

MINUTES
Solid Waste Management Advisory Council
September 14, 2017 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at January 11, 2018 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on September 14, 2017, 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 13, 2016. 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. Mr. Shepherd introduced new councilmember, Mr. Thomas Lazarski to the Council. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Todd Adcock
Rodney Cleveland
Ilda Hershey
Thomas Lazarski
Jim Linn
Matthew Newman
Traci Phillips
Bill Torneten
Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
Fenton Rood
Tad Alford
Kole Kennedy
Patrick Riley
Hillary Young
Jeff Biddick
Rachel Hanigan
Ferrella March
Karen Jayne
Amber Edwards
David Cates
Kasie Stambaugh
Kevin Crawford
Quiana Fields

MEMBERS ABSENT

Brenda Merchant

OTHERS PRESENT

Jennifer Kaelin, Court Reporter

Approval of the Minutes for the January 12, 2017 Solid Waste Management Advisory Council Meeting – Mr. Linn moved approval of the January 12, 2017 Minutes and Mr. Newman made the second.

See transcript pages 6 – 7

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Abstain	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Thomas Lazarski	Yes	Jeff Shepherd	Yes
Jim Linn	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, 2017. Following questions and comments concerning program fees and expenditures, Mr. Linn moved to approve and Mr. Newman made the second.

See transcript pages 7 – 17

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes

Ilda Hershey	Yes	Bill Torneten	Yes
Thomas Lazarski	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

Discussion of OAC 252:515 Management of Solid Waste Rules – Mr. Kole Kennedy, Environmental Specialist of the LPD, stated the Department is proposing, for discussion purposes only, to update the tire regulations based on statutory changes and to make citation and minor corrections throughout Chapter 515.

See transcript pages 17 – 25

Discussion of the Department’s Application to EPA for Coal Combustion Residuals Permit Program Approval 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 25 – 28

Election of Officers for 2018 – Mr. Newman moved that Mr. Shepherd be nominated to remain as Chair and Mr. Linn made the second.

See transcript pages 28 – 29

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Thomas Lazarski	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

Mr. Linn moved that Ms. Merchant be nominated to remain as Vice-Chair and Mr. Newman made the second.

See transcript pages 30 – 31

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Thomas Lazarski	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

Suggested Meeting Dates for 2018 Council Meeting – Staff suggested 2018 dates to be January 11, April 12, July 12 and September 13. Mr. Newman moved to approve and Mr. Linn made the second.

See transcript pages 31 – 32

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Thomas Lazarski	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		

Public Forum – No public issues were raised.

New Business – Mr. Riley thanked Mr. Tad Alford for his service as being the SWMAC attorney and advised the Council that Mr. Alford will be moving on to the AQAC. Mr. Riley introduced Ms. Karen Jayne, who will take the role as attorney for the SWMAC.

See transcript pages 32 – 33

Adjournment – Mr. Shepherd adjourned the meeting at 9:40 a.m.
Transcript and Attendance Sheet are attached as an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID WASTE MANAGEMENT ADVISORY COUNCIL

PUBLIC MEETING

SEPTEMBER 14, 2017 - 9:00 A.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, OK

REPORTED BY: JENNIFER PAYNE KAELIN, CSR

Page 2

1 COUNCIL MEMBERS PRESENT:
2 Mr. Todd Adcock
3 Mr. Rodney Cleveland
4 Mr. Jeff Shepherd - Chairman
5 Ms. Ida Hershey
6 Mr. Thomas Lazarski
7 Mr. Jim Linn
8 Mr. Matthew Newman
9 Ms. Traci Phillips
10 Mr. Bill Tometen
11 COUNCIL MEMBERS ABSENT:
12 Ms. Brenda Merchant - Vice Chairman - not present
13 ALSO PRESENT:
14 Ms. Quiana Fields, Secretary of Board and Council
15 Mr. Patrick Riley, Environmental Programs Manager
16 Mr. Kole Kennedy, Tire Recycling Program
17
18
19
20
21
22
23
24
25

Page 3

1 CALL TO ORDER - 9:05 a.m.
2 CHAIRMAN SHEPHERD: This is September 14, 2017,
3 meeting of the Solid Waste Management Advisory Council was
4 called in accordance with the Open Meeting Act.
5 Notice was filed with the Secretary of State on
6 October the 13th, 2016. The Agenda was duly posted on the
7 doors of the DEQ, 707 North Robinson, Oklahoma City,
8 Oklahoma, at least 24 hours prior to the meeting.
9 Only matters appearing on the posted Agenda may be
10 considered at this regular meeting. In the event that this
11 meeting is continued or reconvened, public notice of the
12 date, time, and place of the continued meeting will be given
13 by announcement at this meeting. Only matters appearing on
14 the Agenda of a meeting which is continued may be discussed
15 at the continued or reconvened meeting.
16 Roll call.
17 SECRETARY FIELDS: Mr. Adcock?
18 MR. ADCOCK: Here.
19 SECRETARY FIELDS: Mr. Cleveland?
20 MR. CLEVELAND: Here.
21 SECRETARY FIELDS: Ms. Hershey?
22 MS. HERSHEY: Here.
23 SECRETARY FIELDS: Mr. Lazarski?
24 MR. LAZARSKI: Here.
25 SECRETARY FIELDS: Mr. Linn?

Page 4

1 MR. LINN: Here.
2 SECRETARY FIELDS: Ms. Merchant is absent.
3 Mr. Newman?
4 MR. NEWMAN: Here.
5 SECRETARY FIELDS: Ms. Phillips is absent.
6 Mr. Tometen?
7 MR. TORNETEN: Here.
8 SECRETARY FIELDS: Mr. Shepherd?
9 CHAIRMAN SHEPHERD: Here.
10 SECRETARY FIELDS: We have a quorum.
11 CHAIRMAN SHEPHERD: Okay. Thanks.
12 Tom is our new member. I have a whole statement here
13 that I will read that explains your whole life.
14 (Laughter.)
15 CHAIRMAN SHEPHERD: Tom Lazarski -- is it
16 Lazarski?
17 MR. LAZARSKI: Yes.
18 CHAIRMAN SHEPHERD: Okay -- is a Senior
19 Environmental Analyst for the OG&E Energy Corporation and
20 has been in the environmental compliance and regulatory
21 field for almost 30 years. Tom has ESH&Q professional
22 experience in electric utilities, consulting, municipal,
23 construction, research and development and remedial and
24 restoration activities with direct interface and permit
25 negotiating skills with local, state, and federal regulatory

Page 5

1 agencies.
2 He's a graduate of Southern Illinois University where
3 he received his BS in Industrial Engineering Technology. He
4 is also a certified hazardous materials manager. Tom is
5 also the Solid Waste Committee Chair for the Environmental
6 Federation of Oklahoma.
7 During the last three years, he has volunteered at
8 various local organizational events including the
9 Arts Council of Oklahoma City, Festival of Arts,
10 Junior Achievement, Red Andrews Edmond County Community
11 Thanksgiving dinner, and the Tinker Air Force Base airshow.
12 Tom has also participated in OK Connect, a partnership
13 between Leadership Oklahoma City and the greater
14 Oklahoma City Chamber.
15 Tom originally is a native of Chicago area and has
16 worked professionally in St. Louis, Missouri, Richland and
17 Seattle, Washington; Chicago, Illinois, Cincinnati, Ohio,
18 and now Oklahoma City.
19 He has one son that is a Bio Chemistry and Honor Roll
20 Student and hockey player at the University of Texas
21 El Paso.
22 Let's welcome Tom to the Council.
23 MR. LINN: Welcome.
24 MR. LAZARSKI: Thank you.
25 (Applause.)

Page 6

1 CHAIRMAN SHEPHERD: Approval of the Minutes for
2 the January 12th, 2017, Solid Waste Management Advisory
3 Council meeting.
4 MR. LINN: I'll move that.
5 MR. NEWMAN: I'll second.
6 CHAIRMAN SHEPHERD: Quiana.
7 SECRETARY FIELDS: Mr. Adcock?
8 MR. ADCOCK: Yes.
9 SECRETARY FIELDS: Mr. Cleveland?
10 MR. CLEVELAND: Abstain.
11 SECRETARY FIELDS: Ms. Hershey?
12 MS. HERSHEY: Yes.
13 SECRETARY FIELDS: Mr. Lazarski?
14 MR. LAZARSKI: Yes.
15 SECRETARY FIELDS: Mr. Linn?
16 MR. LINN: Yes.
17 SECRETARY FIELDS: Mr. Newman?
18 MR. NEWMAN: Yes.
19 SECRETARY FIELDS: Ms. Phillips is in attendance.
20 Ms. Phillips?
21 MS. PHILLIPS: Yes.
22 SECRETARY FIELDS: Mr. Torneten?
23 MR. TORNETEN: Yes.
24 SECRETARY FIELDS: Mr. Shepherd?
25 CHAIRMAN SHEPHERD: Yes.

Page 7

1 SECRETARY FIELDS: Motion passed.
2 CHAIRMAN SHEPHERD: Discussion of Solid Waste
3 Program Fees and Expenditures. "The Council's comments
4 concerning program fees and program expenditures are to be
5 submitted to the Executive Director, Governor, and
6 Legislature by November 1st of each year."
7 Patrick.
8 MR. RILEY: We do this every year in September and
9 it's our statutory obligation to share with you information
10 about Solid Waste expenditures and revenue that occurred
11 during the last fiscal year, and it's your obligation to
12 provide comments to our Executive Director and the Governor
13 and the Legislature.
14 It's also our practice to share anticipated spending
15 for the next fiscal year. So to that end, behind the third
16 tab in your notebooks, you'll find some reports about
17 Solid Waste spending and anticipated budgets for fiscal year
18 2018.
19 I also thought it would be helpful, before we get into
20 too much detail on those reports, to share a little bit
21 about agency funding so that you're not considering the
22 Solid Waste expenditures and budget in a vacuum. So if
23 you'll indulge me a minute, we'll talk a little
24 about agency -- what's going on with the agency.
25 So as you may know, there are three basic ways that DEQ

Page 8

1 receives money as an agency. One source is through fees,
2 like the solid waste fees, that you're the most familiar
3 with. For every ton of waste that goes into a landfill or a
4 waste energy facility, the DEQ gets a dollar and a quarter.
5 And that goes into our Revolving Fund, and that makes up the
6 majority of the money that DEQ has, about 55 percent.
7 We also get about 38 percent of our funding through
8 federal money. And then we depend on the Legislature to
9 provide about seven percent of our needs, and those are
10 appropriated dollars. And that's what you hear about the
11 most when you hear about the funding issues with the State
12 and the State reducing appropriations to agencies.
13 So what went on in fiscal year 2017, is that when the
14 Legislature was looking for sources of money to fund other
15 things, they looked at various agencies and how much money
16 was left in their revolving funds. And they came to DEQ and
17 took a million dollars from our Revolving Fund to use for
18 other sources.
19 Now, for next year, they have also agreed to give that
20 money back to us as part of our appropriations. So they
21 took a million dollars out of the Revolving Fund, but they
22 agree to give it back to us next year. Rather than reducing
23 our appropriated dollars, they're going to give that million
24 dollars back to us for fiscal year 2018.
25 So if you think about it like this, it's kind of like

Page 9

1 if I ask my kid to mow the yard and I say, "I'll give you
2 \$20 if you'll mow the yard," and they agree. I said, "Okay.
3 Now, go get me your piggy bank and give me \$20 and I'll pay
4 you." That's kind of how this works.
5 But, you know, it's good -- it's good that we're not
6 getting less appropriated dollars and we get the million
7 dollars back from the Revolving Fund. So that's where we're
8 at as an agency.
9 You know, Solid Waste, as you know, depends entirely on
10 money from their Revolving Fund and only on solid waste
11 fees. So we're -- we're self-funded. And if you look at
12 the -- and that's when you can look at the reports and see
13 where that -- how that money came in and where it went.
14 CHAIRMAN SHEPHERD: The \$1.25 goes into
15 Land Protection. It doesn't go into other parts of the DEQ,
16 does it?
17 MR. RILEY: It is -- it goes into the
18 Revolving Fund, and it's -- if you'll look at -- if you look
19 at the Solid Waste report, you'll see where most -- where
20 the money went. So if we -- if we look at that first page,
21 fiscal year 2017, the upper right-hand corner, our actual
22 income, for fiscal year 2017, is about 6.1 million. We had
23 expenditures of 5.9 with about 151,000 left over at the end
24 of the fiscal year, money that was encumbered but not spent.
25 Some of that has to do with invoices that hadn't been paid

Page 10

1 yet at the end of the fiscal year.
2 So somewhere between -- if you take that money out of
3 the remaining balance, we end up somewhere between 50 and
4 \$150,000 remaining that would stay in the Revolving Fund and
5 carry over to the next year. So we spent between -- or we
6 had about one to two-and-a-half percent left over. So we
7 did a really good job of spending those dollars that came
8 in.
9 And the various --
10 CHAIRMAN SHEPHERD: Does --
11 MR. RILEY: Oh, go ahead.
12 CHAIRMAN SHEPHERD: Does the other departments,
13 i.e. Storm, Water, Air, they charge fees for permits, don't
14 they, typically?
15 MR. RILEY: Some do. Water charges permitting
16 fees and Air does.
17 CHAIRMAN SHEPHERD: Does that go into the
18 Revolving Fund?
19 MR. RILEY: It does.
20 CHAIRMAN SHEPHERD: Okay.
21 MR. LINN: Patrick, I note that for 2018,
22 Product Stewardship isn't listed. And I remember from the
23 last meeting we talked about how that funds several things,
24 including the pilot Drug Take Back Program. Is that one
25 anticipated in 2018, couple of lines from the bottom, for

Page 11

1 other Solid Waste projects to be determined?
2 MR. RILEY: Yeah, we -- we are funding
3 Project Stewardship Institute --
4 MR. LINN: Okay.
5 MR. RILEY: -- next year for this -- for this --
6 for 2018. It just didn't show up as a line item.
7 MR. LINN: And so the \$6.7 million budget roughly,
8 as compared to this \$5.9 million budget last year, I assume
9 would take into account the million you're going to have
10 back?
11 MR. RILEY: Yeah. So the budget numbers that --
12 the 6.2 million, that we budgeted last year compared to the
13 6.6 or so that we have for next year --
14 MR. LINN: Oh, I beg your pardon. That's right,
15 6.2 --
16 MR. RILEY: So it's a -- you know, it's largely
17 a -- a guess. You know, it's --
18 MR. LINN: Uh-huh.
19 MR. RILEY: -- we're projecting income. I'm not
20 sure that we're going to get that amount in. You guys may
21 know better than we do. Because you, that work in the waste
22 industry, see the trends in waste disposal, because that's
23 where the money is coming from.
24 But, you know, it's -- having that money there and
25 available in the budget, if we need it, provides us agility

Page 12

1 should a need arise. I would rather have a higher budget
2 and then spend it if it comes in and if I can, and if I have
3 a need, then to budget too low and not have an option
4 available to me to spend the money.
5 MR. LINN: Thank you.
6 MR. RILEY: So you'll see a significant amount of
7 money listed in projects to be determined, and that gives us
8 a lot of flexibility for projects that may not be
9 anticipated yet.
10 CHAIRMAN SHEPHERD: What are we running -- I mean,
11 have we looked at the tonnages that you're -- that are
12 coming in? Are we --
13 MR. RILEY: If you look at tonnages over the last
14 few years, they've been pretty consistent, right around
15 that -- oh, about five million or so, give or take a little
16 bit. So realistically --
17 CHAIRMAN SHEPHERD: I don't see that changing.
18 MR. RILEY: -- I would expect it to be pretty
19 consistent.
20 CHAIRMAN SHEPHERD: Five million tons a year?
21 MR. RILEY: Roughly.
22 CHAIRMAN SHEPHERD: Is that what you said?
23 MR. RILEY: Yeah.
24 CHAIRMAN SHEPHERD: We need to figure out how we
25 can change the disposal of like the saltwater and stuff like

Page 13

1 that, rope them in.
2 MR. RILEY: We're open to ideas.
3 (Laughter.)
4 CHAIRMAN SHEPHERD: Any other questions from the
5 Council?
6 MR. NEWMAN: Just a comment, Chair.
7 CHAIRMAN SHEPHERD: Yeah.
8 MR. NEWMAN: If I could make a comment,
9 I would encourage you not to be shy to ask the State
10 for more money. Year after year we have been told, "You can
11 come to us, but don't ask for money." I think that's enough
12 of that. I think that the, you know, loud voice of the
13 populous is "Figure out ways to raise revenue, fund
14 education," and I think protecting our environment is a
15 worthy cause, as well.
16 So I know that our Chairman sent a letter that we all
17 signed and, you know, you -- I think you have this Council's
18 backing and I would be glad to advocate for fully funding
19 the DEQ. As a matter of fact, I believe it's -- it made the
20 agenda in the Tulsa Regional Chambers OneVoice Initiative to
21 fully fund different departments of our State government
22 and -- so don't be shy. And I would be glad to be an
23 advocate.
24 MR. RILEY: I appreciate those comments. Thank
25 you.

Page 14

1 MR. TORNETEN: I presume you get the same fee on
2 out-of-state waste as in-state waste?
3 MR. RILEY: That's correct.
4 MR. TORNETEN: To that extent, it would seem kind
5 of counter-productive to discourage out-of-state waste,
6 which we tend to do, but...
7 MR. RILEY: Yeah. They -- for every ton that
8 comes in, we get the -- the dollar and a quarter, so that's
9 how we pay our way.
10 MS. HERSHEY: I have a question. Looks like
11 equipment expenditures are much lower than the budgeted
12 amount. Is that tied to the Solid Waste Program update? Is
13 that the -- like what we would pay for chippers and
14 Trash Cops and those things?
15 MR. RILEY: That's a good question. So the
16 Solid Waste -- the recycling line item, there's a statute
17 that allows us to pay for reimbursement for a certain
18 percentage of the cost of recycling equipment, 25 percent up
19 through a total of \$20,000 per project, and that's what that
20 line item is for specifically.
21 The sheet, that you're referring to, the table that
22 references Solid Waste Program updates, that is a -- that is
23 specific to the funding that we're obligated to provide to
24 support county projects. There's a statute that requires us
25 to provide at least ten percent of the Solid Waste funds to

Page 15

1 support community Solid Waste Management projects. And so
2 we do that through the Oklahoma Circuit Engineering Board.
3 So the line item that you see there used to be referred --
4 used to be ACO.
5 MS. HERSHEY: Oh, okay.
6 MR. RILEY: This is an update from that program.
7 So the dump cleanups, chipper awards and the Trash Cops,
8 that are referenced on this, all came out of that ten
9 percent.
10 MS. HERSHEY: So the recycling equipment is for
11 baling machines and --
12 MR. RILEY: It could pay for balers, it could pay
13 for recycling equipment. Mr. Linn has used that -- that
14 source of funding for Oklahoma City's Curbside Program. The
15 demand for those funds is -- is not enough to use all that's
16 available.
17 MS. HERSHEY: Could more be done to let
18 communities, non-profits, schools, know that the funds are
19 available?
20 MR. RILEY: That it's available, sure. Sure. And
21 if you can help, that would be great. Because it's a --
22 because it only pays for 25 percent of the project costs,
23 and it's -- and because it's a -- works on a reimbursement
24 basis, so they pay for it upfront and get reimbursed later,
25 then sometimes that is an obstacle for some non-profits or

Page 16

1 those that don't have a lot of money to spend on equipment,
2 so -- but the money is there and we'd like to use it for
3 that purpose.
4 MS. HERSHEY: We've used the funds at OSU to buy
5 baling equipment, and I'd like to see all the -- you know,
6 the budgeted funds used. I'd like to help spread the word if
7 someone could give me a blurb and we can market it.
8 MR. RILEY: Let's -- yeah, I bet we can figure
9 something out.
10 MS. HERSHEY: Okay.
11 CHAIRMAN SHEPHERD: Any other questions or
12 comments from the Council?
13 (No response.)
14 CHAIRMAN SHEPHERD: Traci?
15 MS. PHILLIPS: No.
16 CHAIRMAN SHEPHERD: Any other questions or
17 comments from the public?
18 (No response.)
19 CHAIRMAN SHEPHERD: I need a motion to vote.
20 MR. LINN: I'll move it.
21 MR. NEWMAN: I will gladly second it.
22 SECRETARY FIELDS: Mr. Adcock?
23 MR. ADCOCK: Yes.
24 SECRETARY FIELDS: Mr. Cleveland?
25 MR. CLEVELAND: Aye.

Page 17

1 SECRETARY FIELDS: Ms. Hershey?
2 MS. HERSHEY: Yes.
3 SECRETARY FIELDS: Mr. Lazarski?
4 MR. LAZARSKI: Yes.
5 SECRETARY FIELDS: Mr. Linn?
6 MR. LINN: Yes.
7 SECRETARY FIELDS: Mr. Newman?
8 MR. NEWMAN: Yes.
9 SECRETARY FIELDS: Ms. Phillips?
10 MS. PHILLIPS: Yes.
11 SECRETARY FIELDS: Mr. Torneten?
12 MR. TORNETEN: Yes.
13 SECRETARY FIELDS: Mr. Shepherd?
14 CHAIRMAN SHEPHERD: Yes.
15 SECRETARY FIELDS: Motion passed.
16 CHAIRMAN SHEPHERD: Item number five, "Discussion
17 of OAC 252:515 Management of Solid Waste Rules. The
18 Department is proposing, for discussion purposes only, to
19 update the tire regulations based on statutory changes and
20 to make citation and minor corrections throughout Chapter
21 515."
22 MR. RILEY: So Kole Kennedy is going to share
23 about the -- what's going on in the Tire Program. There was
24 some statutory changes that resulted in some necessary rule
25 changes, so he's going to talk about that. That's the

Page 18

1 majority of what -- what we're doing with this item.
 2 It mentions some changes throughout 515. There aren't
 3 very many. We're just proposing to correct a few citations,
 4 really just some typos, and -- and we will come back, at our
 5 meeting in January, with specific changes. But we just want
 6 to go through and clean up anything that needs to be cleaned
 7 up, so we're just sharing that information. And Kole is
 8 going to share with you about the statute.
 9 MR. KENNEDY: Thanks, Patrick.
 10 Like he said, Kole Kennedy. I'm speaking to you today
 11 in a different capacity. I get to introduce some rules.
 12 What precipitated these changes was the Legislature
 13 passed the Act and updated some of the tire statutes, and I
 14 gave that to guys in Tab 6 of your packet. Tab 5, sorry.
 15 And what most of that contains is it's a change to the
 16 Ag tire language. Our processors were having a difficult
 17 time picking up Ag tires, much less being reimbursed for
 18 those Ag tires. So what they did is they ended up passing
 19 some legislation that changed the way that it's funded. And
 20 it created two different categories of Ag tires; an \$8.00
 21 category and a \$16.00 category, and that fee follows those
 22 Ag tires through.
 23 There's different size requirements. And I can get
 24 into those specifics if you'd like. But the pertinent
 25 things to this Council is going to be some of the other

Page 19

1 things that were associated with that change.
 2 It removed erosion control installer from what is
 3 considered processing, and they cannot be reimbursed.
 4 Erosion control projects can still go on, and that's like
 5 tire mattresses with erosion areas on a riverbank or
 6 something. Those don't -- no longer are used in today's
 7 Tire Program. So we had to go through -- since it was
 8 removed in the statutes, we are removing it from rule.
 9 One of the bigger changes was also -- if you will
 10 remember a few years back, we changed "waste tire" to "used
 11 tire." Well, there's an unintended consequence with that in
 12 some of the rules that it says, "used used." So what used
 13 to be "waste" or "used" is now "used used." So we had to go
 14 through and redefine "reusable tire." So that's what you
 15 would typically call a used tire in real language, so we put
 16 that into the rules. And then throughout the rest of it,
 17 it's mostly just cleaning up some of the remnants of the
 18 erosion control installers.
 19 And then on part seven, like 2171, we listed some of
 20 the new tires. Some of the new things that came in with the
 21 Ag statutes were there's no fee for a bigger tire that's
 22 like a doublewide semi tire. They call it a super single.
 23 That created a fee, so we had to list that as an applicable
 24 tire in our rules, as well.
 25 And it also brought in trailers that are registered in

Page 20

1 multiple states and semi tires, that were on those trailers,
 2 were not ever paid for in the past, and now they are being
 3 brought in under the scope of the program. And we just had
 4 to list all those new tires that are applicable to the
 5 program now. And that is, basically, the -- the substance
 6 of the rule changes that we have.
 7 We also went through and cleaned up -- like Patrick
 8 said, we're cleaning up citation changes. A really good
 9 example is where it will list like 21-A ii, it should really
 10 be -- instead of two iis, it should be little "b." So we're
 11 doing minor things like that through the tire statute --
 12 tire regulations and throughout all of 515, as well.
 13 And that's it. I'll take questions on this or the Act
 14 itself, if you have any questions.
 15 MR. NEWMAN: Chairman, question.
 16 CHAIRMAN SHEPHERD: Yeah, go for it.
 17 MR. NEWMAN: Kole, none of the compensation for
 18 folks that use -- reuse the tires or repurpose the tires has
 19 changed in this?
 20 MR. KENNEDY: No, not with our rules.
 21 MR. NEWMAN: So not with our positions -- like
 22 Liberty Tire can still receive -- and Bristow still receive
 23 the same compensation?
 24 MR. KENNEDY: Yes. And the little minor change
 25 that I'll call that is what we'll call a "tweak" is with the

Page 21

1 Ag tires, where we would -- like the DEQ would receive a cut
 2 of it, like when it goes into the fund for an Ag tire, those
 3 8 and \$16 categories actually follow that tire throughout
 4 the process.
 5 So for your example on Liberty, what we'll call OTR now
 6 is they pick up an \$8 Ag tire. That \$8 goes right to them.
 7 MR. NEWMAN: Okay.
 8 MR. KENNEDY: Bill, did you have a question?
 9 MS. HERSHEY: I -- so if I understand correctly,
 10 tires are still being used for erosion control?
 11 MR. KENNEDY: No. There's no erosion control
 12 installers in Oklahoma anymore. There's some still
 13 existing, but those are tending to fail.
 14 MS. HERSHEY: Okay. So that's why it's -- so
 15 because that service is not provided any more, that's why --
 16 MR. KENNEDY: Correct.
 17 MS. HERSHEY: -- it's being taken out?
 18 MR. KENNEDY: Yeah.
 19 MS. HERSHEY: Thank you.
 20 CHAIRMAN SHEPHERD: Now, does the -- the people
 21 who buy the Ag tires from the dealers, are they paying a
 22 fee?
 23 MR. KENNEDY: Yes, yes.
 24 CHAIRMAN SHEPHERD: What is that, \$2.50?
 25 MR. KENNEDY: So the Ag tire from the dealers is

Page 22

1 if it's a -- fits a -- you guys are familiar with the
2 passenger-size tire and then the semi-size tire. If an Ag
3 tire fits within the passenger-size category, it's 2.50 a
4 tire. If it fits in the semi-size, it's 3.50. If it is 32
5 inches, so just a smidge bigger than a semi, but under 44,
6 that's the S8 category. And then if it's 44 to 72, so your
7 big back-end tires, those -- that's a \$16 category, and that
8 is reflective on the customer.

9 MS. HERSHEY: I have another question.

10 CHAIRMAN SHEPHERD: Yeah.

11 MR. KENNEDY: Yes.

12 MS. HERSHEY: So what would happen if -- if a
13 business did come into Oklahoma and wanted to use waste
14 tires for erosion control again? Would the rules be added
15 back?

16 MR. KENNEDY: If they were using waste tires -- or
17 "used tires." Got to get that term right. If they're using
18 used tires and they would have to get a beneficial reuse
19 permit from us, but they could not reimbursement from the
20 program.

21 So they would still turn in a notification to us, if
22 I'm understanding that correctly. They'd still turn in
23 notification to us that, "Hey, we're going to put 10,000
24 tires along the Canadian River," but they would not be
25 reimbursed as they previously were.

Page 23

1 MS. HERSHEY: Well, doesn't this discourage new
2 businesses and entrepreneurs from doing this kind of
3 service?

4 CHAIRMAN SHEPHERD: It really doesn't work.

5 MS. HERSHEY: It doesn't work?

6 MR. KENNEDY: They tend -- all of them tend to
7 fail.

8 CHAIRMAN SHEPHERD: Yeah.

9 MS. HERSHEY: Okay.

10 MR. KENNEDY: Or most, I guess.

11 MS. HERSHEY: So it's not being done across the
12 nation?

13 MR. KENNEDY: Right. They're going away from
14 that.

15 MS. HERSHEY: Okay.

16 CHAIRMAN SHEPHERD: Yeah. It really just doesn't
17 work. Just becomes another tire dump that's next to the
18 river.

19 MR. KENNEDY: It's a nice disposal option
20 sometimes.

21 (Laughter.)

22 CHAIRMAN SHEPHERD: It's where they mostly are
23 anyway.

24 MR. TORNETEN: If a tire reseller, recycler,
25 retreader, whatever they're called, doesn't want to

Page 24

1 participate in reimbursement, does he still have to get a
2 permit from DEQ to operate?

3 MR. KENNEDY: If you don't want to be paid by the
4 program and you wanted to store waste tires, you would still
5 have to -- or used tires, you would still have to have a
6 permit, you just wouldn't be paid, I guess, if you didn't
7 want to participate.

8 MR. TORNETEN: You'd still have to get a permit?

9 MR. KENNEDY: Yes, if you're storing more than 50
10 used tires.

11 MR. TORNETEN: Okay.

12 CHAIRMAN SHEPHERD: Any other questions?

13 (No response.)

14 CHAIRMAN SHEPHERD: Questions or discussion from
15 the public?

16 (No response.)

17 MR. KENNEDY: Thank you, Council.

18 CHAIRMAN SHEPHERD: Thanks, Kole.

19 When do we -- when do we have to vote to approve these
20 changes?

21 MR. KENNEDY: So we'll bring those to you in the
22 January Council meeting.

23 CHAIRMAN SHEPHERD: Okay.

24 MR. KENNEDY: This is just a, "Hey, here's what
25 we're doing." And the formatting -- I'll admit the

Page 25

1 formatting, on the stuff that we turned in to you, is being
2 renumbered as of currently. So we'll have the finalized
3 version to you in January at the Council meeting, so you'll
4 be receiving that early December --

5 CHAIRMAN SHEPHERD: Okay.

6 MR. KENNEDY: -- or mid December. I'm sorry.

7 CHAIRMAN SHEPHERD: All right.

8 MR. KENNEDY: And I have all your updated e-mails,
9 too.

10 CHAIRMAN SHEPHERD: The item number six,
11 "Discussion of the Department's Application to EPA for Coal
12 Combustion Residuals Permit Program Approval and Potential
13 Changes to OAC 252:517 Standards for the Disposal of Coal
14 Combustion Residuals in Landfills and Surface Impoundments."

15 MR. RILEY: So I think we need to make CCR a
16 standing Agenda item on our calendar.

17 CHAIRMAN SHEPHERD: Seems like it.

18 (Laughter.)

19 MR. RILEY: We talk about it a lot.

20 CHAIRMAN SHEPHERD: Like shooting a moving target.

21 MR. RILEY: That's correct.

22 So this Agenda item is kind of in two parts. One, I
23 want to talk about changes to the program. Our
24 application to -- our application to EPA for program
25 approval, and then changes to the 517s. I'll take the

Page 26

1 second part first.
2 Changes to the 517s, that we're talking about, are much
3 like the changes to the 515s. We're just correcting typos.
4 CHAIRMAN SHEPHERD: Hold on a second. Did -- was
5 there supposed to be something in our packet?
6 MR. RILEY: No.
7 CHAIRMAN SHEPHERD: Okay.
8 MR. RILEY: No.
9 CHAIRMAN SHEPHERD: We're not -- we don't have
10 anything to review?
11 MR. RILEY: No.
12 CHAIRMAN SHEPHERD: Okay.
13 (Laughter.)
14 MR. RILEY: So what we're going to -- we're going
15 to go through 517 and clean up any typos that there are, so
16 I just want to bring that to your attention. So we'll come
17 back in our January meeting. And if we propose any changes,
18 we'll have it for you to look at.
19 CHAIRMAN SHEPHERD: Okay.
20 MR. RILEY: But they're very -- nothing
21 substantive, very minor. Unless things change before then,
22 so we may be forced to do that, but...
23 The first part, the program approval to EPA. So the
24 last time that we talked, I mentioned that the -- the
25 WIIN Act -- the WIIN Act had just passed, the

Page 27

1 Water Infrastructure Improvements for the Nations Act, and
2 that changed how CCR was regulated.
3 If you recall, initially the EPA was going to require
4 states to revise their Solid Waste Management plans to
5 include provisions for regulating CCR and submit the plans
6 to EPA for approval. Okay. Once approved, then we would be
7 free to operate our Solid Waste Management programs without
8 EPA oversight, much like the rest of our Solid Waste
9 Program.
10 Instead, now what states have to do is submit an
11 application for CCR program approval to be operated under
12 EPA oversight. EPA will oversee approved state programs
13 with states providing periodic program reports to EPA. EPA
14 will conduct periodic program reviews, which they've stated
15 will occur at least every 12 years.
16 Oklahoma has submitted an application to EPA for
17 program approval, and we did that August 1st. Because we
18 have the 517s in place, we're well-positioned to be
19 approved. And that application is under review right now at
20 EPA. We hope to hear something soon.
21 We're one of the first -- and we may be the first state
22 in the nation to apply for program approval, so they haven't
23 quite figured out how to conduct a review or what they want
24 to look at or what they have issues with. So it's taken
25 them a little longer than they anticipated. They hope to

Page 28

1 have something back to us in mid October to let us know
2 what -- where we stand.
3 But until the program is approved, the Federal rule
4 remains self-implementing, so that's -- that, and the state
5 rules, the 517s that are already in place and in effect,
6 govern the disposal of coal combustion residuals in
7 Oklahoma.
8 So that's just an update on where we are with that.
9 And hope to have something to report to you in January as to
10 whether EPA has approved our program or has comments on our
11 program or where we need to go from there.
12 CHAIRMAN SHEPHERD: All right. Any questions?
13 (No response.)
14 CHAIRMAN SHEPHERD: Any questions from the public?
15 (No response.)
16 CHAIRMAN SHEPHERD: I see none.
17 We can move on to item number seven, election of
18 officers for 2018.
19 (Laughter.)
20 MR. LINN: Go ahead and make that motion.
21 MR. NEWMAN: I'd like to -- I'd like to make a
22 motion to ask Jeff to continue serving as the Chair of this
23 Advisory Council.
24 MR. LINN: And I'll make the second.
25 CHAIRMAN SHEPHERD: I'm honored. Thank you.

Page 29

1 SECRETARY FIELDS: Mr. Adcock?
2 MR. ADCOCK: I'm thinking.
3 (Laughter.)
4 MR. ADCOCK: Yes.
5 MR. NEWMAN: I can change my motion. I'd be glad
6 to --
7 MR. ADCOCK: No, no.
8 Yes, absolutely.
9 SECRETARY FIELDS: Mr. Cleveland?
10 MR. CLEVELAND: Aye.
11 SECRETARY FIELDS: Ms. Hershey?
12 MS. HERSHEY: Yes.
13 SECRETARY FIELDS: Mr. Lazarski?
14 MR. LAZARSKI: Yes.
15 SECRETARY FIELDS: Mr. Linn?
16 MR. LINN: Yes.
17 SECRETARY FIELDS: Mr. Newman?
18 MR. NEWMAN: Yes.
19 SECRETARY FIELDS: Ms. Phillips?
20 MS. PHILLIPS: Yes.
21 SECRETARY FIELDS: Mr. Torneten?
22 MR. TORNETEN: Yes.
23 SECRETARY FIELDS: Mr. Shepherd?
24 CHAIRMAN SHEPHERD: Yes.
25 SECRETARY FIELDS: Motion passed.

Page 30

1 Who is our Vice-Chair? Is that Brenda? She can
2 continue on, can't she, since she's not here to --
3 MR. LINN: I was just going to make that motion,
4 Mr. Chairman, since --
5 MR. NEWMAN: And I would second that motion, since
6 she's not here to defend herself.
7 (Laughter.)
8 CHAIRMAN SHEPHERD: Since Ms. Merchant is absent,
9 you know what happens in school, right? If you're gone, you
10 get the homework.
11 So I will nominate Ms. Merchant as the Vice-Chair.
12 MR. NEWMAN: I'll second.
13 SECRETARY FIELDS: Mr. Adcock?
14 MR. ADCOCK: Yes.
15 SECRETARY FIELDS: Mr. Cleveland?
16 MR. CLEVELAND: Aye.
17 SECRETARY FIELDS: Ms. Hershey?
18 MS. HERSHEY: Yes.
19 SECRETARY FIELDS: Mr. Lazarski?
20 MR. LAZARSKI: Yes.
21 SECRETARY FIELDS: Mr. Linn?
22 MR. LINN: Yes.
23 SECRETARY FIELDS: Mr. Newman?
24 MR. NEWMAN: Yes.
25 SECRETARY FIELDS: Ms. Phillips?

Page 31

1 MS. PHILLIPS: Yes.
2 SECRETARY FIELDS: Mr. Tometen?
3 MR. TORNETEN: Yes.
4 SECRETARY FIELDS: Mr. Shepherd?
5 CHAIRMAN SHEPHERD: Yes.
6 SECRETARY FIELDS: Motion passed.
7 CHAIRMAN SHEPHERD: Good. Suggested meeting dates
8 for 2018 Council meetings.
9 MR. NEWMAN: Move to approve.
10 MR. LINN: I'll second that.
11 CHAIRMAN SHEPHERD: Okay.
12 SECRETARY FIELDS: Mr. Adcock?
13 MR. ADCOCK: Yes.
14 SECRETARY FIELDS: Mr. Cleveland?
15 MR. CLEVELAND: Yes.
16 SECRETARY FIELDS: Ms. Hershey?
17 MS. HERSHEY: Yes.
18 SECRETARY FIELDS: Mr. Lazarski?
19 MR. LAZARSKI: Yes.
20 SECRETARY FIELDS: Mr. Linn?
21 MR. LINN: Yes.
22 SECRETARY FIELDS: Mr. Newman?
23 MR. NEWMAN: Yes.
24 SECRETARY FIELDS: Ms. Phillips?
25 MS. PHILLIPS: Yes.

Page 32

1 SECRETARY FIELDS: Mr. Tometen?
2 MR. TORNETEN: Yes.
3 SECRETARY FIELDS: Mr. Shepherd?
4 CHAIRMAN SHEPHERD: Yes.
5 SECRETARY FIELDS: Motion passed.
6 CHAIRMAN SHEPHERD: Okay. Last item, number nine,
7 public forum.
8 (No response.)
9 CHAIRMAN SHEPHERD: Item number ten, new business.
10 Todd, you said you had some new business you wanted to
11 bring up.
12 MR. ADCOCK: No, I -- I'm good.
13 CHAIRMAN SHEPHERD: Okay. That being said, I
14 think we are adjourned.
15 MR. RILEY: I have an item.
16 CHAIRMAN SHEPHERD: Oh.
17 MR. RILEY: I have an item for new business.
18 CHAIRMAN SHEPHERD: Whoa.
19 MR. RILEY: Just in the nick of time.
20 We've had some staff changes in our legal department.
21 I want to make some introductions.
22 First of all, Mr. Tad Alford, who's been our
23 Solid Waste attorney for the past few years, I want to
24 recognize his service as he moves now to work in the
25 Air Quality Department.

Page 33

1 CHAIRMAN SHEPHERD: Okay.
2 MR. LINN: Thank him for his service.
3 And I'd also like to introduce our new Solid Waste
4 attorney, Karen Jayne, if she's -- I think she's here. So
5 just to make you aware of those changes.
6 CHAIRMAN SHEPHERD: Okay. Great.
7 MR. RILEY: And that's all. Thank you.
8 CHAIRMAN SHEPHERD: Thanks, Tad. You've done a
9 super job.
10 MR. ALFORD: I appreciate it.
11 CHAIRMAN SHEPHERD: Anything else?
12 MR. RILEY: Nothing from me.
13 CHAIRMAN SHEPHERD: All right. We'll adjourn.
14 Thanks for coming.
15
16 ADJOURNMENT - 9:40 a.m.
17
18
19
20
21
22
23
24
25


CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Jennifer Payne Kaelin, a Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that I was present at the Solid Waste Management Advisory Council Public Meeting had September 14, 2017; that I recorded in stenotype notes all of said proceedings; and that I thereafter transcribed my notes so taken and reduced same to typewritten form; and that foregoing transcript of proceedings is full, true, correct and complete, to the best of my skill and ability.

I further certify that I am not an attorney for nor relative of any of said parties or otherwise interested in the outcome or event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 19th day of September, 2017.


Jennifer Payne Kaelin, CSR#1748
Official Court Reporter



**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL**
Attendance Record
September 14, 2017
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address and/or Phone and/or E-Mail</u>
Kole Kennedy DEQ	702 5177
Jim Linder SWMAC	297-2464
FENTON Road DEQ	
Quana Fields ODEQ	
PATRICIA RICEY ODEQ	
Matt Newman Covington	MAE@MARI@Covington.com
Amber Edwards DEQ	
Bud Ground EFO	
Laura Herron OGTE	herronLK@oge.com
KASIE STAMBAUGH DEQ	
Bill Tarnekin OWHC	
Shelley Gray DEQ	
Tad Sawt OGTE	Sawt@oge.com
KEVIN CRAWFORD DEQ	
Tom Lazarski SWMAE	
Femella Munt DEQ	
David Cates DEQ	david.cates@deg.ok.gov
Kelly Dixon DEQ	kelly.dixon@deg.ok.gov
Jeff Biddick DEQ	
Tad AIFord DEQ	
Ilda Hershey OSH	
Karen M. Jayne DEQ	Karen.jayne@deg.ok.gov
Rachel Hanigan DEQ	