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 Tomesen
Jeff Shepherd

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

MEMBERS ABSENT
Brenda Merchant

OTHERS PRESENT
Jennifer Klaimg, 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

Discussions 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
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

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd Adcock</td>
<td></td>
<td>Matthew Newman</td>
<td></td>
</tr>
<tr>
<td>Rodney Cleveland</td>
<td>Yes</td>
<td>Traci Phillips</td>
<td>Yes</td>
</tr>
<tr>
<td>Ilda Hershey</td>
<td>Yes</td>
<td>Bill Tomten</td>
<td>Yes</td>
</tr>
<tr>
<td>Thomas Lazarski</td>
<td>Yes</td>
<td>Jeff Shepherd</td>
<td>Yes</td>
</tr>
<tr>
<td>Jim Linn</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd Adcock</td>
<td></td>
<td>Matthew Newman</td>
<td></td>
</tr>
<tr>
<td>Rodney Cleveland</td>
<td>Yes</td>
<td>Traci Phillips</td>
<td>Yes</td>
</tr>
<tr>
<td>Ilda Hershey</td>
<td>Yes</td>
<td>Bill Tomten</td>
<td>Yes</td>
</tr>
<tr>
<td>Thomas Lazarski</td>
<td>Yes</td>
<td>Jeff Shepherd</td>
<td>Yes</td>
</tr>
<tr>
<td>Jim Linn</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd Adcock</td>
<td></td>
<td>Matthew Newman</td>
<td></td>
</tr>
<tr>
<td>Rodney Cleveland</td>
<td>Yes</td>
<td>Traci Phillips</td>
<td>Yes</td>
</tr>
<tr>
<td>Ilda Hershey</td>
<td>Yes</td>
<td>Bill Tomten</td>
<td>Yes</td>
</tr>
<tr>
<td>Thomas Lazarski</td>
<td>Yes</td>
<td>Jeff Shepherd</td>
<td>Yes</td>
</tr>
<tr>
<td>Jim Linn</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
DEQ Council Meeting
September 14, 2017

COUNCIL MEMBERS PRESENT:
1. Mr. Todd Adcock
2. Mr. Rodney Cleveland
3. Mr. Jeff Shepherd - Chairman
4. Ms. Ida Hershey
5. Mr. Thomas Lazarski
6. Mr. Jim Linn
7. Mr. Matthew Newman
8. Ms. Traci Phillips
9. Mr. Bill Torrenen

COUNCIL MEMBERS ABSENT:
10. Ms. Brenda Merchant - Vice Chairman - not present
11. ALSO PRESENT:
12. Ms. Quiana Fields, Secretary of Board and Council
13. Mr. Patrick Riley, Environmental Programs Manager
14. Mr. Kole Kennedy, Tire Recycling Program

CALL TO ORDER - 9:05 a.m.

CHAIRMAN SHEPHERD: This is September 14, 2017, a meeting of the Solid Waste Management Advisory Council was called in accordance with the Open Meeting Act.

Notice was filed with the Secretary of State on October the 13th, 2016. The Agenda was duly posted on the doors of the DEQ, 707 North Robinson, Oklahoma City, Oklahoma, at least 24 hours prior to the meeting.

Only matters appearing on the posted Agenda may be considered at this regular meeting. In the event that this meeting is continued or reconvened, public notice of the date, time, and place of the continued meeting will be given by announcement at this meeting. Only matters appearing on the Agenda of a meeting which is continued may be discussed at the continued or reconvened meeting.

Roll call.

SECRETARY FIELDS: Mr. Adcock?
MR. ADCOCK: Here.
SECRETARY FIELDS: Mr. Cleveland?
MR. CLEVELAND: Here.
SECRETARY FIELDS: Ms. Hershey?
MS. HERSHEY: Here.
SECRETARY FIELDS: Mr. Lazarski?
MR. LAZARSKI: Here.
SECRETARY FIELDS: Mr. Linn?

MR. LIPPIN: Here.
SECRETARY FIELDS: Ms. Merchant is absent.
MR. NEWMAN: Here.
SECRETARY FIELDS: Ms. Phillips is absent.
MR. TORNENEN: Here.
SECRETARY FIELDS: Mr. Shepherd?
CHAIRMAN SHEPHERD: Here.
SECRETARY FIELDS: We have a quorum.
CHAIRMAN SHEPHERD: Okay. Thanks.

Tom is our new member. I have a whole statement here that I will read that explains your whole life.

(Laughter.)

CHAIRMAN SHEPHERD: Tom Lazarski -- is it Lazarski?

MR. LAZARSKI: Yes.
CHAIRMAN SHEPHERD: Okay -- is a Senior Environmental Analyst for the OG&E Energy Corporation and has been in the environmental compliance and regulatory field for almost 30 years. Tom has ESHQ professional experience in electric utilities, consulting, municipal, construction, research and development and remedial and restoration activities with direct interface and permit negotiating skills with local, state, and federal regulatory agencies.

He's a graduate of Southern Illinois University where he received his BS in Industrial Engineering Technology and is a certificated hazardous materials manager. Tom is also the Solid Waste Committee Chair for the Environmental Federation of Oklahoma.

During the last three years, he has volunteered at various local organizational events including the Arts Council of Oklahoma City, Festival of Arts, Junior Achievement, Red Andrews Edmond County Community Thanksgiving dinner, and the Tinker Air Force Base airshow.

Tom has also participated in OK Connect, a partnership between Leadership Oklahoma City and the greater Oklahoma City Chamber.

Tom originally is a native of Chicago area and has worked professionally in St. Louis, Missouri, Richland and Seattle, Washington; Chicago, Illinois; Cincinnati, Ohio, and new Oklahoma City.

He has one son that is a Bio Chemistry and Honor Roll Student and hockey player at the University of Texas El Paso.

Let's welcome Tom to the Council.
MR. LIPPIN: Welcome.
MR. LAZARSKI: Thank you.

(Appause.)
DEQ Council Meeting  
September 14, 2017  

<table>
<thead>
<tr>
<th>Page 6</th>
<th>Page 8</th>
</tr>
</thead>
</table>
| 1. CHAIRMAN SHEPHERD: Approval of the Minutes for the January 12th, 2017, Solid Waste Management Advisory Council meeting. | 1. receives money as an agency. One source is through fees, like the solid waste fees, that you're the most familiar with. For every ton of waste that goes into a landfill or a waste energy facility, the DEQ gets a dollar and a quarter. And that goes into our Revolving Fund, and that makes up the majority of the money that DEQ has, about 55 percent. We also get about 38 percent of our funding through federal money. And then we depend on the Legislature to provide about seven percent of our needs, and those are appropriated dollars. And that's what you hear about the most when you hear about the funding issues with the State and the State reducing appropriations to agencies.
| 2. MR. LNN: I'll move that. | 3. | 4. | 5. | 6. | 7. | 8. |
| 3. CHAIRMAN SHEPHERD: Quiana. | 4. | 5. | 6. | 7. | 8. | 9. | 10. |
| 4. SECRETARY FIELDS: Mr. Adcock? | 5. | 6. | 7. | 8. | 9. | 10. | 11. |
| 5. MR. ADOCK: Yes. | 6. | 7. | 8. | 9. | 10. | 11. | 12. |
| 15. MR. NEWMAN: Yes. | 16. | 17. | 18. | 19. | 20. | 21. | 22. |
| 16. SECRETARY FIELDS: Ms. Phillips is in attendance. | 17. | 18. | 19. | 20. | 21. | 22. | 23. |
| 21. CHAIRMAN SHEPHERD: Yes. | 22. | 23. | 24. | 25. | |

<table>
<thead>
<tr>
<th>Page 7</th>
<th>Page 9</th>
</tr>
</thead>
</table>
| 1. SECRETARY FIELDS: Motion passed. | 1. if I ask my kid to mow the yard and I say, 'I'll give you $20 if you'll mow the yard,' and they agree. I said, "Okay. Now, go get me your piggy bank and give me $20 and I'll pay you." That's kind of how this works.
| 2. CHAIRMAN SHEPHERD: Discussion of Solid Waste Program Fees and Expenditures. "The Council's comments concerning program fees and program expenditures are to be submitted to the Executive Director, Governor, and Legislature by November 1st of each year." | 3. But, you know, it's good -- it's good that we're not getting less appropriated dollars and we get the million dollars back from the Revolving Fund. So that's where we're at as an agency.
| 3. Patrick. | 4. You know, Solid Waste, as you know, depends entirely on money from their Revolving Fund and only on solid waste fees. So we're -- we're self-funded. And if you look at the -- and that's when you can look at the reports and see where that -- how that money came in and where it went. | 5. |
| 4. MR. RILEY: We do this every year in September and it's our statutory obligation to share with you information about Solid Waste expenditures and revenue that occurred during the last fiscal year, and it's your obligation to provide comments to our Executive Director and the Governor and the Legislature. | 6. CHAIRMAN SHEPHERD: The $1.25 goes into Land Protection. It doesn't go into other parts of the DEQ, does it? | 7. |
| 5. It's also our practice to share anticipated spending for the next fiscal year. So to that end, behind the third tab in your notebook, you'll find some reports about Solid Waste spending and anticipated budgets for fiscal year 2018. | 8. MR. RILEY: It is -- it goes into the Revolving Fund, and it's -- if you look at it -- if you look at the Solid Waste report, you'll see where most -- where the money went. So if we -- if we look at that first page, fiscal year 2017, the upper-right-hand corner, our actual income, for fiscal year 2017, is about 6.1 million. We had expenditures of 5.9 with about 151,000 left over at the end of the fiscal year, money that was encumbered but not spent. Some of that has to do with invoices that hadn't been paid |
| 6. I also thought it would be helpful, before we get into too much detail on those reports, to share a little bit about agency funding so that you're not considering the Solid Waste expenditures and budget in a vacuum. So if you'll indulge me a minute, well talk a little about agency -- what's going on with the agency. | 7. |
| 7. So as you may know, there are three basic ways that DEQ | 8. |

---

Word for Word Reporting, LLC  
405-232-9673 (OKC) 918-583-9673 (Tulsa) 918-426-1122 (McAlester)
DEQ Council Meeting
September 14, 2017 vs. Case No.

Page 12
1 should a need arise. I would rather have a higher budget
2 and spend it if it comes in and if I can, and if I have
3 a need, than 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 charge the disposal of like the saltwater and stuff like

Page 11
1 other Solid Waste projects to be determined?
2 MR. RILEY: Yeah, 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 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.
MR. TORNETEN: I presume you get the same fee on out-of-state waste as in-state waste?

MR. RILEY: That's correct.

MR. TORNETEN: To that extent, it would seem kind of counter-productive to discourage out-of-state waste, which we tend to do, but...

MR. RILEY: Yeah. They -- for every ton that comes in, we get the -- the dollar and a quarter, so that's how we pay our way.

MS. HERSHEY: I have a question. Looks like equipment expenditures are much lower than the budgeted amount. Is that tied to the Solid Waste Program update? Is that the -- like what we would pay for chippers and trash cops and those things?

MR. RILEY: That's a good question. So the Solid Waste -- the recycling line item, there's a statute that allows us to pay for reimbursement for a certain percentage of the cost of recycling equipment, 25 percent up to a total of $20,000 per project, and that's what that line item is for specifically. The sheet that you're referring to, the table that references Solid Waste Program updates, that is -- that is specific to the funding that we're obligated to provide to support county projects. There's a statute that requires us to provide at least ten percent of the Solid Waste funds to support community Solid Waste Management projects. And so we do that through the Oklahoma Circuit Engineering Board.

So the line item that you see there used to be referred -- used to be AGC.

MS. HERSHEY: Oh, okay.

MR. RILEY: This is an update from that program.

So the dump cleanups, chipper awards and the trash cops, that are referenced on this, all came out of that ten percent.

MS. HERSHEY: So the recycling equipment is for baling machines and --

MR. RILEY: It could pay for balers, it could pay for recycling equipment. Mr. Linn has used that -- that source of funding for Oklahoma City's Curbside Program. The demand for those funds is -- is not enough to use all that's available.

MS. HERSHEY: Could more be done to let communities, non-profits, schools know that the funds are available?

MR. RILEY: That it's available, sure. Sure. And if you can help, that would be great. Because it's a -- because it only pays for 25 percent of the project costs, and it's -- and because it's a -- works on a reimbursement basis, so they pay it upfront and get reimbursed later, then sometimes that is an obstacle for some non-profits or those that don't have a lot of money to spend on equipment, so -- but the money is there and we'd like to use it for that purpose.

MS. HERSHEY: We've used the funds at OSU to buy baling equipment, and I'd like to see all the -- you know, the budgeted funds. I'd like to help spread the word if someone could give me a brief and we can market it.

MR. RILEY: Let's -- yeah, I bet we can figure something out.

MS. HERSHEY: Okay.

CHAIRMAN SHEPHERD: Any other questions or comments from the Council?

(No response.)

CHAIRMAN SHEPHERD: Traci?

MS. PHILLIPS: No.

CHAIRMAN SHEPHERD: Any other questions or comments from the public?

(No response.)

CHAIRMAN SHEPHERD: I need a motion to vote.

MR. LINN: I'll move it.

MR. NEWMAN: I will gladly second it.

SECRETARY FIELDS: Mr. Adcock?

MR. ADCOCK: Yes.

SECRETARY FIELDS: Mr. Cleveland?

MR. CLEVELAND: Aye.

SECRETARY FIELDS: Ms. Hershey?

MS. HERSHEY: Yes.

SECRETARY FIELDS: Mr. Lazzarsi?

MR. LAZZASRI: Yes.

SECRETARY FIELDS: Mr. Linn?

MR. LINN: Yes.

SECRETARY FIELDS: Mr. Newman?

MR. NEWMAN: Yes.

SECRETARY FIELDS: Ms. Phillips?

MS. PHILLIPS: Yes.

SECRETARY FIELDS: Mr. Tornetin?

MR. TORNETEN: Yes.

SECRETARY FIELDS: Mr. Shepherd?

CHAIRMAN SHEPHERD: Yes.

SECRETARY FIELDS: Motion passed.

CHAIRMAN SHEPHERD: Item number five, "Discussion of OAC 252:515 Management of Solid Waste Rules. The Department is proposing, for discussion purposes only, to update the tie regulations based on statutory changes and to make citation and minor corrections throughout Chapter 515."

MR. RILEY: So KC Kennedy is going to share about the -- what's going on with the Tire Program. There was some statutory changes that resulted in some necessary rule changes, so he's going to talk about that. That's the
majority of what — what we’re doing with this item. It mentions some changes throughout 315. There aren’t very many. We’re just proposing to correct a few citations, really just some types, and — and we will come back, at our meeting in January, with specific changes. But we just want to go through and clean up anything that needs to be cleaned up, so we’re just sharing that information. And Kole is going to share with you about the statute.

MR. KENNEDY: Thanks, Patrick.

Like he said, Kole Kennedy. I’m speaking to you today in a different capacity. I got to introduce some rules. What precipitated these changes was the Legislature passed the Act and updated some of the tire statues, and I gave that to guys in Tab 6 of your packet. Tab 5, sorry.

And what most of that contains is it’s a change to the Ag tire language. Our processors were having a difficult time picking up Ag tires, much less being reimbursed for those Ag tires. So what they did is they ended up passing some legislation that changed the way that’s funded. And it created two different categories of Ag tires; an $8.00 category and a $16.00 category, and that fee follows those Ag tires through.

There’s different size requirements. And I can get into those specifics if you’d like. But the pertinent things to this Council is going to be some of the other things that were associated with that change.

It removed erosion control installer from what is considered processing, and they cannot be reimbursed. Erosion control projects can still go on, and that’s like tire mattresses with erosion areas on a riverbank or something. Those don’t — no longer are used in today’s Tire Program. So we had to go through — since it was removed in the statues, we are removing it from rule.

One of the bigger changes was also — if you will remember a few years back, we changed “waste tire” to “used tire.” Well, there’s an unintended consequence with that in some of the rules that it says, “used used.” So what used to be “waste” or “used” is now “used used.” So we had to go through and redefine “reusable tire.” So that’s what you would typically call a used tire in real language, so we put that into the rules. And then throughout the rest of it, it’s mostly just cleaning up some of the remnants of the erosion control installers.

And then on part seven, like 2171, we listed some of the new tires. Some of the new things that came in with the new AG statues were there’s no fee for a bigger tire that’s like a doublewide semi tire. They call it a super single. That created a fee, so we had to list that as an applicable tire in our rules as well.

And it also brought in trailers that are registered in multiple states and semi tires, that were on those trailers, were not ever paid for in the past, and now they are being brought in under the scope of the program. And we just had to list all those new tires that are applicable to the program now. And that is, basically, the — the substance of the rule changes that we have.

We also went through and cleaned up — like Patrick said, we’re cleaning up citation changes. A really good example is where it will list like 21-A, it should really be — instead of two ifs, it should be little “b.” So we’re doing minor things like that through the tire statute — tire regulations and throughout all of 513, as well.

And that’s it. I’ll take questions on this or the Act itself, if you have any questions.

MR. NEWMAN: Chairman, question.

CHAIRMAN SHEPHERD: Yeah, go for it.

MR. NEWMAN: Kole, none of the compensation for folks that use — reuse the tires or repurpose the tires has changed in this?

MR. KENNEDY: No, not with our rules.

MR. NEWMAN: So not with our positions — like Liberty Tire can still receive — and Bristow still receive the same compensation?

MR. KENNEDY: Yes. And the little minor change that I’ll call that is what we’ll call a “tweak” is with the Ag tires, where we would — like the DEQ would receive a cut of it, like when it goes into the fund for an Ag tire, those $8 and $16 categories actually follow that tire through the process.

So for your example on Liberty, what we’ll call OTR now is they pick up an $8 Ag tire. That $8 goes right to them.

MR. NEWMAN: Okay.

MR. KENNEDY: Bill, did you have a question?

MS. HERSHEY: I — so if I understand correctly, tires are still being used for erosion control?

MR. KENNEDY: No. There’s no erosion control installers in Oklahoma anymore. There’s some still existing, but those are tending to fail.

MS. HERSHEY: Okay. So that’s why it’s — so because that service is not provided anymore, that’s why —

MR. KENNEDY: Correct.

MS. HERSHEY: — it’s being taken out?

MR. KENNEDY: Yeah.

MS. HERSHEY: Thank you.

CHAIRMAN SHEPHERD: Now, does the — the people who buy the Ag tires from the dealers, are they paying a fee?

MR. KENNEDY: Yes, yes.

CHAIRMAN SHEPHERD: What is that, $2.50?

MR. KENNEDY: So the Ag tire from the dealers is
DEQ Council Meeting  
September 14, 2017 vs. Case No.

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 S16 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

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

CHAIRMAN SHEPHERD: It really doesn't work.

MS. HERSHEY: It doesn't work?

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

CHAIRMAN SHEPHERD: Yeah.

MS. HERSHEY: Okay.

MR. KENNEDY: Or most, I guess.

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

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

MS. HERSHEY: Okay.

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

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

(Laughter.)

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

MR. TORNETEN: It's a tire reseller, recycler,
retriever, whatever they're called, doesn't want to

Page 24

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

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

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

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

MR. TORNETEN: Okay.

CHAIRMAN SHEPHERD: Any other questions?

(No response.)

CHAIRMAN SHEPHERD: Questions or discussion from
the public?

(No response.)

MR. KENNEDY: Thank you, Council.

CHAIRMAN SHEPHERD: Thanks, Kore.

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

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

CHAIRMAN SHEPHERD: Okay.

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

Page 25

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

MR. RILEY: Okay.

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

CHAIRMAN SHEPHERD: All right.

MR. KENNEDY: And I have all your updated e-mails,
also.

CHAIRMAN SHEPHERD: The item number six,
"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: So I think we need to make CCR a
standing Agenda item on our calendar.

CHAIRMAN SHEPHERD: Seems like it.

(Laughter.)

MR. RILEY: We talk about it a lot.

CHAIRMAN SHEPHERD: Like shooting a moving target.

MR. RILEY: That's correct.

So this Agenda item is kind of in two parts. One, I
want to talk about changes to the program. Our
application to -- our application to EPA for program
approval, and then changes to the 517s. I'll take the
Page 26

second part first.
Changes to the 517s, that we're talking about, are much
like the changes to the 515s. We're just correcting typos.

CHAIRMAN SHEPHERD: Hold on a second. Did -- was
there supposed to be something in our pocket?

MR. RILEY: No.

CHAIRMAN SHEPHERD: Okay.

MR. RILEY: No.

CHAIRMAN SHEPHERD: We're not -- we don't have
 anything to review?

MR. RILEY: No.

CHAIRMAN SHEPHERD: Okay.

(Laughter.)

MR. RILEY: So what we're going to -- we're going
to go through 517 and clean up any typos that there are, so
I just want to bring that to your attention. So we'll come
back in our January meeting. And if we propose any changes,
we'll have it for you to look at.

CHAIRMAN SHEPHERD: Okay.

MR. RILEY: But they're very -- nothing
substantial, very minor. Unless things change before then,
so we may be forced to do that, but...

The first part, the program approval to EPA. So the
last time that we talked, I mentioned that the -- the
WIIN Act -- the WIIN Act had just passed, the

Page 27

Water Infrastructure Improvements for the Nations Act, and
that changed how CCR was regulated.

If you recall, initially the EPA was going to require
states to revise their Solid Waste Management plans to
include provisions for regulating CCR and submit the plans
to EPA for approval. Okay. Once approved, then we would be
free to operate our Solid Waste Management programs without
EPA oversight, much like the rest of our Solid Waste
Program.

Instead, now what states have to do is submit an
application for CCR program approval to be operated under
EPA oversight. EPA will oversee approved state programs
with states providing periodic program reports to EPA. EPA
will conduct periodic program reviews, which they've stated
will occur at least every 12 years.

Oklahoma has submitted an application to EPA for
program approval, and we did that August 1st. Because we
have the 517s in place, we're well-positioned to be
approved. And that application is under review right now at
EPA. We hope to hear something soon.

We're one of the first -- and we may be the first state
in the nation to apply for program approval, so they haven't
quite figured out how to conduct a review or what they want
to look at or what they have issues with. So it's taken
costs a little longer than they anticipated. They hope to

Page 28

have something back to us in mid October to let us know
what -- where we stand.

But until the program is approved, the Federal rule
remains self-implementing, so that's -- that, and the state
rules, the 517s that are already in place and in effect,
govern the disposal of coal combustion residuals in
Oklahoma.

So that's just an update on where we are with that.
And hope to have something to report to you in January as to
whether EPA has approved our program or has comments on our
program or where we need to go from there.

CHAIRMAN SHEPHERD: All right. Any questions?

(No response.)

CHAIRMAN SHEPHERD: Any questions from the public?

(No response.)

CHAIRMAN SHEPHERD: I see none.

We can move on to item number seven, election of
officers for 2018.

(Laughter)

MR. LINN: Go ahead and make that motion.

MR. NEWMAN: I'd like to -- I'd like to make a
motion to ask Jeff to continue serving as the Chair of this
Advisory Council.

MR. LINN: And I'll make the second.

CHAIRMAN SHEPHERD: I'm honored. Thank you.
DEQ Council Meeting  
September 14, 2017

<table>
<thead>
<tr>
<th>Page 30</th>
<th>Page 32</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Who is our Vice-Chair? Is that Brenda? She can continue on, can’t she, since she’s not here to --</td>
<td>1. SECRETARY FIELDS: Mr. Tometen?</td>
</tr>
<tr>
<td>2. MR. LINN: I was just going to make that motion.</td>
<td>2. MR. TORNETEN: Yes.</td>
</tr>
<tr>
<td>3. MR. CHAIRMAN, since --</td>
<td>3. SECRETARY FIELDS: Mr. Shepherd?</td>
</tr>
<tr>
<td>4. MR. NEWMAN: And I would second that motion, since she’s not here to defend herself.</td>
<td>4. CHAIRMAN SHEPHERD: Yes.</td>
</tr>
<tr>
<td>5. (Laughter)</td>
<td>5. SECRETARY FIELDS: Motion passed.</td>
</tr>
<tr>
<td>6. CHAIRMAN SHEPHERD: Since Ms. Merchant is absent, you know what happens in school, right? If you’re gone, you get the homework.</td>
<td>6. CHAIRMAN SHEPHERD: Okay. Last item, number nine, public forum.</td>
</tr>
<tr>
<td>7. So I will nominate Ms. Merchant as the Vice-Chair.</td>
<td>7. (No response.)</td>
</tr>
<tr>
<td>8. MR. NEWMAN: I’ll second.</td>
<td>8. CHAIRMAN SHEPHERD: Item number ten, new business.</td>
</tr>
<tr>
<td>9. SECRETARY FIELDS: Mr. Adcock?</td>
<td>9. Todd, you said you had some new business you wanted to bring up.</td>
</tr>
<tr>
<td>10. MR. ADCOCK: Yes.</td>
<td>10. MR. ADCOCK: No, I -- I’m good.</td>
</tr>
<tr>
<td>11. SECRETARY FIELDS: Mr. Cleveland?</td>
<td>11. CHAIRMAN SHEPHERD: Okay. That being said, I think we are adjourned.</td>
</tr>
<tr>
<td>12. MR. CLEVELAND: Aye.</td>
<td>13. MR. RILEY: I have an item.</td>
</tr>
<tr>
<td>14. MS. HERSHEY: Yes.</td>
<td>15. MR. RILEY: I have an item for new business.</td>
</tr>
<tr>
<td>16. MR. LAZARSKI: Yes.</td>
<td>17. MR. RILEY: Just in the nick of time.</td>
</tr>
<tr>
<td>17. SECRETARY FIELDS: Mr. Linn?</td>
<td>18. We’ve had some staff changes in our legal department.</td>
</tr>
<tr>
<td>18. MR. LINN: Yes.</td>
<td>19. I want to make some introductions.</td>
</tr>
<tr>
<td>19. SECRETARY FIELDS: Mr. Newman?</td>
<td>20. First of all, Mr. Ted Alford, who’s been our Solid Waste attorney for the past few years, I want to recognize his service as he moves now to work in the Air Quality Department.</td>
</tr>
<tr>
<td>20. MR. NEWMAN: Yes.</td>
<td>21. SECRETARY FIELDS: Mr. Phillips?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. MS. PHILLIPS: Yes.</td>
</tr>
<tr>
<td>2. SECRETARY FIELDS: Mr. Tometen?</td>
</tr>
<tr>
<td>3. MR. TORNETEN: Yes.</td>
</tr>
<tr>
<td>4. SECRETARY FIELDS: Mr. Shepherd?</td>
</tr>
<tr>
<td>5. CHAIRMAN SHEPHERD: Yes.</td>
</tr>
<tr>
<td>6. SECRETARY FIELDS: Motion passed.</td>
</tr>
<tr>
<td>8. MR. NEWMAN: Move to approve.</td>
</tr>
<tr>
<td>9. MR. LINN: I’ll second that.</td>
</tr>
<tr>
<td>10. CHAIRMAN SHEPHERD: Okay.</td>
</tr>
<tr>
<td>11. SECRETARY FIELDS: Mr. Adcock?</td>
</tr>
<tr>
<td>12. MR. ADCOCK: Yes.</td>
</tr>
<tr>
<td>13. SECRETARY FIELDS: Mr. Cleveland?</td>
</tr>
<tr>
<td>14. MR. CLEVELAND: Yes.</td>
</tr>
<tr>
<td>15. SECRETARY FIELDS: Ms. Hershey?</td>
</tr>
<tr>
<td>16. MS. HERSHEY: Yes.</td>
</tr>
<tr>
<td>17. SECRETARY FIELDS: Mr. Lazarski?</td>
</tr>
<tr>
<td>18. MR. LAZARSKI: Yes.</td>
</tr>
<tr>
<td>19. SECRETARY FIELDS: Mr. Linn?</td>
</tr>
<tr>
<td>20. MR. LINN: Yes.</td>
</tr>
<tr>
<td>21. SECRETARY FIELDS: Mr. Newman?</td>
</tr>
<tr>
<td>22. MR. NEWMAN: Yes.</td>
</tr>
<tr>
<td>23. SECRETARY FIELDS: Ms. Phillips?</td>
</tr>
<tr>
<td>24. MS. PHILLIPS: Yes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page 33</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CHAIRMAN SHEPHERD: Okay.</td>
</tr>
<tr>
<td>2. MR. LINN: Thank him for his service.</td>
</tr>
<tr>
<td>3. And I’d also like to introduce our new Solid Waste attorney, Karen Jayne, if she’s -- I think she’s here. So just to make you aware of those changes.</td>
</tr>
<tr>
<td>4. CHAIRMAN SHEPHERD: Okay. Great.</td>
</tr>
<tr>
<td>5. MR. RILEY: And that’s all. Thank you.</td>
</tr>
<tr>
<td>7. MR. ALFORD: I appreciate it.</td>
</tr>
<tr>
<td>8. CHAIRMAN SHEPHERD: Anything else?</td>
</tr>
<tr>
<td>9. MR. RILEY: Nothing from me.</td>
</tr>
<tr>
<td>10. CHAIRMAN SHEPHERD: All right. We’ll adjourn.</td>
</tr>
<tr>
<td>11. Thanks for coming.</td>
</tr>
<tr>
<td>12. ADJOURNMENT - 9:40 a.m.</td>
</tr>
</tbody>
</table>
CERTIFICATION

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.

[Signature]

Jennifer Payne Kaelin, CSR#1748
Official Court Reporter
<table>
<thead>
<tr>
<th>NAME</th>
<th>AFFILIATION</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>kale kennedy</td>
<td>DEQ</td>
<td>702 5177</td>
</tr>
<tr>
<td>linja</td>
<td>SWMAC</td>
<td>297-2464</td>
</tr>
<tr>
<td>fenton road</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>guiana fields</td>
<td>ODEQ</td>
<td></td>
</tr>
<tr>
<td>patrick riley</td>
<td>ODEQ</td>
<td></td>
</tr>
<tr>
<td>maul Newman</td>
<td>covanta</td>
<td><a href="mailto:mclean@covanta.com">mclean@covanta.com</a></td>
</tr>
<tr>
<td>amber edwards</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>bud gruening</td>
<td>EFD</td>
<td></td>
</tr>
<tr>
<td>laura hersom</td>
<td>OGE</td>
<td><a href="mailto:hersohk@oge.com">hersohk@oge.com</a></td>
</tr>
<tr>
<td>kacie stamhagen</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>bill tomainet</td>
<td>SWMC</td>
<td></td>
</tr>
<tr>
<td>kelley ye</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>jill david</td>
<td>OGE</td>
<td><a href="mailto:darton@oge.com">darton@oge.com</a></td>
</tr>
<tr>
<td>kevin crawford</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>tom lazarski</td>
<td>Semac</td>
<td></td>
</tr>
<tr>
<td>femelle mind</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>david cates</td>
<td>DEQ</td>
<td><a href="mailto:david.cates@deq.ok.gov">david.cates@deq.ok.gov</a></td>
</tr>
<tr>
<td>kelly diggs</td>
<td>DEQ</td>
<td><a href="mailto:kelly.diggs@deq.ok.gov">kelly.diggs@deq.ok.gov</a></td>
</tr>
<tr>
<td>jef biddick</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>tad alford</td>
<td>DEQ</td>
<td></td>
</tr>
<tr>
<td>ilda hershey</td>
<td>OSU</td>
<td></td>
</tr>
<tr>
<td>karen m jayne</td>
<td>DEQ</td>
<td><a href="mailto:karen.jayne@deq.ok.gov">karen.jayne@deq.ok.gov</a></td>
</tr>
<tr>
<td>Rachel Hanigan</td>
<td>DEQ</td>
<td></td>
</tr>
</tbody>
</table>