

**MINUTES**  
**Solid Waste Management Advisory Council**  
**September 13, 2018 Regular Meeting**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City, Oklahoma**

**Official SWMAC Approval**  
**at July 11, 2019 meeting**

**Notice of Public Meeting** - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on September 13, 2018, 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 18, 2017. 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. Ms. Brenda Merchant, Vice-Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Todd Adcock  
 Ilda Hershey  
 Thomas Lazarski  
 Jim Linn  
 Brenda Merchant  
 Matthew Newman  
 Traci Phillips

**DEQ STAFF PRESENT**

Kelly Dixon  
 Fenton Rood  
 Kole Kennedy  
 Patrick Riley  
 Hillary Young  
 Clifton Hoyle  
 Karen Jayne  
 Amber Edwards  
 Lloyd Kirk  
 Jeff Biddick  
 David Cates  
 Kasie Stambaugh  
 Quiana Fields

**MEMBERS ABSENT**

Rodney Cleveland  
 Bill Torneten  
 Jeff Shepherd

**OTHERS PRESENT**

Brenda Plumbtree, Court Reporter

**Approval of the Minutes for the January 11, 2018 Solid Waste Management Advisory Council Meeting** – Mr. Newman moved approval of the January 11, 2018 Minutes and Mr. Linn made the second.

*See transcript pages 4 – 5*

**Roll Call**

Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes		
Jim Linn	Yes		
Brenda Merchant	Yes		

**Discussion of Solid Waste Program Fees/Expenditures** – Mr. Shepherd called on Mr. Patrick Riley, Environmental Programs Manager of the LPD, to speak on the solid waste program fees and expenditures; which has to be submitted to the Executive Director, Governor, and Legislature by November 1, 2018. Following questions and comments concerning program fees and expenditures, Mr. Newman moved to approve and Mr. Linn made the second.

*See transcript pages 5 – 29*

**Roll Call**

Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Traci Phillips	Yes

Thomas Lazarski	Yes
Jim Linn	Yes
Brenda Merchant	Yes

**Discussion of EPA’s Approval of DEQ’s Coal Combustion Residuals Permit Program and Potential Changes to OAC 252:517 Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments** – Mr. Riley stated the Department is presenting, for discussion purposes only, potential changes to OAC 252:517.

*See transcript pages 29 – 35*

**Election of Officers for 2019** – Mr. Newman made a motion that the existing Chair, Mr. Shepherd and Vice-Chair, Ms. Merchant, are nominated to continue their service. Mr. Linn made the second.

*See transcript pages 35 – 37*

<b>Roll Call</b>			
Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes		
Jim Linn	Yes		
Brenda Merchant	Yes		

**Suggested Meeting Dates for 2019 Council Meeting** – Staff suggested 2019 dates to be January 10, April 11, July 11 and September 12. Ms. Phillips moved to approve and Mr. Linn made the second.

*See transcript pages 37 – 38*

<b>Roll Call</b>			
Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes		
Jim Linn	Yes		
Brenda Merchant	Yes		

**Public Forum** – No public issues were raised.

**New Business** – None

**Adjournment** – Ms. Merchant called for a motion to adjourn. Mr. Newman moved to adjourn and Mr. Linn made the second. The meeting was adjourned at 9:54 a.m.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT ADVISORY COUNCIL

SEPTEMBER 13th, 2018 at 9:00 A.M.

DEQ BUILDING  
707 NORTH ROBINSON, 1ST FLOOR  
MULTI-PURPOSE ROOM  
OKLAHOMA CITY, OKLAHOMA 73012

REPORTED BY: BRENDA PLUMBTREE, CSR

<p style="text-align: right;">Page 2</p> <p>1 COUNCIL MEMBERS PRESENT 2 Ms. Brenda Merchant, Vice Chair Mr. Jim Linn 3 Mr. Todd Adcock Ms. Ilda Hershey 4 Mr. Thomas Lazarski Mr. Matthew Newman 5 Ms. Traci Phillips 6 OTHERS PRESENT 7 Mr. Patrick Riley Ms. Karen Jayne 8 Ms. Quiana Fields Ms. Amber Edwards 9 Mr. Kole Kennedy 10 ABSENT COUNCIL MEMBERS 11 Mr. Rodney Cleveland Mr. Bill Torneten 12 Mr. Jeff Shepherd, Chair 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 MR. LAZARSKI: Here. 2 MS. FIELDS: Mr. Linn. 3 MR. LINN: Here. 4 MS. FIELDS: Ms. Merchant. 5 MS. MERCHANT: Here. 6 MS. FIELDS: Mr. Newman. 7 MR. NEWMAN: Here. 8 MS. FIELDS: Ms. Phillips. 9 MS. PHILLIPS: Here. 10 MS. FIELDS: Mr. Torneten is absent. 11 Mr. Shepherd is absent. 12 We have a quorum. 13 MS. MERCHANT: Approval of the minutes for 14 January 11th, 2018 Solid Waste Management Advisory 15 Council. Do I have a motion to approve? 16 MR. NEWMAN: I have a motion to approve as 17 posted. 18 MR. LINN: Second. 19 MS. MERCHANT: Roll call. 20 MS. FIELDS: Mr. Adcock. 21 MR. ADCOCK: Yes. 22 MS. FIELDS: Ms. Hershey. 23 MS. HERSHEY: Yes. 24 MS. FIELDS: Mr. Lazarski. 25 MR. LAZARSKI: Yes.</p>
<p style="text-align: right;">Page 3</p> <p>1 (The meeting was called to order at 2 9:00 A.M.) 3 MS. MERCHANT: This September 13th, 2018 4 meeting of the Solid Waste Management Advisory 5 Council was called in accordance with the Open 6 Meeting Act. Notice was filed with the Secretary of 7 State on October 18th, 2017. The Agenda was duly 8 posted on the doors of the DEQ 707 North Robinson, 9 Oklahoma City, Oklahoma at least 24 hours prior to 10 the meeting. 11 Only matters appearing on the posted agenda may 12 be considered at this regular meeting. In the event 13 that this meeting is continued or reconvened, public 14 notice of the date, time and place of the continued 15 meeting will be given by announcement at this 16 meeting. Only matters appearing on the agenda of a 17 meeting which is continued may be discussed at the 18 continued or reconvened meeting. 19 Quiana, roll call. 20 MS. FIELDS: Mr. Adcock. 21 MR. ADCOCK: Here. 22 MS. FIELDS: Mr. Cleveland is absent. 23 Ms. Hershey. 24 MS. HERSHEY: Here. 25 MS. FIELDS: Mr. Lazarski.</p>	<p style="text-align: right;">Page 5</p> <p>1 MS. FIELDS: Mr. Linn. 2 MR. LINN: Yes. 3 MS. FIELDS: Ms. Merchant. 4 MS. MERCHANT: Yes. 5 MS. FIELDS: Mr. Newman. 6 MR. NEWMAN: Yes. 7 MS. FIELDS: Ms. Phillips. 8 MS. PHILLIPS: Yes. 9 MS. FIELDS: Motion passed. 10 MS. MERCHANT: Discussion of the Solid 11 Waste Program Fees and Expenditures. The Council's 12 comments concerning program fees and program 13 expenditures are to be submitted to the Executive 14 Director, Governor, and Legislature by November 1st 15 of each year. 16 And a presentation, Mr. Riley. 17 MR. RILEY: Thank you. Sir, it's our 18 statutory obligation to share information regarding 19 revenue and expenses for the past fiscal year. And 20 it's also our practice to share information 21 regarding the budget for the next fiscal year. 22 To that end our finance department has put 23 together financial reports or summaries that you'll 24 find behind the third tab in your notebooks. And 25 I'll welcome any questions that you have on those</p>

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1 reports, but I would like to point out a few things  
2 as we look at these.

3 There are three separate reports. One for  
4 electronic waste, which relates to the Oklahoma  
5 Computer Recovery -- Computer Recovery Equipment Act  
6 and the recycling program.

7 There's the -- the next one is for the tire  
8 program, the Used Tire Recycling Program.

9 And then the third one is the Solid Waste Fees  
10 and expenditures.

11 So, if you look at the solid waste report, I'd  
12 like to draw your attention to the top right-hand  
13 corner, which is the fiscal year 2018 income, which  
14 is \$6.3 million. And I'll remind you that the Solid  
15 Waste Program operates entirely on program fees.  
16 It's not dependent on any money from the  
17 legislature. So it's entirely supported by the  
18 solid waste fee -- disposal fee of a buck and a  
19 quarter a ton.

20 We brought in \$6.3 million. If you look under  
21 that middle column at the bottom, we spent  
22 \$6.3 million, just under the revenue. So we had  
23 about \$200,000, a little less than 1 percent left  
24 over. So how about that?

25 MR. ADCOCK: Well done.

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1 MR. RILEY: Thank you. If you look at the  
2 budget for next year, don't be surprised that the  
3 number is 6.8 million. That's not that we  
4 anticipate getting in that much more trash or  
5 bringing in that much more money, but we like to set  
6 aside certain dollar amounts in certain areas so  
7 that if we do receive the money, we can spend it.  
8 We don't anticipate that we will get in that much  
9 revenue, but if we did, we're posed to engage in a  
10 lot of the projects.

11 MR. ADCOCK: Patrick, does -- do you  
12 anticipate or do you budget for the possibility  
13 of -- with recycling increasing, particularly like  
14 Oklahoma City has rolled out their larger recycling  
15 bins, and so you're antic -- I would assume we're  
16 anticipating more people are going to be recycling,  
17 less is going into the trash, which would equate  
18 less \$1.25 --

19 MR. RILEY: It's money coming in.

20 MR. ADCOCK: -- coming in. And over the  
21 next, I mean, five to 10 years, I would think that  
22 that number would -- might go down.

23 Have you guys looked at -- do you look at  
24 budgets on an annual basis or do you forecast three  
25 to five years in the future on budgets like that?

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1 MR. RILEY: Right. Typically we just look  
2 a year at a time. If there is anything that we  
3 think that would be significant, have a significant  
4 impact for years in advance, you know, it's worth  
5 thinking about.

6 And you make a good point that we don't charge  
7 revenue on -- or we don't charge fees on tonnage of  
8 recycles, so that would come out of that amount.

9 But I don't know that I would anticipate a huge  
10 drop, but that's something to look at, watch for.

11 MR. ADCOCK: As more communities around the  
12 state try to adopt it, I know like -- right now with  
13 being with the Green Fence and the Chinese Green  
14 Fence in Taiwan and other places in South East Asia  
15 are stopping some of that coming in, it's only going  
16 to back up and make it harder to recycle here,  
17 particularly here in Oklahoma City, the MRF that we  
18 use is experiencing problems. And, you know, the  
19 market's hurting.

20 But I would think that that's going to turn  
21 around hopefully and that will affect solid waste  
22 and budget -- for budget purposes.

23 MR. RILEY: Good point.

24 MR. LINN: So if I may, Patrick. To your  
25 point, Todd. We're only two months into the program

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1 which began on 7-2-18. And in the first couple of  
2 months we collected as much recyclable material as  
3 we would have in seven months under the previous  
4 18-gallon dual stream bin program. So single stream  
5 program produced 3,000 tons the first month versus  
6 about 700 tons on average. And then it dropped to  
7 1,900. We had quite a bit of pent up demand  
8 naturally because we started rolling the bins out,  
9 you know, in February. Took us 13 weeks to get  
10 195,000 of them out there.

11 So, I expect it to stabilize probably around  
12 2,000 tons a month-ish. It depends on our education  
13 efforts, of course, and what the participation rate  
14 ends up being, but it's promising so far.

15 Thanks, Patrick.

16 MR. RILEY: No, thank you.

17 MS. MERCHANT: Patrick, I know with the  
18 situation in China right now, I know across the  
19 nation we're experiencing, you know, difficulty --

20 MR. RILEY: Right.

21 MS. MERCHANT: -- to the tune of we  
22 probably sent almost 100 percent of our recyclables  
23 to China. And by 2020 they are saying that they are  
24 not going to be accepting any recyclables out of the  
25 United States. And what -- and if they do, it will

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1 be a very small amount. And there will be that  
2 25 percent tariff on it, at least currently that's  
3 what they're talking about.

4 There are I think six or seven paper mills  
5 coming on board in the United States that should be  
6 completed by 2019. They're either building new  
7 and/or building out existing paper mills.

8 But with regards to the plastic and glass and  
9 those kind of things, the United States is going to  
10 have some catching up to do to build the capacity  
11 that we're going to need.

12 Or you're seeing -- I mean, right now you're  
13 seeing a lot of recycling programs across the  
14 country that are either unfortunately eliminating  
15 their programs or seriously scaling back what  
16 they're taking at the curb on a residential curbside  
17 basis. We anticipate for the next two years that  
18 we'll probably get worse and not better, and so  
19 we're going to have to find some solutions to that.

20 MR. RILEY: Yeah, I think you touched on an  
21 interesting point that the development of capacity  
22 within the United States is critical. We have seen  
23 the success of Oklahoma paper mills and liner or  
24 manufacturers within the state supporting the  
25 recycling industry, so we generate the recycled

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1 material for them to use. It's been very successful  
2 for a long time.

3 But it's -- the other products that we don't  
4 have, the end users within the state or domestically  
5 that create a challenge. So I think that, you know,  
6 the response nationwide will be to add that  
7 capacity, at least hope that's going to happen. And  
8 that may -- but it will take some time to turn it  
9 around.

10 MR. ADCOCK: Has DEQ looked at increasing  
11 the DEQ fee?

12 MR. RILEY: We have not.

13 MR. NEWMAN: I'm interested -- I follow the  
14 trends as well nationally and the issues that China  
15 has caused in the recycling industry. But, you  
16 know, my take-away is Oklahoma may be a little  
17 insulated from the dynamics right now because we  
18 don't -- most recyclers in Oklahoma don't  
19 participate in that market.

20 Am I missing that? Or is all of this -- you  
21 mentioned a bunch of national, and we see that on  
22 either coast.

23 MS. MERCHANT: Right.

24 MR. NEWMAN: Is Oklahoma a little insulated  
25 from the volatility associated with the China issue?

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1 MR. ADCOCK: I think we're directly  
2 affected.

3 MS. MERCHANT: Well, we're seeing a monthly  
4 tonnage rate increase to -- with regards to the  
5 current recyclers that are in Oklahoma, so as to  
6 things tightening for them, then they'll tighten for  
7 those who are -- you know, are hauling it to them.

8 So --

9 MS. PHILLIPS: For Tulsa, I think there's  
10 more staying locally and in surrounding areas. So  
11 I'm not sure that that much is actually going  
12 outside to the China market for the Tulsa market.

13 But this -- you know, so it's probably a little  
14 case by case throughout the state.

15 MR. NEWMAN: I'd be interested to hear how  
16 Oklahoma City is impacted ultimately, and I know  
17 this developing.

18 MR. LINN: It is. So far our markets are  
19 fine. Our contract with Waste Management requires  
20 them to handle the product as it leaves the curb,  
21 from there to end point. And what they report to us  
22 is that so far glass has always been the problem, of  
23 course. But they have had no issue in finding  
24 markets domestically or elsewhere in the world so  
25 far. Keeping their eyes on it, as we are also, but

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1 so far so good.

2 MS. MERCHANT: Yeah. And that's kind of  
3 like where we are right now, too. We have a place  
4 to take ours currently, where we do see in other  
5 markets where they have mandatory recycling  
6 percentages that they must meet. And different  
7 states are looking at those percentages right now.  
8 Because there is in some markets in other states,  
9 they're landfilling it. And, you know, that's a  
10 shame, but it's the way it is.

11 But back to the original question of how it's  
12 going to impact DEQ, you know, with -- if you're  
13 charging by the ton, you know, we're talking cubic  
14 yards here versus how heavy that stuff compared to  
15 your regular stream. So materially you may not  
16 notice that much of a difference, at least in the  
17 next year for sure.

18 MR. RILEY: Right. I might ask those of  
19 you that work in the waste industry, you may have a  
20 better eye on the -- what's coming in, what you  
21 think about tonnage changes over the next one to  
22 five years. I mean, do you see the -- in Oklahoma,  
23 at least, is tonnage going to be fairly flat or do  
24 you think that there will be significant changes or  
25 is it too hard to predict?

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1 MR. LINN: Well, from my perspective with  
2 the market like it is and the end markets being what  
3 they are, I think it's too difficult to predict  
4 what's going to happen. But I have no direction  
5 from leadership to change our program. Some cities,  
6 as you all know, have cut glass out of the  
7 recyclable waste stream. We haven't. We continue  
8 to take it. Now, the MRF doesn't. They remove  
9 their glass recycle bins at the MRF we use. But in  
10 our curbside program, they're still taking it.  
11 So, I think overall, Patrick, I see it as flat.  
12 We naturally want our customers to increase the  
13 amount of recyclables in the stream and increase the  
14 participation rate and naturally reduce the  
15 contamination rate.  
16 Our contamination rate in the first couple of  
17 months was in the low 20s, which is outstanding.  
18 So, my goal for our 195,000 households is to  
19 increase the amount they're collecting -- they're  
20 sending to us. Whether that occurs or not naturally  
21 remains to be seen.  
22 But I think it's going to -- I think we'll  
23 stabilize around two to -- 2,000 to 2,200 tons a  
24 month, and hopefully begin to increase it if the  
25 markets -- you know, and push a little harder if the

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1 markets bring those commodities to an end place.  
2 So, that's our perspective at least. I think  
3 it's too hard to guess what is going to happen to  
4 them.  
5 You know, I keep reading what the big folks say,  
6 the waste connections and waste management and the  
7 others, and, you know, it's kind of doom and gloom  
8 out there a little bit. Basically they're  
9 indicating that the recycling system as we know it  
10 has to change.  
11 MS. MERCHANT: Well, and like Matt and  
12 Traci said, you know, Oklahoma is somewhat unique in  
13 that, you know, our curbside programs we haven't cut  
14 back on any commodities that we're currently picking  
15 up. We're really working on education on  
16 contamination, though, because that's going to be  
17 the key. That's what's really going to drive those  
18 costs up.  
19 MR. LINN: That will be our focus as well  
20 to the customer base, Patrick.  
21 MR. ADCOCK: Yeah, it's changed so much --  
22 well, since 2012. I mean, you know, I was --  
23 haulers were getting \$10 a ton. Now we pay 35 a  
24 ton. So that's -- you know, it's getting to the  
25 point -- well, it's not getting, it's got to the

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1 point that if people want to recycle, they're going  
2 to have to pay to recycle and not have the MRFs or  
3 the hauling customers subsidize those costs.  
4 Because, as I said, it's changed. And from  
5 everybody that I've talked to from MRFs and recycle  
6 plants, mill plants, that it's -- it's going to get  
7 worse before it gets better.  
8 And urban areas I would think that it's --  
9 you're going to see an increase in recycling. The  
10 rural areas of Oklahoma, it's too expensive, I  
11 think, to get that done unfortunately. But so I  
12 think the waste in those parts of Oklahoma are going  
13 to kind of flatten out or continue to slowly  
14 increase. But I think urban areas you'll see --  
15 you'll see a little bit of decline as recycling goes  
16 up.  
17 But from the economics of it has changed a lot.  
18 MR. LINN: Yeah.  
19 MR. ADCOCK: And people are going to have  
20 to adapt to that.  
21 MS. PHILLIPS: We see the same thing on the  
22 electronic side as well. The exact same thing. And  
23 it's -- the costs to recycle have definitely  
24 increased.  
25 And regarding the weight, I mean, we've seen a

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1 noticeable difference in the weight of the materials  
2 just by the natural technology changes, you know,  
3 just within the last five years. And I would expect  
4 that however that percentage plays out into the  
5 waste stream, that's definitely going to affect  
6 those numbers, just the sheer changes, you know, in  
7 technology, just the overall weight of the material  
8 has changed, so more plastics, less metal.  
9 MR. NEWMAN: Yeah, I think from a DEQ  
10 standpoint, though, statewide, tonnage I think will  
11 just track the economy. The economy is doing well.  
12 People are buying and they're disposing. Just  
13 follow the Dow Jones, and when you see your fee  
14 collections starting to drop, let us know so that we  
15 can change our portfolio, our investment portfolio.  
16 Trash is a leading indicator.  
17 MS. MERCHANT: It really is.  
18 MR. RILEY: All right. Thank you.  
19 MS. PHILLIPS: I do have a couple of budget  
20 questions before we move on. So, I have two. I  
21 know.  
22 So, under electronic waste, there's \$116,236 for  
23 local governments and nonprofit programs.  
24 MR. RILEY: Budgeted for next year?  
25 MS. PHILLIPS: Yes.

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1 MR. RILEY: Right.  
2 MS. PHILLIPS: What specifically is that  
3 money going towards?  
4 MR. RILEY: We don't know yet.  
5 MS. PHILLIPS: Okay.  
6 MR. RILEY: It's open. It's there in case  
7 we need it. And if we find a project that we would  
8 like to fund.  
9 MS. PHILLIPS: Okay.  
10 MR. RILEY: The statutes for electronic  
11 waste revenue are not specific on how it's to be  
12 spent, so we have a lot of flexibility in what we do  
13 with that.  
14 MS. PHILLIPS: Okay. But it will go  
15 towards electronics?  
16 MR. RILEY: It will go for -- I can't say  
17 that, that it will. Right. It could go for a  
18 number of uses. It may go into the solid waste  
19 budget.  
20 MS. PHILLIPS: Second question. And I  
21 brought this up before, but I'm going to bring it up  
22 again. If budgeted towards different -- under the  
23 solid waste fees -- I'm sorry.  
24 MR. RILEY: Correct.  
25 MS. PHILLIPS: Under professional services,

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1 local governments, nonprofit projects. And there's  
2 a number of nonprofit groups that are receiving  
3 funding from the DEQ that are city specific. But I  
4 don't see Oklahoma Recycling Association line item  
5 that is receiving, and that concerns me.  
6 As DEQ is a state organization, that I feel like  
7 the first focus should be towards a statewide  
8 organization and not necessarily a city  
9 organization, first and foremost, if you're looking  
10 at priorities. And I feel like it's -- there's some  
11 disproportionate funding going on.  
12 And I would like the DEQ to take a look at that  
13 because I'm not sure that these -- all these  
14 organizations necessarily equally justify the  
15 expense -- the amount that they're receiving.  
16 MR. RILEY: Okay.  
17 MR. LINN: So, Patrick, Sustainable Tulsa  
18 doubled at least in the proposed budget. Do we have  
19 exciting things going on with that?  
20 MR. RILEY: We do. And, in fact, so  
21 Sustainable Tulsa is an organization that has  
22 promoted the sustainability within the business  
23 community. Emphasized that focus on successful  
24 business that's not measured by the bottom line of  
25 profits, but by a triple bottom line of people,

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1 profits, and planet. And where those three  
2 intersect, there's a -- you find sustainability.  
3 And they've had particular success with a tool  
4 called the Sustainability Score Card that they've  
5 rolled out to businesses within the Tulsa area, but  
6 some beyond that too.  
7 DEQ has been a participant. And that is a tool,  
8 an on-line tool that both assesses and helps guide  
9 businesses through a sustainable path that has  
10 resulted in quantifiable savings of dollars and  
11 improvements in environmental stewardship.  
12 The reason why -- and that program has been  
13 going on for a few years and it's gaining momentum.  
14 In this last year the Secretary of Energy and  
15 Environment, Mike Teague, attended an event for  
16 Sustainable Tulsa and was so impressed that he  
17 wanted and encouraged Sustainable Tulsa to roll out  
18 the Score Card Program to schools as well as  
19 businesses.  
20 And to help them do that, he encouraged DEQ to,  
21 through our contract with Sustainable Tulsa,  
22 increase funding. And he made funds available from  
23 the Office of the Secretary of Energy and  
24 Environment to the DEQ.  
25 So we are increasing that, that funding, but

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1 it's money that we're getting from OSEE.  
2 So, I mean, we see good things happening. You  
3 know, Matt is a board member, Sustainable Tulsa, and  
4 he can share additional detail. But we do see good  
5 things happening.  
6 MR. LINN: Thank you.  
7 MR. NEWMAN: Can I add a comment to that?  
8 Because in these many meetings that we've been in,  
9 and to come back to the professional services, local  
10 government sector, you know, this whole section of  
11 their budget, you know, their income statement, so  
12 to speak, this leans forward. You know, this is  
13 proactive. And I'm a big supporter of being  
14 proactive, as opposed to budgeting to clean up a  
15 mess, because we did not lean forward. And, you  
16 know, time and time again I've mentioned this in  
17 public meetings, I'm really proud of our DEQ for  
18 this lean forward and proactive.  
19 The Score Card not only is used by businesses,  
20 it's also used by universities and the technical  
21 colleges and the Tulsa Zoo. Through the use of a  
22 Score Card the Tulsa Zoo found through procedural  
23 changing, we were talking about lean, kind of green  
24 belt. There's a lot of this continuous improvement  
25 leans six sigma embedded in the Score Card. And the



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1 Tulsa Zoo found \$59,000 of savings in changing a  
2 procedure, and that's \$59,000 every year.  
3 Through the program to date, through all of the  
4 participants, OSU, University of Tulsa, City of  
5 Tulsa, the DEQ, you found -- the DEQ found, without  
6 any investment, found 10, 20, \$30,000.  
7 MR. RILEY: I think that's right.  
8 MR. NEWMAN: That we've racked up over two  
9 and a half million dollars of savings for the  
10 participants in the Score Card. And there's just  
11 about 40 participants and that's growing. So it's a  
12 really good grass roots outreach and activity for  
13 non-profits, university schools.  
14 So I know that this program, in visiting with  
15 Secretary Teague, big companies have benefited  
16 tremendously. And we've got ONEOK and PSO are  
17 really into this. Going deeper than or going  
18 earlier than the universities was Secretary Teague's  
19 vision, again another lean forward.  
20 If we can educate the students before they go to  
21 university, they're better prepared to jump in and  
22 participate in this whole sustainability spectrum.  
23 MS. MERCHANT: So this is not just strictly  
24 a Tulsa thing?  
25 MR. NEWMAN: Well, it's a greater Tulsa

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1 region. It is not a Tulsa thing. Does that answer  
2 your question?  
3 MS. MERCHANT: It's not a statewide thing?  
4 MR. NEWMAN: It could be.  
5 MS. MERCHANT: Gotcha.  
6 MR. NEWMAN: It could be. And I've  
7 actually been in discussions with OG&E and others to  
8 try and take this model to Oklahoma City. And  
9 Sustainable Tulsa would gladly, you know, share this  
10 project with Oklahoma City and make us Sustainable  
11 Oklahoma City. And it's like a franchise. It's in  
12 a three-ring binder and it's ready to go.  
13 So that ultimately is the plan. And I do sit on  
14 their board, and that is the plan, to make this  
15 replicatable. And it is replicatable right now.  
16 And we've also received funds from other  
17 philanthropic organizations. We've received a grant  
18 from the Lobeck Taylor Family Foundation to update  
19 and improve the Score Card software.  
20 So there's quite a few folks who have  
21 participated in this. A lot of folks see the value  
22 in this.  
23 MS. PHILLIPS: To be clear, I'm not picking  
24 on Sustainable Tulsa. I mean, they do some awesome  
25 work.

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1 MR. NEWMAN: No, I know where you're coming  
2 from.  
3 MS. PHILLIPS: Yeah. But in this role, I  
4 want to be really clear that DEQ is across the board  
5 receiving as much bang for their buck, so to speak,  
6 and making sure that, you know, where these funds  
7 go, people are held accountable. Because sometimes  
8 over time people can get laissez-faire on how they  
9 just receive the money every year and they don't  
10 really have to be accountable back to DEQ.  
11 And so it's not specific to Sustainable Tulsa  
12 or, you know, any particular community. It's just  
13 making sure that DEQ is being mindful of how their  
14 dollars are being spent and not just arbi -- not  
15 just giving funding year after year without asking  
16 questions.  
17 MR. RILEY: No, I appreciate your comments,  
18 Traci. And that's a good point. And we are -- we  
19 are deliberate about being good stewards of this  
20 money, you know, these contracts. These contracts  
21 are issued and effective for only one year at a  
22 time, so each year there is a new agreement reached  
23 between the DEQ and these entities.  
24 Reports are required with invoices documenting  
25 what has been accomplished, so we do track that.

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1 And it is our intent to be good stewards of the  
2 money. So, I appreciate your point.  
3 MS. MERCHANT: Any other questions?  
4 MR. NEWMAN: I have one other question.  
5 And it deals with just for clarity under salaries  
6 and other compensation. The budget for '19 is 3.2.  
7 The budget for '18 was 3.0. The expenditures were  
8 3.46. Is it just -- are you -- do you have open  
9 positions? Are you downsizing, upsizing, or is this  
10 just kind of a best guess of where '19 is going to  
11 be?  
12 MR. RILEY: Well, the number of FTEs,  
13 full-time employment positions, is staying the same.  
14 There was legislative action this year that  
15 increased salaries for state employees, so the level  
16 of -- the amount of money that we're budgeting for  
17 salaries and compensation has gone up to account for  
18 that. So I think that's primarily responsible for  
19 that difference that you see there.  
20 MR. NEWMAN: From 3.0 to 3.2?  
21 MR. RILEY: Right.  
22 MR. NEWMAN: Okay. Thank you.  
23 MS. HERSHEY: My question was similar. I  
24 was going to ask the same question, Matt. But also  
25 is enough budgeted in fiscal year '19, since we were

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1 short 400,000 the last fiscal year?  
2 MR. RILEY: Since we were short --  
3 MS. HERSHEY: 400,000 in the last fiscal  
4 year, is budgeting 200,000 going to be enough?  
5 MR. NEWMAN: Your expenditures for '19 --  
6 or '18 are 3,458,825 versus a budget of 3,033,754.  
7 And you are budgeting for '19, 3,229,431. So your  
8 '19 budget is right kind of in the middle of your  
9 '18 budget and your '18 expenditures.  
10 MR. RILEY: Right.  
11 MR. NEWMAN: Without you're getting into  
12 the weeds, if you're comfortable with the 3.2, I'm  
13 comfortable, if you're comfortable as well. But I'm  
14 with you, you know. We want to make sure that --  
15 MS. HERSHEY: Be sure that amount is going  
16 to be enough.  
17 MR. NEWMAN: -- you're correctly --  
18 MR. RILEY: Yeah, I think the -- I think  
19 I'm comfortable. The good news is we can move  
20 things around within these categories as needed and  
21 we can do budget adjustments throughout the year.  
22 So this is -- you know, at beginning of the year it  
23 is sort of a guess as to how much money we're going  
24 to need.  
25 And for salaries and compensation and that type

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1 of thing that, you know, we rely on finance to kind  
2 of work those numbers. So, I have a lot of trust in  
3 their assessment. But if things -- if things look  
4 like they need to be adjusted during the year, we  
5 can do that.  
6 MR. ADCOCK: Where do you make those  
7 adjustments? Do they come out of like the  
8 professional services or travel or --  
9 MR. RILEY: It could come across the board.  
10 MR. ADCOCK: Across the board. Okay.  
11 MS. HERSHEY: The reason I ask the question  
12 is because I notice the adjustments made in  
13 recycling equipment is quite drastic. So, I just  
14 want to make sure a lot of it's not coming out of  
15 there. Or is that just because the requests have  
16 been low or recycling equipment --  
17 MR. RILEY: Right. We have -- we have a  
18 line item that is actually a statutory requirement  
19 that we provide at least \$200,000 or make \$200,000  
20 available on an annual basis for recycling projects  
21 for investment and equipment. And we have typically  
22 seen that fewer projects than -- than money.  
23 So last year, for instance, the City of Enid  
24 invested in some balers and things for their  
25 recycling facility, but we don't always have

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1 projects. People come to us with projects to use  
2 that money.  
3 MR. ADCOCK: And that's for municipalities  
4 only, right?  
5 MR. RILEY: Yes. Sorry.  
6 MS. HERSHEY: You can include schools.  
7 MR. RILEY: And it could include schools.  
8 MS. MERCHANT: Any other questions  
9 concerning the budget?  
10 Questions from the public?  
11 Quiana, do you want to take a roll call to --  
12 MR. NEWMAN: I would make a motion to  
13 approve the budget as presented.  
14 MR. LINN: I'll second that.  
15 MS. FIELDS: Mr. Adcock.  
16 MR. ADCOCK: Yes.  
17 MS. FIELDS: Ms. Hershey.  
18 MS. HERSHEY: Yes.  
19 MS. FIELDS: Mr. Lazarski.  
20 MR. LAZARSKI: Yes.  
21 MS. FIELDS: Mr. Linn.  
22 MR. LINN: Yes.  
23 MS. FIELDS: Ms. Merchant.  
24 MS. MERCHANT: Yes.  
25 MS. FIELDS: Mr. Newman.

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1 MR. NEWMAN: Yes.  
2 MS. FIELDS: Ms. Phillips.  
3 MS. PHILLIPS: Yes.  
4 MS. FIELDS: Motion passed.  
5 MS. MERCHANT: Okay. Number 5 on the  
6 agenda is discussion of EPA's approval of DEQ's Coal  
7 Combustion Residuals Permit Program and potential  
8 changes to the OAC 252:517 Standards for the  
9 disposal of coal combustion residuals in landfills  
10 and surface impoundments.  
11 The department is presenting, for discussion  
12 purposes only, potential changes to the OAS 252:517.  
13 MR. RILEY: So a couple of things. I would  
14 like to address this in two parts. The first is  
15 some really good news that I'm excited about. If  
16 you recall the last time we met as a council, the  
17 EPA had indicated the intent to approve our Coal  
18 Combustion Residual Program, permitting program, and  
19 had published that in the federal register. And  
20 they were prepared to have a public hearing here at  
21 DEQ in the next month.  
22 So, I'm happy to tell you that the hearing  
23 occurred and there were public comments received.  
24 And at the end of the day and in June of this year,  
25 the EPA administrator signed the approval of

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1 Oklahoma's permitting program for coal ash  
2 disposable. That makes Oklahoma the first state to  
3 receive approval, and at this time the only state to  
4 have approval to operate a permitting program in  
5 lieu of federal rules. So, that's something that  
6 we're pretty proud of. Something we can be excited  
7 about.

8 I'd like to take time to, you know, formally  
9 recognize my staff for the effort that they put in  
10 to get this accomplished. It wasn't easy. It was a  
11 lot of extra work. We had to explain to EPA how our  
12 permitting program worked, how it was sufficient.  
13 So I would just like to acknowledge their hard work  
14 and their efforts. And you can be glad to know that  
15 you have a lot of hard working people in the solid  
16 waste program at Oklahoma DEQ. So that's the good  
17 news.

18 The next thing. So if we received our program  
19 approval in June, by July EPA had published the  
20 first of many revisions to the federal rule. And  
21 that impacts us in that as the federal rule changes,  
22 DEQ and Oklahoma has an obligation to be at least as  
23 protective as the federal rules.

24 So the first change was in July. There's  
25 another change proposed before the end of the year.

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1 And there's a third change proposed shortly after  
2 the beginning of next year. Add to that a recent,  
3 as of August, appellate court decision that vacated  
4 certain portions of the Part 257 and remanded other  
5 portions back to the EPA to rewrite.

6 And so what that means is we have a federal rule  
7 that is very much in flux that has some holes in it  
8 that has not been finalized or it will be changing  
9 again. So what that means for us, for Chapter 517  
10 Rules, is that we will at some point need to revise  
11 our rules to remain compliant with the directive or  
12 the obligation to be at least as protective as the  
13 federal rules.

14 We've had several conversations with the EPA to  
15 try and figure out where this is all going. At this  
16 time they have told us that they're not sure because  
17 it's all in progress. They're writing things right  
18 now and trying to determine what the final rule will  
19 look like. There is still a potential for court  
20 challenges for the portions that have been -- for  
21 the revisions that came out in July, so their advice  
22 to us has been to not take action at this time.

23 They further indicated that they feel challenged  
24 to approve anything at this time. That's their  
25 words, they feel challenged. That if we were to

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1 revise our 517 Rules and submit for re-approval,  
2 which would be required, they would have a hard time  
3 approving those because they don't know if they're  
4 going to be as protective as their rules because  
5 their rules are changing so fast.

6 So, what I'm telling you today is that, yes,  
7 there are going to be some changes to 517 that will  
8 be necessary, probably next year, that we can work  
9 on. But I'm not recommending that we take any  
10 action at this time. We will kind of wait and see  
11 what happens on the federal level and then decide  
12 what we need to do on the state level.

13 Not to detract from the success that we've had,  
14 getting approval to operate in lieu of federal  
15 regulations, because I think that's a positive  
16 thing. But we do need to wait and see how things  
17 develop federally before we change anything here.

18 MS. MERCHANT: So at a state level, where  
19 do we stand?

20 MR. RILEY: So we have rules in place right  
21 now that regulate the disposal of coal ash with the  
22 517. So those stand and are in effect and we'll  
23 follow those.

24 MS. MERCHANT: Okay. Does the Council have  
25 any questions?

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1 MR. LAZARSKI: Comment. Just kind of  
2 affirming your earlier comment about your staff and  
3 support that was provided to obtain Oklahoma's  
4 permit program. And I know they did work a lot,  
5 too, in order to get that through. And I think as  
6 part of the industry here, we appreciate, you know,  
7 the staff support.

8 And I agree on, in terms of where Patrick is  
9 going in terms of the rule, there will be some  
10 future changes. The rule -- the EPA rules are  
11 dynamic, they're changing. There's the litigation  
12 that's going on, so uncertainty where those will  
13 end. And I think the only -- I don't want to say  
14 potential conflict may be is if the federal rules  
15 come out, they make their changes and they became  
16 more stringent purpose than say what the DEQ may  
17 have.

18 Typically, though, I've seen on some of those as  
19 they're proposed, there's usually a time frame in  
20 terms of implementation, so some dates may be tied  
21 to that. But I think if and when those times come,  
22 I think there's probably, at least in terms of the  
23 permittees or the industry out there, we'll be able  
24 to recognize what those differences are, engage DEQ  
25 as appropriate.

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1 MS. MERCHANT: So currently would  
2 industry -- I'm directing this at you, Tom.  
3 Currently would industry follow as it stands right  
4 now with the permitting process that has been  
5 approved by EPA?  
6 MR. LAZARSKI: So yes. So obviously the  
7 industry would be following State Rules 517, OAC  
8 517. And the only change would be if, for example,  
9 in the future if the EPA came out and had a change  
10 in a rule that was more stringent. And that  
11 would -- you know, again it depends on the date of  
12 that implementation, when EPA would require that.  
13 Sometimes it may be a court decision that drives  
14 that.  
15 And typically a lot of times with those court  
16 decisions, there's usually they have a time frame to  
17 implement, which hopefully may overlap or be  
18 integrated with our time frame to be able to make  
19 changes. Or on a facility-by-facility basis there  
20 may be some acknowledgment or consideration for DEQ  
21 to work with that industry for that location.  
22 MS. MERCHANT: Thank you. Any other  
23 questions?  
24 MR. LINN: Patrick, to what extent has the  
25 change at the top of EPA's leadership food chain had

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1 any affect on DEQ so far here in Oklahoma? And do  
2 you foresee any?  
3 MR. RILEY: I don't foresee necessarily  
4 anything. You know, the world that we live in is a  
5 different -- how shall I say this? When we work  
6 through the CCR Process, we never talk to the  
7 administrator. You know, we work with staff, Region  
8 6 and at headquarters.  
9 But as far as day-to-day operations, I don't  
10 know that the administrator of the EPA has a lot of  
11 effect on us directly. If you ask the executive  
12 director of DEQ, I'm sure he would have some more  
13 commentary than someone at my level.  
14 MR. LINN: Thanks.  
15 MS. MERCHANT: Any more questions of the  
16 council?  
17 Any question from the public?  
18 This is not an action item, is it?  
19 MR. LINN: No.  
20 MS. MERCHANT: Okay. Moving on. Election  
21 of officers for 2018. Each year at this time the  
22 council elects officers for the next calendar year.  
23 And I believe that would be for chairman and vice  
24 chairman.  
25 MR. NEWMAN: I would like to make a motion

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1 that the existing chair and vice chair are nominated  
2 to continue their service as chair and vice chair.  
3 MR. LINN: Second.  
4 MS. MERCHANT: Do we have a roll call?  
5 MS. FIELDS: Mr. Adcock.  
6 MR. RILEY: Let me -- if I could just  
7 interject for a minute. There may be a typo on the  
8 agenda that says fiscal year 2019 -- or 2018  
9 instead --  
10 MS. MERCHANT: Yeah, it should be 2019.  
11 MR. RILEY: It should be 2019. So just  
12 make sure that's understood.  
13 MS. MERCHANT: Right.  
14 MS. FIELDS: Mr. Adcock.  
15 MR. ADCOCK: Yes.  
16 MS. FIELDS: Ms. Hershey.  
17 MS. HERSHEY: Yes.  
18 MS. FIELDS: Mr. Lazarski.  
19 MR. LAZARSKI: Yes.  
20 MS. FIELDS: Mr. Linn.  
21 MR. LINN: Yes.  
22 MS. FIELDS: Ms. Merchant.  
23 MS. MERCHANT: Yes.  
24 MS. FIELDS: Mr. Newman.  
25 MR. NEWMAN: Yes.

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1 MS. FIELDS: Ms. Phillips.  
2 MS. PHILLIPS: Yes.  
3 MS. FIELDS: Motion passed.  
4 MS. MERCHANT: Okay. And then next on the  
5 agenda is the suggested meeting dates for 2019  
6 Council meetings.  
7 Each year at this time the Council sets meeting  
8 dates and locations for the next calendar year. The  
9 suggested dates are January 10th, 2019, April 11th,  
10 2019, July 11th, 2019, and September 12th, 2019.  
11 Council?  
12 MR. LINN: Any discussion?  
13 MS. MERCHANT: Any discussion?  
14 MS. PHILLIPS: Dates are fine. I make a  
15 motion to approve.  
16 MR. LINN: I'll second the motion.  
17 MS. FIELDS: Ms. Adcock.  
18 MR. ADCOCK: Yes.  
19 MS. FIELDS: Ms. Hershey.  
20 MS. HERSHEY: Yes.  
21 MS. FIELDS: Mr. Lazarski.  
22 MR. LAZARSKI: Yes.  
23 MS. FIELDS: Mr. Linn.  
24 MR. LINN: Yes.  
25 MS. FIELDS: Ms. Merchant.

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1 MS. MERCHANT: Yes.  
 2 MS. FIELDS: Mr. Newman.  
 3 MR. NEWMAN: Yes.  
 4 MS. FIELDS: Ms. Phillips.  
 5 MS. PHILLIPS: Yes.  
 6 MS. FIELDS: Motion passed.  
 7 MS. MERCHANT: Okay. At this time it's --  
 8 we are -- it's a public forum open for any  
 9 discussion. Is there any discussion from the  
 10 public?  
 11 Seeing none.  
 12 Under new business, limited to any matter not  
 13 known or which could not have been reasonably  
 14 foreseen prior to the time of posting the agenda.  
 15 Any new business?  
 16 Seeing no new business, I call for adjournment.  
 17 MR. NEWMAN: Motion to adjourn.  
 18 MR. LINN: Second.  
 19 MS. FIELDS: Mr. Adcock.  
 20 MR. ADCOCK: Yes.  
 21 MS. FIELDS: Ms. Hershey.  
 22 MS. HERSHEY: Yes.  
 23 MS. FIELDS: Mr. Lazarski.  
 24 MR. LAZARSKI: Yes.  
 25 MS. FIELDS: Mr. Linn.

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1 MR. LINN: Yes.  
 2 MS. FIELDS: Ms. Merchant.  
 3 MS. MERCHANT: Yes.  
 4 MS. FIELDS: Mr. Newman.  
 5 MR. NEWMAN: Yes.  
 6 MS. FIELDS: Ms. Phillips.  
 7 MS. PHILLIPS: Yes.  
 8 MS. FIELDS: Motion passed.  
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1 CERTIFICATE  
 2 STATE OF OKLAHOMA )  
 3 ) SS:  
 4 OKLAHOMA COUNTY )  
 5 I, Brenda Plumbtree, Certified Shorthand  
 6 Reporter within and for the State of Oklahoma, do  
 7 hereby certify that the above advisory council was  
 8 by me taken in shorthand and thereafter transcribed;  
 9 that the same is true and correct; and that it was  
 10 taken on the 13th day of September, 2018 at the time  
 11 of 9:00 A.M. in the City of Oklahoma City, County of  
 12 Oklahoma, State of Oklahoma, and that I am not  
 13 attorney for or relative of any of said parties or  
 14 otherwise interested in the event of said action.  
 15 IN WITNESS WHEREOF, I have hereunto set my hand  
 16 and official seal this 20th day of September, 2018.  
 17  
 18  
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 23  
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 25

*Brenda Plumbtree*

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BRENDA PLUMBTREE, CSR  
 Oklahoma Certified Shorthand Reporter  
 Certificate No. 01434  
 Expires: December 31, 2018



**SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL**

**Attendance Record**

**September 13, 2018**

**Oklahoma City, Oklahoma**

**CHECK BOX TO COMMENT**

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