

MINUTES
Solid Waste Management Advisory Council
September 10, 2020 Regular Meeting
Department of Environmental Quality
Virtual Meeting

Official SWMAC Approval
at January 14, 2021 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Virtual Regular Meeting at 9:00 a.m. on September 10, 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, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Todd Adcock
 Rodney Cleveland
 Jim Linn
 Brenda Merchant
 Jody Reinhart
 Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
 Kole Kennedy
 Patrick Riley
 Jeff Biddick
 Fenton Rood
 Quiana Fields

MEMBERS ABSENT

Greg Phillips
 Bill Torneten

OTHERS PRESENT

Tammie Shipman, Court Reporter

Approval of the Minutes for the January 16, 2020 Solid Waste Management Advisory Council Meeting – Mr. Cleveland moved approval of the January 16, 2020 Minutes and Mr. Adcock made the second.

See transcript page 9

Roll Call

Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Abstain
Jim Linn	Yes	Jeff Shepherd	Yes

Director’s Report – Ms. Kelly Dixon, Division Director of the LPD, provided an update on Division activities.

See transcript pages 10 - 25

Solid Waste Grant Summary, Fiscal Year 2020 Projects – Mr. Patrick Riley, Environmental Programs Manager of the LPD, spoke on the Oklahoma Solid Waste Management Act (Act) that created a system of state solid waste fees to fund DEQ’s environmental protection programs. Local governments and nonprofit organizations can apply to DEQ for funding to accomplish environmental improvements.

See transcript pages 25 - 31

Discussion of Solid Waste Program Fees/Expenditures – Mr. Riley stated that the Council’s comments concerning program fees and program expenditures are to be submitted to the Executive Director, Governor and Legislature by November 1st of this year.

See transcript pages 31 – 40

Roll Call

Todd Adcock	Yes	Brenda Merchant	Yes
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Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Discussion of OAC 252:517 Disposal of Coal Combustion Residuals (CCR) from Electric Utilities – Mr. Riley stated that the Department will provide an update regarding changes to CCR regulation at the federal level and discuss DEQ’s strategy to update Oklahoma’s CCR permitting program in response.

See transcript pages 40 - 47

Roll Call			
Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Cost Estimates and Financial Assurance for All Disposal Facilities - Mr. Riley stated that the discussion and planning to accomplish the review and update of financial assurance unit costs required by OAC 252:515-27-4-(a) every five years. Mr. Shepherd called for a motion to form a subcommittee to study the cost estimates and financial assurance unit rates. Mr. Adcock made the motion and Mr. Cleveland made the second.

See transcript pages 48 - 53

Roll Call			
Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Election of Officers for 2021 – Ms. Merchant made a motion that Mr. Shepherd remains Chair and Mr. Adcock made the second.

See transcript pages 56 - 57

Roll Call			
Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Mr. Linn made a motion that Ms. Merchant remains Vice-Chair and Ms. Reinhart made the second.

See transcript pages 57 – 58

Roll Call			
Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Suggested Meeting Dates for 2021 Council Meetings – The suggested 2021 dates are to be January 14, April 8, July 8 and September 9. Mr. Linn moved to approve and Ms. Reinhart made the second.

See transcript pages 58 – 62

Roll Call			
Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Public Forum – No public issues were raised.

New Business – None

Adjournment – Mr. Shepherd adjourned the meeting at 10:22 a.m.
See transcript page 63

Transcript are attached as an official part of these Minutes.

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT ADVISORY COUNCIL

SOLID WASTE MANAGEMENT ADVISORY COUNCIL PUBLIC MEETING
SEPTEMBER 10, 2020 - 9:00 A.M.

VIRTUAL ZOOM MEETING

REPORTED BY: TAMMIE SHIPMAN, CSR

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1 COUNCIL MEMBERS PRESENT:

2

3 MR. JEFFREY SHEPHERD, CHAIRMAN

4 MR. TODD ADCKOCK

5 MR. RODNEY CLEVELAND

6 MR. JIM LINN

7 MS. BRENDA MERCHANT

8 MS. JODY REINHART

9 MR. GREG PHILLIPS - Absent

10 MR. BILL TORNETEN - Absent

11

12

13 Also Present:

14 Ms. Quiana Fields, Secretary of Board and Council

15 Mr. Patrick Riley, Environmental Programs Manager

16 Mr. Kole Kennedy, Used Tire Recycling Program

17 Mr. Jeff Biddick, Moderator

18 Ms. Kelly Dixon, Director of Land Protection Division

19 Mr. Fenton Road, Assistant Division Director of Land
Protection Division

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23

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1 and I will be helping moderate public comments

2 today. When the time comes for public comment

3 the following steps will take place. The

4 protocol officer will announce that it is time

5 for public comment using the raise-hand feature.

6 All hands raised previously will be lowered for

7 those wishing to make comments.

8 If you wish to make a comment on the

9 record, click or tap Raise Hand on your device.

10 Raise Hand is a function under more meeting

11 settings or participants at the bottom right or

12 the top, right corner of your screen, depending

13 on your device. You may have to hover your

14 cursor over your screen to make this function

15 appear.

16 For those calling in by telephone,

17 you'll need to press *9 to use the Raise Hand

18 feature. When selected for comment, you will be

19 identified by your display name or the last four

20 digits of your phone number and your line will

21 be unmuted.

22 We highly recommend renaming yourself

23 on your device so that we may properly identify

24 and call upon you. This can be accomplished by

25 clicking on your name in the participants tab

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1 (Meeting called to order at 9:00 a.m.)

2 CHAIRMAN SHEPHERD: This September

3 the 10th, 2020, virtual meeting of the Solid

4 Waste Management Advisory Council was called in

5 accordance with the Open Meeting Act. Notice

6 was filed with the Secretary of State on October

7 the 16th, 2019. The agenda was duly posted on

8 the doors of the DEQ, 707 North Robinson,

9 Oklahoma City, Oklahoma, at least four hours

10 prior to the meeting.

11 Only matters appearing on the posted

12 agenda may be considered at this regular

13 meeting. In the event that this meeting is

14 continued or reconvened, public notice of the

15 date, time and place of the continued meeting

16 will be given by announcement at this meeting.

17 Only matters appearing on the agenda of a

18 meeting which is continued may be discussed at

19 the continued or reconvened meeting.

20 The public will be provided the

21 opportunity to ask questions and offer comments

22 during the virtual meeting when indicated on the

23 agenda. Instructions for doing so will now be

24 read by the DEQ staff.

25 MR. BIDDICK: My name is Jeff Biddick,

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1 and selecting Rename. Depending on your

2 settings, you may also need to unmute yourself

3 using the microphone icon on your device or

4 using *6 if attending by telephone.

5 Before being called upon to speak,

6 please ensure you're in a quiet environment and

7 other devices are muted to minimize feedback so

8 your comment can be heard properly. Once

9 unmuted, you must first identify yourself by

10 stating your full name for the record and then

11 you will be able to give your comment relevant

12 to the agenda item being discussed.

13 When you have concluded your statement,

14 the host will notify everyone and place the

15 commenter back on mute and move on to the next

16 person. Thank you.

17 CHAIRMAN SHEPHERD: Thanks, Jeff.

18 MR. KENNEDY: Chairman Shepherd --

19 CHAIRMAN SHEPHERD: Yes.

20 MR. KENNEDY: -- for clarity reasons,

21 and I may have misspoke accidentally and said

22 four hours before the meeting, and it -- for the

23 record, it would need to be 24 hours.

24 CHAIRMAN SHEPHERD: Okay.

25 MR. KENNEDY: Sorry.

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1 CHAIRMAN SHEPHERD: That's okay.
 2 Do you want to call roll?
 3 MS. FIELDS: Mr. Adcock?
 4 MR. ADCOCK: Here.
 5 MS. FIELDS: Mr. Cleveland?
 6 MR. CLEVELAND: Here.
 7 MS. FIELDS: Mr. Linn?
 8 MR. LINN: Here.
 9 MS. FIELDS: Ms. Merchant?
 10 MS. MERCHANT: Here.
 11 MS. FIELDS: Mr. Phillips is absent.
 12 Ms. Reinhart?
 13 MS. REINHART: Here.
 14 MS. FIELDS: Mr. Torneten is absent.
 15 Mr. Shepherd?
 16 CHAIRMAN SHEPHERD: Here.
 17 MS. FIELDS: We have a quorum.
 18 CHAIRMAN SHEPHERD: All right. I'll do
 19 a quick introduction of the new members. We
 20 have two new members to the Council, one is Jody
 21 Reinhart. She works for the Environmental
 22 Federation of Oklahoma. Jody began her career
 23 with Clean Harbors Environmental Services,
 24 previously known as USPCI, and as a chemist at
 25 the Lone Mountain facility outside Waynoka,

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1 the membership for them as well.
 2 Jody has a Bachelor's of Science in
 3 Chemistry education, with a Biology minor from
 4 Southwestern Oklahoma State University. Since
 5 2004 she has earned the professional
 6 certifications of Associate Safety Professional,
 7 Certified Safety Professional and Certified
 8 Hazardous Materials Manager. While she worked
 9 for Clean Harbor, she also participated as a
 10 special government employee in the volunteer
 11 protection program.
 12 Jody, welcome to the Council.
 13 MS. REINHART: Thank you very much. I
 14 appreciate it.
 15 CHAIRMAN SHEPHERD: The other new
 16 member is Greg Phillips. Greg has a Bachelor's
 17 of Science and Environmental Management from
 18 Northeastern State University, Tahlequah. He
 19 has been with Covanta for nine years as the
 20 Facility Environmental Specialist. He has
 21 previously worked with Heritage Environmental
 22 Services and Perma-Fix Environmental Services.
 23 He has 18 years of total industry experience,
 24 and he is a father and avid backpacker.
 25 So welcome, Greg Phillips.

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1 Oklahoma.
 2 While with them she held a variety of
 3 positions in the environmental and safety
 4 departments. In 2010 she moved to Enid to be
 5 the (indiscernible portion) fertilizer, Enid,
 6 LLC. In December of 2014 she transitioned to
 7 the Koch Ag & Energy Solutions corporate office
 8 as a compliance specialist where she leveraged
 9 her past job experiences to provide regulatory
 10 assistance, program development training, et
 11 cetera.
 12 In 2016 she and her husband began her
 13 own Second Chance Consulting, a safety
 14 consulting company located in northwest
 15 Oklahoma, to provide full safety consulting
 16 services to all types of businesses in Oklahoma.
 17 In 2019 she was lured back to the corporate
 18 company, Baker Hughes, to their vast chemical
 19 plant located in Sand Springs, Oklahoma, as
 20 their Senior Environmental Specialist in their
 21 HSE Department, and also continues to practice
 22 the safety skill at this facility.
 23 She has been the health and safety
 24 committee chair for the Environmental Federation
 25 of Oklahoma since March of 2015, and works with

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1 Moving on. Item Number 3, Approval of
 2 the Minutes for the January 16, 2020, Solid
 3 Waste Management Advisory Council Meeting.
 4 (At which time, there was indiscernible
 5 noise on the line.)
 6 MR. CLEVELAND: Motion approved.
 7 MR. ADCOCK: Second.
 8 MR. CLEVELAND: Rodney Cleveland.
 9 MS. FIELDS: Who makes the second?
 10 MR. ADCOCK: I did. Todd.
 11 MS. FIELDS: Okay. Thank you.
 12 Mr. Adcock?
 13 MR. ADCOCK: Yes.
 14 MS. FIELDS: Mr. Cleveland?
 15 MR. CLEVELAND: Aye.
 16 MS. FIELDS: Mr. Linn?
 17 MR. LINN: Yes.
 18 MS. FIELDS: Ms. Merchant?
 19 MS. MERCHANT: Yes.
 20 MS. FIELDS: Ms. Reinhart?
 21 MS. REINHART: Yes.
 22 MS. FIELDS: Mr. Shepherd?
 23 CHAIRMAN SHEPHERD: Yes.
 24 MS. FIELDS: Motion passed.
 25 CHAIRMAN SHEPHERD: All right. Item

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1 Number 4, Director's Report.
 2 MS. DIXON: Good morning, everyone.
 3 Kelly Dixon, Director of Land Protection
 4 Division. I'm going to share this agenda item
 5 with Patrick. I'm going to give you guys some
 6 updates and then kick it to Patrick to give you
 7 some (undiscernible portion) about the Solid
 8 Waste Program.
 9 First of all, I want to thank everybody
 10 for being -- for joining us in this new
 11 electronic era. I also want to thank all of the
 12 DEQ people behind the scenes that had to work
 13 really hard to make this meeting happen, so I
 14 appreciate your hard work. Also, I wanted to
 15 welcome our new member, Jody.
 16 So the first update I want to give you
 17 is on McGirt versus Oklahoma. You probably know
 18 something about this, but this case was
 19 specifically related to Major Crimes Act and
 20 whether the defendant's crimes were committed in
 21 what is termed Indian country. It's relevant --
 22 federal statute defines Indian country
 23 (indiscernible portion) the limits to any Indian
 24 reservation.
 25 So in McGirt, the Supreme Court

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1 federal legislation from 2005, which was the
 2 transportation bill. That pertains to the state
 3 of Oklahoma and allows the State to administer
 4 environmental programs in Indian country if the
 5 State is approved to administer the same
 6 environmental programs in other areas that are
 7 not Indian country.
 8 So in July the State requested approval
 9 from EPA to administer all of the programs that
 10 we are authorized for within Indian country,
 11 pursuant to this law. We are waiting for a
 12 response from EPA.
 13 The other thing that is happening is
 14 there's a state executive order that created an
 15 Oklahoma Commission on Cooperative Sovereignty,
 16 and it requires state agencies to report to this
 17 commission the nature and impact of this ruling
 18 and what steps we may take to mitigate the
 19 impact. So in the meantime, DEQ is operating
 20 business as usual. We're continuing to work
 21 with EPA and the tribes to protect the people
 22 and the environment in Oklahoma.
 23 So then I'm going to go on and -- are
 24 there any questions about that? I'm probably
 25 very limited on my knowledge on how I can answer

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1 determined that the Creek reservation still
 2 exists. And while not specifically addressed by
 3 the court, that same rationale may lead to the
 4 conclusion that the reservations of the other
 5 five civilized tribes were not --
 6 (At which time, there was indiscernible
 7 background noise interfering with the
 8 presentation.)
 9 So this (undiscernible portion)
 10 uncertainty to the extent approves tribal
 11 program, the question becomes whether the State
 12 of Oklahoma administers a program or the federal
 13 government administers a program.
 14 So, you know, the biggest issue is the
 15 majority of environmental regulatory programs in
 16 Oklahoma are governed by the federal
 17 environmental statutes, the Clean Water Act,
 18 Clean Air Act, RCRA, Safe Drinking Water Act.
 19 And, generally, these several programs are
 20 approved, a delegator authorized through federal
 21 registered notice. And also when these are
 22 approved, they describe that geographic region
 23 which usually excludes implementation in Indian
 24 country.
 25 So what is DEQ doing? Well, there's

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1 any questions about that.
 2 Okay. Let's move on. I just wanted to
 3 give some updates on some things that are going
 4 on in my protection division that may be of
 5 interest to you. We have a Brownfields
 6 Voluntary Cleanup program, which includes a
 7 revolving loan program. And we have a couple of
 8 success stories in that program.
 9 Interstate Metals, which was in
 10 Oklahoma, was an old salvage yard that had piles
 11 of dross, which had high lead in them. And after
 12 exhausting enforcement under hazardous waste, a
 13 developer came in, bought the property, entered
 14 the Brownfields program, and successfully
 15 applied for and got a Brownfields loan to help
 16 with the cleanup. And that project is pretty
 17 much done. Once the cleanup is done, there's
 18 some redevelopment that's going to happen on
 19 that property.
 20 Also recently, and very notable, is we
 21 partnered with the City of Tulsa Brownfields
 22 program, and both of our programs loaned money
 23 to a developer to abate asbestos at the Abundant
 24 Life Building, otherwise known as the Diamond
 25 Building in Tulsa. It was the largest revolving

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1 loan fund that we've ever loaned out, a million
2 dollars, and Tulsa matched that loan. So once
3 the asbestos -- asbestos is abated, that
4 property also will be redeveloped for new use.
5 The other thing I think that is notable
6 in our programs is we have a school chemical
7 program where we have one time -- we give
8 schools a one-time chance for us to assess and
9 clean up abandoned and historical chemicals in
10 their school laboratories, and this year we've
11 cleaned up 19 school laboratories. I think this
12 is the third year of that program. It's been
13 successful and very popular, and we do it
14 statewide.
15 Also, in our superfund program, we have
16 a brand new superfund site, the Henryetta Iron
17 and Metal site in Henryetta. PCBs, heavy metals
18 are the contaminants of concern. The Tulsa
19 Field Manufacturing smelter site, superfund site
20 in Collinsville, is noticed for deletion from
21 the NPL, which is notable. The cleanup, I
22 think, had completed in 2016. We've completed
23 our five-year review, and it will be deleted
24 from the NPL. The State has operation and
25 maintenance obligations on that repository

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1 so they can mitigate if they need to.
2 The last thing I wanted to talk about
3 were some of our challenges. We have some
4 uncertainty in our budget related to COVID.
5 We're not quite sure what the impact of the
6 virus will be on our fee income. It's kind of
7 too early in the year to know, so we're going to
8 keep a really close eye on that.
9 And the other thing I wanted to mention
10 is that we -- we are really focused on IT
11 solutions, trying to work -- trying to get more
12 programs and services online for our customers.
13 These programs take money and take time and, of
14 course, the budget factors into that. So we're
15 working hard to make smart investments in
16 technology and to collaborate with other
17 divisions so that we can prep -- use programs
18 that share the same platform.
19 So that's all of what -- what I wanted
20 to update you guys on. I'm going to kick it to
21 Patrick. He's going to give you some updates on
22 solid waste, and also some big news.
23 Patrick.
24 MR. RILEY: Okay. Thank you. Just one
25 order of business before we move forward.

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1 there.
2 And, of course, we've got to talk about
3 Tar Creek. We continue to work at Tar Creek and
4 make progress. This year we cleaned up a
5 140 acres of -- of mine waste and restored land.
6 And then we also worked with the City of Miami
7 to clean up some chat that was -- or some mined
8 waste that was in the city. And once that was
9 cleaned up, the City used a grant to turn that
10 into a splash pad, so it was a pretty good reuse
11 of that property.
12 And one other notable superfund topic
13 is the Wilcox -- the former Wilcox refinery in
14 Bristow. The cleanup on a portion of that site
15 is going to happen this year, probably next
16 month.
17 One other notable thing, we have a
18 Radon outreach program in our division where we
19 provide, at no cost to citizens, test kits, so
20 people can request them and test for Radon in
21 their homes. We collect that information and
22 put it into a federal database. The good news
23 is, Radon's pretty low in Oklahoma, but this
24 provides the ability for citizens to learn if
25 they have any problems in their homes with Radon

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1 The -- the court reporter has asked that -- or
2 reminded us to identify ourselves when we speak.
3 In this virtual environment it's a little more
4 difficult to identify who's talking, and so if
5 you -- if you do make some comments, please go
6 ahead and identify yourself ahead of time.
7 And also there are instances in which
8 your voice quality may break up, and she has
9 been -- we have made a change to allow her to be
10 unmuted so that she can let us know when it's
11 unclear -- when our audio has become unclear and
12 she can't record our statement. So just a
13 technical -- a technical thing that we have to
14 get used to in the virtual environment.
15 All right. Kelly, thanks for your
16 comments.
17 Moving forward and talking about solid
18 waste. The first thing that I have on my list
19 is that, hey, I'm glad we're here, because the
20 last time that we met, we were talking about the
21 Solid Waste Management Advisory Council and some
22 other councils being sun-setted, and they were
23 going to end at the end of the fiscal year, and
24 here we are.
25 So thanks to a lot of efforts by -- by

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1 you guys and your organizations and your trade
2 associations, there is legislation that passed
3 that extended the councils through July of 2023.
4 So that's news.
5 I'd also like to talk about the remote
6 work that we've been doing. So when the world
7 kind of went sideways in mid-March, you know, we
8 at DEQ moved to a business model where most of
9 our employees were working remotely most of the
10 time. And it was at -- it was a rapid change,
11 it came very abruptly, and it was a little bit
12 of a learning curve for us, but I'm happy to say
13 that we've made some good adjustments. I think
14 we've moved into the virtual world and have been
15 able to accomplish our work. It's not exactly
16 business as usual, but it's still business.
17 We've moved to conducting some
18 inspections virtually or over the phone or with
19 photographs and doing some distance things;
20 nonsocial contact inspections, we've responded
21 to complaints. And one of the most notable
22 things, I think, is our electronic document
23 sharing that we've really become pretty savvy at
24 doing peer reviews, supervisor reviews of permit
25 documents and reports and things, and moving

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1 we have worked with called a Scorecard, and it
2 catalogs and it helps us move forward in our
3 sustainable aspirations. And it -- it develops
4 a score and recognizes businesses for their
5 achievements. And I'm happy to say that the DEQ
6 has scored on the gold level this year for the
7 Scorecard.
8 And I think if you're seeing the screen
9 right now, these are some highlights of
10 Sustainable Tulsa. And we can talk some more
11 about this when we get into the program reports.
12 But, Matt, can you show the
13 certificate? And if not, that's okay. We
14 can -- we can move on.
15 But, so, as an organization, DEQ feels
16 like we ought to set the example. And so we
17 started a couple of years ago in the pilot
18 program for the Scorecard Program and scored in
19 the achievement level, and then the following
20 year we -- we scored silver, and then this most
21 recent year we scored gold. So we're pretty
22 pleased that we've been able to continue to
23 improve in our sustainable mission.
24 The next couple of things to talk about
25 will be the couple of conferences coming up. I

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1 them electronically from person to person. And
2 so that has been something that -- that we've
3 been pleased with.
4 So we've made gains in efficiency, even
5 though we've not been in the office. We've
6 continued to maintain a presence in the office
7 of one or two people every day, to manage hard
8 copy documents that come in and do those things
9 that happen -- happen physically at the DEQ, so
10 that's news.
11 The next thing that I'll talk about is
12 some good news, and that is related to the
13 sustainable Tulsa scorecard. If you're not
14 familiar with sustainable Tulsa, they're an
15 organization whose mission is to provide
16 education, tools and resources to inform
17 businesses and engage businesses and individuals
18 about three aspects of sustainability, social
19 responsibility, economic vitality, and
20 environmental stewardship.
21 And their mission is that, and their --
22 their way of educating businesses about
23 sustainability is that there are basically three
24 things that should be considered, people, profit
25 and planning. And they've developed a tool that

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1 mentioned the composting conference. This year
2 it will be a -- instead of having a one day
3 conference, it will be four one-hour episodes
4 starting in October, on Thursday, over the lunch
5 hour.
6 If you're interested in that, there
7 will be presentations on a different scale,
8 sizes of composting programs, small, medium,
9 large. And then a session on composting medical
10 marijuana waste, which is unique and
11 interesting. So if you want to check that out,
12 go to okcompostconference.org and get more
13 information.
14 I'd also like to mention the okra
15 recycling conference that's coming up in
16 October, Staying Green in the Quarantine. This
17 will be a virtual conference held on Wednesday
18 and Thursday, October 7th and 8th, and you can
19 find more information about that at recycle.org.
20 And the last thing that I have to share
21 in the report today relates to probably the most
22 common question that I've received over the last
23 year or so, and it's been something that -- that
24 no matter what group I've interacted with or
25 encountered, they have the same question. And,

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1 you know, we -- we at DEQ like to pride
2 ourselves on having knowledge that we can share,
3 and it's -- it's hard when you are asked a
4 question and you don't have an answer for it.
5 But finally, today, we're able to share an
6 answer, and that question is, When is Fenton
7 going to retire?
8 So let me share a little bit. I have
9 an answer to that question, but let me share a
10 little bit about the -- the career of Fenton
11 Rood. Originally -- originally from Tulsa,
12 Fenton's interest in the environment developed
13 in high school during the late '60s when he and
14 other Tulsa high school students helped organize
15 the Regional Network of Tulsa Recycling Centers.
16 He continued his activism in college at
17 the University of Oklahoma where he helped
18 organize the Norman Sierra Club and became its
19 first chairman. Fenton earned his bachelor's
20 degree in geography at OU and later a master's
21 degree in Public Health. The importance of
22 volunteering and service remains with Fenton as
23 he has served with many environmental
24 organizations, including the Tree Bank
25 Foundation, Keep Oklahoma Beautiful, and many

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1 for retirement. I believe the date is
2 October 31st. He plans to retire to a horse
3 farm in Chandler with his wife Tempe.
4 One of Fenton's heroes, Woody Guthrie,
5 famously sang, This Land was Made For You and
6 Me. Please join me in thanking Fenton for
7 dedicating his career and life to protecting
8 this land and the people who live on it.
9 MS. MERCHANT: Thank you, Fenton.
10 MR. RILEY: And I would ask Fenton if
11 he has anything -- any words to share with the
12 council.
13 MR. KENNEDY: Patrick, this is Kole
14 Kennedy. I believe Mr. Rood has left the
15 meeting.
16 MR. RILEY: So maybe it wasn't October
17 31st after all, maybe it's September 10th. He
18 started early. In any case, when you see
19 Fenton, and I'm sure that you will see him
20 again, even after retirement in environmental
21 circles, please wish him well and thank him for
22 his service to Oklahoma.
23 And that concludes the director's
24 report. Any questions or comments on anything
25 that we talked about? All right.

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1 others.
2 His love of education remains evident
3 as he has been an adjunct professor at Rose
4 State teaching environmental classes. It's
5 notable that his first job after graduation was
6 with the Tourism and Recreation Department
7 conducting scenic river studies for the State of
8 Oklahoma.
9 When Congress passed the first federal
10 Solid Waste and Recycling legislation, Fenton
11 transferred from tourism to the Health
12 Department. He started at the Health Department
13 as a landfill inspector, which enabled him to
14 pursue his interest in recycling.
15 In 1993 environmental programs were
16 transferred when the legislature created the
17 DEQ. He's held many -- he's served in many
18 capacities at DEQ over the years, from solid
19 waste, hazardous waste, and, most recently, the
20 assistant director of the Land Protection
21 Division.
22 Fenton's impact on our local
23 environment, through his personal and
24 professional achievement is immeasurable. After
25 a long, successful career, Fenton is gearing up

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1 CHAIRMAN SHEPHERD: What I would just
2 like to say about Fenton is that there are
3 several landfills that I've worked on in this
4 state where Fenton has signed the original
5 permit. So he's been around for quite some time
6 and he will be -- it surely will be a sad day
7 not to see him down at the DEQ's office anymore.
8 Although, we can't go in there anymore, but
9 still...
10 MR. RILEY: Some day maybe.
11 CHAIRMAN SHEPHERD: It will be sad.
12 Moving on, item Number 5, Solid Waste
13 Grant Summary, Fiscal Year 2020 Projects. The
14 Oklahoma Solid Waste Management Act created a
15 system of state solid waste fees to fund DEQ's
16 environmental protection programs. Local
17 governments and nonprofit organizations can
18 apply to DEQ for funding to accomplish
19 environmental improvements.
20 Patrick.
21 MR. RILEY: Thank you. So items --
22 agenda items number 5 and 6, the grant summaries
23 and fee and expenditure reports are closely
24 related. I thought that it would be -- you
25 know, each year we talk about what money came in

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1 to be -- for Solid Waste and how it was spent,
2 but it -- for us, you know, I thought it would
3 be nice to share some information about where
4 that money was spent in a little more detail.
5 So as you know, the Solid Waste program
6 at DEQ is entirely funded by the dollar and a
7 quarter ton, that user pay disposal fee that
8 people pay at landfills and at waste energy
9 facilities. So that money funds all our
10 programs.
11 In FY20 we spent about 1.9 million
12 dollars in contracts for grants, and so what I
13 want to do is share a few highlights. The first
14 thing, let's look at --
15 Matt, can we look at the solid waste --
16 I want to talk about county Solid Waste
17 projects, OCCEDB.
18 So we spent -- we're obligated by
19 statute to spend 10 percent of our solid waste
20 fees on county programs that manage solid waste.
21 So one of the ways that we do that is by
22 providing money to the Oklahoma Cooperative
23 Engineering District's Board. And so the map
24 that you're looking at right now shows all the
25 locations that have received funding through

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1 with as being called Trash Cop programs. We
2 funded recycling equipment, brush management,
3 some household hazardous waste, collection
4 events -- electronic waste collection events,
5 illegal dumping, and litter cleanup, among other
6 things. So those are the grants that we issued
7 around the state.
8 Environmental officer programs, I'm
9 going to bring up -- or ask Matt to bring up the
10 next slide that shows the environmental officers
11 or Trash Cop programs that we've had. So these
12 are the counties in which we have funded a
13 deputy or an officer to focus on environmental --
14 environmental problems. Most commonly, illegal
15 dumping.
16 And in the -- if you'll look at the
17 last column, the total, 871,000 pounds of trash
18 that were picked up. And in rural areas we have
19 what's commonly referred to as legacy dumps,
20 which are illegal dumps that are -- that have
21 been around for so long that they've become part
22 of the landscape.
23 We were talking with some of the
24 deputies. If you remember last year at the
25 council meeting we heard from Deputy Shawn

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1 OCCEDB, from the DEQ Solid Waste fund. And
2 there are projects throughout the state,
3 different districts within each county. The
4 statute asks us to prioritize the funding for
5 assistance for enforcement, for cleanup and
6 prevention of unpermitted disposal sites and for
7 the management of waste that's hard to dispose.
8 So a lot of what we do, we provide some
9 funding that's used for environmental officer
10 programs. A lot of it's used for disposal fees
11 for collection, roll-off fees, disposal fees at
12 landfills, and also for brush management, for
13 brush chippers, chainsaws, things like that. In
14 the rural counties, managing brush is a huge
15 undertaking. So this is -- so what you're
16 looking at is just the map showing the locations
17 that were funded through OCCEDB projects.
18 I'd like to show you another map,
19 because, on top of that, we also fund projects
20 directly; not through the OCCEDB, but through
21 Solid Waste grants. And these are some examples
22 of projects that we've done around the state
23 last year.
24 We have a lot of environmental officer
25 programs which are -- you may be more familiar

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1 Copeland from Pottawatomie County, and he was
2 talking about some residents that said, yeah, I
3 remember -- I remember coming out here with my
4 grandpa and dumping our trash, and we're still
5 dumping it today in the same place.
6 And this is not -- this is not a legal
7 dump, this is a ravine where people go and dump
8 their trash. So in cleaning up some of these
9 legacy dumps, you know, we're making huge
10 inroads in cleaning up Oklahoma. So this is
11 just some of the stats that we have for that
12 environmental officer program.
13 Other things that we've funded, the --
14 we also have some professional services and
15 nonprofit programs that we help provide funding
16 to. Sustainable Tulsa was -- we talked about a
17 little bit earlier and their Scorecard program.
18 Both the DEQ and the office of the Secretary and
19 Energy and Environment helped provide funding to
20 that organization in educating businesses about
21 sustainability. And so -- and since we talked
22 about that, I think we'll just move on from
23 there.
24 And that is the summary that I have for
25 the grant program. Are there any questions

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1 about that before we move on to the --
2 MR. CLEVELAND: As the County
3 Commissioner that's on the board, we appreciate
4 that -- those grants. And we try to utilize
5 those as best as we can, to try to clean up
6 the county areas and everything. So we
7 appreciate that and the ongoing effort the DEQ
8 has for us, and the support that you guys give
9 us.
10 MR. RILEY: Well, we appreciate the
11 counties. And, you know, the County
12 Commissioners know where the problems are, where
13 the -- where the need is in each county, so
14 we're happy to -- to make that opportunity
15 available.
16 Other questions or comments about --
17 about that?
18 CHAIRMAN SHEPHERD: Any questions
19 (indiscernible comment) discussion by anybody in
20 the public?
21 MR. BIDDICK: This is Jeff Biddick. As
22 a quick remind, if you would like to make a
23 comment press the Raise Hand button in Zoom or
24 *9 if attending by telephone. When it's your
25 turn, I will identify you and allow you to

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1 So if you look in the top right-hand
2 corner above the final -- of the last column,
3 this is the revenue that we received from Solid
4 Waste disposal fees in 2020. So 6.3 million
5 dollars in disposal fees. If you look at the
6 expenditures for FY20, we spent 6 1/2 million.
7 We had a little bit of carryover money and some
8 money from the electronic waste fee, so we -- we
9 were okay there. We were able to budget more
10 than what we anticipated in revenue, and we
11 ended up spending a little more.
12 The -- there are itemized costs there
13 for the different projects. And, again, we
14 spent about 1.9 million dollars for contracts,
15 like we just talked about, to the counties, to
16 municipalities, and to nonprofits and
17 professional services.
18 Can we go to the -- the next -- so this
19 is -- thanks.
20 This is the budget for next year. We
21 are -- you'll notice at the bottom, about
22 6.1 million dollars has been budgeted this year.
23 There's a little bit of uncertainty with the
24 current state of things as to how much money is
25 going to come in this year.

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1 unmute your microphone.
2 CHAIRMAN SHEPHERD: Doesn't look like
3 anybody, so if there's nothing else for the --
4 from the Council from item Number 5, we'll move
5 on to item Number 6, Discussion of Solid Waste
6 Program Fees/Expenditures. The Council's
7 comments concerning program fees and program
8 expenditures are to be submitted to the
9 executive director, governor and legislature by
10 November 1st of each year.
11 Patrick.
12 MR. RILEY: Thank you. So every year
13 it's our obligation to share with you the
14 revenue that came in from the Solid Waste
15 program and how that money was expended. And
16 it's been our practice to share, not only the
17 expenditures and -- and revenue, but -- for the
18 last fiscal year, but also present what our
19 budget looks like for the coming year.
20 So as we do each year, we provide you
21 with three or four, one for Solid Waste, one for
22 Electronic Waste and one for the Used Tire
23 program.
24 Matt, can you pull up the Solid Waste
25 fee report? Thank you.

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1 The Solid Waste -- the Solid Waste
2 revenue has been remarkably flat for several
3 years, and we can generally anticipate about 6.3
4 million dollars a year in revenue from disposal
5 fees. This year, obviously, is somewhat
6 different, and we'll -- we'll have to wait and
7 see what comes in.
8 So our budget's a little lower this
9 year, 6.1. We may exceed that. You guys may --
10 you guys that work for disposal facilities may
11 have more information about what you think is
12 going to happen as far as revenues and disposal
13 fees, and I'd like to hear what you think.
14 But here we've got the projects broken
15 down. We have the ten percent of fees going to
16 the Oklahoma County Circuit Engineering
17 District's Board. We have money set aside for
18 education -- environmental education, technical
19 services, local government projects, community
20 based environmental protection, which is to your
21 environmental officer programs, other county
22 plans, and then recycling equipment. And so
23 that's generally how we plan on spending the
24 money next year.
25 And I'll pause here and ask, before we

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1 move on to the tires and E Waste, and see if
2 you -- anyone has questions about this. And if
3 questions come up, please -- please jump in, but
4 let's move on to E Waste.
5 And, Matt, if you could pull up that
6 document. And for those members of the public,
7 these reports are also on our website, where
8 you'll find the agenda for this meeting. If you
9 want to go back and look at them in more detail
10 and in more time, they are posted there for your
11 review.
12 So the Electronic Waste fee, the
13 Oklahoma Computer Equipment Recovery Act
14 provides fees for those manufacturers that sell
15 equipment, computer equipment in Oklahoma. They
16 have to provide a mechanism for recovering that
17 equipment at its end of life, to recycle it.
18 And they have to have a plan on file with the
19 DEQ, and they have to pay a fee to the DEQ, and
20 that's where this revenue comes from.
21 We're working on what we've --
22 there's -- where we have statutory obligations
23 for Solid Waste money, the obligations for
24 spending Electronic Waste fee money is not as
25 clear, so we have a lot of flexibility on how we

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1 fee to dispose of the old tires, and that fee is
2 used to pay processors to collect used tires and
3 to recycle them into material that can be
4 reused, pays end users for recovering that
5 material, and pays to collect tires from illegal
6 tire dumps. That money goes to the Oklahoma Tax
7 Commission, and then they reimburse the DEQ, and
8 that's about a half million dollars a year.
9 Okay. Any questions on any of those
10 revenue and expenditure reports or the
11 anticipated budget for next year?
12 CHAIRMAN SHEPHERD: Hey, Patrick, on
13 the -- on the waste tire, what is our -- what's
14 the -- what's the annual revenue off of the
15 waste tires, do we know?
16 MR. RILEY: From -- so revenue that's
17 not paid back out to processors or -- or
18 revenues --
19 CHAIRMAN SHEPHERD: No, just the
20 gross -- just the gross revenue.
21 MR. RILEY: So the fee income is about
22 half a million dollars.
23 CHAIRMAN SHEPHERD: Fee income?
24 MR. RILEY: So that's -- yeah. So at
25 the top of the page, if you're looking at the

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1 spend that. What we've tried to do the last
2 year or so is to target use of that money
3 specifically for the collection of E Waste,
4 which kind of makes sense.
5 So we have conducted a couple of
6 municipal collection events where we've combined
7 household hazardous waste collection and
8 electronic waste collection, because those seem
9 to be a couple of things that are a big need in
10 smaller communities on what do we do with this
11 kind of waste.
12 We anticipate doing some more of that
13 this year. We've talked to a couple of cities
14 already about hosting some events in which
15 they're collecting electronic waste and using a
16 certified E Waste recycler to dispose of that
17 properly.
18 But this just kind of tracks how the --
19 where the anticipated funding is. The next --
20 the next page shows the budget for the next
21 year, about \$200,000 is what we anticipate each
22 year from this program.
23 Then finally the Waste Tire Recycling
24 budget, or fees and expenditure and budget. And
25 as you know, when you buy new tires you pay a

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1 FY-2020, that final column, the 555,000 --
2 CHAIRMAN SHEPHERD: But that's not the
3 total income from the waste tires, from the --
4 for the tire fund, right? That's just your
5 percentage that's allocated to the DEQ, right?
6 MR. RILEY: This is where I'm going to
7 call on my friend, Kole Kennedy, who works in
8 the tire program, to bail me out.
9 MR. KENNEDY: Thank you, Patrick.
10 Chairman Shepherd, we are -- I have not
11 run last year's total numbers, but we're right
12 at about 13 to 14 million dollars --
13 CHAIRMAN SHEPHERD: Okay.
14 MR. KENNEDY: -- is what is collected
15 from the tire program and then distributed out
16 to processors, to the DEQ, and to the Tax
17 Commission.
18 CHAIRMAN SHEPHERD: Right. Okay.
19 That's what I wanted to know.
20 MR. KENNEDY: Thank you.
21 CHAIRMAN SHEPHERD: All right.
22 MR. RILEY: Thanks, Kole.
23 MR. KENNEDY: Absolutely.
24 MR. RILEY: What other questions?
25 CHAIRMAN SHEPHERD: I guess to Kole,

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1 we're not -- we're not running a surplus of
2 funds in that tire account, are we? Because
3 every time we do, it seems to get stolen by the
4 legislature or -- I wouldn't stay stolen but --
5 MR. KENNEDY: It has historically been
6 swept a couple of times. But, Chairman
7 Shepherd, I will say that two legislative
8 sessions ago we -- there was a -- part of that
9 statutory change was that it put a hard cap on
10 the amount of dollars that were able to be held
11 over, that were for illegal dumps, and that cap
12 is \$500,000.
13 CHAIRMAN SHEPHERD: Okay.
14 MR. KENNEDY: So if anything runs over,
15 like if we have extra money in the fund and we
16 happen to have a good month and it's 505,000,
17 that extra 5,000 is then redistributed back out
18 to our processors. So we can -- we can only
19 hold \$500,000 for illegal tire dump, remediation
20 or projects.
21 CHAIRMAN SHEPHERD: Okay. Is there any
22 other questions or discussion from any of the
23 members of the Council?
24 Is there any questions and/or
25 discussion by any members of the general public?

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1 MS. REINHART: Jody. Jody Reinhart,
2 second.
3 MS. FIELDS: Mr. Adcock?
4 MR. ADCOCK: Yes.
5 MS. FIELDS: Mr. Adcock?
6 MR. ADCOCK: Yes.
7 MS. FIELDS: Mr. Cleveland?
8 MR. CLEVELAND: Aye.
9 MS. FIELDS: Mr. Linn?
10 MR. LINN: Yes.
11 MS. FIELDS: Mr. -- Ms. Merchant?
12 MS. MERCHANT: Yes.
13 MS. FIELDS: Ms. Reinhart?
14 MS. REINHART: Yes.
15 MS. FIELDS: Mr. Shepherd?
16 CHAIRMAN SHEPHERD: Yes.
17 MS. FIELDS: Motion passed.
18 CHAIRMAN SHEPHERD: All right. Moving
19 on. Item Number 7. Another discussion of the
20 Coal Combustion Residual. The Department will
21 provide an update regarding changes to CCR
22 regulation at the federal level and discuss DEQ
23 strategy to update Oklahoma's CCR permitting
24 program in response.
25 Patrick, is this you again?

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1 MR. BIDDICK: As another reminder, if
2 you would like to make a comment, please use the
3 Raise Hand feature or press *9 if attending by
4 telephone.
5 CHAIRMAN SHEPHERD: Anyone? I guess
6 not.
7 So we have to vote here, but I just
8 want to make sure that everybody understands
9 what we're voting on. We're -- are we -- we're
10 voting on the budget for next -- for 2021,
11 correct?
12 MR. RILEY: Actually, it's information
13 related to fees and expenditure for last year.
14 CHAIRMAN SHEPHERD: Okay.
15 MR. RILEY: Not the budget for next
16 year, but -- but how -- but the reports related
17 to expenditures and revenue.
18 CHAIRMAN SHEPHERD: Okay. So if we're
19 ready, does anybody have a motion to approve the
20 program fees and expenditures?
21 MR. LINN: Mr. Chairman, Jim Linn here.
22 I'll so move.
23 CHAIRMAN SHEPHERD: Okay. Second?
24 MS. REINHART: Second.
25 CHAIRMAN SHEPHERD: Who's second?

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1 MR. RILEY: Yes. Yeah, me again. And
2 I think this has been a standing agenda item for
3 maybe the last five years.
4 CHAIRMAN SHEPHERD: It has been.
5 MR. RILEY: But I just want to give you
6 an update of where we are right now related --
7 related to the management of CCR. And it may be
8 helpful to give a brief history, so if you'll
9 bear with me, I'll run through just a little bit
10 about what we've done.
11 So back in 2015 there were federal
12 minimum criteria that were established for
13 disposal of coal combustion residuals. And then
14 when the federal criteria came out and the DEQ
15 decided, well, we need to (indiscernible
16 portion) in collaboration with our stakeholders.
17 We decided that, you know, it makes
18 sense to have one set of rules instead of two,
19 so we passed new rules, a separate chapter,
20 called the Oklahoma Administrative Code 252:517.
21 And so that was passed in June of 2016, and we
22 thought we were good. Six months later the feds
23 changed and created the WIIN Act, which
24 established a federal permitting program.
25 At the time we thought, well, it makes

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1 sense since we have rules in place that mirror
2 the federal rules. Let's go ahead and seek
3 approval. So in August of 2017 we applied for
4 EPA program approval, which we received in July
5 of 2018. And we were the first state to have an
6 authorized program. So good for us.

7 Now, that program approval comes with a
8 couple of conditions. One is that we have to be
9 as protective as the federal program, so our
10 rules have to follow along with the federal
11 rules, and we must seek reauthorization anytime
12 we amend our rules. And to add to that, the
13 reauthorization is a lot of work and takes a lot
14 of effort.

15 So -- so that being known, over the
16 years since the -- since the federal criteria
17 came out, it's been amended a couple of times.
18 There have been lawsuits that forced amendments,
19 forced sections to be vacated and remanded back
20 to EPA and rewritten. EPA has had some planned
21 revisions to their regs. So in the time since
22 we first approved our rules, there have been
23 some changes.

24 So right now what we are looking at are
25 those changes that have occurred, some things

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1 you some of those rules. So that's what that's
2 about.

3 CHAIRMAN SHEPHERD: And this will just
4 be an ongoing process, won't it?

5 MR. RILEY: It will. So as long as --
6 so, of course, once the regs came out on the
7 federal level, you know, there were a lot of --
8 there was a lot of maneuvering from industry and
9 environmental groups to seek amendments to those
10 rules. At some point you would think they would
11 kind of level out and there wouldn't be as many
12 modifications on the federal level so that our
13 need to revise our rules should -- should also
14 not be -- we shouldn't have that need to catch
15 up, but right now we do have some catching up to
16 do. And, again, we have a three-year window to
17 do that, so about every three years we may be
18 looking at making some changes.

19 And I -- and as much work as that
20 sounds like, I think that it's -- it's necessary
21 and we want to do that, because we feel strongly
22 that we want to have an authorized program in
23 Oklahoma. We want to have an Oklahoma
24 permitting program, not a federal permitting
25 program. We think it benefits both the

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1 that we need to change to make sure that we are
2 equally protected as a federal rule, and to --
3 to catch up with some changes that have occurred
4 in the federal rule that may be -- that we want
5 to include, not necessarily because they're more
6 protective but because they make sense to do.

7 So, you know, we didn't want to seek
8 reauthorization each time there was a change, so
9 we waited for a while. Now is a good time, we
10 think, to pursue changes to our rules and seek
11 reauthorization. So our strategy then is, over
12 the next few months, to look at the rules,
13 identify a few things that we want to change,
14 make some recommendations, and come back to the
15 Council with some changes to our Coal Combustion
16 residual regulations that we're going to then,
17 once they are approved, if they are approved,
18 take to EPA for review and reauthorization.

19 And if -- if we're in a position by
20 January to share those draft rules with you for
21 review and approval, we'll do that. We'll, you
22 know, rule -- rule writing is not easy, and we
23 want to be careful and deliberate about how we
24 make those change? But we may be in a position
25 at our next meeting, in January, to share with

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1 regulating community and the citizens of this
2 state for the program to be managed in Oklahoma,
3 by DEQ, and not rely on EPA.

4 CHAIRMAN SHEPHERD: Okay. Any
5 questions or discussion by the Council?

6 MS. MERCHANT: Jeff, this is Brenda
7 Merchant. I do have just one question and that
8 is, based on the version that -- the last
9 version that we put forward, do you have, like,
10 what you see the changes so far being, that need
11 to be addressed and looked at and you all are
12 working on?

13 MR. RILEY: Uh-huh. Yeah, let me --
14 let me briefly talk about that. So when the
15 rules first came out on the federal level, one
16 of the things that they established is that a
17 clay line service impoundment for CCR waste
18 qualified as a line impoundment, and so that's
19 what we wrote into our rules.

20 Subsequent to that, that first set of
21 federal rules, they have amended their rules to
22 say, no, a clay line impoundment is no longer
23 considered lined and you have to have a
24 composite liner or a synthetic liner for service
25 impoundment for CCR. So that makes our rules

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1 less stringent than the federal level, so that
2 will be a required change that we want to make.
3 It -- in practical terms, it doesn't
4 have a lot of impact on our regulated community,
5 because those facilities that are regulated,
6 that have service impoundments, are closing
7 their impoundments anyway, for other reasons, so
8 it's not going to impact them.
9 Another change that -- that we're
10 making is to add some groundwater protection
11 standards for some specific groundwater
12 monitoring constituents. This is actually a
13 benefit to the regulated community. If there is
14 a requirement to clean up -- to remediate to
15 specific standards, if there's not a groundwater
16 protection standard, you have to clean up the
17 background. If background levels for those
18 constituents are non-detect, then you have to
19 clean up to non-detect levels, which is
20 unrealistic.
21 So there are some -- for some of those
22 constituents, they have established groundwater
23 protection standards. And I know it's -- it's a
24 lot -- I'm throwing a lot of information at you.
25 It's complicated. But this is actually a good

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1 on to agenda item Number 8, Cost Estimates and
2 Financial Assurance for all Disposal Facilities.
3 Discussion and planning to accomplish the review
4 and update of financial assurance unit costs
5 required by OAC 252:515-27-4(a) every five
6 years.
7 Has it been five years since we've done
8 this?
9 MR. RILEY: Yeah, it has. It's -- time
10 flies, right?
11 CHAIRMAN SHEPHERD: Yeah.
12 MR. RILEY: So, yeah, I'll explain
13 what -- what we're talking about. The, you
14 know, calculating closure costs for disposal
15 facilities. Calculating adequate closure costs
16 that are included in financial insurance for
17 disposal facilities is very important.
18 We want to make sure that there's
19 enough money set aside to adequately close the
20 facility, to protect people and protect the
21 environment in the case that a facility becomes
22 insolvent and can't close themselves. So our
23 permit provisions, we require establishing a
24 fund, establishing how much it's going to cost
25 to close, and then having that available in the

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1 thing and we want to incorporate that into our
2 rules.
3 There were some changes to closure
4 deadlines for surface impoundments that were
5 extended. We are -- we want to incorporate
6 those into our rules, too. Again, we don't
7 think that's going to have a practical impact on
8 the regulated communities whose surface
9 impoundments have already planned for closure
10 and are working toward a date certain to do
11 that. And so the reality is it won't affect
12 them by the time we go through the rule making
13 process, but we do want to incorporate those
14 changes.
15 So those -- so the liner requirements,
16 groundwater protection standards, and some
17 deadlines for closure, basically, that's what
18 we're looking at.
19 MS. MERCHANT: Thank you, Patrick.
20 MR. RILEY: Sure.
21 CHAIRMAN SHEPHERD: Any other questions
22 from the members of the Council?
23 Is there any questions or discussion by
24 any members of the public?
25 All right. Seeing none, we will move

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1 event it needs to close.
2 A little history again, back in 2000
3 the DEQ Commission did a study for an assessment
4 of how closure costs are developed. And before
5 that time, people kind of were at liberty to
6 come up with their own method for determining
7 what it would cost to close a facility. There
8 were no set tasks, no set unit cost, and so
9 closure costs ranged widely from facility to
10 facility. It was to the point that we were not
11 certain that there was adequate money being set
12 aside for this important fee.
13 So in 2000 a study was commissioned,
14 established tasks, established unit costs, and
15 the authors of that report knew that any -- any
16 unit costs they came up with then would have to
17 be changed. So they -- in that report, they
18 decided that -- or they recommended two things
19 happen. One is that those costs be updated
20 annually for inflation, and that every five
21 years an examination of those costs be conducted
22 to determine if there were other market
23 influences that would change unit costs, that
24 would make sense to incorporate it into the
25 document.

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1 So every five years we do a more
2 comprehensive review of all the unit costs and
3 see if things have changed beyond what inflation
4 would have required. So five years ago we --
5 you guys rec -- you guys, the Council, agreed to
6 form a subcommittee to work with DEQ, to
7 accomplish this comprehensive review. And a few
8 of the members met with us, we looked at
9 everything and -- and did make some changes to
10 the -- to the unit costs.

11 So since that time has passed, it's
12 been another five years, and what I would ask
13 you today is, how do you want to accomplish this
14 again? Should we do that the same way we did
15 five years ago, form a subcommittee and
16 accomplish the review that way, or would you
17 like to do something else?

18 CHAIRMAN SHEPHERD: I mean, I thought
19 the subcommittee worked pretty well. It was me
20 and Brenda and Todd, and I can't remember -- was
21 there anybody else that was from the Council,
22 that was part of the subcommittee, or was it
23 just the three of us?

24 MS. MERCHANT: I think we were the only
25 ones that were on the Council.

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1 we're doing it that way. So I think four or
2 fewer --

3 CHAIRMAN SHEPHERD: Okay.

4 MR. RILEY: -- would be involved.
5 David Case, the engineering manager for Solid
6 Waste, led this effort five years ago, and I
7 would recommend that he do that again. And
8 if -- if it's agreeable to you, I would have him
9 send out an E-mail to solicit participation to
10 the Council. And if you want to participate,
11 you can respond and we'll form the committee
12 like that.

13 CHAIRMAN SHEPHERD: Okay.

14 MR. RILEY: Is that something that --
15 that we need to -- that the Council should vote
16 on?

17 CHAIRMAN SHEPHERD: Are you asking me
18 or telling me?

19 MR. RILEY: We have an action by the
20 Council on this agenda item, so it might make
21 sense if someone made a motion and we follow
22 through like that.

23 CHAIRMAN SHEPHERD: Okay. Well, is
24 there any other questions from the Council?
25 Any other questions or discussion by

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1 CHAIRMAN SHEPHERD: Okay.
2 MS. MERCHANT: And then respective
3 engineers and other folks, and I think SOBA was
4 part of that. And -- yeah, I mean, there were
5 DEQ folks, as well as just the three Council
6 members, I believe.

7 CHAIRMAN SHEPHERD: Well, have we -- we
8 haven't had to -- the State -- the DEQ has not
9 had to close a facility through this -- through
10 the process of, you know, obtaining the bonds
11 and all this other stuff, have we?

12 MR. RILEY: We -- one -- a tire
13 facility we did.

14 CHAIRMAN SHEPHERD: A tire facility.
15 MR. RILEY: Uh-huh.

16 CHAIRMAN SHEPHERD: But not a landfill?
17 MR. RILEY: Not a landfill.

18 CHAIRMAN SHEPHERD: Okay. Well, I
19 mean, I think that we should do the same thing,
20 the subcommittee and, you know, go through like
21 we did five years ago and see if there's any --
22 anywhere to make changes.

23 MR. RILEY: Okay. We -- we need to
24 make sure that we have less than a quorum
25 participating on the subcommittee. That's why

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1 any members of the public?
2 All right. Seeing none, I guess we
3 need a motion to form a subcommittee to study
4 the cost estimates and financial assurance unit
5 rates. Do I hear a motion?
6 MR. ADCOCK: This is Todd. I'll make a
7 motion.
8 MR. CLEVELAND: Second. Rod Cleveland.
9 CHAIRMAN SHEPHERD: Second by Rod
10 Cleveland.
11 Quiana, do you want to call the roll?
12 MS. FIELDS: Yes.
13 Mr. Adcock?
14 MR. ADCOCK: Yes.
15 MS. FIELDS: Mr. Cleveland?
16 MR. CLEVELAND: Aye.
17 MS. FIELDS: Mr. Linn?
18 MR. LINN: Yes.
19 MS. FIELDS: Ms. Merchant?
20 MS. MERCHANT: Yes.
21 MS. FIELDS: Ms. Reinhart?
22 MS. REINHART: Yes.
23 MS. FIELDS: Mr. Shepherd?
24 CHAIRMAN SHEPHERD: Yes.
25 MS. FIELDS: Motion has passed.

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1 CHAIRMAN SHEPHERD: Okay. So if -- if
2 I remember, five years ago I think we met like
3 two times. Is that what it was, two times?
4 MR. RILEY: I think we had two
5 meetings.
6 CHAIRMAN SHEPHERD: Okay. So we'll be
7 looking for an E-mail from David Case. And
8 anybody that wants to join that subcommittee is
9 more than welcome to join, as long as we keep it
10 to four or less; is that right?
11 MR. RILEY: That's right. So -- so act
12 quickly for this opportunity.
13 CHAIRMAN SHEPHERD: Five years ago it
14 was very exciting. It was -- it was
15 electrifying, the meetings.
16 MR. ADCOCK: I wish we had met more.
17 Are we planning on -- is this probably going to
18 be a Zoom meeting as well, do you anticipate?
19 MR. RILEY: If it -- if we have
20 meetings soon, it will be a virtual type of
21 meeting, yeah, so --
22 MR. ADCOCK: Is there a deadline --
23 obviously, a soft deadline on it needs to be
24 done in the next quarter or by the end of 2020,
25 or if we make it to the end of 2020?

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1 and updating our policy.
2 CHAIRMAN SHEPHERD: I'm going to go
3 ahead and say it now, It's the new normal.
4 MR. RILEY: It's new; I don't know if
5 it's normal yet, but...
6 MS. REINHART: Let's hope it's a
7 temporary normal.
8 CHAIRMAN SHEPHERD: I hope so. All
9 right. Moving on, Number 9. Election of
10 Officers. Each year at this time the Council
11 elects officers for the next calendar year.
12 Do I hear any nominations?
13 MS. MERCHANT: I make a motion to -- to
14 nominate Jeff Shepherd as Chairman.
15 MR. ADCOCK: Second. This is Todd.
16 CHAIRMAN SHEPHERD: All right. You
17 want to call the roll?
18 MS. FIELDS: Yes.
19 Mr. Adcock?
20 MR. ADCOCK: Yes.
21 MS. FIELDS: Mr. Cleveland?
22 MR. CLEVELAND: You bet. Yes.
23 MS. FIELDS: Mr. Linn?
24 MR. LINN: Yes.
25 MS. FIELDS: Ms. Merchant?

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1 MR. RILEY: I think -- so when I was
2 talking to David, I think we met initially in
3 the fall, and then we had recommendations that
4 we brought back to the Council then the
5 following year, and then took action the fall of
6 the -- of the next year.
7 So, you know, if we start working on it
8 now, we'll be in great shape. If we solve it or
9 accomplish it within the next 12 months or so,
10 we'll be on track for what we did last year or
11 five years ago.
12 CHAIRMAN SHEPHERD: I guess we don't --
13 do we have to meet virtually or can we just meet
14 off campus somewhere, where there's some --
15 MR. RILEY: Yeah. I mean, our
16 recommendation is to social distance as much as
17 possible for our employees, so if we could
18 accomplish a meeting in that manner, that might
19 be feasible.
20 CHAIRMAN SHEPHERD: Okay.
21 MR. RILEY: We're limiting meetings at
22 DEQ right now, so that's probably not an option.
23 CHAIRMAN SHEPHERD: Okay.
24 MR. RILEY: But things are changing
25 quickly, and we're watching what's happening

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1 MS. MERCHANT: Yes.
2 MS. FIELDS: Ms. Reinhart?
3 MS. REINHART: Yes.
4 MS. FIELDS: Mr. Shepherd?
5 CHAIRMAN SHEPHERD: Yes.
6 MS. FIELDS: Motion passed.
7 CHAIRMAN SHEPHERD: I thought we were
8 going to make Brenda the chairperson.
9 MS. MERCHANT: Too late.
10 CHAIRMAN SHEPHERD: All right. We need
11 to elect the vice chairman.
12 MR. LINN: Mr. Chairman, Jim Linn here.
13 I would move to nominate Brenda Merchant. It
14 says here on my page, Brenda Merchant as the
15 Vice Chairperson, sir.
16 CHAIRMAN SHEPHERD: Do I have a second?
17 MS. REINHART: Second from Jody
18 Reinhart.
19 CHAIRMAN SHEPHERD: All right.
20 MS. FIELDS: Mr. Adcock?
21 MR. ADCOCK: Yes.
22 MS. FIELDS: Mr. Cleveland?
23 MR. CLEVELAND: Aye.
24 MS. FIELDS: Mr. Linn?
25 MR. LINN: Yes, ma'am.

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1 MS. FIELDS: Ms. Merchant?
2 MS. MERCHANT: Yes.
3 MS. FIELDS: Ms. Reinhart?
4 MS. REINHART: Yes.
5 MS. FIELDS: Mr. Shepherd?
6 CHAIRMAN SHEPHERD: Yes.
7 MS. FIELDS: The motion has passed.
8 CHAIRMAN SHEPHERD: Just to let you
9 know, I'll miss every meeting next year.
10 MS. MERCHANT: You better not. I -- I
11 will find you.
12 MR. RILEY: Just one point of order,
13 I -- before we move on, Mr. Shepherd, there is a
14 typo in item Number 9, The Election of Officers.
15 It should reflect Election of Officers for 2021,
16 not 2020. That's just a typo on our part, but I
17 think it's understood that it's for this coming
18 year.
19 CHAIRMAN SHEPHERD: Sure.
20 MR. RILEY: I just wanted to point that
21 out.
22 CHAIRMAN SHEPHERD: Item Number 10,
23 Suggested Meeting Dates for 2021 Council
24 Meetings. Each year at this time the Council
25 sets meeting dates and locations for the next

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1 MR. RILEY: Yes, if you would, please.
2 MR. KENNEDY: The dates that I had
3 written up were, roughly, January 14th, that's a
4 Thursday, or January 21st. Those are typically
5 right around that week window that we usually go
6 to. And then we also have a suggested date of
7 Thursday, April 8th or Thursday, April 15th.
8 The same thing with July, Thursday the 8th or
9 Thursday the 15th. And then the September one
10 is also Thursday, September 9th or Thursday,
11 September 16th.
12 CHAIRMAN SHEPHERD: Everybody -- I
13 mean, I'd say January the 14th, April the 8th,
14 and July the 8th, and September the 9th.
15 MS. MERCHANT: What was that again?
16 CHAIRMAN SHEPHERD: I would say January
17 the 14th, April the 8th, July the 8th, and
18 September the 9th. I mean, we probably won't
19 meet April and July if there's something going
20 on.
21 MR. RILEY: Yeah.
22 MS. REINHART: Brenda, how does that
23 look for your schedule since you're the Vice
24 Chair?
25 MS. MERCHANT: Well, I can -- I can

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1 calendar year.
2 So we'll meet in January for sure,
3 probably, won't we?
4 MR. RILEY: Yes.
5 CHAIRMAN SHEPHERD: Okay. And
6 that's -- that's either going to be at the DEQ's
7 office or virtual, so do we -- do we go ahead
8 and pick a date?
9 MR. RILEY: Yes. Yeah, let's pick a
10 date.
11 CHAIRMAN SHEPHERD: What do we normally
12 do, like the first Thursday or the second
13 Thursday?
14 MS. MERCHANT: I'm trying to think of
15 what it was last year.
16 MS. REINHART: Well, I mean, does DEQ
17 have kind of a schedule, a preliminary schedule
18 that they're looking at already?
19 MR. RILEY: We have some dates, I
20 think. Let me see if I can find some suggested
21 dates.
22 CHAIRMAN SHEPHERD: January 2020.
23 MR. KENNEDY: Patrick, I have those
24 written down. This is Kole Kennedy. Do you
25 want me to rattle those off real quick?

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1 tell you right now, my plans are, you know,
2 pretty fluid. So, you know, if we're going to
3 do it virtually, it's, you know, pretty simple.
4 If it's in person, just have to make it happen.
5 But since Jeff picked those dates, I
6 fully anticipate that it will -- he will be able
7 to make those dates.
8 CHAIRMAN SHEPHERD: Sure.
9 MR. LINN: Mr. Chairman, do you need a
10 motion for those? This is Jim Linn.
11 CHAIRMAN SHEPHERD: Well, yeah. I
12 mean, is everybody -- I guess if everybody's
13 kind of in agreement with those dates, then
14 we'll -- yeah, give me a motion and we'll go
15 from there.
16 MR. LINN: Mr. Chairman, this is Jim
17 Linn. I'll move the meeting dates to be
18 January 14th, April 8th, July 8th and
19 September 9.
20 CHAIRMAN SHEPHERD: Do I have a second?
21 MS. REINHART: Jody Reinhart. I'll
22 second.
23 CHAIRMAN SHEPHERD: Quiana, you want to
24 call the roll?
25 MS. FIELDS: Mr. Adcock?

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1 MR. ADCOCK: Yes.
 2 MS. FIELDS: Mr. Cleveland?
 3 MR. CLEVELAND: Aye.
 4 MS. FIELDS: Mr. Linn?
 5 MR. LINN: Yes.
 6 MS. FIELDS: Ms. Merchant?
 7 MS. MERCHANT: Yes.
 8 MS. FIELDS: Ms. Reinhart?
 9 MS. REINHART: Yes.
 10 MS. FIELDS: Mr. Shepherd?
 11 CHAIRMAN SHEPHERD: Yes.
 12 MS. FIELDS: Motion passed.
 13 CHAIRMAN SHEPHERD: All right. Item
 14 Number 11, Public Forum, Open Discussion.
 15 Anybody out there have any wants or needs?
 16 MR. BIDDICK: This is Jeff Biddick.
 17 I'll give instructions one last time for any
 18 public comments. As a reminder, if you want to
 19 make a public comment, use the Raise Hand
 20 feature in Zoom or *9 if attending by telephone.
 21 You can find the Raise Hand feature at the
 22 bottom right or the top right of your screen,
 23 depending on your device.
 24 CHAIRMAN SHEPHERD: I don't see
 25 anybody.

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1 Item Number 12, New Business. Any new
 2 business?
 3 All right. That leads us to
 4 adjournment. So if anybody doesn't have
 5 anything else, then I will adjourn the meeting.
 6 MR. RILEY: All right. Thank you all.
 7 CHAIRMAN SHEPHERD: All right. Thank
 8 you everybody for joining. I appreciate your
 9 time and effort, and everybody go out there and
 10 have a safe and good day. Thank you.
 11 MS. MERCHANT: Be safe, Jeff.
 12 CHAIRMAN SHEPHERD: All right. Thanks.
 13 MR. LINN: Thank you.
 14 MS. REINHART: Thanks, Patrick, and the
 15 rest of the DEQ staff.
 16 MR. RILEY: Thank you.
 17 MS. MERCHANT: Thank you all.
 18 UNIDENTIFIED PERSON: Take good care
 19 everybody.
 20 (Meeting concluded.)
 21
 22
 23
 24
 25

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C E R T I F I C A T E

STATE OF OKLAHOMA)
)
 COUNTY OF TULSA)

I, Tammie Shipman, Certified Shorthand Reporter
 in and for the State of Oklahoma, do hereby certify
 that the foregoing proceedings are a true and correct
 transcript of the record of the machine shorthand
 notes taken by me and transcribed into written form
 under my supervision, direction and control.

I further certify that I'm neither related to nor
 attorney for any interested party in the named action,
 nor otherwise interested in the outcome of said
 action.

WITNESS MY HAND, this 18th day of September,
 2020.

Tammie Shipman

Tammie Shipman
 Shorthand Reporter
 CSR #1564

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