Solid Waste

On January 14, 2016 the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

- X permanent [take effect after legislative review]
 emergency [temporary, to take effect upon approval by the Governor because of time]

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

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Respectfully,


 Chair or Designee:

Date Signed: 1/14/16

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Todd Adcock	X			
Rodney Cleveland	X			
Ilda Hershey				X
Steve Landers	X			
Jim Linn	X			
Brenda Merchant				X
Matthew Newman	X			
Traci Phillips	X			
Bill Torneten	X			
Jeff Shepherd	X			