

**MINUTES**  
**Solid Waste Management Advisory Council**  
**January 16, 2020 Regular Meeting**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City, Oklahoma**

**Official SWMAC Approval**  
**at September 10, 2020 meeting**

**Notice of Public Meeting** - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on January 16, 2020, 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 16, 2019. 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, was out sick so 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  
 Rodney Cleveland  
 Ilda Hershey  
 Thomas Lazarski  
 Jim Linn  
 Brenda Merchant  
 Traci Phillips  
 Bill Torneten

**DEQ STAFF PRESENT**

Fenton Rood  
 Kole Kennedy  
 Patrick Riley  
 Hillary Young  
 Clifton Hoyle  
 Karen Jayne  
 Ferrella March  
 Amber Edwards  
 Michelle Wynn  
 Cindy Hailes  
 Jeff Biddick  
 David Cates  
 Kasie Stambaugh  
 Quiana Fields

**MEMBERS ABSENT**

Jeff Shepherd

**OTHERS PRESENT**

Brenda Plumbtree, Court Reporter

**Approval of the Minutes for the September 12, 2019 Solid Waste Management Advisory Council Meeting** – Mr. Linn moved approval of the September 12, 2019 Minutes and Ms. Hershey made the second.

*See transcript pages 4 – 5*

**Roll Call**

Todd Adcock	Yes	Jim Linn	Yes
Rodney Cleveland	Yes	Brenda Merchant	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes	Bill Torneten	Yes

**Director's Report** – Mr. Patrick Riley, Environmental Programs Manager of the LPD and other staff, provided an update on Division activities.

*See transcript pages 5 – 25*

**Discussion of Senate Bill 1027 (Council Sunset) Letter** – Ms. Merchant stated that as requested by the Council, the Department is presenting a letter, for signature of Council, relating to Senate Bill 1027 Council dates. Following discussion by the Council, Ms. Merchant called for a motion to vote on the letter as amended at the January 16, 2020 Council meeting. Ms. Hershey moved to approve and Mr. Lazarski made the second.

*See transcript pages 25 – 44*

<b>Roll Call</b>			
Todd Adcock	Yes	Jim Linn	Yes
Rodney Cleveland	Yes	Brenda Merchant	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes	Bill Torneten	Yes

**Discussion of proposed changes to Chapter 515 Management of Solid Waste** – Mr. Riley stated the Department is proposing to amend OAC 252:515 to revise potentially confusing regulations and to clarify deadlines. The gist of the proposed rule changes is to clarify deadlines related to cost estimates, specify deadlines for financial assurance mechanisms, and to make a minor grammatical change related to dust control. Following questions and comments by the Council and none by the public, Ms. Merchant called for motion. Mr. Adcock moved to approve and Ms. Phillips made the second.

*See transcript pages 44 – 52*

<b>Roll Call</b>			
Todd Adcock	Yes	Jim Linn	Yes
Rodney Cleveland	Yes	Brenda Merchant	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes	Bill Torneten	Yes

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

**New Business** – None

**Adjournment** – Ms. Merchant called for a motion to adjourn. Mr. Linn moved to adjourn and Ms. Phillips made the second. The meeting was adjourned at 10:15 a.m.

*See transcript pages 52 – 53*

<b>Roll Call</b>			
Todd Adcock	Yes	Jim Linn	Yes
Rodney Cleveland	Yes	Brenda Merchant	Yes
Ilda Hershey	Yes	Traci Phillips	Yes
Thomas Lazarski	Yes	Bill Torneten	Yes

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

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT ADVISORY COUNCIL

JANUARY 16th, 2020 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. Todd Adcock 3 Mr. Rodney Cleveland Ms. Ilda Hershey 4 Mr. Thomas Lazarski Mr. Jim Linn 5 Ms. Traci Phillips Mr. Bill Torneten 6 OTHERS PRESENT 7 Mr. Patrick Riley 8 Ms. Quiana Fields Ms. Amber Edwards 9 Ms. Michelle Wynn Ms. Karen Jayne 10 Mr. Kole Kennedy 11 ABSENT COUNCIL MEMBERS 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 3</p> <p>1 MS. MERCHANT: Good morning. 2 MR. LINN: Good morning, Brenda. 3 MS. MERCHANT: Jeff is out with the flu 4 today. So we wish him well. Okay. 5 This January 16th, 2020 meeting of the Solid 6 Waste Management Advisory Council was called in 7 accordance with the Open Meetings Act. 8 Notice was filed with the Secretary of State on 9 October 16th, 2019. The agenda was duly posted on 10 the doors of the DEQ at 707 North Robinson, Oklahoma 11 City, Oklahoma at least 24 hours prior to the 12 meeting. 13 Only matters appearing on a posted agenda may be 14 considered at this regular meeting. In the event 15 that this meeting is continued or reconvened, public 16 notice of the date, time and place of the continued 17 meeting will be given by announcement at this 18 meeting. Only matters appearing on the agenda of a 19 meeting which is continued may be discussed at that 20 continued meeting or reconvened meeting. 21 Roll call. 22 MS. FIELDS: Mr. Adcock. 23 MR. ADCOCK: Here. 24 MS. FIELDS: Mr. Cleveland. 25 MR. CLEVELAND: Here.</p>
<p style="text-align: right;">Page 4</p> <p>1 MS. FIELDS: Ms. Hershey. 2 MS. HERSHEY: Here. 3 MS. FIELDS: Mr. Lazarski. 4 MR. LAZARSKI: Here. 5 MS. FIELDS: Mr. Linn. 6 MR. LINN: Here. 7 MS. FIELDS: Ms. Merchant. 8 MS. MERCHANT: Here. 9 MS. FIELDS: Ms. Phillips. 10 MS. PHILLIPS: Here. 11 MS. FIELDS: Mr. Torneten. 12 MR. TORNETEN: Here. 13 MS. FIELDS: Mr. Shepherd is absent. We 14 have a quorum. 15 MS. MERCHANT: Okay. First, approval of 16 the minutes for the September 12th, 2019 Solid Waste 17 Management Advisory Council meeting. 18 MR. LINN: I move it. 19 MS. HERSHEY: Second. 20 MS. FIELDS: Mr. Adcock. 21 MR. ADCOCK: Yes. 22 MS. FIELDS: Mr. Cleveland. 23 MR. CLEVELAND: Aye. 24 MS. FIELDS: Ms. Hershey. 25 MS. HERSHEY: Yes.</p>	<p style="text-align: right;">Page 5</p> <p>1 MS. FIELDS: MR. Lazarski. 2 MR. LAZARSKI: Yes. 3 MS. FIELDS: Mr. Linn. 4 MR. LINN: Yes. 5 MS. FIELDS: Ms. Merchant. 6 MS. MERCHANT: Yes. 7 MS. FIELDS: Ms. Phillips. 8 MS. PHILLIPS: Yes. 9 MS. FIELDS: Mr. Torneten. 10 MR. TORNETEN: Yes. 11 MS. FIELDS: Motion passed. 12 MS. MERCHANT: The director's, Patrick 13 Riley. 14 MR. RILEY: Good morning. First I'd like 15 to point out a few training opportunities that we 16 have happening soon. And one of which Mr. Lazarski 17 brought to my attention. I had forgotten this one, 18 but there is an Oklahoma Environmental Law 19 Enforcement Training Seminar happening on January 20 the 24th at the Oklahoma County Extension Office in 21 Oklahoma City. It's a nice opportunity to follow up 22 on what we heard at the last Council meeting, the 23 report from Deputy Shawn Copeland about the 24 environmental officers and the work that they're 25 doing in the counties with the support of DEQ to</p>

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1 clean up illegal trash dumps. So the Environmental  
2 Enforcement Seminar happening then.  
3 There is a Waste Exclusion Plan Training  
4 happening at the DEQ in coordination with SWANA on  
5 January the 29th. So, for those of you that are  
6 associated with facilities that -- where personnel  
7 require Waste Exclusion Plan Training on an annual  
8 basis, this is an opportunity to obtain that  
9 training. Again, that's here -- it's going to be  
10 here at DEQ on the 29th.  
11 The local chapter of SWANA, Solid Waste  
12 Association of North America, is having their annual  
13 conference and golf tournament in March. That will  
14 be happening in Norman on March 3rd and the 5th, 3rd  
15 through the 5th. And unique this year is the  
16 cooperation with the Lone Star Chapter out of Texas.  
17 So this Oklahoma chapter and the Texas chapter  
18 are getting together. So that should be an  
19 interesting opportunity. And that's about managing  
20 disposal and diversion.  
21 So with those announcements, I have a couple  
22 more things that I want to share with you. One of  
23 which is some -- is a report on solid waste tonnage  
24 and some exemptions from fees.  
25 We had talked at a previous meeting about solid

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1 another is large industrial waste generator  
2 exemptions. That's for generators of greater than  
3 10,000 tons of non-hazardous industrial waste.  
4 So, in that second chart the amount of reused or  
5 recovered exemptions went up by about -- wait a  
6 minute, no, they went down by about 20,000 tons.  
7 And the amount of emergency or special event  
8 exemptions went up by about 110,000 tons.  
9 Large industrial waste generator exemptions went  
10 up by about 40,000 tons. So we had a lot more storm  
11 events. So we think that's the reason the emergency  
12 events went up. And there were two large industrial  
13 waste generators who claimed exemption. And one of  
14 them claimed an exemption in FY '18 and FY '19. So  
15 that's why we think the industrial waste exemption  
16 went up.  
17 Do you have any questions about that?  
18 MS. HERSHEY: I have one question. Can you  
19 remind us of how an industry qualifies to be exempt  
20 besides the amount of tonnage?  
21 MS. EDWARDS: On the large industrial  
22 generator?  
23 MS. HERSHEY: Uh-huh.  
24 MS. EDWARDS: They have to first of all  
25 generate in excess of 10,000 tons in a calendar

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1 waste fees and how certain exemptions may influence  
2 the tonnage and amount of fees coming in. And you'd  
3 asked us to go back and take a look at it, give you  
4 some more information.  
5 So Amber is going to share a little bit about  
6 that. If you look behind Tab No. 3 you'll see some  
7 graphs and information that the Solid Waste staff  
8 put together in examination of that. And I'll let  
9 Amber tell you a little bit more about that.  
10 MS. EDWARDS: So if you look at the first  
11 chart you will see the comparison of the total waste  
12 reported in fiscal year 2018 and fiscal year 2019.  
13 And then a comparison of the exemptions from the  
14 solid waste fees between fiscal year '18 and fiscal  
15 year '19.  
16 Both of these had -- total waste had decreased  
17 by about 100,000 tons. And the exemptions claim  
18 having increased by about 100,000 tons. So we  
19 wanted to look in further and see what was happening  
20 with the exemptions.  
21 So the second chart showed -- well, first of all  
22 there's three types of exemptions in the statute.  
23 One is for waste that is reused or recovered. One  
24 is for emergency events or special events, which  
25 could be like storm or city wide cleanups. And

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1 year. And they have to net receipts showing that  
2 they've already paid disposal fees of 10,000 tons  
3 and a pollution prevention plan for approval by DEQ  
4 for their project. And then they get an approval  
5 certificate from us.  
6 MS. HERSHEY: Thank you.  
7 MS. MERCHANT: I'm not sure I understand --  
8 I ever heard, or maybe I heard and I have forgotten  
9 it, why there is that exemption or why it was  
10 created or what that's about.  
11 MR. RILEY: It's a statutory exemption.  
12 And I can't speak to the intent of the authors. I  
13 think there was an attempt to give some relief to  
14 large quantity generators of non-hazardous  
15 industrial waste, if they would commit to putting  
16 together a pollution prevention plan or waste  
17 reduction plan so that the -- they would at least  
18 try to manage the amount of waste they were  
19 generating.  
20 MS. MERCHANT: And so do they turn in a  
21 waste reduction plan annually or --  
22 MR. RILEY: So it's an annual certificate.  
23 And we don't have many taking advantage of that, of  
24 the exemption. Were there two or three or --  
25 MS. EDWARDS: Yes, there were two. One of

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1 them was in 2018 and the other one had a project  
2 that was in 2018 and 2019. So they got approved for  
3 the exemption for both of those calendar years.  
4 MS. PHILLIPS: These are like --  
5 essentially like tax credits back to businesses, but  
6 coming out of DEQ's overall budget?  
7 MR. RILEY: So it's just a waiver of having  
8 to pay the fee.  
9 MS. PHILLIPS: But overall it reduces DEQ's  
10 operating budget through that exemption. If the  
11 exemption weren't there, yeah, more solid waste fees  
12 would be collected. And that's why we're -- we pay  
13 attention to solid waste fees. As you know, that's  
14 the way we pay for our entire program. So we're  
15 sensitive to the amount of fees coming in. And  
16 that's why we report to you annually on revenue and  
17 expenditures.  
18 MS. MERCHANT: Are there -- is it broken  
19 down at all these specific events that occurred that  
20 would cause this number to be this large, as far as  
21 what you think might be storm debris or --  
22 MS. EDWARDS: There were a lot of storm  
23 events in May and June of -- I believe it was  
24 FY '19. And whenever we issue these fee waivers, we  
25 issue them by county. And we send them out to the

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1 to know or hear from counties or municipalities or  
2 those that may be benefitting from that waiver, if  
3 they are indeed -- if it is a benefit. And we're  
4 providing that as a way for our agency to help  
5 provide some relief.  
6 If it's -- if it's not needed or -- and this is  
7 a question for the waste disposal facilities. If  
8 that fee is not -- if they are not, since they're  
9 the ones that remit the fee, if they aren't passing  
10 that reduction on to their customers, then we would  
11 like to know that, as well. I assume they are.  
12 But if the -- if the program is not providing  
13 the benefit that we perceive it to be doing, then  
14 certainly we should look at that and determine if  
15 it's -- if it would be beneficial to change it.  
16 MS. MERCHANT: I guess just thinking along  
17 those lines, you know, if they're FEMA reimbursed or  
18 not, in some way I guess to show that they are, in  
19 fact, giving some relief to those residents, as  
20 opposed to, here's our tonnage, we want to deduct  
21 this much money because it's storm debris. Not sure  
22 how you would do that. I'm sure there's a mechanism  
23 out there to do that.  
24 Anything else? Patrick.  
25 MR. RILEY: For the director's report, one

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1 landfills that are in those specific counties.  
2 So we have that information. But if we want to  
3 annualize an actual storm event, I think we would  
4 have to do some looking at our --  
5 MS. MERCHANT: So it would be by county,  
6 and you'd know within what month that occurred,  
7 compared to last year or I guess 2018 didn't have as  
8 many storms?  
9 MS. EDWARDS: Yes.  
10 MS. MERCHANT: Okay.  
11 MS. PHILLIPS: There was discussion I  
12 believe last meeting about still trying to recoup  
13 that cost. And I'm sure that's a longer discussion  
14 and a lot more involved. But essentially we  
15 wouldn't be waiving that weight, right?  
16 MR. RILEY: Right.  
17 MS. PHILLIPS: There's a way, probably for  
18 the state to work with the counties to relieve that  
19 immediate financial burden. But the counties still  
20 can submit, you know, if there's a natural disaster  
21 to offset some of that cost. And I don't know if  
22 you guys have looked into that at all since the last  
23 meeting or not.  
24 MR. RILEY: We haven't looked at that  
25 specifically. I mean, I think what DEQ would like

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1 more item. I would like to ask Kole Kennedy to come  
2 up and talk about some things that are happening  
3 with the tire program regarding some updates.  
4 MR. KENNEDY: Ma'am Chair and Council. I'm  
5 glad to be presenting today. I get to step up to  
6 the podium this go round.  
7 What the tire program has been up to, we've had  
8 two pretty substantial things come to an end here in  
9 December. And we would like to show some of what  
10 that is. So if you'll pull out the colored little  
11 pamphlets you have in front of you. This is our  
12 Governor's Report.  
13 And that is a three year -- we have to turn in a  
14 report to the Governor, the President Pro Tempore,  
15 to the Senate and the Speaker of the House, and  
16 other interested parties every three years. And we  
17 turn in one every year, but it just goes in to our  
18 annual land report. And then that is used to mush  
19 up altogether and come out with this report.  
20 So, if you pardon the pun, we kicked the tires  
21 on our old report. And we kind of updated it.  
22 Brought it into some more fun features. So we have  
23 the original report, it's the smaller pamphlet. And  
24 that is directed towards kind of our main audience.  
25 Our Governor and the other members of the

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1 Legislature.

2 So they can open it up and take a look at the

3 contents in a little bit more brief look. Because

4 they may not want to dig through a 10-page report

5 all the time. So what we did is we looked at the

6 last three fiscal years and we just wrote a little

7 summary.

8 I can go through a little bit of it. But we

9 talked about the fee structure. And what we did on

10 the small pamphlet is, most of it can be clipped out

11 and put on our social media accounts. So if we need

12 to tell what the good news in the tire program is,

13 that can be clipped out like a single page about our

14 fee structure, if we need to.

15 Or on Page 5, where do the tires come from.

16 That's a fun little graphic that gives an overall

17 size of we did 10 million tires, that's a whole lot.

18 And actually if you include all of our dumps and

19 community-wide events, that's up to ten-and-a-half

20 million during that three-year period, which is up

21 from the last three years.

22 And we just have -- the pamphlet itself is

23 pretty fun. It's kind of meant to be like a graphic

24 novel. Or if you will, just kind of look around and

25 see a really quick glance at what the tire program

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1 Whereas maybe as few as -- as few as nine years ago

2 or so we had dumps that were numbering in the

3 hundreds of thousands of tires.

4 And now the biggest one we have is about 5,000,

5 which we're very excited about. So if there's any

6 questions on the Governor's Report, I could field

7 those right now if you would like.

8 MR. TORNETEN: Where do the tires that you

9 collect from landfills fit into this?

10 MR. KENNEDY: So those are going to be

11 filed under our community-wide events or -- that's

12 just kind of the holding number for it. So those

13 community-wide events are from landfills, from our

14 communities like our cities and counties that

15 collect tires from their citizens. Those are what

16 those are grouped under is the community-wide

17 events.

18 And those are a substantial number, but we're

19 very excited because those are -- those essentially

20 are tires that are not ending up in those dumps that

21 we have been cleaning up. So we're very excited

22 that those numbers keep going up, that we cannot

23 have to go out in the middle of someone's 40 acres

24 and clean them up.

25 MS. PHILLIPS: Of the 41 million, how much

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1 did during that three-year period.

2 And I can answer some questions about it if you

3 want to. But overall the program saw an increase in

4 the number of tires, which is to be expected.

5 Because on average nationally there's one tire

6 generated per person. So Oklahoma actually does fit

7 that bill. And we generate about three-and-a-half

8 million and going up every year. We did collect

9 \$41 million of the program.

10 And then if you flip to the big report. If you

11 want some casual weekend reading, you can glance

12 through this. But it's a little bit more in depth.

13 So if you see something in the small report that

14 peaks your interest, you can flip over and get a bit

15 more in depth knowledge of it.

16 It says basically the same stuff, except, like I

17 said, more in depth, more specific answers to our

18 questions.

19 But overall we did see a decrease in the amount

20 of -- a specific thing that we addressed in the

21 Governor's Report is the clean up of tire dumps. We

22 did see an increase in the clean up of tire dumps

23 from the last three years. But that was the easier

24 dumps, because those dumps are getting smaller now,

25 which is a testament to the success of the program.

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1 of that was paid out to -- for processing?

2 MR. KENNEDY: Well, our program is broken

3 out a little bit. So there's processing,

4 collection, transportation, rubber and tire fuel and

5 statute -- sorry, capital investment. But in a

6 nutshell, all 41 million was paid to our processors

7 for processing, minus a few dollars. I think we

8 said we cleaned up eight dumps. So we paid for

9 those eight dumps. And then there's always the

10 overhead that the DEQ receives, which is

11 2.75 percent of the total fund.

12 Any further questions on the Governor's Report?

13 If there's none, I will slide on over to the next

14 big project that I can report on. And that is our

15 state audit.

16 Every three years, as well, the statutory -- the

17 statutes require the DEQ tire program to be audited

18 by the state auditor and inspector. And that just

19 randomly happened to land on this three years for

20 the Governor's Report. It doesn't always line up.

21 You'd think it would, but they don't audit every

22 three years. But they kind of come back

23 occasionally at four years. But this one was at the

24 three year mark.

25 And I can successfully report that I'm speaking

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1 to you today, and Ferrella and Patrick are still  
2 here. So none of us got hauled off to jail. So I'm  
3 very pleased about this.  
4 And this is a very routine audit that they do.  
5 They check our -- the way we are handling the  
6 financial information correctly. And whether that  
7 is being reported to the Tax Commission. So they  
8 look at the Tax Commission to see the amount of  
9 funds that they received are being paid to our  
10 processors. And then they also literally go line by  
11 line through the statutes and regulations and say,  
12 this sentence, what does that mean. All right.  
13 Next sentence, what does that mean?  
14 So this was the most in depth audit that I've  
15 been on. I've been here 10 years and we've been  
16 through three audits in those years. And this is  
17 the most in depth audit they've ever done. And I  
18 can report that they found no significant findings.  
19 They listed us three opportunities to improve  
20 the program, which is the -- they always give us  
21 some recommendations. They look at our statutes,  
22 maybe you could use some clarification on some  
23 things. Just kind of a way to help improve the  
24 program.  
25 So we're very excited for those opportunities.

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1 recommendation is literally for them to go out and  
2 either take a picture of the tires that they have  
3 300 tires, or possibly even sign an affidavit.  
4 We're not quite sure what that looks like yet. But  
5 have them sign an affidavit saying, yes, we have  
6 300 tires and, yes, we've called X processor on  
7 X day twice. And we're trying to figure out a way  
8 to document that. But that's their recommendation.  
9 The next thing that they said was that, another  
10 line in our statute and rule says that their -- our  
11 processors turn in monthly reports. And those  
12 reports are due on the 10th of every month. And  
13 then we review them. We go out and do their  
14 inspection later that month, and certify them for  
15 payment.  
16 Well, the line that they picked up on is that  
17 it's due no later than the 10th. And they asked if  
18 we could prove that they were turned in by the 10th.  
19 And other than us saying, yes, they were approved by  
20 the 10th or they don't get paid, we didn't have a  
21 tracking mechanism that was 100 percent every time  
22 saying, yes, they turned it in by the 10th.  
23 So, we came up with an idea that we're just  
24 going to stamp it every -- like the first page of  
25 the report, stamp, yes, it was turned in by the

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1 And that's in the letter that I laid out underneath  
2 your packets. And I'll kind of go through those in  
3 a more formal process. They gave us three of them.  
4 So specifically they said that the special  
5 collection efforts and documentation. And what that  
6 is, is that is a sentence in there that says that  
7 tire dealers, if they are having trouble getting  
8 their tires picked up by our processors, they can  
9 request assistance from the DEQ to get those tires  
10 picked up. And there's some specific requirements  
11 that they have to meet. They have to have 300 tires  
12 and they have to have called each of our processors  
13 and documented that they've called them twice within  
14 a 60-day period.  
15 And we do keep a list. The DEQ keeps a list of  
16 almost any tire dealer that calls in and is needing  
17 help. Whether they have 300 tires or not. So that  
18 was kind of one of those that they said, well, you  
19 don't have to keep track of those. But we like to  
20 keep track of anybody that needs a little bit of  
21 help.  
22 So what they requested us to do is to have a  
23 little bit more formal documentation of, yes, these  
24 tire dealers have 300 tires and, yes, they called  
25 each processor twice within a 60-day window. So our

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1 10th. And that's our recommendation on that. A  
2 pretty easy one. But we already do keep track of  
3 that in our monthly inspections, but it will be more  
4 formalized. And that's a good way to help the  
5 program.  
6 Another interesting one was the scale  
7 certifications. Each year in theory Oklahoma  
8 Department of Agriculture Food and Forestry drives  
9 out and measures the scales at our processors that  
10 they weigh the material coming in. And that is  
11 supposed to be done every year. Well, ODAFF doesn't  
12 have a whole lot of inspectors. And there's a whole  
13 lot of scales throughout the entire state, because  
14 those go to co-ops, to landfills, to almost anybody  
15 that wants to weigh anything has a set of certified  
16 scales.  
17 Well, sometimes they weren't actually getting to  
18 our processors in that year timeline. Well, their  
19 recommendation was that maybe you could have that  
20 report turned in to us, which they already do, but  
21 they wanted us to have them turn in their scale  
22 company certificates saying that, yes, we had our  
23 people come out and check it in the absence of  
24 ODAFF, our people came out and checked it and  
25 certified that it weighed correctly. Fairly simple.



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1 We've actually done that in the past, but it's just  
2 again more formalized.

3 And then my favorite one of all. Like I said,  
4 they went line by line through the statutes and --  
5 and rules, and they found a term that was  
6 interesting. It says that our processors, our  
7 facilities are to report monthly the number of tires  
8 not in ready-to-use condition. And they asked me,  
9 what does that mean? And I said, I don't know, what  
10 does that mean. And no one really knew what that  
11 meant. So we had never been tracking it, because  
12 our processors didn't know what that meant, we  
13 didn't know what that meant.

14 So their recommendation there was to find out  
15 what that means. So we are efforting that now. And  
16 as far as I can tell, that is a remnant from  
17 previous to 2004. And it was intended that the  
18 tires are supposed to be cleaned. This is about as  
19 far as I can get.

20 So we're currently trying to figure out what  
21 that meant in the statutes. So, fun times. And the  
22 recommendation for that was, if you don't know what  
23 that means, which we didn't, was to consult our  
24 legal counsel. So that's where Ms. Karen Jayne  
25 comes in. And we're going to be looking at all of

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1 right.

2 MR. TORNETEN: Who collects or how do you  
3 account for all of the tires that are picked up on  
4 the highway that are off trucks and shredded rubber?  
5 MR. KENNEDY: Sure. So in that we provide  
6 on our ODOT, our Department of Transportation and  
7 field offices and our counties. So if there is a  
8 roadway and, say, the county is out picking up their  
9 trash, which they frequently do. They will then  
10 bring that back to their county barn or their ODOT  
11 field office. And then they ask the DEQ for one of  
12 those community-wide event authorizations that you  
13 asked about earlier. That is where they gather  
14 those up. And then our processors come and pick  
15 those up whenever they get enough. So those are  
16 included in that 200,000 for the three fiscal years.  
17 MR. LAZARSKI: Kole, this is an every five  
18 years we go through, roughly?  
19 MR. KENNEDY: This is technically every  
20 three. But they cycle through every four to five,  
21 back off to three. Just kind of sporadic.  
22 MR. LAZARSKI: And is that built into a  
23 regulatory?  
24 MR. KENNEDY: That is built into our  
25 statutes.

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1 our rules. And that was actually to lead me into  
2 something.

3 You may have recalled earlier in the last  
4 meeting that we were potentially going to bring some  
5 tire rules to you to vote. Well, because of this  
6 audit and us figuring out what they actually meant  
7 by not-in-ready-to-use condition, we took a look at  
8 some of our other rules, and we're trying to figure  
9 out where those lay in the statutes and whether we  
10 can add some clarity. So we're kind of going to do  
11 an encompassing rulemaking potentially next year to  
12 help add some clarity.

13 Are there any questions about our audit?

14 MR. ADCOCK: How long did the audit take,  
15 how long was the process?

16 MR. KENNEDY: The process, that was a fun  
17 one. So, they came knocking on our door around  
18 June, May, June and they just sent our final  
19 bill/you don't go to jail card about mid December.  
20 But it was a pretty in depth audit.

21 And, like I said, literally line by line. They  
22 just sat down in their room and, what does this  
23 mean, what does that mean? But it was by far the  
24 most thorough audit we've ever had, which is  
25 awesome. Because that means that we're doing stuff

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1 MR. LAZARSKI: Statutes. Okay. Thanks.

2 MR. KENNEDY: Yes.

3 MS. MERCHANT: Any other questions from  
4 Council? Any from the public?

5 MR. KENNEDY: Thank you for your time this  
6 morning.

7 MS. MERCHANT: Thank you.

8 MR. KENNEDY: If you have any questions  
9 I'll feel free to answer them afterwards.

10 MS. MERCHANT: Thank you. Patrick, does  
11 that conclude the Director's Report?

12 MR. RILEY: Yes, it does. Thank you.

13 MS. MERCHANT: Okay. The next item agenda,  
14 No. 5, is discussion of Senate Bill 1027. The  
15 Council Sunset Letter.

16 As requested by the Council, the Department is  
17 presenting a letter for signature of Council  
18 relating to Senate Bill 1027, Council Sunset dates.

19 MR. RILEY: So, if you recall we -- at the  
20 last Council meeting we presented some language for  
21 you to share. The -- and talked about this bill  
22 that sunsets the Solid Waste Management Advisory  
23 Council among other councils.

24 And I think we're all in agreement that we think  
25 the Council provides a benefit to the state and

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1 would like to see it remain active. So, to that end  
2 you have -- the Council had requested DEQ to come  
3 with some language to help convey your thoughts and  
4 represent some draft language. And at the last  
5 meeting you asked us to finalize the letter.  
6 We have finalized the letter. And you've seen a  
7 copy of that. It went out with the agenda. There  
8 is also a hard copy within -- in your packet behind  
9 on Tab No. 4. We have the opportunity now to edit  
10 that letter. And our intent was to finalize it  
11 today for your signature, if that's what you desire.  
12 And have it -- on your behalf, have it sent out.  
13 If -- I know that Ilda had some edits to make or  
14 some comments that we can discuss. And some of you  
15 may have other comments, as well. To help  
16 facilitate that, if there are significant changes  
17 that you want to make, we can pull that letter up on  
18 the screen here so you can look at it and we can  
19 edit it before it's finalized.  
20 So we can -- if you have comments, let's talk  
21 about those.  
22 MS. HERSHEY: I have two very minor edits  
23 to the first and second paragraph. The first  
24 sentence, "Oklahoma Solid Waste Management," just  
25 the word management is missing. Simple edit there.

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1 incorrect with this second sentence here, though.  
2 "However, the Council like the other DEQ advisory  
3 council has." I think it should remain has.  
4 MR. RILEY: I believe it is has.  
5 MS. HERSHEY: I think you take us out of  
6 the equation and just talk about the Council.  
7 MR. LAZARSKI: Council, have a minor  
8 grammar, since we're in the state of grammatical and  
9 English language here. Second to the last paragraph  
10 where it starts off, "As most importantly the  
11 Council." And then we get into the second sentence,  
12 which just says -- it just starts off as, "Votes to  
13 recommend."  
14 It's just kind of -- when you stop the previous  
15 sentence and go into that it was kind of hard for me  
16 and I thought maybe minor wording such as, the  
17 Council votes to recommend the proposed roles. I  
18 think maybe it's implied already. But that was  
19 just -- I mean, it's minor, minor.  
20 MS. JAYNE: Pardon me. And then at the end  
21 of that sentence where the Council appears -- oh, it  
22 has to be there, because it's Council meeting.  
23 Okay. So it would read, "The Council votes to  
24 recommend the proposed rules to the Environmental  
25 Quality Board for adoption that are made in public

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1 And on the second paragraph, second sentence,  
2 "However, we believe the Solid Waste Management  
3 Advisory Council, like other," blah, blah, blah. I  
4 propose, and this is up for discussion, we strike  
5 the words, we believe, to make our case stronger,  
6 because that is what our advisory council goal is.  
7 That is our goal. I propose we strike we believe.  
8 MS. PHILLIPS: It's what we do.  
9 MS. HERSHEY: It's what we do.  
10 MS. PHILLIPS: It's not a belief.  
11 MS. HERSHEY: There's evidence that we do  
12 this. So those are my only two edits. Thank you.  
13 MS. MERCHANT: I think we would then need  
14 to add the word we after, "Like the other DEQ  
15 Advisory Councils." We have, instead of has.  
16 MS. JAYNE: I've got it. I'll bring it to  
17 you.  
18 MR. RILEY: One other change that we made  
19 to this letter since you've seen it last was there  
20 was just an administrative, just a typo thing. In  
21 that first sentence, Oklahoma Solid Waste Management  
22 Advisory Council, we went ahead and added the  
23 acronym behind that. And then where it appears  
24 again, we just used the acronym.  
25 MS. HERSHEY: Something is grammatically

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1 and recorded at the Council meetings."  
2 MR. RILEY: I think it depends on whether  
3 you're looking at votes as a verb or a noun.  
4 MR. LAZARSKI: In this case I think it's a  
5 noun, meant to be a noun, so.  
6 MR. RILEY: But, you know, it's your  
7 letter, so you can do with it what you want.  
8 MS. JAYNE: Well, there may be a way we can  
9 change the rest of the sentence to go with the  
10 Council votes.  
11 MR. LAZARSKI: And for adoption and are  
12 made in public. No. No.  
13 MS. JAYNE: When the Council votes? Or the  
14 votes? How about, the Council recommends?  
15 MS. HERSHEY: Votes by the Council.  
16 Because I think they're trying to clarify who's  
17 making those votes.  
18 MS. JAYNE: No, I think that's correct.  
19 MS. HERSHEY: Maybe votes by the Council to  
20 recommend?  
21 MS. JAYNE: Oh, yeah. I think that's cool.  
22 What do you think, Mr. Lazarski? It's kind of in  
23 the passive voice, but --  
24 MR. LAZARSKI: I'm flexible.  
25 MS. JAYNE: You know what, this is your

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1 letter, truly. So -- just trying to help.  
2 MR. LAZARSKI: I like that wording.  
3 MS. JAYNE: Thank you again, Ilda.  
4 MS. HERSHEY: Yeah.  
5 MS. JAYNE: I do like that better.  
6 MS. MERCHANT: I was at a Greater Oklahoma  
7 City of Commerce meeting where the Governor spoke.  
8 And he specifically spoke on this topic. About, you  
9 know, getting rid of all the boards. Even asked the  
10 audience, that there's a lot of smart minds out  
11 there and all of that sort of thing. And that they  
12 should -- you know, if they're interested in serving  
13 on one of these boards to let him know.  
14 But I still get the feeling that it's out there  
15 that these boards are forever, and that there's not  
16 any type of term limits on them. Therefore,  
17 expressing some need to sunset. Is there any way  
18 that we can make it clear, even though it does say  
19 how these -- each of us are appointed. I don't  
20 know, appointed by the board. And who all we're --  
21 but just that there are, in fact, terms that may or  
22 may not be renewed.  
23 MS. JAYNE: Those are driven by statute.  
24 If you want to, I can go pull it and we can add the  
25 terms, but that will delay your ability to sign the

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1 MS. JAYNE: So the only thing it's missing  
2 is the term limits. And that may vary by position.  
3 I don't know. I don't remember.  
4 MS. MERCHANT: It just seemed, though, in  
5 that meeting that when I was listening, that that  
6 was the strong impression that was left.  
7 MS. JAYNE: Really?  
8 MS. MERCHANT: That, you know, there's a  
9 bunch of people that have just done -- you know, are  
10 stuck on these boards forever. And that it's time  
11 for a change.  
12 MS. HERSHEY: Could I make a recommendation  
13 first? So that we can get the letter possibly out  
14 today. What if we just added a few words to the end  
15 of the -- on the second page, the first sentence.  
16 If you read that first sentence, and then just add  
17 at the end of it to limited terms. And that way we  
18 can still get the letter out today by just adding,  
19 as required by the statute, blah, blah, blah,  
20 comprised of uncompensated volunteers appointed by  
21 the Governor, to limited terms. And that way we  
22 don't have to be so specific to the statute, but we  
23 can still get the letter out and address that  
24 concern that these are -- we're not here.  
25 MS. MERCHANT: That would make it clearer.

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1 letter --  
2 MS. MERCHANT: Gotcha.  
3 MS. JAYNE: -- today.  
4 MS. MERCHANT: I'm just wondering, are  
5 they -- are those folks that are there in the  
6 Legislature?  
7 MS. JAYNE: It's driven by statute.  
8 MS. MERCHANT: Are they -- but are they  
9 educated at this point to know that this is not --  
10 you know, like some boards out there that literally  
11 have people who have served for 30 years.  
12 MS. JAYNE: If you want, I'll go pull the  
13 statute. And maybe we can add something quickly.  
14 Do you have other business?  
15 MS. MERCHANT: Well, maybe point them to  
16 look at time limits?  
17 MS. HERSHEY: Maybe we can --  
18 MS. JAYNE: Just a statutory -- just a  
19 statutory citation to the -- a reference to the  
20 statute where the Legislature itself set out your --  
21 who appoints who and how long you each serve.  
22 MS. MERCHANT: Right. I know in the letter  
23 it does state who appoints who.  
24 MS. JAYNE: Right.  
25 MS. MERCHANT: So that is in there.

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1 That would make it clearer.  
2 MS. JAYNE: Yeah. Okay. And so Jeff, our  
3 magician, has added those words.  
4 MS. MERCHANT: Abra cadabra.  
5 MS. JAYNE: Right.  
6 MS. HERSHEY: Is that enough, you think,  
7 Brenda?  
8 MS. MERCHANT: I think that is helpful.  
9 MS. JAYNE: At least we're chipping away at  
10 that idea.  
11 MS. MERCHANT: I just want them to have  
12 that seed in their head. Those folks -- we have a  
13 lot of new legislators that assume that, you know,  
14 just like Congress, we're sitting there --  
15 MS. JAYNE: This is your letter. And it  
16 needs to say --  
17 MS. MERCHANT: -- for decades.  
18 MS. JAYNE: -- what you want. It needs to  
19 say what you want it to say.  
20 MR. RILEY: So one further consideration in  
21 order, and not to rush you, but if you're happy with  
22 the language as it is. Since Chairman Shepherd is  
23 not here today, there is a place for him to sign.  
24 So something to consider is whether or not you want  
25 to remove his name from the letter and sign it as

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1 is. Or you want to leave his name on and leave it  
2 blank. Or if you would like to sign today and let  
3 him come sign it later, once he's recovered from his  
4 ailment.  
5 He is local in Oklahoma City. So I don't know  
6 that it would be a big burden for him to come over  
7 here and sign it. And I think he would be willing  
8 to do that. Not to speak for him, but that's what I  
9 would think. So you might want to think about that  
10 and let us know how you would like to proceed.  
11 MS. PHILLIPS: I think we should leave his  
12 name on, since he's local and he can swing by.  
13 MR. ADCOCK: I think he'd want to have his  
14 signature on there.  
15 MS. MERCHANT: Absolutely.  
16 MR. LINN: We agree.  
17 MS. MERCHANT: Would this affect in any way  
18 getting this by -- I guess, what, the deadline for  
19 bills are today? This is not a bill.  
20 MS. JAYNE: No.  
21 MS. WYNN: Michelle Wynn, DEQ legislative  
22 liaison. No, the date of this letter will not be  
23 affected by the bill filing deadline. Also, as a  
24 point of information for your letter, Governor  
25 appointed to three-year terms.

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1 terms conveys the message.  
2 MS. MERCHANT: Terms plural.  
3 MS. JAYNE: Yes.  
4 MS. MERCHANT: Thank you, Michelle.  
5 MR. TORNETEN: So what action is required  
6 on the part of the Legislature to change this  
7 sunset?  
8 MS. WYNN: With sunset bills in the past,  
9 the year that the sunset is due, there is routinely  
10 a bill filed that will -- basically it will change a  
11 few words. And a lot of times it just changes the  
12 date. And it will say, well, it sends the sunset to  
13 XYZ date.  
14 MR. TORNETEN: So it's up to the  
15 Legislature to propose that bill?  
16 MS. WYNN: The Legislature proposes the  
17 bill. The chairman of the Administrative Rules  
18 Committee in the past has -- that is the procedure  
19 that that bill will have to go through the entire  
20 process, just as any other piece of legislation  
21 would be to extend the sunset.  
22 And we have received word that they do plan to  
23 file that bill.  
24 MR. RILEY: One last thing for your  
25 consideration, not to beat a dead horse, but there

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1 MS. JAYNE: Maybe we should include that.  
2 MR. TORNETEN: Instead of limited, just say  
3 to three-year terms.  
4 MS. MERCHANT: Well, you're not limited,  
5 you're appointed for three-year terms. I mean,  
6 they -- the Governor could appoint you for an  
7 additional three-year term if they wanted to. But  
8 each term lasts for three years. And they're  
9 staggered, I believe.  
10 MR. RILEY: Three-year renewable terms.  
11 MS. MERCHANT: Yes.  
12 MS. WYNN: You also serve at the pleasure  
13 of your appointing authority and can be removed at  
14 any time, as it says in the statute.  
15 MS. MERCHANT: We don't have to add that.  
16 MR. RILEY: Just keep it in mind.  
17 MS. MERCHANT: Oh, it's in mine.  
18 MS. HERSHEY: Do we want to keep the  
19 language that we serve at or change it to three-year  
20 terms?  
21 MS. MERCHANT: I like adding that we're  
22 appointed to a three-year term.  
23 MS. HERSHEY: Do we want the language  
24 renewable or just three-year terms?  
25 MR. TORNETEN: I think just three-year

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1 is a -- there are times in the last couple of  
2 paragraphs that we refer to the Council as opposed  
3 to referring to the Solid Waste Management Advisory  
4 Council by an acronym. If you would like to  
5 exchange that and clean that up, we can do that.  
6 MS. JAYNE: You can in the parenthesis  
7 following the first mention where you've identified  
8 the acronym, you can put slash Council or put SWMAC  
9 or Council and just leave the rest of the sentence  
10 as it's written.  
11 MS. PHILLIPS: I think to be specific, that  
12 anywhere we reference Council we should just  
13 automatically make the acronym and take the word  
14 Council out.  
15 MR. ADCOCK: I agree.  
16 MR. LAZARSKI: There's a couple areas where  
17 Council is mentioned, you can probably leave  
18 separate. Because, for example, that first  
19 paragraph, you know, where it says, Advisory  
20 Council, establishing a governing DEQ's Advisory  
21 Council. So you don't want to keep Councils at that  
22 point.  
23 And there's another one in the second one. So  
24 there's a couple of places. So I think really going  
25 back to what Patrick was saying, towards the bottom

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1 here where we -- the second page. The second  
2 paragraph on that page, "The SWMAC provides  
3 transparency." "And SWMAC meetings." So there's  
4 two there.  
5 MS. PHILLIPS: And the one for members,  
6 SWMAC members.  
7 MR. LAZARSKI: Yes.  
8 MS. JAYNE: So it would be votes by the  
9 SWMAC.  
10 MS. MERCHANT: Have you already addressed  
11 where it says Council members bring world and  
12 technical expertise?  
13 MS. HERSHEY: Yes.  
14 MS. MERCHANT: Okay. Most importantly the  
15 Council. Like he said, wherever it says Council so  
16 it's clear.  
17 MS. JAYNE: Yes.  
18 MS. HERSHEY: And at the end, retaining all  
19 advisory councils, last paragraph.  
20 MR. ADCOCK: Patrick, are other advisory  
21 councils sending letters, as well?  
22 MR. RILEY: Michelle, are you aware of any?  
23 MS. WYNN: At this time no other council is  
24 sending a letter as you all are, per se. Within the  
25 councils there's been discussion by members about

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1 MR. LAZARSKI: I don't know -- I mean, I  
2 don't participate or visit, attend those. I mean,  
3 so I can't really gauge plus or minuses. I think if  
4 you had to edit that, you say it is our firm opinion  
5 that in this instance the cost of eliminating the  
6 SWMAC outweighs the minimal cost savings to the  
7 state. You delete that. I mean, that is a -- I  
8 mean, we're speaking kind of on behalf of the other  
9 advisory councils, as well.  
10 MS. MERCHANT: And there could be some  
11 things we just don't know.  
12 MS. PHILLIPS: Right. That's my only  
13 point.  
14 MS. HERSHEY: I think that's a good point.  
15 MR. LINN: Good point.  
16 MS. MERCHANT: It is a good point. We're  
17 kind of vouching for other advisory councils --  
18 MS. PHILLIPS: That we don't know.  
19 MS. MERCHANT: -- that we don't know.  
20 MR. RILEY: Clearly the Solid Waste  
21 Management Advisory Council is the best council,  
22 but --  
23 MS. HERSHEY: I mean, if we take it out,  
24 they're already focusing on our council.  
25 MS. PHILLIPS: Right. And the intent of

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1 reaching out individually. But no other council has  
2 voted to do a letter, related to renewing the  
3 councils.  
4 I should clarify, the Air Quality Council is  
5 sending a letter, but it is related to budget and  
6 revolving funds.  
7 MR. LINN: Is it Water Quality that's not  
8 being sunsetted?  
9 MS. WYNN: Air Quality and the  
10 Environmental Quality Board.  
11 MR. LINN: Okay.  
12 MS. PHILLIPS: We don't really have  
13 knowledge of other advisory council boards and sort  
14 of what goes on. So, in general theory, I think  
15 they're a good idea. But our experience is for this  
16 council.  
17 MS. MERCHANT: Are you saying you think  
18 it's better to have it in there or it's better not  
19 to have it in there?  
20 MS. PHILLIPS: I'm saying -- I'm just  
21 bringing it up for discussion. I think I'm just --  
22 for us to pause for a minute and think about that.  
23 MS. HERSHEY: So we talked about the  
24 passage and the other advisory councils?  
25 MS. PHILLIPS: Yes.

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1 this letter.  
2 MR. TORNETEN: What is the cost savings  
3 that we're talking about? I'm not sure -- the  
4 donuts, how much were these donuts?  
5 MR. RILEY: Those were a contribution on  
6 behalf of Kole Kennedy, I believe.  
7 MR. TORNETEN: Well, there you go.  
8 MR. RILEY: Donation. You can thank him  
9 for that. There is nominal cost associated with --  
10 we reimburse for travel for Council members. There  
11 is staff time, I suppose. Michelle, any other  
12 thoughts? It's pretty minimal.  
13 MS. WYNN: I looked around for somebody  
14 from Finance, because finances frighten me. So I'm  
15 not speaking on their behalf. I do recall in the  
16 past the number of \$3,000 has been thrown around. I  
17 don't know if that was per council or for all the  
18 councils combined, which is an actual possibility.  
19 I do know that we have stated in questions that we  
20 have been asked that it has been nominal.  
21 MS. JAYNE: Ours is not one of the councils  
22 or boards who travel on the citizens' dime to go  
23 places and stay at luxury hotels and stuff. So, I  
24 hate to tell you there are other folks who might be  
25 doing that.

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1 MS. PHILLIPS: Which is why we don't want  
2 to vouch for certain things we're unclear of.  
3 MS. JAYNE: Well, none of the DEQ councils  
4 do that. But I think it's appropriate to take it  
5 out. I'm glad that you've had this opportunity to  
6 really own the letter.  
7 MS. MERCHANT: Are there any more questions  
8 or comments about the letter? Do we need to take an  
9 action on this?  
10 MS. JAYNE: Yes, I would.  
11 MR. ADCOCK: Patrick, will you get with  
12 Jeff or do you want one of us to coordinate with him  
13 and you or how would you like us to handle that?  
14 MR. RILEY: I'm happy to reach out to him  
15 and let him know we have it ready for his signature.  
16 MS. MERCHANT: I could go slip it under the  
17 door with some gloves on, and slip it back under the  
18 door.  
19 MS. JAYNE: Will you spray it after you  
20 retrieve it?  
21 MS. MERCHANT: Exactly, when he's no longer  
22 contagious.  
23 MR. TORNETEN: Paste in an electronic  
24 signature in there, if you want to.  
25 MR. RILEY: That would be handy.

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1 MR. TORNETEN: Yes.  
2 MS. FIELDS: Motion passed.  
3 MR. RILEY: So what we'll do now is I'll  
4 ask Jeff to save the changes and then print out a  
5 hard copy and then return with that for your  
6 signature before you leave the meeting today.  
7 And I would like you to thank -- Jeff's usual  
8 role is an engineer, so he is expanding his job  
9 duties today. So I would like to thank him for his  
10 effort.  
11 MS. MERCHANT: Okay. Item No. 6 on the  
12 agenda. Public rulemaking hearings. A) Discussion  
13 of proposed changes to Chapter 515 Management of  
14 Solid Waste. "The Department is proposing to amend  
15 OAC 252:515 to revise potentially confusing  
16 regulations and to clarify deadlines. The gist of  
17 the proposed rule changes is to clarify deadline  
18 related to the cost estimates, specifically  
19 deadlines for financial assurance mechanisms, and to  
20 make a minor grammatical change related to the dust  
21 control." Who is going to be -- Patrick.  
22 MR. RILEY: So you've seen these rules  
23 before. We presented them to you in a draft format  
24 at the last meeting and talked about them. So, our  
25 opportunity now is just to present them as a final

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1 MS. MERCHANT: Okay. So I guess we're  
2 looking for a vote on -- after the signature of Jeff  
3 Shepherd, that this be sent to the Legislature?  
4 MS. JAYNE: The letter as amended today.  
5 MS. MERCHANT: As it is today?  
6 MS. JAYNE: As amended today.  
7 MS. MERCHANT: As amended today.  
8 MS. JAYNE: Yeah.  
9 MS. HERSHEY: I so move.  
10 MR. LAZARSKI: Second.  
11 MS. FIELDS: Mr. Adcock.  
12 MR. ADCOCK: Yes.  
13 MS. FIELDS: Mr. Cleveland.  
14 MR. CLEVELAND: Yes.  
15 MS. FIELDS: Ms. Hershey.  
16 MS. HERSHEY: Yes.  
17 MS. FIELDS: MR. Lazarski.  
18 MR. LAZARSKI: Yes.  
19 MS. FIELDS: Mr. Linn.  
20 MR. LINN: Yes.  
21 MS. FIELDS: Ms. Merchant.  
22 MS. MERCHANT: Yes.  
23 MS. FIELDS: Ms. Phillips.  
24 MS. PHILLIPS: Yes.  
25 MS. FIELDS: Mr. Torneten.

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1 draft for your vote, and then we'll pass them on, if  
2 you so desire, to the Environmental Quality Board for  
3 further action.  
4 Very minor changes. Again, as Kole mentioned  
5 the entire rules that we presented as draft, we're  
6 pulling those back and not proposing those before,  
7 yet, until we have a chance to incorporate some of  
8 the comments from the audit, and take a broader,  
9 more comprehensive look at those.  
10 So I would anticipate bringing those back to you  
11 at subsequent meetings. But the other changes to  
12 the 515s relate to what we perceive as a typo in the  
13 air quality or dust control rules. So we're just  
14 trying to clean up that language to make it clear.  
15 And then in the Subchapter 27 relating to financial  
16 assurance and closure costs, there's some  
17 clarification there in -- and this is something that  
18 Amber works with, with her compliance group closely.  
19 And the way these rules were written or some of the  
20 absences of dates and deadlines were problematic  
21 from a compliance point. So we recommend some  
22 changes there. And if you have questions we can  
23 talk about it or just if you're ready to proceed we  
24 can vote.  
25 MS. MERCHANT: Okay. So this -- where the

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1 strikethrough is on Subchapter 27, Part 3, the cost  
2 estimates. Where it in the past has said that the  
3 adjustment must be submitted to the DEQ for  
4 approval. And now says that, submitted to DEQ no  
5 longer than April 1st of each year. Was that added,  
6 that date?  
7 MR. LAZARSKI: No, it's always been there.  
8 The first -- eliminating the accept as provided.  
9 MS. MERCHANT: And submitted to. I see.  
10 MS. HERSHEY: I think that was just  
11 cleaning up some redundancy. Looks to make a  
12 simpler sentence.  
13 MS. MERCHANT: So it was always due to DEQ  
14 by April 1st of each year.  
15 MS. EDWARDS: There was actually a clause  
16 somewhere that says, anywhere were it says  
17 April 1st, it means April 9th. So they are actually  
18 due April 9, but we didn't change that. That  
19 April 1st was always there. Do you understand what  
20 I was just --  
21 MS. MERCHANT: Okay. But it looks like  
22 it's still there.  
23 MS. EDWARDS: Yeah, it just -- I'm just  
24 saying April 1st actually means April 9th. Because  
25 in another part of the rule it says, anywhere it

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1 little bit at a time. And maybe someday we'll take  
2 a comprehensive review and just fix everything. I  
3 don't know if today is that day, but it's something  
4 to think about.  
5 MS. HERSHEY: I think because the actual  
6 new date is later than stated, that it's not really  
7 too much of a problem. It sounds like an April  
8 Fool's joke.  
9 MS. MERCHANT: A little bit.  
10 MS. EDWARDS: The reason we wanted to  
11 change the Part B annual adjustments to financial  
12 trans mechanism as required. In the rules it just  
13 says they have to maintain their financial trans  
14 mechanism for closure and post closure. But there  
15 never was an actual timeline for submittal.  
16 So, they have to update their closure and post  
17 closure clause year by April 9th. So we wanted to  
18 say they needed to submit their updated financial  
19 assurance to reflect those new costs 30 days after  
20 the costs are approved.  
21 MS. MERCHANT: Any discussion by the  
22 Council?  
23 MR. TORNETEN: So, did we -- did they  
24 previously have to submit the adjusted financial  
25 assurance evidence?

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1 says April 1st, it means April 9th. It's weird, but  
2 that's what it says.  
3 MS. MERCHANT: So can it not be more clear?  
4 MR. RILEY: So in this date -- dates of  
5 April 1st appear in several places. And there  
6 was -- this has been in the rules for a long time.  
7 And those of you that have worked with 515s have  
8 come to love the quiriness of how it's put  
9 together.  
10 But -- so there's a reference that anywhere, any  
11 date references of April 1st shall be April 9. And  
12 that happens to coincide with some deadlines when  
13 Subtitle E first came out. The reason why we're not  
14 proposing to change that from -- to just April 9, is  
15 because it does appear in several different places.  
16 Because we'd have to open up several different  
17 rules. And frankly we were afraid of unintended  
18 consequences of leaving one out.  
19 So we thought it best to leave that as it is.  
20 But we can certainly -- certainly try to do that. I  
21 mean, I think I've talked to you before that the  
22 515s to me seem like a mansion that was built one  
23 room at a time over many years. So that things  
24 don't necessarily flow real -- as well as one might  
25 like. And -- but -- so we try to fix things a

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1 MS. EDWARDS: Yes, they do submit that.  
2 And then we send them an approval letter, once we  
3 review it.  
4 MR. TORNETEN: So that's not a new  
5 requirement, that's just making it clear. Okay.  
6 MS. MERCHANT: So if there was not an  
7 actual date that it was required before, is that  
8 something that's going to require notice to folks  
9 who may not realize that it's now a set date?  
10 MS. EDWARDS: Yes. We can probably think  
11 about that and send some letters that talk about the  
12 rule change before they have to actually start  
13 submitting it 30 days after their costs are approved  
14 so they'll know the new rule.  
15 MS. MERCHANT: There must be someone out  
16 there that's -- you know, doesn't realize that  
17 there's a date that it's due.  
18 MR. LAZARSKI: And this would be effective  
19 in 2021? So the reporting would not be this year,  
20 it would be the following year for reporting?  
21 MR. RILEY: Yeah, the rule -- so the rules  
22 won't be effective until they've gone from the  
23 Environmental Quality Board to Legislature and go  
24 into effect. September, I think, is when they  
25 will -- if that's correct. So the next financial

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1 assurance reporting period would be in 2021.  
2 MR. LAZARSKI: And then we could do some  
3 outreach to those committees that come back to say,  
4 hey, here's the change that you're aware of?  
5 MR. RILEY: Certainly.  
6 MR. TORNETEN: Okay. I don't follow C  
7 here. We've got an incomplete sentence there that  
8 ends with, is used with the financial assurance  
9 mechanism. Oh, is that just supposed to just be  
10 period?  
11 I don't follow that sentence. Corporate test is  
12 used as the financial assurance mechanism in what?  
13 MS. JAYNE: Oh, I think you can -- the way  
14 I interpreted that is you go from the word mechanism  
15 all the way down to, the financial strength  
16 information specified in 515. Because the interim  
17 has all been deleted.  
18 MR. TORNETEN: Okay. So that picks up down  
19 there. Okay.  
20 MR. ADCOCK: When we're striking -- it's  
21 going to be Item 3, the place in the operating  
22 record. So is that -- are you just taking out the  
23 adjusted cost estimate, but you still -- in the  
24 operating record, or are you talking about any  
25 mention of financial assurance has to be -- does not

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1 MS. FIELDS: Mr. Linn.  
2 MR. LINN: Yes.  
3 MS. FIELDS: Ms. Merchant.  
4 MS. MERCHANT: Yes.  
5 MS. FIELDS: Ms. Phillips.  
6 MS. PHILLIPS: Yes.  
7 MS. FIELDS: Mr. Torneten.  
8 MR. TORNETEN: Yes.  
9 MS. FIELDS: Motion passed.  
10 MS. MERCHANT: Now it's time for open  
11 discussion. Does anyone from the public that would  
12 like to speak on anything that's on the agenda, or  
13 that's getting good news or bad news? Any new  
14 business? Do I have a motion to adjourn?  
15 MR. LINN: Move to adjourn.  
16 MS. PHILLIPS: Second.  
17 MS. FIELDS: Mr. Adcock.  
18 MR. ADCOCK: Yes.  
19 MS. FIELDS: Mr. Cleveland.  
20 MR. CLEVELAND: Aye.  
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 have to be in the operating record of a facility?  
2 MR. RILEY: We're not removing that  
3 requirement.  
4 MR. ADCOCK: Okay.  
5 MR. RILEY: It's just -- it's just to  
6 remove redundant language. So if you looked at it  
7 as a whole, you'll see that under 3 on 27-34 A3,  
8 placed in the operating record, the approved  
9 adjusted cost estimates shall be placed in the  
10 operating agreement.  
11 MR. ADCOCK: Okay. Yeah, I see that.  
12 Okay.  
13 MS. MERCHANT: Any other questions? So we  
14 need a vote on the Department's proposed amendments  
15 to Chapter 515, Management Solid Waste OAC 252:515.  
16 MR. ADCOCK: Motion to approve.  
17 MS. PHILLIPS: Second.  
18 MS. FIELDS: Mr. Adcock.  
19 MR. ADCOCK: Yes.  
20 MS. FIELDS: Mr. Cleveland.  
21 MR. CLEVELAND: Aye.  
22 MS. FIELDS: Ms. Hershey.  
23 MS. HERSHEY: Yes.  
24 MS. FIELDS: MR. Lazarski.  
25 MR. LAZARSKI: Yes.

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1 MR. LINN: Yes.  
2 MS. FIELDS: Ms. Merchant.  
3 MS. MERCHANT: Yes.  
4 MS. FIELDS: Ms. Phillips.  
5 MS. PHILLIPS: Yes.  
6 MS. FIELDS: Mr. Torneten.  
7 MR. TORNETEN: Yes.  
8 MS. FIELDS: Motion passed.  
9 MS. MERCHANT: We are now adjourned.  
10 (Meeting concluded)  
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1 CERTIFICATE  
2 STATE OF OKLAHOMA )  
 ) SS:  
3 OKLAHOMA COUNTY )  
4 I, Brenda Plumbtree, Certified Shorthand  
5 Reporter within and for the State of Oklahoma, do  
6 hereby certify that the above SOLID WASTE MANAGEMENT  
7 ADVISORY COUNCIL was by me taken in shorthand and  
8 thereafter transcribed; that the same is true and  
9 correct; and that it was taken on the 16th day of  
10 January, 2020 at the time of 9:00 A.M. in the City  
11 of Oklahoma City, County of Oklahoma, State of  
12 Oklahoma. And that I am not attorney for or  
13 relative of any of said parties or otherwise  
14 interested in the event of said action.  
15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 and official seal this 22nd day of January, 2020.  
17  
18   
19 BREND A PLUMBTREE, CSR  
20 Oklahoma Certified Shorthand Reporter  
21 Certificate No. 01434  
22 Expires: December 31, 2020  
23  
24  
25



**SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL**  
Attendance Record  
January 16, 2020  
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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