

MINUTES
Solid Waste Management Advisory Council
July 8, 2021 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at September 9, 2021 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on July 8, 2021, 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 November 4, 2020. Agendas were posted on the entrance doors at the Department of Environmental Quality (DEQ) Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Jeff Shepherd, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present. Mr. Shepherd welcomed new Council member, Mr. Chris Schaefer to the Council.

MEMBERS PRESENT

Todd Adcock
 Robert Joyce
 Jim Linn
 Brenda Merchant
 Jody Reinhart
 April Sacha
 Chris Schaefer
 Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
 Kole Kennedy
 Patrick Riley
 Clifton Hoyle
 Karen Jayne
 Pam Dizikes
 Michelle Wynn
 Cindy Hailes
 Michele Woods
 David Cates
 Kaylee Shiptet
 Amber Edwards
 Quiana Fields

MEMBERS ABSENT

Rodney Cleveland
 Greg Phillips

OTHERS PRESENT

Deb Garver, Court Reporter

Approval of the Minutes for the January 14, 2021 Solid Waste Management Advisory Council Meeting – Mr. Linn moved approval of the January 14, 2021 Minutes and Ms. Reinhart made the second.

See transcript pages 6 – 7

Roll Call

Todd Adcock	Yes	Jody Reinhart	Yes
Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Chris Schaefer	Abstain
Brenda Merchant	Yes	Jeff Shepherd	Yes

Director’s Report – Ms. Kelly Dixon, Division Director of the LPD and Mr. Patrick Riley, Environmental Programs Manager of the LPD, provided an update on Division activities.

See transcript pages 8 – 17

Presentation of Keep America Beautiful State Agency Partnership Award – Ms. Jeanette Nance, Executive Director of KOB, gave a presentation and presented an award for the Keep America Beautiful State Agency Partnership.

See transcript pages 17 - 20

Discussion of proposed changes to Chapter 515 Management of Solid Waste – Ms. Kaylee Shippet, Engineer of the LPD, stated that the DEQ is proposing to make revisions to OAC 252:515 in response to Governor Stitt’s Executive Order 2020-03. The Department is proposing for discussion only, to amend OAC 252:515 to remove redundant and outdated regulations and make minor changes to clarify existing language. The item was just discussed for informational purposes only and no action was taken.

See transcript pages 20 – 34

Discussion of proposed changes to Chapter 515 Management of Solid Waste to include new regulations specific to the disposal of Per- and polyfluoroalkyl substances (PFAS) – Mr. Riley stated that the Department is proposing, for discussion only, to amend OAC 252:515 to include new rules applicable to the disposal of certain types of PFAS waste. The item was just discussed for informational purposes only and no action was taken. Following a lengthy conversation by the Council and the public, Ms. Merchant made a motion to establish a workgroup to discuss and work on better defining what the new rules and definitions are going to be that include PFAS waste. Ms. Reinhart made the second.

See transcript pages 34 – 61

Roll Call			
Todd Adcock	Yes	Jody Reinhart	Yes
Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Chris Schaefer	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Public Forum – No public issues were raised.

New Business – None

Adjournment – The next regular scheduled meeting will be on Thursday, September 9, 2021 in Oklahoma City, Oklahoma. Mr. Shepherd adjourned the meeting. The meeting was adjourned at 10:33 a.m.

See transcript page 64

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
PUBLIC MEETING

JULY 8, 2021 at 9:30 A.M.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

707 North Robinson
1st Floor, Multi-Purpose Room
Oklahoma City, Oklahoma

* * * * *

WORD FOR WORD REPORTING, L.L.C.
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REPORTED BY DEBRA GARVER, CSR, RPR

Page 2

A P P E A R A N C E S

1 Council Members:

2 Todd Adcock

3 Greg Phillips, absent

4 April Sacha

5 Jim Linn

6 Brenda Merchant, Vice Chair

7 Jody Reinhart

8 Jeff Shepherd, Chair

9 Robert Joyce

10 Christopher Schaefer

11 Rodney Cleveland, absent

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Page 3

P R O C E E D I N G S

1 CHAIRMAN SHEPHERD: This July 8, 2021, regular

2 meeting of the Solid Waste Management Advisory Council

3 was called in accordance with the Open Meeting Act.

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5 Notice was filed with the Secretary of State on

6 November 4th, 2020. The Agenda was duly posted on the

7 doors of the DEQ, 707 North Robinson, Oklahoma City,

8 Oklahoma, at least 24 hours prior to the meeting.

9 Only matters appearing on the posted Agenda may be

10 considered at this regular meeting. In the event that

11 this meeting is continued or reconvened, public notice

12 of the date, time, and place of the continued meeting

13 will be given by announcement at this meeting.

14 Only matters appearing on the Agenda of a meeting

15 which is continued may be discussed at the continued or

16 reconvened meeting.

17 Call roll.

18 MS. FIELDS: Mr. Adcock.

19 MR. ADCOCK: Here.

20 MS. FIELDS: Mr. Cleveland is absent.

21 Mr. Joyce.

22 MR. JOYCE: Here.

23 MS. FIELDS: Mr. Linn.

24 MR. LINN: Here.

25 MS. FIELDS: Ms. Merchant.

Page 4

1 MS. MERCHANT: Here.

2 MS. FIELDS: Mr. Phillips is absent.

3 Ms. Reinhart.

4 MS. REINHART: Here.

5 MS. FIELDS: Ms. Sacha.

6 MS. SACHA: Here.

7 MS. FIELDS: Mr. Schaefer.

8 MR. SCHAEFER: Here.

9 MS. FIELDS: Mr. Shepherd.

10 CHAIRMAN SHEPHERD: Here.

11 MS. FIELDS: We have a quorum.

12 CHAIRMAN SHEPHERD: Introduction of New Council

13 Member.

14 Chris Schaefer, welcome to the band.

15 Chris Schaefer has been working in the

16 environmental industry for almost 30 years. Chris is

17 sort of a hybrid engineer and geologist. He graduated

18 in 1991 from the South Dakota School of Mines with a

19 technology degree in geological engineering and a love

20 of the Black Hills.

21 He later received a master's degree from the

22 University of Tennessee at Chattanooga in mechanical

23 engineering with a concentration in environmental

24 engineering and a love of Appalachia. Chris is a PE in

25 both Oklahoma and Tennessee.

Page 5

1 In the early to mid '90s, Chris worked as a

2 consultant primarily investigating and remediating

3 petroleum underground storage tank releases in the

4 states of Wisconsin and Michigan.

5 Chris convinced his future wife to move to

6 southeast Tennessee so he could pursue a master's degree

7 and be close to the mountains. Being from Wisconsin,

8 her stipulation was that she would never be asked to

9 shovel snow again.

10 After getting his master's degree, Chris moved to

11 Nashville where he worked as a permit writer for the

12 Tennessee Department of Environmental Conservation in

13 the solid waste management division. Chris conducted

14 inspections and wrote permits for hazardous waste

15 facilities in the state.

16 Chris provided regulatory oversight for

17 designations and remediations at several types of

18 facilities, including facilities where releases of

19 chlorinated solvent, heavy metals, PCBs, and pesticide

20 to the environment had occurred.

21 Around 2004 or so, Chris moved to Oklahoma to be

22 near his parents. Since that time he has worked as a

23 geologist engineer for Cardinal Engineering and Enviro

24 Clean Cardinal and now AltaMira.

25 He has worked on several voluntary cleanup

Page 6

1 projects, ground-up projects, underground storage tank
2 projects, and other environmental site assessment-type
3 projects.
4 Chris has also worked with several landfill clients
5 and CCR clients, completing permit applications, permit
6 modifications, evaluating groundwater, including
7 groundwater statistical analysis.
8 Chris loves the mountains and hiking. He has a son
9 and a daughter. Unfortunately for him, he has passed
10 his love of the mountains on to his son and daughter.
11 His son has decided to move to Montana to be a
12 sophomore at Montana State University in Bozeman. His
13 daughter is looking at moving to either the northwest
14 mountains or to Maine when she has finished her senior
15 year in high school.
16 Welcome, Chris.
17 MR. SCHAEFER: Thank you.
18 CHAIRMAN SHEPHERD: All right.
19 Approval of the Minutes for the January 14, 2021,
20 Solid Waste Management Advisory Council Meeting.
21 MR. LINN: I'll move that.
22 CHAIRMAN SHEPHERD: Do I have a second?
23 MS. REINHART: Second.
24 MS. FIELDS: Mr. Adcock.
25 MR. ADCOCK: Yes.

Page 8

1 MS. DIXON: I just wanted to share few things
2 with you guys and then I'm going to kick it to Patrick
3 to finish out the director's report for solid waste
4 issues and other topics.
5 First, I wanted to talk to you guys about we're
6 back to work -- we're not back to work, we're back to
7 the office. So in June we all came back to the office.
8 The interesting thing about that that I thought you
9 might be interested in is we now have an official formal
10 telework policy. We demonstrated that telework would
11 work, and so throughout the agency employees work with
12 their managers to have an agreement, a formal agreement,
13 and people are teleworking, so up to three days a week,
14 depending on what their job is.
15 So that's a good thing. It's good for employee
16 morale, it's good for the environment, and it works. So
17 as long as it works, we're going to keep doing it. We
18 are back to in-person inspections all over the place,
19 too. So that's changed and that's going to continue.
20 The other interesting thing about employee morale
21 is we have a new policy "Dress for your day." People
22 can wear jeans. If they don't have a meeting like this,
23 they can show up in jeans. And that makes people very,
24 very happy. For some reason, great for morale. People
25 love that.

Page 7

1 MS. FIELDS: Mr. Joyce.
2 MR. JOYCE: Yes.
3 MS. FIELDS: Mr. Linn.
4 MR. LINN: Yes.
5 MS. FIELDS: Ms. Merchant.
6 MS. MERCHANT: Yes.
7 MS. FIELDS: Ms. Reinhart.
8 MS. REINHART: Yes.
9 MS. FIELDS: Ms. Sacha.
10 MS. SACHA: Yes.
11 MS. FIELDS: Mr. Schaefer.
12 MR. SCHAEFER: I'll abstain from this one.
13 MS. FIELDS: Mr. Shepherd.
14 CHAIRMAN SHEPHERD: Yes.
15 MS. FIELDS: Motion passed.
16 CHAIRMAN SHEPHERD: All right. Item Number 5,
17 the Director's Report.
18 Who's subbing in for the director?
19 MS. DIXON: I'm the director.
20 CHAIRMAN SHEPHERD: Okay. Just checking.
21 MS. DIXON: Good morning, everyone. It's great
22 to see everyone in person again. Seems like it's been
23 way too long.
24 Welcome aboard, Chris.
25 MR. SCHAEFER: Thank you.

Page 9

1 I also wanted to cover some personnel changes that
2 we've had. You guys remember Fenton Rood. Well, he
3 retired last November 1. He's been replaced now with a
4 fellow who doesn't play the guitar, doesn't sing.
5 Cliff Hoyle is here.
6 You want to raise your hand or stand up?
7 Cliff has the distinction of having a degree from
8 OU and a degree from OSU, so he's a house divided in
9 himself. And one of his degrees is in (inaudible), so
10 he hit the ground running and we're happy to have him on
11 board.
12 We have a few other staff changes. A lot of people
13 are retiring in the agency. Our board is getting
14 younger all of a sudden.
15 We had in our division a tragedy. One of our
16 employees died unexpectedly in March. You guys may or
17 may not know Ray Roberts. He was manager of our PCP
18 program and work on groundwater risk. So that was a
19 shock and hard to deal with.
20 And we've just eventually found a replacement for
21 him in our own shop, and that's Amy Brittain. Some of
22 you guys know Amy. She comes from the Superfund
23 program. She's worked in that for a long time. She's
24 really active in that. So you might see her if you have
25 any dealings with the voluntary cleanup program.

Page 10

1 One other notable retirement and change is in the
2 administrative services division. There was a
3 retirement of the assistant director, so the CFO Kathy
4 Aebisher -- you've guys have seen before in front of the
5 council -- is still the CFO, but she's also the
6 assistant director. So we sort of put two jobs into one
7 and had some cost savings there.

8 So those are some of the big changes that we have
9 in our agency.

10 Legislation. Some key legislation you might be
11 interested in, the -- you guys may not even know much
12 about this, but the employee merit system is going away
13 effective December 31st.

14 And so our ability to hire and fire is going to be
15 more nimble and quick, and that's probably a good thing.
16 We still don't really know what it's going to look like,
17 what the new system is going to look like, but we think
18 it's probably a good thing. So that's happening.

19 And then specific for our division, there's a
20 couple statutory changes. We got rid of our hazardous
21 waste disposal plans and reporting requirements for
22 hazardous waste, so that was a regulatory burden that we
23 got rid of.

24 We also increased the per-tonnage disposal fee
25 because of that change so we could be revenue neutral.

Page 12

1 drinking water systems and three wastewater systems that
2 aren't totally back up to snuff yet.

3 So, anyway, I think the story there is just the
4 dedication of our staff to work to keep people's
5 drinking water safe. And I think that's just a great
6 story.

7 And I'm going to end with a reminder that the
8 National Brownfields Conference is going to be here in
9 Oklahoma City in December, December 11th -- 8th through
10 11th. And it's at the new convention center.

11 And I would encourage you guys to attend if you
12 can. It's a great place to network and to learn about
13 really great things that are happening in the cleanup
14 and redevelopment world.

15 So I'm going kick it on to Patrick to share what he
16 has to share unless you guys have any questions for me.

17 MR. PATRICK RILEY: Good morning. I'm going to
18 talk a little bit more about the advanced plastic
19 recycling bill that passed that Kelly mentioned.

20 So this is kind of an interesting change in that,
21 you know, we've always allowed source-separated recycled
22 material to be excluded from solid waste, but this --
23 passing this legislation makes it a -- defines advanced
24 plastics recycling as a process that takes post use
25 polymers and breaks them down into basic hydrocarbon

Page 11

1 And then in the solid waste realm, advanced recycling,
2 plastic recycling bill passed. You guys might have been
3 paying attention to that. And it basically confirms
4 that recycling source-separated plastics is not a
5 permitted activity in solid waste.

6 So those are the legislative changes I thought you
7 might be interested in.

8 I want to tell you a little story about February --
9 the month of February. You guys remember the big
10 freeze. So this is a good story in a way. That freeze
11 had a horrible impact on our public water and wastewater
12 systems.

13 They pumps were breaking. Things were failing left
14 and right. At the end of the day, there were over 255
15 public water systems that were affected. Thirty
16 wastewater systems were affected.

17 The good story, though, is water quality division,
18 our local services division, and our lab worked 24/7.
19 When we were all hunkered down trying to stay warm, they
20 were out in the field working with municipal
21 governments, the tribal governments, with Rural Water
22 Association to get things back in the running, to get --
23 to issue boil letters so people knew what was safe to
24 drink, not safe to drink.

25 And to this day, there's still three systems --

Page 13

1 components.

2 The interesting about this is it's different from
3 traditional recycling that you think of where you take
4 plastics and you might shred it, melt it, make it into
5 something new.

6 This actually breaks it down into individual
7 monomers that can be reassembled into different things.
8 So it's -- it would be interesting to develop something
9 like that, especially in Oklahoma. It helps promote a
10 circular economy and reuse of plastics, especially those
11 with resins that are hard to recycle.

12 The plastics I and II that recycle quite a bit, but
13 the other resins, it's mixed plastics (inaudible), so
14 it's many that may provide a solution for that.

15 The only concern that I would mention is that we
16 either watch it carefully to make sure it's done
17 correctly and done by reputable companies. As you may
18 recall, roofing material and tires are also
19 source-separated recyclable materials and have led to
20 some issues over the years.

21 So we'll watch it and see, but we're optimistic
22 that this is going to be a new and beneficial thing for
23 Oklahoma.

24 Next, I'll talk just a little bit about coal
25 combustion residuals because it's a solid waste council

Page 14

1 meeting and we can't not talk about CCR. It's not an
2 agenda item because there's really not that much to say,
3 but just a few updates.
4 The EPA's -- or water keeper's lawsuit against EPA
5 for Oklahoma's approval is still in court. It's working
6 its way through. We'll see, or not. We're not really
7 concerned that it's going to have an impact on us, but
8 it's still playing out.
9 The federal rule has evolved over the years since
10 it was -- came out in 2015. I think it's been that
11 long. And so, as you know, our Oklahoma rules have
12 evolved, too, so it's getting better all the time.
13 Because we made the changes -- as you remember, we
14 made changes to our rules that were effective or will be
15 effective later this fall -- we need to seek
16 reauthorization from EPA for our program so that process
17 will start in the fall, too. And we'll require a public
18 meeting by EPA to again approve our program.
19 They're looking at beneficial reuse and potential
20 changes to that. The federal rule -- again, I don't
21 think it's going to have much impact on us.
22 And then the other thing is that EPA has hired
23 contractors to review compliance. So they have
24 contractors looking at utilities' websites to make sure
25 that they are complying with the rules and requirements

Page 16

1 Region 6 EPA by September 20th of this year.
2 It's hoped -- our hope is that air quality's state
3 implementation plan will become effective and operate in
4 lieu of the federal plan, but until that happens we're
5 subject to the federal plan.
6 If you have specific questions about it, it's
7 probably best to talk to someone in air quality because
8 they understand the rules better than we do in solid
9 waste. And I can help you with finding the right person
10 to talk to.
11 The last thing I'll talk about is solid waste
12 funding opportunities. Again, in our September meeting,
13 we'll talk more about revenue and spending over the past
14 year, but at this time of the year the change -- or end
15 of one fiscal year and starting a new one, we're
16 wrapping up our projects from FY '21, starting new ones
17 for '22.
18 We value our partnerships with the interagency
19 agreements that we have, with municipal and county
20 governments and with nonprofits and some of the work
21 that they do to accomplish our shared mission, which
22 kind of leads us into our next agenda item.
23 And I'll let you introduce that, Jeff.
24 If there are any questions about anything that I
25 talked about.

Page 15

1 and looking at what they are posting.
2 So we get calls every once in a while from EPA
3 asking questions. This is something that we're --
4 that's new to us, so we're going to kind of watch and
5 see how that develops.
6 The next thing that you may be interested in is
7 there are new federal landfill gas emission regulations
8 for municipal solid waste landfills.
9 On the federal level, EPA implemented a new federal
10 implementation plan. Our air quality folks are working
11 on a state implementation plan, and they are working on
12 rules.
13 Our next regularly scheduled council meeting in
14 September -- solid waste council meeting will have air
15 quality come and talk some more about that, about what
16 that means.
17 It's a fairly small universe of affected landfills.
18 Many are -- it applies to those that have not
19 restructured or modified after July 17, 2014, and have
20 not installed gas collection control systems. So
21 there's a small universe of affected landfills and we'll
22 share more about that in September.
23 One thing that you may be interested in is that,
24 for those landfills that are subject to this, they need
25 to file updated initial design capacity reports with

Page 17

1 CHAIRMAN SHEPHERD: Are there any questions for
2 Kelly and/or Patrick?
3 MR. TODD GREEN: Yes. What was the meeting
4 that was referenced -- or the conference referenced in
5 December, networking that you mentioned?
6 MS. DIXON: It's the National Brownfields
7 Conference.
8 MR. TODD GREEN: And when is that?
9 MS. DIXON: December 8 through 11.
10 MR. TODD GREEN: Thank you, so much.
11 MS. DIXON: You can go on our web page and find
12 information on it.
13 CHAIRMAN SHEPHERD: Any other questions?
14 (No response.)
15 CHAIRMAN SHEPHERD: All right.
16 Thank you, Kelly and Patrick.
17 Item number 6, presentation of Keep America
18 Beautiful State Agency Partnership Award.
19 MS. JEANETTE NANCE: Mr. Chairman, members of
20 the council, I'm Jeanette Nance, the executive director
21 of Keep Oklahoma Beautiful. And as a state agency, we
22 have -- one of the state agencies we have a partnership
23 with, we work closely with you in many of our programs
24 and our successful programs have earned the partnership
25 award with Keep America Beautiful.

Page 18

1 This is a big deal. I want all of you to know this
2 is a big deal. We are only one of five out of 177
3 affiliates of Keep America Beautiful that have national
4 state partnership awards for their state agencies. You
5 share this honor with the Department of Transportation
6 and The Turnpike Authority.

7 So this is for our partnership in ensuring that all
8 of our registrants, which there is at least one in every
9 county in Oklahoma, get their supplies to hold cleanup
10 events; that those supplies are trash bags and vests and
11 gloves and T-shirts and water for their volunteers.

12 So the supplies that we provide for free to
13 community groups to the volunteers cleaning up our state
14 parks, local parks, roadsides, and highway roadsides,
15 and shorelines at our state lakes.

16 There are in excess of 40,000 volunteers cleaning
17 up literally tons. The last noted calculation on that
18 was 2.5 million pounds of trash. Keep in mind, this
19 program is only three months long, and only about half
20 of the registered groups report back how many volunteers
21 they had, working how many hours, and how many pounds of
22 trash they picked up. So imagine 2.5 million pounds in
23 three months, and that's not all that happened.

24 So thank you so much for helping make this
25 successful whether the poundage was reported or not. We

Page 20

1 are in the audience.

2 (Off record briefly for photo.)

3 MR. PATRICK RILEY: If I could just add a
4 little bit to what Jeanette said to comment on the value
5 of the partnership we have with KOB. It's not
6 insignificant that they are working in all 77 counties
7 of the state and work with so many of our other partners
8 in bringing us together in collaboration. It's really
9 an effective use of our funding and helps us accomplish
10 our mission.

11 Just one example: We recently held a House of
12 Hazardous Waste entire collection at Wellston. So KOB,
13 The Turnpike Authority, and DEQ teamed up to make that
14 event happen and collected tons of material.

15 The most common material was used oil and liquid
16 pesticides, which, obviously, we don't want disposed
17 improperly.

18 So just another endorsement of that partnership.

19 CHAIRMAN SHEPHERD: Well, thank you, Jeanette.
20 I appreciate it.

21 All right. Moving on to Item Number 7. Discussion
22 of proposed changes to Chapter 515, Management of Solid
23 Waste. The Department of Environmental Quality is
24 proposing to make revisions to OHC 252:515 to respond to
25 Governor Stitt's Executive Order 2020-03 to remove

Page 19

1 couldn't do that without you.

2 DEQ also supports our litter education program
3 teaching children at every level -- elementary, middle
4 school, high school, and college -- behavior change on
5 how to ensure that they will grow into non-littering
6 adults.

7 You also assist us in our annual award banquet that
8 recognizes all the communities and individuals and
9 companies that participate in our mission statewide.

10 So we honor you by nominating you for this national
11 recognition. It's usually given in person, but -- this
12 is for 2020 and that in-person presentation is usually
13 made the end of January, first of February, and we all
14 know we didn't gather then. So they shipped it to me
15 and I'm here to present it to you now.

16 And for Keep America Beautiful and Keep Oklahoma
17 Beautiful, I would love it if you would let me invite
18 the board members that I have in the audience to join us
19 and take a picture of the presentation.

20 CHAIRMAN SHEPHERD: Okay. All of us?

21 MS. JEANETTE NANCE: That's up to you.

22 CHAIRMAN SHEPHERD: Okay.

23 MS. JEANETTE NANCE: Usually the Department of
24 Transportation has the chairman of the council or board
25 and the director and then any board members of mine that

Page 21

1 redundant and outdated regulations and make minor
2 changes to clarify existing language.

3 MS. KAYLEE SHIPLET: Good morning, everyone.
4 My name's Kaylee Shiplet, and I am a department engineer
5 in the solid waste department here at DEQ, and I will be
6 talking about the proposed changes.

7 So last year Governor Stitt issued an executive
8 order requiring state agencies to review all
9 administrative rules with the intent of improving and
10 streamlining them. So we reviewed our solid waste rules
11 here and we found a lot of suggested changes, so we will
12 be presenting some of them today and some of them in the
13 September meeting, and then voting on them in January.

14 And the changes we want to talk about today are the
15 simpler changes, the redundant ones, the outdated ones.

16 So if you look at in your packet, in the fourth tab
17 you'll find the overview. It's a table of all the
18 changes and why we want to change them. And then you'll
19 find the full rule on the third tab if you want to look
20 at them in more detail.

21 So I'll start going through them.

22 So the first rule we're proposing to change is the
23 definition of "used tire" because it's already stated
24 somewhere else. So that's redundant.

25 And then the next two are outdated. One refers to

Page 22

1 180 days after the effective date of this chapter 515
2 188.
3 And then C refers to one year after the effective
4 date of this chapter, which has passed.
5 And then after that, this didn't make it into the
6 table, but 17.3, we're proposing to remove B2 because it
7 is kind of duplicative. It's -- the storm water should
8 be already covered elsewhere under other permits and
9 plans.
10 And then after that, we have this low correction.
11 We're proposing to remove the last two sentences because
12 it's unnecessary. It outlines what will happen if you
13 don't follow the rule, which we don't have in any of the
14 other rules. So that's unnecessary.
15 And then moving on to wheel washes, wheel wash
16 funding has been revoked, so those rules are unnecessary
17 now.
18 And then under regulated medical waste management,
19 we're proposing to revise B or adding this at the end,
20 "unless otherwise approved by DEQ," because we have
21 approved medical waste facilities recently permitted to
22 take other things besides regulated medical waste, such
23 as medical marijuana.
24 And then the next thing we are proposing to change
25 is in the date for -- or the rule where we're saying

Page 24

1 (No response.)
2 CHAIRMAN SHEPHERD: All right. What action do
3 we need to take today? None?
4 MR. PATRICK RILEY: No.
5 CHAIRMAN SHEPHERD: I guess we'll --
6 MR. PATRICK RILEY: Yeah, it's just for
7 discussion today, and we'll have another opportunity to
8 discuss it in September. And then we'll prepare the
9 formal rule-making documents and formal text and present
10 that for a vote in January.
11 CHAIRMAN SHEPHERD: Okay. Why did we just not
12 bring them all to this meeting?
13 MR. PATRICK RILEY: There are a lot, and we
14 thought it would be better to break it up into a couple
15 pieces so we're not making them all at once. We thought
16 you might have questions about it, so.
17 CHAIRMAN SHEPHERD: I don't think these are the
18 ones we have questions about.
19 MS. REINHART: And we're not seeing -- in terms
20 of coming from our solid waste people, so. There's a
21 couple here being represented, so.
22 What other type changes are you looking at on
23 housekeeping?
24 MR. PATRICK RILEY: Well, so the rules we
25 proposed today were the simplest changes, mostly just

Page 23

1 that April 9th should be -- or April 1st should be
2 changed to April 9th each year.
3 We're just proposing to remove this and we will
4 just change that date every time it's mentioned in these
5 rules. I think it's like eight times. So we'll just
6 change that.
7 And then after that, you have the roofing material
8 recycling rules, and these are all duplicative. They're
9 already stated elsewhere in the rules.
10 And I think that's all of them.
11 CHAIRMAN SHEPHERD: Thank you.
12 Does anyone on the council have any questions or
13 comments?
14 (No response.)
15 CHAIRMAN SHEPHERD: So this is just some
16 housekeeping, isn't it?
17 MS. KAYLEE SHIPLET: Yeah. Yeah, we're just
18 discussing them today, and we'll have more rules to
19 discuss in the September meeting. And then we'll be
20 voting on them in January.
21 CHAIRMAN SHEPHERD: There's more rules that are
22 changing?
23 MS. KAYLEE SHIPLET: Yes.
24 CHAIRMAN SHEPHERD: Okay. All right.
25 Any questions comments or discussion by the public?

Page 25

1 deletions. We have some rules that we've looked at that
2 are -- may be a little confusing or could be improved.
3 So we're going to draft some more careful language and
4 present that for review. And I think that will generate
5 more discussion than these will.
6 These pretty much are basically deletions of
7 redundancy for the most part, and the others we'll have
8 more discussion about, I think.
9 So we'll have a list for you next meeting.
10 MS. MERCHANT: Of the proposed language?
11 MR. PATRICK RILEY: Yes, we will.
12 MS. MERCHANT: Okay.
13 MR. TODD GREEN: I have a question.
14 CHAIRMAN SHEPHERD: Can you come up here,
15 please.
16 MR. TODD GREEN: Todd Green with American
17 Environmental Landfill, and just wanted to ask, with
18 regards to what we're talking about, has there been any
19 major discussion on clarification or stance from the
20 ODEQ regarding medical marijuana acceptance.
21 We know what the OMMMA has put out, and we'd kind of
22 like clarification. Carl would agree that there needs
23 to be a stance from the DEQ regarding medical marijuana.
24 So that being said, I just don't know if there's a
25 response to that.

Page 26

1 MR. PATRICK RILEY: So medical marijuana is an
2 interesting waste issue to say the least.
3 MR. TODD GREEN: As you know, we were the only
4 permitted landfill facility for the medical marijuana.
5 We chose to stop taking it during the course of that
6 permit because of the confusion of the rules and
7 regulations regarding transporting of it, those types of
8 things. And it's just very confusion.
9 And I think Pete and all of us look at the fact
10 that we're going to have to look at our waste exclusion
11 plans in some form or fashion, modify them, in hopes
12 that the Department would give us clarification.
13 MR. PATRICK RILEY: The Oklahoma Medical
14 Marijuana Authority has rules that apply to disposal.
15 As you know, we don't have any solid waste rules for
16 medical marijuana. That's something we talked about.
17 The industry is so new that at the time when it
18 first came out, we thought it's just too soon to start
19 writing rules because we don't know exactly what the
20 industry is going to look like, what water issues we're
21 going to have to clarify. I think now maybe we're in a
22 better position to do that.
23 We have been in talks with OMMa and are trying to
24 figure out what -- where the lines are, jurisdiction and
25 authority, and how we can work together to make it -- to

Page 28

1 CHAIRMAN SHEPHERD: Where is this waste going
2 now?
3 MR. TODD GREEN: Everywhere.
4 CHAIRMAN SHEPHERD: Is it going to landfills?
5 MR. TODD GREEN: Everywhere.
6 CHAIRMAN SHEPHERD: So why do we need special
7 rules? It's a waste, right? If it's dumped in a
8 container out in the back of the --
9 MR. TODD GREEN: Do we consider it a waste in
10 the DEQ from a RCRA standpoint?
11 CHAIRMAN SHEPHERD: I would think so.
12 MR. TODD GREEN: Why?
13 CHAIRMAN SHEPHERD: I mean, it's thrown in a
14 trashcan. If it's thrown in a trashcan and goes into a
15 dumpster, then it becomes waste. If Waste Connections
16 picks it up and takes it to their landfill, what's wrong
17 with that?
18 MR. TODD GREEN: If it's from a dispensary and
19 you have medical marijuana products that have been
20 placed in that dumpster and then they are showing up at
21 the landfill that is not approved by the OMMa as a
22 disposal facility, you got medical marijuana products
23 being disposed of in a landfill regulated by the DEQ and
24 in violation with OMMa.
25 CHAIRMAN SHEPHERD: Why does OMMa have rules

Page 27

1 add some clarity to disposal.
2 And at that point it may be something that we'll
3 bring back to you guys with some suggested rules. If
4 you guys think it's beneficial, sure, we can look at
5 that.
6 MR. TODD GREEN: I do. Thank you very much.
7 CHAIRMAN SHEPHERD: As it relates to that, I
8 mean, are we trying to make this too difficult for the
9 medical marijuana disposal?
10 MR. PATRICK RILEY: No.
11 (Laughter)
12 CHAIRMAN SHEPHERD: Okay.
13 MR. PATRICK RILEY: And, I mean, that's -- you
14 know, I can't speak for OMMa and what their rules are
15 and how they affect the industry. I think that we've
16 kind of taken a stance as, you know, we need to wait and
17 see how it enters our regulated universe before we jump
18 in and try to regulate it.
19 So I think that, as far as from our -- from DEQ's
20 perspective, I think we've kind of -- we've been very
21 fair, not too strict, obviously, because we haven't
22 written any rules. We're not trying to overregulate,
23 certainly.
24 So, to your question, I don't think we're making it
25 too complicated.

Page 29

1 for disposal? Wouldn't it just fall to the DEQ to
2 regulate the disposal of --
3 MR. PATRICK RILEY: From our perspective,
4 it's -- you know, it's plant-based material. It's like
5 food waste, depending on how they -- edibles would be
6 food waste, I would assume --
7 MR. TODD GREEN: It grows naturally.
8 MR. PATRICK RILEY: So it's not -- so that's
9 kind of how we look at the waste. The thing that makes
10 it unique are the extra requirements and controls placed
11 on it by the OMMa.
12 So I think they're wanting to track where it
13 starts, you know, kind of cradle to grave to make sure
14 it's not diverted. So that's why they have attempted to
15 regulate disposal.
16 But as far as public health or, you know,
17 protection of the environment or people, from DEQ's
18 perspective, it's perfectly fine to go to a MSW
19 landfill.
20 Do other states that have medical marijuana or
21 legal marijuana dispensaries, like Colorado or
22 Washington or Oregon that have been doing it longer than
23 us, what -- they don't -- is there -- do they do
24 anything special?
25 MR. TODD GREEN: They render it unusable at the

Page 30

1 site. There's shredding operations, mixing operations,
2 things like that. And then it's landfilled accordingly
3 with approval from the state. So a very simple
4 solution.

5 CHAIRMAN SHEPHERD: Seems simple to me.

6 MR. TODD GREEN: But we have an OMMA authority
7 here, and that's the situation. As Patrick notes, it's
8 a conflict. We've actually had roll-offs from a grower
9 that was supposed to be the stuff we -- you know,
10 everybody -- the root balls and stems and leaves and
11 those kind of things.

12 And, of course, what you're finding now is full
13 plants that just didn't have the potency, didn't test
14 for potency for the sale at the dispensary. So it
15 wasn't good enough, so they threw the whole batch away.

16 So here you have medical -- we've got medical
17 marijuana that's regulated on a seed-to-sale tracking
18 system by the OMMA, and yet it's coming in a roll-off
19 box to a landfill that's regulated by the DEQ.

20 And we are not any longer a permitted disposal site
21 for OMMA, nor under their current regulations do we want
22 to be.

23 CHAIRMAN SHEPHERD: Is that the same for you,
24 Carl?

25 MR. KARL EVANS: I don't know very much about

Page 32

1 roll-off box, it's up to the transporters and the DEQ to
2 take it to a landfill. It's -- at worst, it's NHIW.

3 MR. TODD GREEN: (Inaudible) say, oh, it's
4 good, you know.

5 MR. ADCOCK: At worst, it's NHIW. Track it
6 with a manifest and there you go, so. At worst, so.

7 MS. MERCHANT: There are just -- as Jeff was
8 saying, there are states currently that have outlined
9 what to do with this waste to where it can be disposed
10 of in landfill. And if the only available sites are in
11 Davis and where you're located, this is going to go
12 everywhere. And I'm sure it is.

13 MR. TODD GREEN: There's a whole black market,
14 literally, on medical marijuana from the dispensaries.
15 At night, from the stuff that's going into the
16 containers, people are meeting, getting product. You
17 have no idea. It's a whole business. It's a whole
18 criminal enterprise.

19 MS. MERCHANT: Well, requirements like in
20 Colorado, for instance, I mean, if you're a dispensary,
21 you've got to mix it with coffee grounds or you have
22 to -- you have to mix it in such a way that it can't be
23 reused. And then it goes in the garbage truck and goes
24 to the landfill. So there's stuff out there.

25 CHAIRMAN SHEPHERD: Okay. We'll tackle that

Page 31

1 it. It really hasn't come up.

2 MR. TODD GREEN: Well, they're not capable of
3 being one of the disposal sites because one of the OMMA
4 rules is that you have to be 75 percent owned by an
5 Oklahoma entity.

6 CHAIRMAN SHEPHERD: What?

7 Todd, are you the only legal --

8 MR. TODD GREEN: The only legal -- Davis could
9 do it if he wanted to.

10 MR. ADCOCK: It's a \$5,000 application fee and
11 there's only -- they said, what, ten were going to be
12 awarded initially? And there was no guarantee that you
13 were going to get it after a \$5,000 application, so --
14 (Reporter interruption.)

15 MR. ADCOCK: I agree with Todd. It's
16 confusing. It's hard to discern what's coming in. I
17 mean, we review with our landfill staff, we review our
18 waste exclusion plan and how to identify certain waste
19 streams.

20 And, you know, we've let our staff know, listen,
21 we're not supposed to take this, so, you know, we watch
22 and talk with our companies that bring in the roll-offs.
23 In our company, we just watch it.

24 But I agree with Todd. It should fall on -- I
25 think it should fall on DEQ. And once it hits a

Page 33

1 whenever it comes up, I guess.

2 MR. ADCOCK: Sounds good.

3 MR. JOYCE: So is this one change in
4 Section 2331 -- unless otherwise approved, is that
5 specifically directed at medical marijuana or does it
6 need to be that broad?

7 MS. KAYLEE SHIPLET: It's not specifically
8 directed at medical marijuana. I permitted a facility
9 last year and allowed them to take pharmaceutical
10 records, I believe, so it's just we had added that
11 sentence at the end of that rule to update it just
12 because we are allowing these facilities to make more
13 regulated medical waste.

14 MR. JOYCE: So is there -- what state are you
15 using to make the decision whether it can be accepted or
16 not?

17 MR. PATRICK RILEY: I think, just like any
18 other waste facility, the proposed method of disposal in
19 what the material is, we use standard engineering
20 practice and compliance with our rules.

21 In the -- it was -- when you have this restriction
22 that only medical waste can be taken at a medical waste
23 facility, you know, if someone wants to recycle
24 cardboard, for instance, and that's now -- so that's a
25 conflict, or if they want to take medical records and

Page 34

1 shred them and provide a one-stop service as a vendor to
2 a healthcare facility, for instance, then collecting
3 those medical records and taking them back for disposal
4 would be prohibited.

5 So this releases some of the burden from those
6 types of facilities, if it makes sense to do so, but in
7 their application they would specify what it is that
8 they want to accept, how they're going to dispose of it,
9 and then we would make a determination if that was
10 appropriate.

11 MS. MERCHANT: So, in other words, if I'm
12 servicing a hospital and they are segregating their
13 medical waste, their red-bagged, their bodily fluids,
14 their whatever, their ordinary waste, like from a
15 cafeteria, that sort of thing, this allows more clearly
16 for that to take place?

17 MR. PATRICK RILEY: Yeah. It would allow them
18 to accept both types of waste streams.

19 MS. MERCHANT: Gotcha.

20 CHAIRMAN SHEPHERD: Anything else?
21 (No response.)

22 CHAIRMAN SHEPHERD: All right. We'll move on.
23 Item Number 8, discussion of proposed changes to
24 Chapter 515 management of solid waste to include new
25 regulations specific to the disposal of per and

Page 36

1 and disposal facilities are part of that cycle.
2 I'm sure you would agree that, since we regulate
3 disposal, then this is -- makes sense for us to consider
4 ways that we can improve the management of this type of
5 waste to be more protected.

6 If you accept that, then I'll move on to how we're
7 going to do it or how we propose. And one of the first
8 challenges is to define the PFAS waste stream of
9 concern.

10 And this -- the universe of PFAS waste is broad,
11 and there are many, many different types. And part of
12 the challenge is to identify those types of waste that
13 are problematic or that we're concerned with.

14 We've agreed from the beginning that we're not
15 concerned with the consumer products that contain PFAS
16 that are ubiquitous in disposal of waste streams. This
17 is -- as I'm sure you know, PFAS found its way into all
18 kinds of consumer products because of its ability to
19 repel water and oil and stain resistance and
20 slipperiness.

21 It's a great product except that now I think there
22 may be now some health concerns related to exposure. So
23 if we can define what waste streams we're concerned
24 about, those that we would consider to be high
25 concentrations -- and we'll talk more about that when we

Page 35

1 polyfluoroalkyl substances, PFAS.
2 The department is proposing for discussion only to
3 amend OAC 252:515 to include new rules applicable to the
4 disposal of certain types of PFAS waste.

5 MR. PATRICK RILEY: I figure I'll let Kaylee
6 talk about this too, because --
7 (Laughter)

8 MS. KAYLEE SHIPLET: Patrick's got it.

9 MR. PATRICK RILEY: Okay. Let me share a
10 little bit about why we're doing this and how we put
11 these rules together.

12 So, as you may recall or may be aware, there was
13 some legislation proposed by the DEQ earlier this year,
14 that did not make it out of committee, to make some
15 changes and to require regulation of PFAS waste.

16 Since the legislation didn't go through, we made a
17 decision to propose some rule making. And the reason
18 why is that I think we would all agree that disposal
19 some types of PFAS waste, especially high-concentration
20 waste, may not be appropriate for some disposal
21 facilities.

22 It's DEQ's mission to protect people and protect
23 the environment. Disposal is a significant part of the
24 PFAS life cycle, if you will. These are forever
25 chemicals that are -- that cycle through the environment

Page 37

1 do the rule -- then we need to figure out what it is the
2 disposal facilities need to do.

3 And one of the things that we decided was that
4 disposal facilities should demonstrate that they can
5 manage this material -- if they choose to accept it,
6 that they can manage it appropriately and be protected.

7 We also want to ensure that generators of
8 industrial waste -- of this type of industrial waste
9 clearly characterize and disclose PFAS content so that
10 the disposal facilities that are receiving this waste
11 know what they are getting.

12 The last thing we want is for PFAS generators to
13 try and convince a landfill that, hey, this is just
14 ordinary waste and it's not a concern. So we want the
15 generators to be responsible for that.

16 We want to add criteria for PFAS waste that may
17 originate out of state and come into Oklahoma. We
18 already have some out-of-state waste regulations, but we
19 want to add some PFAS specific ones to that because
20 we're seeing PFAS waste generated in other states and
21 moved to or proposed to be disposed of in Oklahoma.

22 This is a rapidly developing kind of concern across
23 the country. There are a lot of facilities that are
24 refusing this type of material. Different states are
25 taking action to control it.

Page 38

1 So we anticipate that this waste may become
 2 transient and may be -- as generators are shopping
 3 around for disposal options, they may look to Oklahoma.
 4 And the last thing that we want is for Oklahoma to be
 5 the dumping ground of all this waste for the country.
 6 Just as a parenthetical example, when I was doing
 7 some research I came across Alaska's Department of
 8 Environmental Quality web site, and their
 9 recommendations on disposal of AFFF, which is a type of
 10 firefighting material that contains PFAS, their
 11 recommendations was to ship it to a landfill out of
 12 state. So that's the kind of thing that we're seeing.
 13 And so -- not that I anticipate getting a lot of
 14 waste from Alaska, but if that's the attitude that other
 15 states are taking, then we want to be prepared to make
 16 sure that our disposal facilities are poised to accept
 17 the waste in a protected manner.
 18 Finally, we -- it wouldn't make sense for us to
 19 consider rules for this type of waste without
 20 considering potential impact on groundwater and whether
 21 or not we want to change the current groundwater
 22 monitoring parameters and requirements to add PFAS in
 23 some way.
 24 So as you look at these rules, there are some
 25 suggestions and some suggested language that would add

Page 40

1 We had then in 9-31 some background water quality
 2 considerations.
 3 In 1931, prohibited waste, we add that the disposal
 4 of any quantity of PFAS waste without an approved plan
 5 is prohibited.
 6 19-34 talks about -- or adds a requirement that
 7 disposal facilities that receive any amount of PFAS
 8 waste from out of state or any amount of waste defined
 9 as hazardous waste in the state of origin must be
 10 equipped with a liner leachate collection system. And I
 11 think most landfills are.
 12 There are some that are still operating on clay
 13 liners that might be able to take NHIW, and we want to
 14 take it clear that that's not appropriate.
 15 We added a comment about incinerations, that they
 16 must have an approved PFAS disposal plan. There is one
 17 waste energy facility in Oklahoma.
 18 In subchapter 29, waste exclusion plans, change in
 19 applicability for all land disposal facilities, transfer
 20 stations.
 21 And so one thing that EPA proposed for managing
 22 PFAS waste was the storage of PFAS waste until we can
 23 figure out how to manage it better, which is kind of an
 24 odd thing, but there was a recommendation that came out
 25 in one of their guides documents.

Page 39

1 some monitoring for this type of material.
 2 Again, we are starting -- this is a starting point,
 3 and the rules that you have before you are a draft and
 4 for consideration. I would anticipate that we may
 5 receive a lot of input.
 6 We've had some informal discussions with the
 7 regulated community, both national companies and small
 8 independent operators, municipal operators, to talk
 9 about this, in part, to get some idea of what's
 10 happening in the industry, but also to raise awareness
 11 with some of those facilities that may not necessarily
 12 have this on their radar.
 13 But I would anticipate that and welcome input from
 14 the regulated community about these rules, and I think
 15 that if we start here, we can arrive somewhere with a
 16 set of rules that improves management of this type of
 17 waste and is something that we can all live with.
 18 So, that being said, I would point to the set of
 19 rules that you have in your packet behind tab number 5.
 20 And the first page is just a summary of the different
 21 sections in 515 that are proposed for revision.
 22 Behind that first page, we get into the full text
 23 and underline strikeout of admissions, but the first
 24 thing we're considering doing is adding a definition of
 25 PFAS waste.

Page 41

1 So one thought that we had is that in the perhaps
 2 unlikely event that someone went into the business of
 3 creating a facility strictly for storing PFAS waste, we
 4 want them to pass applicability. We want some of these
 5 rules to apply to them too. So a processing facility
 6 applicability is added here.
 7 Generator requirements, we added the thought that
 8 we want the NHIW certification form to include a note
 9 that waste contains PFAS.
 10 And we're also proposing for consideration that
 11 there may be another additional reporting form required
 12 if there is PFAS ways to better define and characterize
 13 it. We haven't yet generated that form yet, but it's
 14 something that we're contemplating.
 15 And then finally, the disposal facility
 16 requirements, most require a disposal facility to have a
 17 PFAS management plan. The plan would define the source,
 18 type, transporter, method of management, and
 19 demonstration that the facility can manage it in a way
 20 that's protected.
 21 And we can sort out all the details of what might
 22 be included in that kind of plan, but those are the
 23 basics. So, basically, we want to know that whatever
 24 facility is taking that waste, that they can manage it
 25 appropriately.

Page 42

1 So that's the summary. And I know there's a lot
2 there to consider, so maybe we'll stop here and see
3 which part of this you guys want to dive into and then
4 maybe hear some input from the audience.
5 CHAIRMAN SHEPHERD: All right. Thank you,
6 Patrick.
7 Any questions or comments from the council?
8 MR. SCHAEFER: Has there been consultation or
9 discussions with state laboratories to see whether or
10 not they're going to have any trouble analyzing for PFAS
11 and complying with the (inaudible) and stuff?
12 MR. PATRICK RILEY: Yes. So that's a really
13 good question. We're talking to -- we've been talking
14 to our lab, our lab's talked to some others. A lot of
15 it depends on what compounds you're looking for, what
16 methods you're using, and what levels you want to --
17 what protection levels you want to use.
18 So whether you're talking about sampling of waste,
19 sampling ground water, there are -- we may have
20 capacity, we may not.
21 Certainly, there are concerns with the ability to
22 sample at the levels -- protection levels that are
23 deemed concerning to get down to the parts per trillion
24 level, which is almost unheard of, without
25 cross-contamination from sampling gear, from the clothes

Page 44

1 things that would contain PFAS.
2 But you're exactly right in that it is hard to
3 define. To the point that it's undefinable, I would
4 ask, where's your sense of optimism? Come on.
5 (Laughter)
6 MR. PATRICK RILEY: We can figure it out.
7 It may be that we need to look at -- and the last
8 thing I want to do is add a definition that's vague and
9 unenforceable and something we can't live with.
10 CHAIRMAN SHEPHERD: Okay.
11 THE WITNESS: If we -- if we try to define the
12 first time -- and this is something that we've wrestled
13 with for a while, trying to get a definition that's
14 workable.
15 And at first we tried to define it as high
16 concentrations, because that's really what we're worried
17 about is a really potent -- for lack of a better word --
18 PFAS waste. But high concentration, where do you draw
19 the line?
20 So if we can point to specific things like, okay,
21 aqueous film-forming foam, AFFF, that's something that
22 we know is a problem, so that's one thing we can define.
23 CHAIRMAN SHEPHERD: But, again, I think your
24 definition of PFAS waste is overly -- even with the ones
25 that you have here -- are overly vague, because it says,

Page 43

1 that you wear.
2 So those are -- so sampling is a huge -- a huge
3 obstacle to try and figure out, a huge problem to figure
4 out.
5 CHAIRMAN SHEPHERD: It seems to me that we are
6 trying to define something that's not quite definable.
7 Am I correct in that assumption? I mean, I've heard
8 over the past three or four years -- at every conference
9 that I go to there's 85 people that stand up and talk
10 about PFAS waste and where it is and where it comes from
11 and it's everywhere, it's an everywhere chemical. Okay.
12 Shouldn't we be trying to minimize the
13 manufacturing of this material and, instead, focus our
14 efforts there instead of trying to define, you know,
15 what is a PFAS waste?
16 We've got -- this definition right here says:
17 Added that the disposal of any quantity of PFAS waste
18 without approved PFAS waste management plan is
19 prohibited.
20 That seems ridiculously vague. I mean, if somebody
21 comes in with a load of nonstick pans, is that
22 considered PFAS waste?
23 MR. PATRICK RILEY: That's why the definition
24 of PFAS waste is so important. We certainly don't want
25 to include consumer goods or those typical household

Page 45

1 the last one, any other waste that typically contains or
2 is expected to contain high concentrations of PFAS.
3 That could be a truckload of carpet. Could it not?
4 MR. PATRICK RILEY: So that's something we have
5 to work out. So maybe that one is not -- maybe we can
6 strike that one.
7 CHAIRMAN SHEPHERD: Okay. Well, I think we
8 need to hear from everybody else, but I think, you know,
9 there might be a possible way to get through all of this
10 in a relatively decent way.
11 But let's -- we want to hear from -- what everybody
12 else has to say before we make any decisions, but I
13 don't want to hog all the time here.
14 So does anybody else have any comments from the
15 council?
16 MR. JOYCE: Well, I agree with the vagueness
17 concern, especially that last item, number F.
18 MS. MERCHANT: We're having a hard time hearing
19 you.
20 MR. JOYCE: I'm sorry. I agree with the
21 vagueness concern, especially with the last item F in
22 the definition of PFAS. That's got to -- it's not
23 workable to say "high concentrations" and not define
24 them. It's got to be something that industry can look
25 at and understand and live with and know what they're up

Page 46

1 against.
2 And, you know, with that, you just can't, and so
3 we're going to have to deal with that issue in another
4 way. I know that it's -- you know, everybody and their
5 brother is trying to define some kind of a health-based
6 level of PFAS that, you know, might be appropriate, but
7 the science is a long way away right now.
8 Maybe we -- you know, maybe there are certain
9 things that we know we have to regulate here, and the
10 others we're just going to have to work on over time.
11 But that was my thought on the definition, so ...
12 MS. SACHA: Might it be possible to define high
13 concentration by giving it a numerical value?
14 MR. PATRICK RILEY: I wish I could. I mean, I
15 wish there was some bright line that we could define
16 that says anything above this concentration is excluded
17 or prohibited or has to have a PFAS waste management
18 plan.
19 The difficulty is that there's so many different
20 compounds there's little agreement as to what that --
21 what health-based numbers are appropriate.
22 And so we've had difficulty defining that number or
23 finding that bright line. Maybe sometime in the future
24 we will be able to do that, but right now it's
25 difficult.

Page 48

1 would be something that would fall into that category, I
2 believe.
3 MR. ADCOCK: Okay. And then, kind of
4 backtracking on testing levels, do we have any -- I
5 can't remember if we discussed this in our meeting, but
6 we were talking about wastewater treatments and
7 biosolids going to landfills.
8 Do we have -- again, if we had a number, a testing
9 number, do we have any idea what concentrations are in
10 our wastewater treatment plants or the -- and the
11 resulting biosolids that are going to landfills? Do we
12 know where those numbers are right now? The ranges?
13 MR. PATRICK RILEY: Yeah, I don't know that we
14 do. But you touched on something that's important; and
15 that is the water quality aspect. And, you know, we're
16 certainly not developing these rules in a vacuum as far
17 as our agency is concerned.
18 We've shared this with the water quality folks.
19 It's on their radar too as to how it's going to impact
20 them. And we have to have a solution that's workable
21 for wastewater treatment as well.
22 CHAIRMAN SHEPHERD: It's going to impact every
23 wastewater treatment plan in the country.
24 MR. PATRICK RILEY: That's a concern.
25 MS. REINHART: Not only that, it's going to

Page 47

1 It's also difficult to walk that back once we set a
2 rule, a line like that, and it's -- maybe it's set
3 inappropriately low. It would be hard for us to go in
4 and then do rule-making to raise it. So that's a
5 concern.
6 But you're right, that would solve -- that would
7 make the definition much clearer.
8 MR. JOYCE: This is really reminiscent of the
9 definition of hazardous waste in RCRA. You almost have
10 to have a set of listed waste by source, and then maybe
11 at some point, when science gets better, we can have a
12 PFAS toxicity test or something of that nature. You
13 know, you can over time add constituents of different
14 levels as science gets better. One possibility.
15 MR. PATRICK RILEY: That's a good comment.
16 MR. ADCOCK: Two questions. Can you explain
17 on -- under definition Item C, or give me a little more
18 clarity on that?
19 MR. PATRICK RILEY: So let's say there's an
20 industry that manufactures textiles that are coated with
21 some kind of stain-resistant coating that contains PFAS.
22 And is the byproduct of that after they spray it or
23 a raw material, something that comes out of that
24 process, could be considered a PFAS waste.
25 I really don't have a specific example, but that

Page 49

1 affect every discharge permit, entities that -- I mean,
2 let's just say the waste of the energy facility, it's
3 going to effect their air permit.
4 I mean, this is -- this just reminds me, back in
5 the '70 when we started talking about asbestos and how
6 far-reaching that went. I think, if I'm correct, next
7 year we have to report on TRI PFAS compounds, so it's
8 pretty hard to report on it since (inaudible) analytical
9 back then, you know, so.
10 My other concern is for the solid waste landfills,
11 they've accepted this, now they're required to test for
12 it. While they may not accept PFAS waste, what about
13 leachate? You know, when they test for it? Right?
14 Because now you have to test for it.
15 So then you end up regulating PFAS leachate even
16 though you may not have, quote, accepted PFAS waste. So
17 there's a lot of tentacles to this whole process here in
18 trying to nail down, you know, view to available, so.
19 CHAIRMAN SHEPHERD: Any other questions or
20 comments from the council?
21 (No response.)
22 CHAIRMAN SHEPHERD: Okay. Questions or
23 comments from the public?
24 You got to come up here, please.
25 MR. TODD GREEN: I seem to be the only one

Page 50

1 talking, but Karl will tell you that's probably the
2 regular.

3 CHAIRMAN SHEPHERD: Everything you say goes on
4 the record.

5 MR. TODD GREEN: I have no doubt about that.
6 You know, it doesn't hurt to muddy the water, and
7 one of the things that I would like to throw up is, you
8 know, the household hazardous waste exemption.

9 And we have to look at that and we have to consider
10 that and how it applies to PFAS contamination because,
11 as he indicated, the majority of the waste streams that
12 we see, that we understand, are coming from household
13 products.

14 And so the ability to control and contain and
15 regulate that material as a direct effect to our
16 leachate is virtually impossible, as you indicated.

17 I'd like to see something along the lines,
18 seriously, of a grandfather clause with regards to the
19 leachate, that there is no regulation for PFAS on
20 leachate, because it would make it -- I mean, you'd have
21 a heck of a lawsuit -- antitrust lawsuit against the EPA
22 for their municipal exemption alone. And I don't want
23 to go there. No one wants to go there.

24 But as an independent landfill, I can tell you, in
25 Oklahoma, in regards to what Patrick stated, we have

Page 52

1 they do propose regulations, they come to us and they
2 say how will these effect you.

3 Hopefully, we'll be able to give our concerns. And
4 we'd certainly like to be able to take your
5 information -- obviously, Chris brings tremendous
6 education and knowledge.

7 Any knowledge that we can get from our industry and
8 our state when we're asked to present to the EPA, we
9 would certainly like to be able to do that.

10 So any information that we could get, we would
11 appreciate. Thank you for allowing me to speak.

12 CHAIRMAN SHEPHERD: Thank you.

13 Anybody else?

14 MR. PETE SCHULTZ: Good afternoon. My name is
15 Pete Schultz. I'm with Waste Management. As you can
16 imagine, and as Patrick said, you know, we've been
17 talking about this subject for a long time and, you
18 know, I want to make sure that, you know, the council
19 understands that, you know, from a company that has been
20 looking at this from a national standpoint -- and I know
21 we've got other companies that look at it -- you know,
22 this methodology of going at PFAS is extremely unique to
23 this country.

24 A lot of states, as you may be aware of have tried
25 to look at what is that number, what is that magic thing

Page 51

1 very large generators. Out of state, mostly, are the
2 calls that are coming in.

3 They are for the aqueous film-forming foam,
4 sometimes referred to as anti-firefighting foam. We
5 currently have two profiles on hold that exceed greater
6 than 50,000 gallons.

7 We are on hold in discussions with our partners in
8 the industry -- Waste Management, Republic, other
9 companies, as well as the DEQ -- in looking at what are
10 the major things out there.

11 I think someone needs to study what percentage AFF
12 is. And if we can regulate that, then, hey, you know,
13 everything's fine and we can look at everything else as
14 a municipal exemption. I think you can keep this kind
15 of simple.

16 Those are my comments. Obviously, we'd like to,
17 you know, know which direction to go, but anything we
18 can do on the state level, on a association level --
19 Brenda -- we'd certainly like to do so.

20 We want to fight bans at all costs simply because
21 they're virtually impossible, as you well know, anybody
22 that operates a landfill.

23 Fortunately, American Environmental Landfill is one
24 of 11 small businesses that is part of the EPA's
25 reaching out to small entities as landfills so that when

Page 53

1 that we can look at, but the reality of it is there's up
2 to 40,000 compounds and the analytical methods that we
3 have really only look at 40 of them, so that really ties
4 our hands.

5 This method of really using rule or regulation as
6 a, you know, acceptance waste plan is really unique, and
7 it's something I think that -- that'll be good to kind
8 of vet out.

9 And really, Jeff, you hit it right on the head.
10 The definition is going to be the key to this whole
11 thing, so I think the opportunity for everybody to talk
12 about what the definition is, potentially could be, and
13 how they would affect us is a big component.

14 So I just would ask everybody, you know, really
15 let's look at this, because it concerns us about what
16 comes into these landfills because it affects our
17 permits and potentially affects the citizens of the
18 state of Oklahoma as to having a place that they can
19 dispose of waste, because if we don't look at this and
20 there's nowhere to go with our waste because now we've
21 got a contaminated PFAS facility, it's going to be
22 difficult.

23 So I think regulating the high concentration --
24 even though we don't like to use that word, "high
25 concentration" -- try and look at that, maybe come up

Page 54

1 with a good definition that would capture the foam that
2 we have, you know, materials that are coming from a
3 cleanup at the site.
4 I think that's what the goal is, really looking at
5 the definition and trying to come up with. So I kind of
6 welcome looking at this because it really is to protect
7 us.
8 And there's bigger outlying issues. You know, we
9 just talked about it. You know, any kind of leachate,
10 you know, going to the POTWs. Now what do they do with
11 all that material? They've got sludge and materials
12 that have to go.
13 So what we do is going to impact those people, too.
14 So I think this is good time to do it. This potentially
15 could be a good method if we can come up with a good
16 definition.
17 And that's going to be the key. If we don't come
18 up with a good definition on this, it's going to be
19 difficult to make stick. And it's going to change.
20 That's the other thing we have to realize is this is
21 going to change.
22 The EPA is looking at their rules right now. They
23 may come up with a limit. You know, we're kind of
24 hoping they don't. But, you know, we've got to come up
25 with something to protect the environment, protect our

Page 56

1 concentration because it's a lot more finite and easier
2 to tie down. We need to be very careful with what we
3 pick through throughout that.
4 And, obviously, I'm a little concerned about
5 groundwater sampling when we really don't know what
6 levels we're going to sample at.
7 So I think we can get there. I think we're working
8 on it. But I think we still got some work to do.
9 Okay. Thank you.
10 CHAIRMAN SHEPHERD: Thanks.
11 Anybody else?
12 Are we going to hear from Waste Connections?
13 MS. RACHEL HANNIGAN: Rachel Hannigan with
14 Waste Connection.
15 Like Republic and Waste Management, we probably
16 share some of the same concerns. We've definitely been
17 looking at it for a long time. We would agree that
18 definition is key to these rules because we know that
19 PFAS is in many of the things that we routinely accept
20 at landfills.
21 So trying to exclude these ubiquitous wastes that
22 are going to contain PFAS in this definition is crucial,
23 I think, to our rule-making.
24 Like Karl, we also share the same concerns about
25 groundwater. I think that the methodologies will get

Page 55

1 facilities, and protect the citizens.
2 And I think that's going to be the main goal of
3 trying to come up with something here on this.
4 So, thank you.
5 CHAIRMAN SHEPHERD: Thank you.
6 Anybody else?
7 MR. KARL EVANS: I guess it's my turn. Karl
8 Evans with Republic Services.
9 So we've worked, had meetings with Patrick and his
10 group over the last few months, trying to work through
11 this. There's going to be regulations on PFAS. It's
12 coming; there's nothing we can do about it.
13 The real question I have is, is we're trying to
14 regulate something and the product is not mature yet.
15 We don't really have it isolated. We don't know what it
16 is and we're still trying to regulate it.
17 Having said that, we're going to have to do
18 something to restrict these PFAS compounds in high
19 concentrations, but the first thing that comes to my
20 mind -- we were looking at C earlier in that
21 definition -- so the guys that are making carpet, they
22 can't bring carpet to us anymore?
23 It's a question, right?
24 And if we -- and I understand the premise of using
25 listed waste from processes rather than using a

Page 57

1 there. I don't know that we're there yet, so that makes
2 us nervous.
3 You know, the rule as proposed shows up in the
4 background water quality section, but the routine
5 monitoring rule references that background water
6 quality, so it would appear, once we start down that
7 path, we'd be routinely sampling our ground water for
8 PFAS.
9 The other thing I would maybe pose to the DEQ, if
10 they could clarify what their path forward is on these
11 rules -- I know you presented them for discussion
12 today -- maybe when you think the council will vote on
13 them.
14 MR. PATRICK RILEY: You all can vote today if
15 you want.
16 CHAIRMAN SHEPHERD: Yeah.
17 (Laughter)
18 MR. PATRICK RILEY: Actually, we have not -- we
19 did not contemplate a vote today or even in September.
20 You know, we haven't even gone to the trouble of writing
21 up formal rule-making documents yet. So, because of
22 that, we knew that this would be a longer iterative
23 process before we arrived at something that we could all
24 live with, so.
25 And, of course, the council can recommend actions

Page 58

1 that they want to take. I'm not here to direct you in
2 that manner, but I would contemplate coming back in
3 September and talking some more.
4 And then, if we're close, then we can propose
5 formal rules for a formal vote in January. But, again,
6 that's largely up to the council and to what direction
7 these rules take based on your input.
8 One thing I want to point out -- and I appreciate
9 all the comments from the waste industry and your
10 willingness to share your concerns and help make this a
11 rule that will work for all of us.
12 One thing I heard -- and I want to make clear that
13 we're not proposing to prohibit or ban any kind of
14 waste -- PFAS waste. What we're saying in these rules
15 is that the disposal of PFAS waste is prohibited without
16 a PFAS waste management plan. And that plan would
17 demonstrate that your facilities are appropriate places
18 to dispose of this type of waste.
19 So, you know, you can -- if you want to take AFFF,
20 if you will feel that your facility is sufficiently
21 designed and operated to manage that kind of waste
22 without potential concern or release or impact to the
23 environment, then you can put that in the plan and we
24 want to see that and we want that demonstrated before
25 you take it.

Page 60

1 don't have to do them in person. Is that possible?
2 MR. PATRICK RILEY: I think we have some
3 capabilities here to do like a hybrid type of meeting --
4 CHAIRMAN SHEPHERD: Okay.
5 MR. PATRICK RILEY: -- in which some people can
6 show up in person, and we can also have people either
7 call in or Zoom in and we can work on those logistics.
8 CHAIRMAN SHEPHERD: Okay.
9 MR. PATRICK RILEY: Yeah.
10 CHAIRMAN SHEPHERD: So there is a motion in
11 front of the council to create a workshop to discuss the
12 PFAS waste regulations?
13 Do I have a second.
14 MS. REINHART: Second.
15 MS. FIELDS: Mr. Adcock.
16 MR. ADCOCK: Yes.
17 MS. FIELDS: Mr. Joyce.
18 MR. JOYCE: Yes.
19 MS. FIELDS: Mr. Linn.
20 MR. LINN: Yes.
21 MS. FIELDS: Ms. Merchant.
22 MS. MERCHANT: Yes.
23 MS. FIELDS: Ms. Reinhart.
24 MS. REINHART: Yes.
25 MS. FIELDS: Ms. Sacha.

Page 59

1 So that's one thing I want to make clear.
2 The other thing to make clear is that we're not
3 concerned or in any way trying to attempt to regulate
4 the consumer-type products or other products that would
5 be common that might appear in commercial waste that
6 would also be in residential waste.
7 It's not the household stuff that we're worried
8 about. It's industrial. It's cleanup waste. It's
9 firefighting foam, that kind of stuff.
10 CHAIRMAN SHEPHERD: Okay.
11 Any other comments from the public?
12 MS. MERCHANT: I'd like to make a motion to
13 establish a workshop to discuss and work on better
14 defining what the new rules and definitions are going to
15 be that include PFAS waste.
16 CHAIRMAN SHEPHERD: The workshop -- I think the
17 workshop is a good idea. We've always done workshops.
18 When we did the leachate stuff, we did a workshop. When
19 we did the subtitle D upgrades, I think we did a
20 workshop.
21 So I think we've done workshops before and I think
22 they're successful at providing an outcome from -- that
23 everybody can live with.
24 I don't want to -- I want to make sure that, you
25 know, the workshops can be attended remotely, that we

Page 61

1 MS. SACHA: Yes.
2 MS. FIELDS: Mr. Schaefer.
3 MR. SCHAEFER: Yes.
4 MS. FIELDS: Mr. Shepherd.
5 CHAIRMAN SHEPHERD: Yes.
6 MS. FIELDS: Motion passes.
7 MR. PATRICK RILEY: So can you talk a little
8 bit about what you envision this workshop being? Like a
9 one-time meeting?
10 CHAIRMAN SHEPHERD: I don't know that it'll be
11 a one-time meeting. I think it might be once a month
12 for a few months. I don't know how long it's going to
13 take for everybody to agree on something.
14 MR. PATRICK RILEY: And who would you
15 propose -- it just be open to the public?
16 CHAIRMAN SHEPHERD: I think it would have to e.
17 MR. PATRICK RILEY: Does that make it a public
18 meeting?
19 MS. MERCHANT: I think there are a lot of
20 stakeholders in addition to landfill companies and
21 garbage companies that are stakeholders in
22 municipalities.
23 MR. PATRICK RILEY: I think industry, you know,
24 people that are people that are creating the waste
25 probably should have a say in this maybe. I don't know.

Page 62

1 But it seems that we've -- I mean, I think we've
2 routinely used workshops in order to get stuff like this
3 done and, you know, I think that that's the better way
4 to do it.
5 MS. MERCHANT: I think it's important enough.
6 MR. PATRICK RILEY: Yeah.
7 So one thing that Karen Jayne, our attorney, who's
8 watching out for my back, I hope, has mentioned that --
9 CHAIRMAN SHEPHERD: Ours as well, right?
10 MR. PATRICK RILEY: -- we have to be cognizant
11 of the number of councilmembers that would participate
12 to avoid a quorum. And I think we -- you know, we
13 looked at financial assurance updates using the work
14 group and had, I think, three councilmembers and some
15 others and staff members from DEQ participate in that
16 effectively.
17 So I think we can do that. And Karen can make sure
18 that we're not in violation of any kind of public
19 meeting laws.
20 MS. MERCHANT: Patrick, would that include,
21 say, if there were folks in water that want to
22 participate? Would they be counted as part of a quorum?
23 MR. PATRICK RILEY: If they were from a
24 different council, you mean? No. And I think that we
25 would want to include DEQ water staff as well.

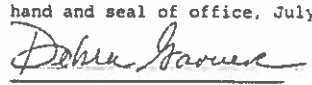
Page 64

1 from all of you. So I appreciate this opportunity.
2 CHAIRMAN SHEPHERD: All right. Next item is
3 public forum open discussion.
4 Does anybody have anything else they want to add?
5 (No response.)
6 CHAIRMAN SHEPHERD: Item number 10, any new
7 business?
8 All right. Nicely done.
9 All right. Adjourned.
10 So we shall adjourn. The next meeting will be
11 Thursday, September 9, 2021, here in this office. So
12 maybe we can have one workshop meeting between now and
13 then.
14 MR. PATRICK RILEY: Yeah, let's make that our
15 goal, so we can be a little further along before we come
16 together again in September.
17 CHAIRMAN SHEPHERD: Okay. All right.
18 We are adjourned.
19 (End of proceedings at 10:33 a.m.)
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21
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Page 63

1 CHAIRMAN SHEPHERD: All right. So you guys
2 will establish a time and a date?
3 MR. PATRICK RILEY: If you'd like us to, we can
4 certainly do that.
5 CHAIRMAN SHEPHERD: Get the arguments started.
6 MR. PATRICK RILEY: Well, I knew Kaylee should
7 have done this.
8 MR. ADCOCK: Brenda will be on it, right, since
9 you started this?
10 CHAIRMAN SHEPHERD: Brenda will be in charge of
11 the workshop since it's her idea.
12 MS. MERCHANT: I would just like to say that I
13 think we're all concerned and I get why we're doing
14 this. And we're all concerned with mass quantities of
15 this PFAS waste from industrial entities and
16 manufacturing facilities and things like that. I'd just
17 like to see us all come together and make sure that
18 there's no unintended consequences.
19 MR. PATRICK RILEY: I do too. And I think
20 that's the value of council, and we certainly don't want
21 to try and write rules on our own without your input and
22 without input from the regulated community. I just
23 don't think it's workable.
24 So, you know, it gives me a lot of confidence in
25 what we ultimately present if we've had input and heard

Page 65

1 STATE OF OKLAHOMA)
2) SS:
3 COUNTY OF OKLAHOM)
4
5 C E R T I F I C A T E
6 I, DEBRA GARVER, a certified shorthand reporter
7 within and for the State of Oklahoma, certify that the
8 foregoing transcription of the Department of
9 Environmental Quality Solid Waste Management Advisory
10 Council Public Meeting, July 8, 2021, at 9:30 a.m., at
11 the Oklahoma Department of Environmental Quality, 707
12 North Robinson, 1st floor, Multi-Purpose Room, in
13 Oklahoma City, Oklahoma, was taken by me in stenotype
14 and simultaneously transcribed by computer, and the
15 foregoing is a true and correct transcript of said
16 proceedings, and that I am not an attorney for or a
17 relative of any party, or otherwise interested in this
18 action.
19 Witness my hand and seal of office, July 29, 2021.
20

21 DEBRA GARVER, CSR, RPR
22 State of Oklahoma CSR# 1370
23 Certificate exp. 12/31/2021
24
25



**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL
Attendance Record
July 8, 2021
Oklahoma City, Oklahoma**

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