

MINUTES
Solid Waste Management Advisory Council
September 12, 2019 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at January 16, 2020 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on September 12, 2019, 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 11, 2018. 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

Rodney Cleveland
Ilda Hershey
Jim Linn
Traci Phillips
Bill Torneten
Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
Kole Kennedy
Patrick Riley
Hillary Young
Kaylee Shiptet
Karen Jayne
Amber Edwards
Lloyd Kirk
Kathy Aebisher
Michelle Wynn
Cindy Hailes
David Cates
Kasie Stambaugh
Quiana Fields

MEMBERS ABSENT

Todd Adcock
Thomas Lazarski
Brenda Merchant

OTHERS PRESENT

Jennifer Kaelin, Court Reporter

Approval of the Minutes for the July 11, 2019 Solid Waste Management Advisory Council Meeting – Mr. Linn moved approval of the July 11, 2019 Minutes and Ms. Phillips made the second.

See transcript page 4

Roll Call

Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

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

See transcript pages 5 - 7

Vendor Reports – Mr. Shepherd stated that the Department invited Deputy Shawn Copeland, Pottawattamie County and Ms. Jeanette Nance, Keep Oklahoma Beautiful to provide information about the work their organizations have accomplished using solid waste funding. Ms. Nance gave a presentation and Deputy Copeland spoke on accomplishments used for solid waste funding.

See transcript pages 7 - 28

Discussion of Solid Waste Program Fees/Expenditures –Mr. Patrick Riley spoke on the solid waste program fees and expenditures; which has to be submitted to the Executive Director, Governor, and Legislature by November 1, 2019. Following questions and comments concerning program fees and expenditures, Mr. Cleveland moved to approve and Ms. Hershey made the second.

See transcript pages 28 - 46

Roll Call			
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Discussion of OAC 252:515 Management of Solid Waste Rules – Mr. Riley stated the Department is proposing, for discussion only, to update the tire regulations based on statutory changes and other proposed revisions throughout Chapter 515.

See transcript pages 46 – 57

Discussion of Senate Bill 1027 (Council Sunset) – Mr. Shepherd stated that as requested by the Council, the Department is presenting, for discussion purposes only, language for use in sharing information relating to Senate Bill (SB) 1027 Council sunset dates. Ms. Karen Jayne, Environmental Attorney of the SWMAC, drafted a letter for the Council to provide to the Legislature. Following questions and comments by the Council, Mr. Shepherd called for a motion to final edit the letter presented at the meeting, use the text provided by Ms. Hershey that says, “The Council also provides,” and make it say, “Most importantly the Council provides.” Also, to have the letter circulated so that the Council can review before January meeting. Ms. Hershey moved to approve and Mr. Linn made the second.

See transcript pages 57 - 68

Roll Call			
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Election of Officers for 2020 – Mr. Linn made a motion that Mr. Shepherd remains Chair and Ms. Phillips made the second.

See transcript pages 68 - 69

Roll Call			
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

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

See transcript pages 69 – 70

Roll Call			
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Suggested Meeting Dates for 2020 Council Meetings – The suggested 2020 dates are to be January 16, April 9, July 9 and September 10. Mr. Linn moved to approve and Mr. Cleveland made the second.

See transcript pages 70 – 72

Roll Call			
Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Public Forum – No public issues were raised.

New Business – None

Adjournment – Mr. Shepherd called for a motion to adjourn. Mr. Linn moved to adjourn and Mr. Cleveland made the second. The meeting was adjourned at 10:40 a.m.

See transcript page 73

Roll Call

Rodney Cleveland	Yes	Traci Phillips	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Transcript and Attendance Sheet are attached as an official part of these Minutes. Also attached the draft letter regarding SB 1027 (Council Sunset).

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID WASTE MANAGEMENT ADVISORY COUNCIL

PUBLIC MEETING

SEPTEMBER 12, 2019 - 9:00 A.M.

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

REPORTED BY: JENNIFER PAYNE KAELIN, CSR

Page 2

1 COUNCIL MEMBERS:

2 Mr. Todd Adcock - absent

3 Mr. Rodney Cleveland

4 Mr. Jeffrey Shepherd - Chairman

5 Mr. Thomas Lazarski - absent

6 Mr. Jim Linn

7 Ms. Traci Phillips

8 Mr. Bill Torneten

9 Ms. Brenda Merchant - Vice Chairman - absent

10 Ms. Ilda Hershey

11 ALSO PRESENT:

12 Ms. Quiana Fields, Secretary of Board and Council

13 Mr. Patrick Riley, DEQ Environmental Programs Manager

14 Ms. Jeanette Nance, Keep Oklahoma Beautiful

15 Mr. Shawn Copeland, Deputy, Pottawatomie County

16 Ms. Kelly Dixon, DEQ Assistant Director

17 Ms. Michelle Wynn, DEQ Legislative Liaison

18 Ms. Amber Edwards, DEQ Land Protection Division

19 Ms. Karen Jayne, DEQ Attorney Land Protection Division

20 Ms. Kathy Aebischer, DEQ, Chief Financial Officer

21 Mr. Kole Kennedy, DEQ staff

22

23

24

25

Page 4

1 MS. QUIANA FIELDS: Ms. Merchant is absent.

2 Ms. Phillips.

3 MS. TRACI PHILLIPS: Here.

4 MS. QUIANA FIELDS: Mr. Torneten.

5 MR. BILL TORNETEN: Here.

6 MS. QUIANA FIELDS: Mr. Shepherd.

7 CHAIRMAN JEFFREY SHEPHERD: Here.

8 MS. QUIANA FIELDS: We have a quorum.

9 CHAIRMAN JEFFREY SHEPHERD: Okay. Do I have a

10 motion for the approval of the minutes from July 11th?

11 MR. JIM LINN: So moved.

12 MS. TRACI PHILLIPS: Second.

13 MS. QUIANA FIELDS: Mr. Cleveland.

14 MR. RODNEY CLEVELAND: Aye.

15 MS. QUIANA FIELDS: Ms. Hershey.

16 MS. ILDA HERSHEY: Aye.

17 MS. QUIANA FIELDS: Mr. Linn.

18 MR. JIM LINN: Aye.

19 MS. QUIANA FIELDS: Ms. Phillips.

20 MS. TRACI PHILLIPS: Aye.

21 MS. QUIANA FIELDS: Mr. Torneten.

22 MR. BILL TORNETEN: Yes.

23 MS. QUIANA FIELDS: Mr. Shepherd.

24 CHAIRMAN JEFFREY SHEPHERD: Yes.

25 MS. QUIANA FIELDS: Motion passed.

Page 3

1 CALL TO ORDER - 9:01 a.m.

2 CHAIRMAN JEFFREY SHEPHERD: This September the

3 12th, 2019, meeting of the Solid Waste Management

4 Advisory Council is called in accordance with the

5 Open Meeting Act.

6 Notice was filed with the Secretary of State on

7 October the 11th, 2018. The Agenda was duly posted on

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

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

10 Only matters appearing on the posted Agenda may be

11 considered at this regular meeting. In the event that

12 this meeting is continued or reconvened, public notice of

13 the date, time, and place of the continued meeting will

14 be given by announcement at this meeting. Only matters

15 appearing on the Agenda of a meeting which is continued

16 may be discussed at the continued or reconvened meeting.

17 Call roll.

18 MS. QUIANA FIELDS: Mr. Adcock is absent.

19 Mr. Cleveland.

20 MR. RODNEY CLEVELAND: Here.

21 MS. QUIANA FIELDS: Ms. Hershey.

22 MS. ILDA HERSHEY: Here.

23 MS. QUIANA FIELDS: Mr. Lazarski is absent.

24 Mr. Linn.

25 MR. JIM LINN: Here.

Page 5

1 CHAIRMAN JEFFREY SHEPHERD: All right.

2 Patrick.

3 MR. PATRICK RILEY: So in this session of the

4 Agenda we usually share information about things

5 happening at DEQ or around the state that may be of

6 general interest to you, and we just have a few things to

7 share. One of which Ilda can provide a lot of detail on,

8 which is the OKRA conference, which is coming up. She's

9 got some flyers that she'll make available. It's in

10 Tulsa at the zoo on September 25th, so that's -- that's

11 an event that we're looking forward to.

12 There's another conference coming up, an

13 environmental conference, Composting Conference on

14 October 10th, and that's going to be at the Moore Norman

15 Technology Center's Franklin campus, so if you're

16 interested in that.

17 Other things that -- one thing that we're pretty

18 proud of is that -- some of you are familiar with

19 Sustainable Tulsa Scorecard Assessment of Sustainability.

20 That's something that DEQ has helped with the development

21 on over the years, and we're also a participant. And in

22 this year's assessment, DEQ was assessed and scored at

23 the silver level, which is a fairly high achieving level.

24 And I would hope that we would score, as an agency,

25 fairly well, and we did. So I just want to point that

Page 6

1 out. We have a team of folks that work on that. And now
2 that they've achieved at this level, the -- the real
3 challenge is to move up and find more -- more ways to be
4 sustainable.

5 Some of the major things that we're accredited, as
6 an agency, for were energy improvements, transition to
7 LED lighting, improvements with the heating and cooling
8 system. So once those are counted, now we have to find
9 even bigger things and more fun things to do. So the
10 low-hanging fruit has been eaten and now we're moving on.
11 But we want to pursue that. We think it's a good thing
12 for us, as an agency, to set an example for others.

13 Other things that are worth noting, the -- we have a
14 new position back in Land for an E-Waste coordinator that
15 was formally in the Office of External Affairs. That
16 position, because of a change in personnel, we now have
17 that position back in Land. So we have somebody
18 coordinating the Oklahoma Computer Equipment Recovery Act
19 program, and then also working on solid waste contracting
20 with our contracts with local governments and
21 professional services groups looking for ways to track
22 and assess the return on investment that we have with the
23 solid waste money that we spend. And we can talk more
24 about that when we get to the budget and revenue reports,
25 but -- so we're pretty excited about that.

Page 7

1 And the only other thing that I would mention is
2 that for coal combustion residuals, which is usually a
3 standing Agenda item for this Council, we have nothing,
4 so I'm happy about that.

5 (Laughter.)

6 MR. PATRICK RILEY: Other than to say that we
7 still anticipate some federal legislation, some federal
8 rules for permitting to come out. They expected them
9 this summer. We're getting to the end of the summer, so
10 I don't think they're going to make their original
11 timelines, but probably this fall. So we'll keep you
12 updated on that.

13 And that's really all I have for the Director's
14 report. Are there any questions on that?

15 CHAIRMAN JEFFREY SHEPHERD: Any questions from
16 the Council?

17 (No response.)

18 CHAIRMAN JEFFREY SHEPHERD: All right. We will
19 move to vendor reports. The Department has invited two
20 solid waste management funding recipients to provide
21 information about the work their organizations have
22 completed using solid waste funding.

23 MR. PATRICK RILEY: So each year we talk about
24 revenue and expenditures, and we look at the numbers and
25 we talk about projects, but we don't have a lot of

Page 8

1 context to go with that. So this year we've done a
2 couple of things. One, is behind the third tab in your
3 notebooks is some information related to all the projects
4 that were standing line items in the -- in the revenue
5 expenditure report, just to give you a little bit of
6 context to relate to those spending items.

7 The other thing that I'd like to do today is to --
8 I've invited a couple of folks to share about how the
9 solid waste money has benefited their program and what
10 they've done with it. And at least one person is here.
11 I don't know if we have both here or not.

12 But Jeanette Nance, from Keep Oklahoma Beautiful, is
13 here, and I'd invite her to come talk, and also she has a
14 video that we'll show.

15 MS. JEANETTE NANCE: Mr. Chairman, members of
16 the Council -- am I on?

17 CHAIRMAN JEFFREY SHEPHERD: There's a button
18 there.

19 MS. JEANETTE NANCE: Okay. This one?

20 CHAIRMAN JEFFREY SHEPHERD: There you go.

21 MS. JEANETTE NANCE: Mr. Chairman and members
22 of the Council, thank you for having me today.

23 I've been talking with Patrick about what really to
24 cover with you-all, and I think he's given you-all our
25 annual report, which has all of our numbers for our last

Page 9

1 fiscal year, which include The Great American Cleanup
2 from this spring. But it does not include the programs
3 that are ongoing right now, so I wanted to give you some
4 information on that.

5 It's a very thorough report. I think you'll be
6 pleased with the numbers that it produced. It talks
7 about last year's Fresh Paint Program, which is our
8 recycle paint program, which helps communities throughout
9 the state.

10 As you know, we serve 77 counties, so this year so
11 far we have -- not so far, we have 44 projects in 37
12 communities going on this year. We delivered over
13 2,000 miles, 900-plus gallons of paint for communities to
14 change the face of their community. So this program is
15 designed to use recycled and surplus paint so that it's
16 not put into a landfill. Plus, it helps the aesthetic
17 and beautification and healthy sustainability in
18 communities to provide things like that, so it's a very
19 good program. I'm really glad that DEQ and KOB can be a
20 part of it.

21 Our fresh paint last year was just phenomenal. And
22 the winner was the small town of Wellston, and they used
23 two colors to do a mural on a building, and that was the
24 winning project. And we were able to give the town of
25 Wellston a thousand dollars. And that -- that program

Page 10

1 will be over mid October, and we'll have the winners
2 recognized at our annual event.

3 Last year, the Litter Education Program reached more
4 than 600 students at six-grade levels teaching recycling
5 and the dangers of landfills. And the high school and
6 college program is creating videos that help students, as
7 they prepare those videos, understand all of the litter
8 numbers that Oklahoma and, quite frankly, the earth face.
9 So we're teaching that behavior change in students
10 beginning at the elementary level and through university
11 level.

12 And that's what we want is we want to instill
13 behavior changes that littering is wrong and recycling is
14 better, and they learn that as children so they grow into
15 non-littering adults, so it's a great program.

16 It's open right now for registration. So, like I
17 said, we had 600 students reached that last year. And
18 registration is still ongoing right now, but we currently
19 have 27 classes in our UnCapped, which is elementary, and
20 23 classes in the UpCycled, which is middle school. Each
21 of those classes probably, on average, have 20 students,
22 so we've far exceeded last year's reach already.

23 And litter education is being mailed this week, so
24 the -- the high school -- so we don't know what the
25 registration is for that yet, but it -- it did really

Page 11

1 well last year. And you'll see those numbers in this
2 book when you have a chance to review it.

3 We hold four workshop and forums all year long at
4 those workshops. One is happening in October. The
5 topics for it are: Painting your Hometown. We'll be
6 talking about how to do it and how to do it in a
7 sustainable way and a healthy way so that, you know, if
8 you're blowing off or scraping off paint, that is
9 something -- how it's done and how to do it right.

10 Landscaping City Medians, Oklahoma City Beautiful will
11 talk about what they've done in the Metro area and
12 working with municipal governments on how to keep an
13 environmentally-friendly median program going.

14 And then How to Recycle Right. We'll have
15 Greg Kalidy (ph) from Waste Management talking about
16 recycling and to teach just -- this workshop -- these
17 workshops, thank you to the sponsorship of DEQ and PSO,
18 are free. So communities and just Joe Smith can go, or
19 we invite city managers and mayors to attend. And just
20 to provide them with good information on how to do things
21 that our programs and mission can help them and provide
22 tools to them.

23 And they'll be learning, too, about social media and
24 how to push our mission, their mission, all like missions
25 and, you know, little clips of how to recycle right. So

Page 12

1 I think they're great workshops. And like I said, we put
2 them on four times a year.

3 Our spring workshop is for law enforcement. I'm
4 sorry Deputy Copeland isn't here yet. It's to teach --
5 we invite law enforcement that have environmental
6 deputies or officers, and we teach them all about the
7 statutes that pertain to illegal dumping and how they can
8 get funding and help to do that with Keep Oklahoma
9 Beautiful's free supplies and things like that, which
10 defray those government costs, which is what we're happy
11 to do.

12 Clean Communities is a program that we partner with
13 DEQ where we recognize communities that participate in
14 our Great American Cleanup, but add to that with any
15 waste collection or tire collection, and we recognize
16 them as a clean community and present them with a plaque
17 from DEQ and KOB. So that's a great program when we have
18 communities that are participating in that to the point
19 that they're getting them annually because it's important
20 to them and it's, to them, a prestigious thing to
21 receive.

22 And Our Great American Cleanup, you'll see in the
23 book, one thing that's huge about this is the number that
24 I'm about to tell you, and you'll probably hear and see
25 it again in the video, is reporting back from over 400

Page 13

1 community groups that registered for our Litter Education
2 and Great American Cleanup Program where we provide them
3 free supplies to be used by volunteers. And all of those
4 volunteer hours defray government cleanup costs from --
5 by DEQ, by sheriff's offices, municipalities. Everywhere
6 they're cleaning, they're not paying a government worker
7 for, so we multiply that by the average government worker
8 hour dollars. And mind you, 400 groups register. We
9 only got just under 200 reports back, so these numbers
10 are technically only half of what we could know on what
11 really happened out there by volunteers with free
12 supplies. It's \$8.7 million. So it's a great program
13 and we're glad to be a part of it with DEQ.

14 As many of you know, probably you have attended the
15 Great -- the Environmental Excellence Celebration where
16 we honor and recognize communities from all over the
17 state. We have 600 people in attendance, recognizing
18 them for their environmental beautification and
19 conservation projects and programs that they do annually.

20 This year we'll be recognizing 57 individual
21 companies and agencies and community groups as finalists
22 and winners will be announced at the event. Six of the
23 winners have already been announced because they get our
24 prestigious Board awards and they're chosen by our Board,
25 nominated and chosen by our Board of Directors.

Page 14

1 And this year they are J. Michael Patterson,
 2 Mike Patterson, who was the former director of the
 3 Department of Transportation, who throughout his career,
 4 at the Department of Transportation, supported their
 5 beautification office and all of the beautification going
 6 on in the highways and brought in and fostered in the
 7 Keep Oklahoma Beautiful campaign that provides funding
 8 for us and that Great American Cleanup that defrayed --
 9 defrayed that \$8.7 million in highway cleanups. So he'll
 10 be recognized for a lifetime achievement.

11 Our Vanguard Energy Award will go to Spiers New
 12 Technologies for their -- it's either Spiers or Spiers.
 13 I never remember which one is correct, for what they do
 14 with refurbishing batteries.

15 And our Environmental Vanguard award will go to
 16 Malarkey Roofing for making shingles from retired --
 17 recycled tires and making them more energy efficient and
 18 reusing tires.

19 Our Environmental Advocate award goes to
 20 H.I.S. Coatings, which is the company that provides the
 21 recycled paint for our paint program.

22 And our Champion volunteer is someone who's spent 25
 23 years in their lifetime working and doing volunteer work
 24 in litter and beautification projects and programs, and
 25 that will be Justin Few from Pride in McAlester.

Page 15

1 And then our Towering Spirit award is for their
 2 redoing of an area, a grain area in Tulsa, and it's the
 3 Tulsa Gathering Place.

4 And then our Visionary Leadership is going to
 5 Andrew Sartain with Earth Rebirth efforts to put gardens,
 6 school gardens, at every elementary school in Norman,
 7 so -- and they did that and they launched that program
 8 with a grant they received from us with funds provided by
 9 DEQ. So now every elementary school in Norman has a
 10 sustainable garden.

11 So those are just some big numbers. Our next
 12 workshop is October 2nd in Cushing. And then we do have
 13 a video for y'all to see. Thank you.

14 CHAIRMAN JEFFREY SHEPHERD: Thanks.

15 MR. KOLE KENNEDY: The people up front there,
 16 you may want to move so you can see the video if you want
 17 to.

18 MS. JEANETTE NANCE: Oh, and I also have the
 19 video on my USB for all of you to take with you.
 20 (Video presentation.)

21 MR. PATRICK RILEY: Jeanette, thank you for
 22 bringing the video and giving your presentation.

23 The next recipient of solid waste funding, I'd like
 24 to invite up Deputy Shawn Copeland from
 25 Pottawatomie County. Pottawatomie County received some

Page 16

1 solid waste funding this year for a Trash Cop program to
 2 investigate illegal dumping and to clean up dumpsites.

3 We had a significant investment of solid waste money
 4 in local projects for -- this year for trash cops. We
 5 had 15 different programs, mostly county programs. There
 6 were one or two municipalities that instituted programs.
 7 It's been widely successful, and I think it's valuable to
 8 hear what Deputy Copeland has to share about the success
 9 of the program.

10 One more thing I would add. I'm disappointed that
 11 Todd Adcock isn't here today because Deputy Copeland has
 12 been working hard to leverage the dollars that he has.
 13 And I know that he has negotiated with Mr. Adcock and
 14 Central Disposal and Center Point landfill some
 15 discounted rates for disposal and maybe some free
 16 disposal, so that's -- that's important.

17 DEPUTY SHAWN COPELAND: Thank you very much.
 18 That's a tough act to follow, though, that beautiful
 19 video and everything. So I'm a little disappointed I
 20 have to follow you today.

21 (Laughter.)

22 DEPUTY SHAWN COPELAND: As he said, I'm out of
 23 Pottawatomie County. This is -- we're just now starting
 24 our second year with the Environmental Crimes
 25 Investigative Program that is funded by DEQ.

Page 17

1 Last year we had a very successful year. It was our
 2 first year being active. We collected over 700,000
 3 pounds of trash, cleaned up some 351 tons. We cleaned up
 4 five what I refer to as "legacy dumps." These are dumps
 5 that are around our county that have been there for --
 6 most of them decades, some of them 50 or more plus years,
 7 and we've got those cleaned up.

8 And the money from DEQ was instrumental. The help
 9 from KOB was instrumental. They provide us with gloves
 10 and vests and trash bags and just general support and
 11 education, so I'm very thankful for that.

12 As he alluded to, we get a lot of help from what I
 13 call community partners. I go around with my hand out an
 14 awful lot around Shawnee and the community there and ask
 15 companies and local organizations to provide us help and
 16 money. And as he was saying, Central Disposal was the
 17 first company that provided us any help. Basically, what
 18 they did was they gave us free dumping, which is a huge
 19 help for these kinds of programs because the landfill
 20 costs would -- you know, if we had to pay what everybody
 21 else pays and the amount of trash that we're picking up,
 22 it would severely limit the amount of stuff that we could
 23 do because it would deplete our funds in a very rapid
 24 way.

25 So Central Disposal was a huge help in that. They

Page 18

1 gave us, if I remember right, it was about 100,000 pounds
2 of free landfill use, which really helped us out a lot.
3 Allowed us to use that money, that we would have used
4 for -- for that, to clean up additional sites.
5 I'm also extremely lucky because my -- our
6 County Commissioners are really behind the program. They
7 purchased a trailer and a truck for me. We've just --
8 after ten and a half months, the truck finally came
9 through, so we're getting that set up. And once I get
10 that trailer set up, the -- again, the Central Disposal,
11 you know, we use their substation. It's really going to
12 help on the smaller sites, because now I can use
13 community service individuals and volunteers to clean up
14 those smaller sites around the city and around the county
15 and then take it to the substation and drop it off, and
16 that will be trash that's cleaned up for absolutely free.
17 You know, just the labor, so that's a huge help.
18 I also instituted a Facebook page called "Keep
19 Pottawatomie County Clean." Currently, we have just
20 under 800 people following that page. And that's really
21 generated a lot of public support, which I found
22 interesting that -- that public support is really
23 necessary. Because you have to get buy-in from the
24 elected officials in your county, Commission
25 Commissioners, your District Attorney and -- and the

Page 19

1 Sheriff. All of those positions are elected. And so
2 when you have a lot of public support, those people
3 fall -- you know, they -- they want to help you get --
4 accomplish that stuff, too.
5 So with public support and the support of the -- the
6 County Commissioners, Sheriff, and District Attorney, you
7 can really, you know, make a difference there in the
8 county. And then once the public gets involved and
9 starts reporting stuff, the word gets around. And
10 we've -- we've found while not zero, by any stretch of
11 the imagination, that the amount of times that I'm
12 getting called about people dumping things out are
13 starting to diminish. So the word is getting out that we
14 actively prosecute and search out the people who are
15 dumping.
16 Last year we wrote -- I wrote 60 citations, just
17 under that in written warnings, and I can't tell you how
18 many verbal warnings that I -- that I went out and did,
19 because I don't track that. So we are making an impact
20 and the community is behind us.
21 So I'm very thankful for DEQ. It's a little bit sad
22 how the funding has gone down this year, but I
23 understand, and we're trying to make do and fill that
24 gap.
25 We also reached out to an organization called

Page 20

1 United by Blue. They're a company that sells outdoor
2 gear, clothes and, like, tumblers and camping stuff. And
3 their way to give back is for every product they sell,
4 they want to clean up one pound of trash. So they go
5 around the country and help clean up.
6 As a matter of fact, I helped set up a cleanup in
7 Canadian County. The only requirement on that is that
8 the trash be located near a creek, tributary, lake, or
9 ocean, something like that, something water-based, and
10 then they'll help clean that up. But there are a lot of
11 things that we can leverage.
12 However, I would throw out a couple of things. Like
13 I said, I'm always out with my hand out. So if I could
14 throw something out to you folks. If you -- if your
15 county has an Environmental Crimes Deputy or an
16 organization in your area that is doing that and you have
17 any way of getting the Waste Management folks, the
18 landfill folks, someone like that to provide some
19 assistance, whether it's some free roll-offs or some free
20 landfill space, I would highly recommend that. It can
21 jump start your program and really help out the folks
22 that are trying to make a difference.
23 Other than that, I'd like to open it up for -- if
24 you have any questions for me. I'm sorry I don't have a
25 beautiful video to show you. But do you have any

Page 21

1 questions or anything I can --
2 MS. ILDA HERSHEY: I have a question. Once a
3 dump spot is established, people know that it's there and
4 kind of go back to it, once you clean this spot, do you
5 find that it stays clean, or how do you ensure that
6 it doesn't start up again?
7 DEPUTY SHAWN COPELAND: That's a fantastic
8 question. What I have found is that we -- we have to put
9 up what I call deterrence fencing. We just had a site
10 that we're -- well, unfortunately it caught on fire. We
11 had plans on cleaning it up this week. So it caught on
12 fire, so the funding to clean it up was pulled because of
13 several different things. But already people are
14 throwing trash in it again. I set up cameras and we're
15 actively trying to stop that.
16 But every site that I've cleaned up in the past, if
17 we can put a fence up and signs, then we're fine. If you
18 don't put a fence up, then it is -- within 24 hours,
19 people start dumping there again.
20 MS. ILDA HERSHEY: Uh-huh.
21 DEPUTY SHAWN COPELAND: But I attack this from
22 several different ways. One, obviously, is the
23 deterrence fencing, also signs, cameras. And then I try
24 to talk to -- if it's within a municipality or a nearby
25 town, I go -- make sure I go to the City Councils. I'll

Page 22

1 volunteer and go to speak to them. And I try to get the
2 word out to the public that, "Hey, we're watching this
3 site. We've cleaned it up once."
4 And then I also make sure that, you know -- like I
5 said, when I go out and write citations and stuff like
6 that, I make a notation on the citation so that through
7 the -- through the course of how that citation goes, the
8 District Attorney, the Sheriff's Office, and stuff like
9 that, they know some of the details. Like, you know,
10 "recently cleaned up, dumped again," notes like that.
11 But the fencing has been very successful. Where
12 I've put a fence up, we've only had one follow-on dumping
13 incident and we handled that pretty quickly.
14 MS. TRACI PHILLIPS: I was curious if there's
15 any sort of regional or statewide collaboration that's
16 occurring for educating other communities and either
17 sheriffs, county officials, sort of -- I mean, I'm a huge
18 proponent of this program, and I think it solves a lot of
19 problems. So I was just curious as to how that -- you
20 know, your efforts and others, you know, how you're
21 solving some of these problems together and learning from
22 each other.
23 DEPUTY SHAWN COPELAND: DEQ does a great job of
24 that, getting the word out. There's also a newly-formed
25 Oklahoma Environmental Crimes Investigator Association,

Page 23

1 and we're reaching out across the state to law
2 enforcement, try to get them into that, and we're
3 providing education.
4 Also, there's a lot of networking that goes on
5 through the KOB, DEQ, and just, you know, the -- the
6 deputies that --
7 MS. TRACI PHILLIPS: Sure.
8 DEPUTY SHAWN COPELAND: -- that are in this
9 program, we start talking. I've reached out to the
10 counties around me that are in the program, and we've --
11 we have a pretty good network. It can always be better.
12 MS. TRACI PHILLIPS: Sure.
13 DEPUTY SHAWN COPELAND: Like I said, I go out
14 and I make sure I try to speak to civic organizations.
15 Just later this -- this month, I'm going to go talk to
16 the Rural Firefighters Conference and try to educate them
17 a little bit about -- because a lot of times -- one of
18 the things that we enforce is the open burning statutes.
19 And a lot of times we get the people who say, "Well, I
20 called in and I asked the fire guy if it was okay that I
21 burn this."
22 Well, the fire department really is only interested
23 in, "Is there a burn ban? Are the winds too high? Is
24 the grass too dry?"
25 And then they -- you know, they say, "Yeah, go ahead

Page 24

1 and burn it. And if it gets out of control, you know,
2 let us know."
3 Well, they go out there and they're burning barns
4 down --
5 MS. TRACI PHILLIPS: Right.
6 DEPUTY SHAWN COPELAND: -- or, you know, old
7 cars --
8 MS. TRACI PHILLIPS: Right.
9 DEPUTY SHAWN COPELAND: -- or emptying, you
10 know, the whole barn out into the -- out into the field
11 and burning that stuff, so we need to -- we need to bring
12 in the -- our hose-dragger buddies --
13 MS. TRACI PHILLIPS: Right.
14 DEPUTY SHAWN COPELAND: -- and let them know
15 that there's more to, you know, "Can you burn?" than just
16 what the weather is and whether there's a burn ban.
17 MR. RODNEY CLEVELAND: The first thing I wanted
18 to let you guys know that Deputy Copeland was recognized
19 by the Oklahoma Sheriffs Association this year for his
20 efforts that he's done in Pottawatomie County.
21 The other thing is -- I'm addressing yours -- is
22 that what -- within the County Commissioners, within, you
23 know, our organization and everything, you know, we -- we
24 fully use the solid waste grants for the trash cops, for
25 the -- for the chippers, the chainsaws, the roll-offs.

Page 25

1 The trash cops right now, the sheriffs departments
2 are pretty limited, so a lot times the -- the sheriff's
3 departments have to decide if they're going to pull
4 somebody off and devote them directly with -- with
5 environmental crimes or kind of split and have multiple
6 duties.
7 The Pottawatomie Sheriff's Department has been able
8 to actually have Deputy Copeland come full-time as he's a
9 reserve deputy. He's really taken it on, you know, and
10 he's kind of built it. He's kind of built his own -- his
11 own, I guess, program and everything and stuff, and he's
12 taken it on himself. So what he's done will make it
13 easier for sheriffs departments around the -- around the
14 state to be able to emulate it and everything. So, I
15 mean, it's -- it's been really good.
16 I don't think there's really been a real serious,
17 kind of what -- what you've done within other sheriff
18 departments. It's just kind of been they kind of assign
19 somebody, but, you know, they don't have that available
20 and everything. Because right now I think before it was
21 \$5,000 to supplement and everything that we've -- we've
22 had an increase.
23 The other thing, too, is that last year HP 110,
24 Senator Kidd, we had that -- that bill increased the
25 littering fines. And that littering fines, that will --

Page 26

1 that goes back to the county, and that will help the --
2 that will kind of help the program.
3 And, also, we raised the littering fines so that it
4 may be a -- it made a little more easier to prosecute for
5 the DAs and everything, rather than, you know, they're
6 just kind of like, "Oh, we're not going to prosecute
7 those." So I think that's been a -- you know, that will
8 cause a -- more of a deterrent and everything for people
9 if they start getting those.
10 CHAIRMAN JEFFREY SHEPHERD: Okay.
11 DEPUTY SHAWN COPELAND: We're very fortunate at
12 Pott. County that the Sheriff has really supported this.
13 And as he said, I'm a reserve, so -- but the great thing
14 about the program is that initial year, the first year,
15 there's enough money there that you can -- you don't have
16 to pull a deputy. There's enough money there to actually
17 open that spot up and hire a new deputy or have it pay
18 for that.
19 Now, the great thing, or the selling point to the
20 sheriff's office is that that deputy is not only -- I
21 mean, it's another vehicle out on the road. It's another
22 badge out on the road. Because even though that's what I
23 do primarily, I'm still available, you know, when I see
24 something going on or if there's a call that I'm closer
25 to, I still help out that way. So it's a win for the

Page 27

1 Sheriff's office. It's a win for the county.
2 Some counties have taken advantage of it as much as
3 others. You know, without breaking my arm patting myself
4 on the back, what I hope is that the experience that
5 we've had in Pott. County and the success we've had
6 there, that other counties will look at that and say, you
7 know, "It is worth it, that you can make a difference."
8 And, again, all those people I listed are all
9 elected officials. And when the -- when the public gets
10 behind it and sees the difference you're making, that
11 makes a difference for them, so...
12 Well, I appreciate your time. Thank you very much.
13 MR. PATRICK RILEY: Thank you.
14 One additional thing to point out, that Jeanette
15 mentioned to me, is that KOB is also involved in getting
16 the word out. Jeanette has spoken to the
17 Sheriffs Association. KOB hosts an Environmental
18 Enforcement Conference where they can share best
19 practices and lessons learned, so -- and it's a
20 collaborative effort, and the more partners that work
21 together, I think the more we can -- the more benefit we
22 get from dollars spent.
23 CHAIRMAN JEFFREY SHEPHERD: Okay. Thank you.
24 Thank you, Deputy Copeland and Ms. Nance. We appreciate
25 you guys coming down and keeping us informed of what's

Page 28

1 going on.
2 The next item for discussion is the Solid Waste
3 Program Fees and Expenditures. The Council's comments
4 concerning program fees and program expenditures are to
5 be submitted to the Executive Director, Governor, and
6 Legislature by November 1st of each year.
7 Patrick.
8 MR. PATRICK RILEY: So every year we go through
9 the expenditures. It's our statutory obligation, as an
10 agency, to share with you how we spent the money that we
11 received last year, last fiscal year, and what revenue we
12 received, and your responsibility to comment to the
13 Executive Director and Governor and Legislature.
14 It's also been our practice to share what our plans
15 are for the next fiscal year. So in your notebooks
16 behind tab four, you have some tables of revenue
17 expenditure reports that our finance group put together
18 for Solid Waste, for the Ewaste program, and for the
19 Used Tire Recycling program. And you can -- I invite you
20 to look at those and ask any questions.
21 There were some revisions made to these tables since
22 you received them with your packet by e-mail. So there
23 may be some slight differences. One thing I would point
24 out at -- on the first table, for Solid Waste Fees, in
25 the upper-right hand corner, the revenue or the income

Page 29

1 for this fiscal year 2019 was \$5.9 million.
2 And just as a reminder, you know, DEQ gets money
3 three different ways. They get money through federal
4 funding, they get money from -- from appropriations from
5 the Legislature and they get money from the fees from --
6 programmatic fees. By far, the largest percentage of
7 money is through programmatic fees, and Solid Waste is
8 funded entirely by fees.
9 So the dollar and a quarter a ton for disposal in
10 Oklahoma comes to DEQ and is used for administrative
11 expenses, for personnel expenses. It -- it funds the
12 projects that we've talked about today, and that's the
13 only source of revenue.
14 I'd point out that over the last four years, this --
15 this income of 5.9 million is the lowest in four years.
16 Last year it was the highest. We had about 6.3 last
17 year, so this is a slight decline. I'd ask you guys,
18 that work in the waste industry, is there something going
19 on that we should know about?
20 (Laughter.)
21 MR. PATRICK RILEY: Because we want to keep our
22 lights on and keep funding programs. So if there's
23 something that -- if this is a trend, an industry trend
24 that we need to think about, I'd invite you to share.
25 CHAIRMAN JEFF SHEPHERD: What was our total

Page 30

1 tons? Have we seen a decrease in the tonnage from year
2 to year?
3 MR. PATRICK RILEY: It seems to be fairly flat.
4 I know Amber has looked at it.
5 MS. AMBER EDWARDS: It's usually around 5.2,
6 5.3, something around there, tons generally.
7 CHAIRMAN JEFF SHEPHERD: So why would the
8 funding go down?
9 MR. PATRICK RILEY: That's a good question.
10 CHAIRMAN JEFF SHEPHERD: Are they reporting
11 accurately?
12 MR. PATRICK RILEY: That's a good question.
13 So a couple things to think about. One, is to make
14 sure that -- that disposal facilities are accounting
15 properly and paying us properly, and we check that. They
16 have.
17 CHAIRMAN JEFFREY SHEPHERD: How do you check
18 that?
19 MR. PATRICK RILEY: We get monthly reports and
20 quarterly reports that we reconcile. They report tonnage
21 and then pay an invoice.
22 One of the things that -- that they take -- that
23 they discount their invoice for is for recycling and
24 for -- when we waive the fee for storm events or special
25 community collection events. And I don't -- I don't

Page 31

1 think that that's a huge impact on the income, but we're
2 going to look at that this year, too, and see, you know,
3 what --
4 CHAIRMAN JEFFREY SHEPHERD: You don't have any
5 physical checks, though? You don't go to a site and
6 count trucks and tons and --
7 MR. PATRICK RILEY: No. We make sure that the
8 scales are certified, we look at paperwork, but we don't
9 physically measure waste that comes in.
10 And Kathy Aebischer is anxious to say something
11 about the budget.
12 MS. KATHY AEBISCHER: Yes. Kathy Aebischer,
13 Chief Financial Officer.
14 Yeah, we've been looking at the revenue throughout
15 this year and it does look like the tonnage is remaining
16 the same. When we looked at July's for this fiscal year,
17 we received a lot more than compared to last year. So
18 we're thinking it's a timing. So we don't think it's
19 alarming right now. But we think that they just paid
20 later for some reason, and it showed up in July of this
21 fiscal year.
22 MR. RODNEY CLEVELAND: Okay.
23 CHAIRMAN JEFFREY SHEPHERD: Go ahead.
24 MR. RODNEY CLEVELAND: Couple of things.
25 CHAIRMAN JEFFREY SHEPHERD: Sure.

Page 32

1 MR. RODNEY CLEVELAND: First of all, is our
2 trash lighter?
3 CHAIRMAN JEFF SHEPHERD: A ton is a ton.
4 MR. RODNEY CLEVELAND: Well, I --
5 (Laughter.)
6 MR. RODNEY CLEVELAND: But the other thing
7 is -- okay. On the -- on the counties for \$620,000,
8 that's the statute based off percentage of the fees
9 collected. So is that 620 based off of last year's fees
10 collected, that you're estimating less fee -- less this
11 year than -- I just want to make sure and let everybody
12 know that maybe next year is going to be -- this will be
13 less.
14 MR. PATRICK RILEY: Yes, that's a good point.
15 There's a statutory obligation that we have to return a
16 minimum of ten percent of our Solid Waste income to the
17 County programs. And historically we've done that by
18 providing money through the Oklahoma Circuit County
19 Engineering District's Board to distribute to the
20 counties. That's what that line item for \$620,000 is.
21 Because we contract with OCCEDB early in the year,
22 we base that -- that funding amount on projected income.
23 So we -- we project that we'll get in 6.2 million, and
24 that's how we established our contract for the year.
25 Unless something really catastrophic happens and we

Page 33

1 couldn't pay that, we anticipate funding that -- that
2 amount for the year.
3 MR. RODNEY CLEVELAND: Okay.
4 MR. PATRICK RILEY: But beyond that, that's one
5 line item. But there are also line items for local
6 government projects and community investment and
7 environmental protection, and so that money is also
8 returned to -- mostly to government programs.
9 So the Pottawatomie County program, we just heard
10 about, was paid through a -- an individual contract with
11 DEQ out of that fund.
12 As funding becomes a little more scarce, we will
13 have to look at prioritizing different projects. The
14 Trash Cop program has been widely successful, and we see
15 a lot of return on investment. We'd love to continue
16 that. But as -- as interest among counties increases,
17 the demand on income increases, as well. So at some
18 point we're going to reach a limit on how much we can --
19 how many programs we can support and at what level.
20 So, for instance, for this next year, we'd like to
21 prioritize new programs and get them the start-up money
22 that they need to get a program in place. And then
23 subsequent years, we fund them at a lower amount to
24 continue. And so the amount that we had available to
25 continue funding the programs was a little less than we

Page 34

1 anticipated, so it's just something we're going to have
2 to keep an eye on and just judge as we go along.
3 But -- but the money that -- that we contract to --
4 specifically to the OCCERD is set for the year.
5 MR. RODNEY CLEVELAND: Okay. What I was just
6 asking was the -- has our -- is volume different or
7 increased versus tonnage and is the trash lighter going
8 forward now? So we still have the same volume, but less
9 tonnage?
10 MR. JIM LINN: Yeah. Ours -- ours is fairly
11 flat on the residential side. I can't comment on
12 commercial since 99.5 percent of commercial waste in
13 Oklahoma City is hauled by privates.
14 But from our perspective, you know, Oklahoma City is
15 growing at 1.75 percent roughly per year, which is about
16 3,500 households every year. So a lot of it depends on
17 the economy, of course, as to whether -- especially in
18 construction waste. If the economy is booming and we're
19 building, and we seem to still be building, I would
20 expect that tonnage to remain in a growth pattern.
21 But residentially, we're -- our line is predicable.
22 It's about one and a half to two percent per year in
23 terms of household. So I don't know that -- to answer
24 your specific question, that the trash is getting
25 lighter. I do know that Oklahoma City, through the first

Page 35

1 year of its single-stream recycling program tripled the
2 tonnage that we diverted from the landfill on a gross
3 basis. A little bit less than that with the residual at
4 about 24 percent, which is not too bad. We're going to
5 educate on that, but -- so ours is pretty flat.
6 And then we -- we review the reports from DEQ's
7 website about what's happening in the state from time to
8 time, and looking at those individual landfills. But
9 they're -- ours are pretty flat in terms of the
10 residential part, so...
11 CHAIRMAN JEFF SHEPHERD: Maybe we should look
12 at charging \$1.25 at a recycling facility.
13 MS. TRACI PHILLIPS: You'd get killed for
14 saying that.
15 (Laughter.)
16 CHAIRMAN JEFF SHEPHERD: We've got to get the
17 money somewhere if you want all these programs to
18 continue.
19 MS. TRACI PHILLIPS: No. I get that. Yeah, I
20 mean that's the challenge.
21 CHAIRMAN JEFFREY SHEPHERD: It is the
22 challenge.
23 MR. PATRICK RILEY: One other thing to point
24 out is that that fee, the solid waste fee, was set back
25 in the mid '90s --

Page 36

1 CHAIRMAN JEFFREY SHEPHERD: Yeah.
2 MR. PATRICK RILEY: -- and it's never been
3 increased.
4 CHAIRMAN JEFF SHEPHERD: Uh-huh.
5 MR. JIM LINN: Mr. Chairman, to the point of a
6 waiving of the State's flow fee, generally, like for
7 minor storms -- it's not minor to the people who were
8 affected, obviously. But 200 square miles were affected
9 with the August 26th storm, and we're going to end up
10 with five to 10,000 tons of trees, something in that
11 range, that we're collecting now.
12 Typically on those we don't request a waiver. But
13 on the larger storms, the twisters where you've got a lot
14 of construction and demolition waste that's heavy, we'll
15 generally request DEQ to waive that fee. But for minor
16 storms, in our normal operations, we don't normally do
17 that.
18 CHAIRMAN JEFF SHEPHERD: Why would we -- why
19 would we give -- why would we give away that money? If
20 it's a -- if it's a big storm and it causes hundreds of
21 thousands of tons of -- not hundreds of thousands. Maybe
22 80, 90,000 tons of waste to be disposed of at a landfill,
23 we should collect \$1.25. I don't think that we should be
24 giving away that for free.
25 MR. PATRICK RILEY: It's just an effort for us,

Page 37

1 as an agency, to help communities that are impacted.
2 CHAIRMAN JEFF SHEPHERD: But you just mix that
3 in with the rate that you're charging FEMA, or whoever it
4 is that's paying the cleanup bill.
5 MR. RODNEY CLEVELAND: That was going to be my
6 point. Because --
7 CHAIRMAN JEFF SHEPHERD: Yeah.
8 MR. PATRICK RILEY: -- if it's a qualified
9 event, FEMA will be reimbursing as long as you have a
10 plan of cleanup already, so they're -- they're paying for
11 picking it up off the curb.
12 MR. JIM LINN: Well, from my perspective, the
13 way we see it, Patrick, is it -- it's a move to --
14 CHAIRMAN JEFF SHEPHERD: Pass-through dollars.
15 MR. JIM LINN: -- to facilitate the cleanup and
16 speed it up. If you can waive that dollar and a quarter
17 per-ton fee, and you have 100,000 tons -- we had 107,000
18 tons of trees in the December of '07 ice storm, for
19 example, that's more trucks you can put on the street.
20 That's one way to look at it.
21 CHAIRMAN JEFFREY SHEPHERD: Well, it just --
22 MR. JIM LINN: And FEMA doesn't reimburse,
23 states don't reimburse until sometimes years later.
24 Cities pay for the cleanup initially whether it's
25 ultimately reimbursed or not. So that's from our

Page 38

1 perspective. It helps us speed up the collection.
2 CHAIRMAN JEFFREY SHEPHERD: I fundamentally
3 disagree. I think that we should charge. For every ton
4 that goes to a landfill, we should charge \$1.25. That's
5 just my opinion. I don't think anybody should get a
6 break on anything because we're losing money. And then
7 the State loses money and then we lose the opportunity to
8 have Deputy Copeland over there doing his deal and
9 Keep Oklahoma Beautiful doing their deal. That's just --
10 that's just my opinion.
11 MS. TRACI PHILLIPS: Is there a way for the
12 State to get reimbursed from FEMA?
13 MR. PATRICK RILEY: I don't -- I don't believe
14 so, not through the -- I don't know that we could get
15 that waived fee back.
16 MS. TRACI PHILLIPS: Yeah, that's what I'm
17 asking.
18 MR. PATRICK RILEY: One of the things that we
19 may do this year, then, is to take a look at how much
20 money we're actually talking about when we waive that fee
21 and how many landfills take advantage of that. You know,
22 if we can get a handle on quantifying that, we may be
23 able to make better-informed decisions.
24 MR. JIM LINN: That's a good plan.
25 CHAIRMAN JEFF SHEPHERD: I mean, tree waste

Page 39

1 typically gets ground up and then used on the landfill
2 for solidification or roads or whatever they need to
3 cover. So they're basically getting that stuff for free,
4 the opportunity to use that. So I think that you ought
5 to be able to get something out of it as the DEQ.
6 MR. PATRICK RILEY: (Nodded head.)
7 CHAIRMAN JEFFREY SHEPHERD: And as the Council,
8 we should support that, I believe. I think it's our duty
9 to support the DEQ and the funds that they need to
10 collect.
11 MR. PATRICK RILEY: And we appreciate that
12 support.
13 CHAIRMAN JEFF SHEPHERD: I mean, it -- maybe
14 I'm speaking out of turn, but we're -- we're moving into
15 a future, I believe, that, you know, we're going to have
16 more recycling. We're going to have more people -- we're
17 going to have less waste going to the landfills. So
18 we're going to have to collect those fees somewhere.
19 MR. BILL TORNETEN: One option might be to
20 defer the cost until you get a reimbursement from FEMA so
21 it wouldn't be such a burden on the communities and the
22 cities. You know, eventually you'd get the money, but it
23 wouldn't impact the cities directly. That's something
24 you might look at.
25 CHAIRMAN JEFF SHEPHERD: I'm up for anything.

Page 40

1 I just want to make sure that we're getting that money.
2 MS. TRACI PHILLIPS: So I'd ask -- I'd also
3 like to put on the table looking at raising landfill
4 fees.
5 CHAIRMAN JEFFREY SHEPHERD: Looking at what?
6 MS. TRACI PHILLIPS: Raising rates.
7 MR. PATRICK RILEY: So the --
8 MS. TRACI PHILLIPS: We have the cheapest rates
9 in the country.
10 CHAIRMAN JEFF SHEPHERD: Well, you're talking
11 about disposal rates, like, for what Brenda would
12 probably have come unglued at this moment.
13 (Laughter.)
14 MR. JIM LINN: No. Before that, actually.
15 (Laughter.)
16 CHAIRMAN JEFF SHEPHERD: What they charge at
17 the landfill is -- is strictly driven by the market. You
18 know, it is what it is. We have -- we have way too many
19 landfills in this state for the population that we have.
20 You go out west, places like that, you know, they have
21 these huge landfills and they charge a lot of money. So
22 it's not something that the DEQ can change. It's only
23 something that the market will bear.
24 MR. PATRICK RILEY: The solid waste revenue,
25 that we get from the disposal fee, is set by statute.

Page 41

1 CHAIRMAN JEFFREY SHEPHERD: Yeah.
2 MR. PATRICK RILEY: And so, you know, it's not
3 something that I think the DEQ would advocate for, for a
4 statutory change to increase fees. I don't know that
5 we'd be successful in that. So to -- don't get me wrong,
6 I -- I think what we're here to do is present you with
7 information and -- and you can lobby on our behalf or on
8 your behalf, based on what you think, but -- but
9 that's -- that may be a heavy lift.
10 CHAIRMAN JEFF SHEPHERD: It would be a heavy
11 lift.
12 MR. PATRICK RILEY: Another thing I'd point out
13 is that Solid Waste doesn't have any permitting fees. So
14 when you file permit applications, modifications, there's
15 no fee associated with that, and so -- and that's just to
16 point out what a great deal you're getting.
17 (Laughter.)
18 MR. PATRICK RILEY: And, Kelly, do you have
19 something?
20 MS. KELLY DIXON: Yeah.
21 CHAIRMAN JEFFREY SHEPHERD: Is there a way
22 to -- is there a way to change that? Is that statutory,
23 the fees? Can you come up with a plan and submit it?
24 MR. PATRICK RILEY: I suspect that that's a
25 statutory -- that that's set by statute, as well.

Page 42

1 CHAIRMAN JEFFREY SHEPHERD: Okay. Is it
2 possible to change that?
3 MR. PATRICK RILEY: Well, statutes can be
4 changed. But, again, I would -- the success -- I
5 wouldn't predict a great success rate for us to try and
6 raise our own income for a statutory change.
7 CHAIRMAN JEFFREY SHEPHERD: Do you know what
8 Arkansas charges for a permit modification?
9 MR. PATRICK RILEY: What?
10 CHAIRMAN JEFFREY SHEPHERD: \$10,000.
11 MR. PATRICK RILEY: That sounds like a good
12 plan.
13 (Laughter.)
14 MS. TRACI PHILLIPS: We pay a storm water fee,
15 I mean every year --
16 CHAIRMAN JEFFREY SHEPHERD: Yeah.
17 MS. TRACI PHILLIPS: -- and every year there's
18 storm water, so I'm not sure that I see a lot of
19 difference. I mean, clearly there's a lot of difference.
20 But at the end of the day --
21 CHAIRMAN JEFF SHEPHERD: It goes to the wrong
22 department.
23 MS. TRACI PHILLIPS: Right, I get that.
24 (Laughter.)
25 MS. TRACI PHILLIPS: But every other -- I mean,

Page 43

1 as a business, right, we pay a fee for every single
2 permit that we file with everybody.
3 CHAIRMAN JEFF SHEPHERD: Yeah.
4 MS. KELLY DIXON: I think -- this is
5 Kelly Dixon.
6 I think one of the differences on those permit fees
7 is solid waste permits are permits for life of the
8 facility. So that may be a reason why, because there's
9 not a renewal component why we don't charge that. That
10 might have been a factor all those years ago.
11 But I wanted to remind you guys, at the last Council
12 meeting we talked about the \$6 million sweep of revolving
13 money, and that has impacted our budget, and it's
14 impacting our budget looking forward to 2021. And so
15 even if there was a miracle and there was an increase in
16 our statutory fee, if there was any balance on our books,
17 if that wasn't spent quickly or timely, that money would
18 probably get swept. I mean, that's kind of the -- it's
19 seems like that's the era that we're in right now.
20 CHAIRMAN JEFFREY SHEPHERD: Uh-huh.
21 MS. KELLY DIXON: So I just wanted to remind
22 you guys of that, as well.
23 CHAIRMAN JEFF SHEPHERD: What is the air
24 monitor sites and why is Solid Waste paying for those?
25 MR. PATRICK RILEY: Well, there's a category,

Page 44

1 that I think you're referring to, the lab equipment,
2 furniture, and building construction.
3 CHAIRMAN JEFFREY SHEPHERD: Yeah.
4 MR. PATRICK RILEY: So that's kind of a
5 catch-all accounting category.
6 CHAIRMAN JEFF SHEPHERD: Okay.
7 MR. PATRICK RILEY: So the -- like, last year,
8 I think we had -- what was it -- about 40,000 some spent
9 for that. Let's see.
10 CHAIRMAN JEFF SHEPHERD: Budgeted another
11 46,000.
12 MR. PATRICK RILEY: Yeah, so that's -- so it
13 would furniture, if we bought furniture, but we're not
14 buying \$46,000 worth of furniture. But it also includes
15 computers, it includes -- we bought CFR books for people.
16 It's a -- we did get some -- we bought some sampling
17 equipment. We gave some money to the lab to buy either
18 equipment or maintenance, so it's -- it's not for air
19 monitoring sites.
20 CHAIRMAN JEFF SHEPHERD: Okay.
21 MS. TRACI PHILLIPS: I have two comments
22 regarding the budget. One, I appreciate the effort that
23 was made this year of explaining what all of the
24 donations and contributions are for, for the various
25 groups, so kudos on that. Thank you.

Page 45

1 The only other thing that I'd say on the Ewaste
2 fees, as far as to local governments and non-profit
3 projects and programs, I would like to recommend that if
4 DEQ does not already have it in there, that when they're
5 giving out money to organizations that they are required
6 to use a certified recycler for their electronics.
7 MR. PATRICK RILEY: Thank you for that comment.
8 CHAIRMAN JEFFREY SHEPHERD: Is there any more
9 comments or questions from the Council about the budget?
10 MR. RODNEY CLEVELAND: Do we need a motion to
11 approve?
12 CHAIRMAN JEFFREY SHEPHERD: If there's no more
13 comments from the public or anybody else about the
14 budget, then I will entertain a motion to approve.
15 MR. RODNEY CLEVELAND: Motion to approve.
16 MS. ILDA HERSHEY: I second.
17 MS. QUIANA FIELDS: Mr. Cleveland.
18 MR. RODNEY CLEVELAND: Aye.
19 MS. QUIANA FIELDS: Ms. Hershey.
20 MS. ILDA HERSHEY: Aye.
21 MS. QUIANA FIELDS: Mr. Linn.
22 MR. JIM LINN: Aye.
23 MS. QUIANA FIELDS: Ms. Phillips.
24 MS. TRACI PHILLIPS: Aye.
25 MS. QUIANA FIELDS: Mr. Torneten.

Page 46

1 MR. BILL TORNETEN: Yes.

2 MS. QUIANA FIELDS: Mr. Shepherd.

3 CHAIRMAN JEFFREY SHEPHERD: Yes.

4 MS. QUIANA FIELDS: Motion passed.

5 CHAIRMAN JEFF SHEPHERD: All right. Moving on

6 to item number 7, Discussion of OAC 252:515 Management of

7 Solid Waste Rules. The Department is proposing, for

8 discussion purposes only, to update the tire regulations

9 based on statutory changes and other proposed revisions

10 through Chapter 515.

11 Didn't we go over these last time, or are these new?

12 MR. PATRICK RILEY: No, these are new.

13 CHAIRMAN JEFF SHEPHERD: When are we going to

14 actually vote to approve them?

15 MR. PATRICK RILEY: So this is -- we're

16 presenting these rules just to talk about a little bit,

17 conceptual and informant. They're not even finalized or

18 formatted for -- to vote on. We typically give you an

19 opportunity to talk about the rules first and what we

20 think would be good -- good rule changes before we

21 present them to you in January to vote.

22 Typically, we would present rules, talk about them

23 in the September meeting, present them to you as a draft

24 to vote on in January, and then they'd go to the

25 Environmental Quality Board in February, if you approve

Page 47

1 them, and then on to the Legislature.

2 So this is just an opportunity to give you some -- a

3 chance to comment on whether or not you concur with our

4 proposal to revise these rules. Some of them are -- most

5 of them are just minor changes to correct a few things

6 and some typos. There is an effort to improve the -- the

7 financial assurance rules for those entities that use the

8 government test or the corporate test as a guarantee of

9 financial assurance.

10 And then there are some changes to the tire rules.

11 We had some statutory changes in tire program. And in

12 looking at the rules, there were a couple of things that

13 needed to change there. But it -- if you like, I can

14 kind of explain each one. I don't know that we need to

15 go through the wording in great detail. But let me tell

16 you what -- what the impetus is behind this proposed

17 change and then you can comment.

18 So in that first section, in 19-1, the

19 Applicability, if you look down at item (3) solid waste

20 composting facilities. We're adding a 3 after Part of

21 this subchapter. Before we just said part of the

22 subchapter applies, and we left it up to you to kind of

23 guess what the mystery was, which part applies. So now

24 we're being more specific. We're saying Part 3. So

25 that's just -- that was inadvertently left out when those

Page 48

1 rules were passed. It's something that none of us

2 noticed.

3 In Air Criteria, there was some weird phrasing under

4 (c) where it talks about controlling dust. And it said

5 that dust emissions beyond the property boundaries so as

6 to damage adjacent properties. The way it was written it

7 made it sound like we wanted to damage adjacent

8 properties, and so this is just to make it read better.

9 The 27-34 applies to the financial assurance. The

10 corporate test and the local government test, couple

11 things going on there. One is that we wanted -- we

12 wanted to align the requirements for these types of

13 financial assurance mechanisms with those used by private

14 sector mechanisms.

15 So, for instance, if -- if a -- if a landfill was

16 using a letter of credit, or some other mechanism for

17 financial assurance, the process would be to submit the

18 cost estimate to DEQ for approval. Once we approve those

19 numbers, then we ask you to update your financial

20 assurance instrument.

21 Well, the corporate test and the municipal test were

22 phrased differently and they said submit it all together.

23 So that had the effect of these local governments were

24 preparing their financial documents and their closure

25 cost estimates, submitting them as one document, and

Page 49

1 oftentimes we'd have to go back and recommend changes to

2 their closure and post-closure costs, if they were

3 deficiently prepared, and then that would make them go

4 back and redo all the instruments and their assurances

5 that they prepared.

6 So we're asking them to first submit closure cost

7 estimate for approval. And then within 30 days, submit

8 the documents that support that they can fund that

9 through the -- through their -- their local government

10 finances or corporate guarantee.

11 MS. AMBER EDWARDS: I do want to interrupt.

12 MR. PATRICK RILEY: Amber will correct

13 everything that I just said that was wrong.

14 (Laughter.)

15 MS. AMBER EDWARDS: I don't know if this is on.

16 Well, the local governments and the corporate

17 guarantees have a different timeline to submit their

18 financial strength information than the other people do.

19 So it would still be the same timeline to submit their

20 actual financial strength information once the closure

21 and post-closure costs were approved. They would still

22 have 180 days, after the end of their fiscal year, for

23 corporate -- I mean, for municipal and 90 days at the end

24 of their fiscal year for corporate guarantees.

25 CHAIRMAN JEFF SHEPHERD: So you're just wanting

Page 50

1 them to submit their costs -- updated cost estimates
 2 first so that you guys can approve them, and then they
 3 can come back with their either corporate guarantee or
 4 the self-reliance, or whatever it's called, for the
 5 cities?
 6 MR. PATRICK RILEY: Right.
 7 CHAIRMAN JEFF SHEPHERD: Okay.
 8 MR. PATRICK RILEY: And then the other section
 9 that -- the used tire processing Subchapter 21, there are
 10 some minor changes there. Based on -- and Kole can
 11 correct me this time when I'm wrong, but --
 12 (Laughter.)
 13 MR. PATRICK RILEY: So what we're hearing from
 14 our tire dealers is that they don't want to have large
 15 amounts of tires stack up. So we're changing the limit
 16 from 300 to 150 where a tire dealer would have -- or tire
 17 collector would have to come out and get them. And also
 18 lowering the amount of time from 60 days to 45 days.
 19 It's just to improve responsiveness of the tire
 20 processors to the tire dealers and in meeting their
 21 obligations to collect and process those tires.
 22 So the outcome of this would be less tires, fewer
 23 tires sitting around for less time, less mosquitos, less
 24 visual impact, so that's -- that's what we're proposing
 25 with this change.

Page 51

1 Did I get it right?
 2 MR. KOLE KENNEDY: I agree.
 3 MR. PATRICK RILEY: All right. And I might
 4 suggest if you're -- if you're okay with these proposed
 5 changes, if you -- if they sound good, what we'll do is
 6 format these rules in a -- to make them acceptable for
 7 all the permitting rules, for all the rulemaking
 8 requirements and present them in January at the Council
 9 meeting for formal approval. And you would all have the
 10 opportunity to change them, recommend changes then, or
 11 approve or deny.
 12 MR. BILL TORNETEN: Weren't there some
 13 additional changes you sent us in the e-mail information
 14 you sent out?
 15 MR. PATRICK RILEY: Thank you for saying that.
 16 So there was in -- in our e-mail that we sent out,
 17 our draft rules, there was an additional proposed rule
 18 change, which related to professional engineer required
 19 stamp on -- for composting facilities, for small
 20 composting facilities.
 21 MR. BILL TORNETEN: Uh-huh.
 22 MR. PATRICK RILEY: And what we're hearing from
 23 composting, from smaller operations that want to compost
 24 in Oklahoma, is that our rules are still too burdensome.
 25 As you recall, couple years ago we went through the

Page 52

1 effort of modifying the composting rules to make it more
 2 amenable to smaller operations and to allow some amounts
 3 of food waste in composting, and those were -- were
 4 received well. But they still perceive significant
 5 burden through the permitting process.
 6 So we -- we encourage composting. We think it's a
 7 good thing, and we'd like to help some of these smaller
 8 operators follow the solid waste rules and compost
 9 correctly.
 10 One of the things that we looked at was to remove
 11 the requirement for a PE stamp on I think what would
 12 lower class composting facilities. That would be a
 13 Tier I or Tier II permanently.
 14 However, as we continued our research, there is a
 15 conflict in the statute that will prevent that -- or
 16 prevent us from making that rule change, so we don't have
 17 the ability to change that rule without changing the
 18 statute. So we pulled that and are not proposing to
 19 change that at this time.
 20 I might suggest to the Council that if -- if you
 21 share the view -- or depending on what you hear in the
 22 industry, if you share the view that composting and
 23 initiating composting and establishing composting
 24 operations is -- that the permitting -- and our
 25 permitting rules are an obstacle to that, that we take a

Page 53

1 look at -- at other methods of streamlining composting
 2 permitting for smaller operations.
 3 CHAIRMAN JEFF SHEPHERD: Define a small
 4 operation.
 5 MR. PATRICK RILEY: All right. So that would
 6 be one step.
 7 (Laughter.)
 8 MR. PATRICK RILEY: But we have some -- if you
 9 look at our composting rules, there are different size
 10 limits. There is a statutory definition of a commercial
 11 composting facility, and it relates to the amount of
 12 material that they receive and if they receive food
 13 waste.
 14 What we're seeing is there are some facilities that
 15 want to compost food waste from restaurants, but they
 16 fall into this category that makes them a commercial
 17 composting facility. And by statute, it requires them to
 18 put in groundwater monitor wells and do some other things
 19 that they perceive as burdensome.
 20 CHAIRMAN JEFF SHEPHERD: I don't know if I
 21 agree with that. But, I mean, you're composting food
 22 waste. It's organic waste. You know, you have runoff.
 23 MR. BILL TORNETEN: Yeah. You always kind of
 24 run into the question of who would prepare the permit
 25 application and would that work constitute the practice

Page 54

1 of engineering. If, in fact, it does constitute the
 2 practice of engineering, then it should be done by an
 3 engineer anyway. And if it's done by an engineer, you
 4 would certify his work under the rules of the Board of
 5 Engineering.

6 So I don't -- you know, it's kind of a tough one as
 7 far as if it really does require engineering knowledge
 8 and expertise, then it's probably not something you
 9 should change just because it's a burden of cost. So you
 10 might look at it from that perspective, as well.

11 There's been -- there's some language in that
 12 requirement that a PE certify permit applications that
 13 I've always had a little heartburn with. It says that a
 14 PE will prepare and certify the permit application.

15 Technically, the PE is probably not going to prepare
 16 everything in that permit application. There will be
 17 people that aren't PEs contributing to it, CAD
 18 technicians and whatever. It would be sufficient just to
 19 say that the permit application has to be certified by a
 20 PE, and then in saying that, the PE that certifies it is
 21 certifying that it was prepared under his direct control
 22 and personal supervision. So he will have reviewed
 23 everything, but he didn't, you know, physically prepare
 24 it all himself.

25 It's just kind of a personal thing. Like whenever

Page 55

1 I'm certifying something, I always kind of, "Hmm, did I
 2 really prepare all of this?" Probably not.

3 In that same regard, under the sealing of the permit
 4 application, you say that each page will be sealed by a
 5 PE. Well, that -- that's not a requirement and not
 6 something that needs to be done either.

7 For example, if you have a set of construction
 8 drawings, typically you only need to seal the cover page
 9 or an index page. And the PE sealing requirement for
 10 work products is if it's a bound work product, you only
 11 need to seal the coverage page or the index page. You
 12 don't seal every page, so it's sort of a language thing.
 13 Instead of saying of "each page," you can just say that
 14 the document would be sealed and leave it at that.

15 You might look at those. I don't think it's going
 16 to change things a whole lot. But as long as you're
 17 cleaning up language, you might make it consistent with
 18 what the Board requires.

19 MR. PATRICK RILEY: Okay. Thank you.

20 MR. RODNEY CLEVELAND: I would say that those
 21 changes certainly would change the pricing, also.

22 CHAIRMAN JEFFREY SHEPHERD: Jesus.

23 MR. PATRICK RILEY: So it might make it a
 24 little more affordable on everything if PE looks at the
 25 requirements and builds in on that, so yeah.

Page 56

1 MR. BILL TORNETEN: Well, certainly, yeah. I
 2 mean, if a PE had to literally prepare everything that
 3 goes into a permit application, the cost of it would be
 4 considerably higher. That doesn't happen, I can tell you
 5 from experience. It just wouldn't make sense, but...

6 CHAIRMAN JEFF SHEPHERD: Speak of the engineer,
 7 he makes too much money. Oh, my God, he makes too much
 8 money.

9 (Laughter.)

10 MR. BILL TORNETEN: Charges too much money.

11 CHAIRMAN JEFFREY SHEPHERD: Jesus.

12 MR. RODNEY CLEVELAND: Yeah, yeah. He's not
 13 making, it's just charging. Still your time.

14 CHAIRMAN JEFF SHEPHERD: We pale in comparison
 15 to the other industries that get involved in these
 16 projects, so...

17 (Laughter.)

18 CHAIRMAN JEFF SHEPHERD: So moving on
 19 hopefully.

20 (Laughter.)

21 CHAIRMAN JEFFREY SHEPHERD: Is there any other
 22 questions or comments? I think what Patrick said, maybe
 23 if everybody agrees -- we don't have to vote. But if
 24 everybody agrees to bring the final edits to the January
 25 meeting, we'll vote on those. Is that reasonable,

Page 57

1 Council?

2 (Positive response.)

3 MR. RODNEY CLEVELAND: Yes.

4 MR. JIM LINN: Yes.

5 CHAIRMAN JEFF SHEPHERD: Okay. All right.

6 Item number 8, Discussion of Senate Bill 1027,
 7 Council Sunset. As requested by Council, the Department
 8 is presenting, for discussion purposes only --

9 MR. BILL TORNETEN: Did we skip 6 and 7?

10 CHAIRMAN JEFFREY SHEPHERD: No, I just did 6
 11 and 7. It was fees and --

12 MR. BILL TORNETEN: It's out of order.

13 MS. TRACI PHILLIPS: Yeah, the tabs don't
 14 match.

15 MR. BILL TORNETEN: I got you.

16 (Laughter.)

17 MR. BILL TORNETEN: We can skip 7. Okay.

18 MS. TRACI PHILLIPS: There you go.

19 CHAIRMAN JEFFREY SHEPHERD: As requested by
 20 Council, the Department is presenting, for discussion
 21 purposes only, language for use in sharing information
 22 related to Senate Bill 2027 Council sunset dates.

23 Ms. Jayne.

24 MS. KAREN JAYNE: Good morning.

25 CHAIRMAN JEFFREY SHEPHERD: Good morning.

Page 58

1 MS. KAREN JAYNE: I'm Karen Jayne, the attorney
2 for Solid Waste. And at our last meeting, you-all passed
3 a resolution asking me to draft a letter for you to
4 provide to the Legislature. And so what you have
5 included at Tab 6, in your Council packets, is the
6 language that was developed to be included in a letter.
7 And the hardest thing about drafting a letter is
8 getting something on paper and getting it started. And
9 then it's much easier to go back and then alter it. So
10 what we've done here is provide you with what we believe
11 is a really good start for letters. If you-all choose to
12 send them to your legislative representatives and the
13 people on the Sunsetting Committee, you have what amounts
14 to be the start of a really good letter.
15 And you can use it, we believe, in total should you
16 decide to. If not, it's certainly there ready and ready
17 for you to take and modify to fit your personal
18 preference in terms of what you would include in a
19 letter.
20 CHAIRMAN JEFF SHEPHERD: Okay.
21 MR. RODNEY CLEVELAND: I definitely think we
22 can send it out, and I certainly would try to get the
23 Commissioners of all the state to -- to be able to send
24 that so that we can keep -- keep our voice on the Board.
25 MS. KAREN JAYNE: That would be awesome.

Page 59

1 What we did not want to do was put words in your
2 mouths. What we wanted to do was give you something that
3 was readily adaptable, and it will be appended to the
4 transcript for this hearing. In the event that you
5 misplace anything, it will be part of the transcript for
6 the next one. So when you go to review the transcript
7 for the next meeting, you've got it there again.
8 So that's -- that is my presentation. So if you
9 have any questions, I'm happy to answer them.
10 CHAIRMAN JEFF SHEPHERD: I think it looks good.
11 Wish it could be a little tougher, but I know where we
12 kind of get on those things, so -- I would strongly
13 encourage everybody on the Council to use this letter if
14 you want, straight out, or type up something different,
15 send that to your representative, have people you know
16 send it to their representative and so and so, so
17 hopefully we can prevent the sunset of this council.
18 MS. TRACI PHILLIPS: Does it not provide a
19 greater impact if we were to all sign the same letter and
20 send it as --
21 CHAIRMAN JEFFREY SHEPHERD: A council?
22 MS. TRACI PHILLIPS: -- a council --
23 CHAIRMAN JEFF SHEPHERD: We can certainly do
24 that.
25 MS. TRACI PHILLIPS: -- instead of

Page 60

1 individually?
2 CHAIRMAN JEFF SHEPHERD: I think it will work
3 both ways. I plan on sending this out individually, as
4 well as having people in my office send it out and
5 everybody, so -- I think it's important that, you know,
6 we continue to operate the way we have in the past, and I
7 think it's important for the -- for everybody involved in
8 this industry that we continue to do what we do.
9 MS. TRACI PHILLIPS: And how do we know who's
10 on the Sunset Committee?
11 MS. KAREN JAYNE: I think I can find out for
12 you and then we, perhaps, can send that out
13 electronically.
14 MS. TRACI PHILLIPS: Okay.
15 MS. KAREN JAYNE: I will do that for you.
16 MS. TRACI PHILLIPS: Thank you.
17 MR. BILL TORNETEN: Would there be some way to
18 get the Board involved in carrying the torch of the
19 Council, or has anybody approached the Board or --
20 CHAIRMAN JEFF SHEPHERD: I assume the Board is
21 part of the sunset, isn't it?
22 MS. KAREN JAYNE: No. It's just a couple of
23 the councils. We -- I can certainly raise that issue up
24 my chain of command.
25 MS. ILDA HERSHEY: Is this a time to entertain

Page 61

1 or recommend an edit to that?
2 CHAIRMAN JEFFREY SHEPHERD: Uh-huh.
3 MS. ILDA HERSHEY: The end of the third
4 paragraph, we say that the Council "brings real world and
5 technical experience as well as a broad range of
6 perspectives." And then the next paragraph is "Council
7 also provides transparency."
8 Is transparency really a primary purpose of ours?
9 Maybe we should say "Most importantly, this Council
10 provides transparency." I don't know.
11 What does the Council think?
12 MS. KAREN JAYNE: I know legislators find
13 transparency -- I know the public is very keen on
14 transparency. I don't know if it's something we want to
15 push --
16 CHAIRMAN JEFF SHEPHERD: The Governor talks
17 about transparency --
18 MS. KAREN JAYNE: Uh-huh.
19 CHAIRMAN JEFFREY SHEPHERD: -- a lot, doesn't
20 he?
21 MS. ILDA HERSHEY: There's a lot of talk about
22 transparency. I mean, we provide transparency, so I
23 think "Most importantly, the Council provides
24 transparency."
25 CHAIRMAN JEFFREY SHEPHERD: It does. You're

Page 62

1 absolutely correct, Ilda.
2 MS. ILDA HERSHEY: Yeah.
3 CHAIRMAN JEFFREY SHEPHERD: The Council does
4 provide transparency. And by making it go away, you have
5 lost transparency, so...
6 MS. ILDA HERSHEY: So my recommendation is to
7 push that a little bit more.
8 CHAIRMAN JEFF SHEPHERD: I think that's good.
9 Can we do that? We can change the letter, right?
10 MS. KAREN JAYNE: Yes, you certainly can. And
11 that -- we want to encourage you to make the language, we
12 provided, your own.
13 CHAIRMAN JEFF SHEPHERD: Okay.
14 MS. KAREN JAYNE: Absolutely.
15 CHAIRMAN JEFF SHEPHERD: If we -- as Traci
16 indicated, how would we go about -- how would we go about
17 drafting a letter? Because it couldn't be on DEQ
18 letterhead, could it?
19 MS. KAREN JAYNE: Therein lies the rub. There
20 are some statutory prohibitions against the agency
21 getting involved in certain things, and we've tried to
22 bridge the gap in an acceptable manner.
23 My first instinct is to say, no, I don't think it
24 would be good to put a letter from the Council on
25 letterhead. But I can doublecheck that and get back to

Page 63

1 you when we provide you with the Sunset Committee
2 information.
3 MS. ILDA HERSHEY: We might need to put each of
4 our -- maybe our business logos or organization logos on
5 the letter representing all of us. Just a thought.
6 MS. MICHELLE WYNN: Michelle Wynn. I am the
7 DEQ Legislative liaison. We have had Council and Board
8 input in a letter form sent to the capitol before. We do
9 not put it on DEQ letterhead. But we, basically, address
10 it as this would be addressed as the Solid Waste, you
11 know, Advisory Committee, and then you could list your
12 names, is how we've done it in the past whenever it was
13 requested we send information along.
14 CHAIRMAN JEFF SHEPHERD: Okay. I think that
15 seems reasonable.
16 MR. JIM LINN: I like Traci's idea of having
17 one signed letter from the Council.
18 CHAIRMAN JEFF SHEPHERD: Okay.
19 MR. JIM LINN: I find it odd, Mr. Chairman,
20 that -- that in paragraph two, that the committee would
21 feel like this Council no longer benefits the citizens of
22 Oklahoma. I wonder how they got there. It's probably a
23 rhetorical question, but...
24 CHAIRMAN JEFF SHEPHERD: Yeah, I don't know.
25 You would have to ask the committee members.

Page 64

1 So for this particular issue, why don't we go ahead
2 and draft that -- I guess this letter, and then we'll --
3 I don't know if we can -- I don't know how we can get
4 everybody's signature on there, but can we list
5 everybody's name as part of the Council and say, "Hey,
6 these are the members of the Council." And you guys can
7 send that letter. And then each individual person needs
8 to do the same thing and send those letters out to their
9 representatives and try to get other people involved, as
10 well.
11 MS. TRACI PHILLIPS: Can't we just -- I mean,
12 there's not that many of us. Can we not just sign it,
13 scan it back in, and e-mail it? I mean --
14 CHAIRMAN JEFF SHEPHERD: Yeah, that's fine,
15 Traci, if that's what you want to do. Yeah.
16 MS. TRACI PHILLIPS: Just to get it done,
17 right?
18 CHAIRMAN JEFF SHEPHERD: Yeah. I guess they'll
19 draft it and then send it out to us, and I guess start
20 with me and then I'll just sign it, scan it, and send it
21 to the next person and then the next person.
22 MS. TRACI PHILLIPS: Yeah.
23 MR. RODNEY CLEVELAND: Well, I think if we're
24 going to do that, I think it needs to be like a formal
25 Agenda item and a formal action if it's going to be from

Page 65

1 all of us.
2 MS. TRACI PHILLIPS: Do we have time for that?
3 Like, because our next meeting is in January, right?
4 MR. RODNEY CLEVELAND: Well, it would be a
5 matter if we thought it was permissible to bring it up as
6 new business and go ahead and vote on it, or if it was
7 okay to go ahead and make a motion to vote on it under
8 this Agenda item.
9 MS. KAREN JAYNE: I would think that since the
10 Legislature comes back in session in January, that if we
11 were to prepare the letter for our January meeting, that
12 you would still, then, be able to make early contact with
13 next year's Legislature. And I don't see a problem with
14 having a letter prepared.
15 I would ask that if you've got other edits you want
16 to make to this, that you would e-mail me. And I would
17 be happy to take everybody's edits and make it into one
18 letter. We will attach the committee, the Sunset
19 Committee's information. We'll address it to them.
20 We'll list your names at the top. I'll make a signature
21 block for everybody. And then if you want to, at the
22 next meeting, you can come and sign the original in like
23 old fashion days.
24 (Laughter.)
25 MR. RODNEY CLEVELAND: I mean, on that, too, it

Page 66

1 might give us -- that would give us time. Because right
 2 now, I mean, if we do anything right now, try to get a
 3 letter out in the next couple of weeks, it's not going to
 4 be as effective. It will be a lot more effective come
 5 February whenever they're actually -- whenever they're
 6 captured, basically their mind is captured.
 7 They're in the middle of interim studies right now.
 8 They're vacationing, they're working their own private
 9 business and everything.
 10 But what you do is take from this time until January
 11 to talk to your local representative, and then you might
 12 get some feedback from them as to something that we can
 13 add to the letter if there's something pertinent and
 14 everything, or if they're in support. And even in that,
 15 maybe ask them if they would support that and ask them if
 16 they might being included in the letter saying,
 17 "Representative so and so or Senator so and so, you know,
 18 that's my -- you know, believes that this is a -- you
 19 know, continued agency -- or continued board."
 20 MS. KAREN JAYNE: And I will circulate the
 21 letter electronically so you can look at it before the
 22 next meeting. That way then when the meeting comes,
 23 you'll be familiar with it and have reviewed it, and that
 24 way you can sign it. Maybe we could have a ceremony or
 25 something. I don't know.

Page 67

1 CHAIRMAN JEFFREY SHEPHERD: All in for a good
 2 ceremony.
 3 (Laughter.)
 4 MS. TRACI PHILLIPS: So do we need a motion?
 5 CHAIRMAN JEFF SHEPHERD: I guess to Rodney's
 6 point, yeah, I think we need a motion to --
 7 MR. RODNEY CLEVELAND: Construct a --
 8 CHAIRMAN JEFF SHEPHERD: Motion to instruct the
 9 DEQ to write the letter.
 10 MS. KAREN JAYNE: To --
 11 CHAIRMAN JEFFREY SHEPHERD: To draft a letter.
 12 MS. KAREN JAYNE: To final edit.
 13 CHAIRMAN JEFFREY SHEPHERD: Yes.
 14 MS. KAREN JAYNE: And I'll use the text that
 15 you've provided with Ms. Hershey's suggestion --
 16 CHAIRMAN JEFFREY SHEPHERD: Okay.
 17 MS. KAREN JAYNE: -- that says "The Council
 18 also provides," we'll make that say "Most importantly,
 19 the Council -- most importantly the Council provides..."
 20 MS. ILDA HERSHEY: And I just want to say thank
 21 you for drafting the letter in the first place. You were
 22 right. That's the hardest and most valuable thing that
 23 we needed done, so I appreciate that. I think minor
 24 tweaks and it's ready.
 25 MS. KAREN JAYNE: It's my pleasure.

Page 68

1 CHAIRMAN JEFF SHEPHERD: Okay. Do I have a
 2 motion?
 3 MS. ILDA HERSHEY: Motion.
 4 CHAIRMAN JEFFREY SHEPHERD: Do I have a second?
 5 MR. JIM LINN: Second.
 6 MS. QUIANA FIELDS: Mr. Cleveland.
 7 MR. RODNEY CLEVELAND: Aye.
 8 MS. QUIANA FIELDS: Ms. Hershey.
 9 MS. ILDA HERSHEY: Aye.
 10 MS. QUIANA FIELDS: Mr. Linn.
 11 MR. JIM LINN: Aye.
 12 MS. QUIANA FIELDS: Ms. Phillips.
 13 MS. TRACI PHILLIPS: Yes.
 14 MS. QUIANA FIELDS: Mr. Torneten.
 15 MR. BILL TORNETEN: Yes.
 16 MS. QUIANA FIELDS: Mr. Shepherd.
 17 CHAIRMAN JEFFREY SHEPHERD: Yes.
 18 MS. QUIANA FIELDS: Motion passed.
 19 CHAIRMAN JEFFREY SHEPHERD: Good.
 20 All right. Number 9, Election of new officer. Each
 21 year at this time, the Council elects officers for the
 22 next calendar year. Are there any nominations?
 23 MR. JIM LINN: I'd like to nominate
 24 Jeff Shepherd be Chairman --
 25 MS. TRACI PHILLIPS: I'll second that.

Page 69

1 MR. JIM LINN: -- of the Solid Waste Management
 2 Advisory Council for the DEQ.
 3 CHAIRMAN JEFFREY SHEPHERD: Okay.
 4 MS. QUIANA FIELDS: Mr. Cleveland.
 5 (Laughter.)
 6 MR. RODNEY CLEVELAND: Aye.
 7 MS. QUIANA FIELDS: Ms. Hershey.
 8 MS. ILDA HERSHEY: Aye.
 9 MS. QUIANA FIELDS: Mr. Linn.
 10 MR. JIM LINN: Yes, ma'am.
 11 MS. QUIANA FIELDS: Ms. Phillips.
 12 MS. TRACI PHILLIPS: Yes.
 13 MS. QUIANA FIELDS: Mr. Torneten.
 14 MR. BILL TORNETEN: Yes.
 15 MS. QUIANA FIELDS: Mr. Shepherd.
 16 CHAIRMAN JEFFREY SHEPHERD: Yes.
 17 MS. QUIANA FIELDS: Motion passed.
 18 CHAIRMAN JEFFREY SHEPHERD: Thank you.
 19 MR. JIM LINN: And because she's not here --
 20 (Laughter.)
 21 MR. JIM LINN: You know how when you're sick at
 22 home or pretending to be sick at home from school, you
 23 get a lot more homework, right?
 24 I'll nominate Ms. Brenda Merchant as
 25 Vice Chairperson.

Page 70

1 CHAIRMAN JEFFREY SHEPHERD: Second.
 2 MS. QUIANA FIELDS: Mr. Cleveland.
 3 MR. RODNEY CLEVELAND: Aye.
 4 MS. QUIANA FIELDS: Ms. Hershey.
 5 MS. ILDA HERSHEY: Aye.
 6 MS. QUIANA FIELDS: Mr. Linn.
 7 MR. JIM LINN: Yes.
 8 MS. QUIANA FIELDS: Ms. Phillips.
 9 MS. TRACI PHILLIPS: Yes.
 10 MS. QUIANA FIELDS: Mr. Torneten.
 11 MR. BILL TORNETEN: Yes.
 12 MS. QUIANA FIELDS: Mr. Shepherd.
 13 CHAIRMAN JEFFREY SHEPHERD: Yes.
 14 MS. QUIANA FIELDS: Motion passed.
 15 CHAIRMAN JEFFREY SHEPHERD: All right. Good.
 16 Well, thank you, guys. I appreciate it. I know
 17 that I've been doing it a long time. I feel like I can
 18 do it in my sleep sometimes, and I think I have.
 19 (Laughter.)
 20 CHAIRMAN JEFFREY SHEPHERD: So I appreciate the
 21 support. Thank you very much.
 22 Suggested meeting dates for the 2020 Council
 23 Meetings.
 24 MR. PATRICK RILEY: I have some dates that I'll
 25 throw out there if you're interested.

Page 71

1 CHAIRMAN JEFFREY SHEPHERD: All right.
 2 MR. PATRICK RILEY: So continuing the Thursday
 3 trend, so January 9, April 9, July 9, and
 4 September 10.
 5 CHAIRMAN JEFF SHEPHERD: Oh, that first week,
 6 is that the first week back after the -- I don't want
 7 to -- I don't want to -- but there are --
 8 MS. TRACI PHILLIPS: Oh, yeah.
 9 CHAIRMAN JEFFREY SHEPHERD: When are --
 10 MS. TRACI PHILLIPS: That's the first week --
 11 CHAIRMAN JEFFREY SHEPHERD: Is that the first
 12 week back?
 13 MS. TRACI PHILLIPS: That's the first full week
 14 of January back.
 15 MR. PATRICK RILEY: Would you prefer the 16th,
 16 which is the following week, the following Thursday?
 17 CHAIRMAN JEFFREY SHEPHERD: That might be
 18 better. Let's see, January -- yeah, that would probably
 19 be better to move that first meeting to the 16th.
 20 MR. PATRICK RILEY: So then we have January 16,
 21 April 9, July 9, September 10.
 22 CHAIRMAN JEFFREY SHEPHERD: I mean, we mostly
 23 just meet once or twice a year. We're required to meet
 24 once a year, right?
 25 MR. PATRICK RILEY: Correct.

Page 72

1 CHAIRMAN JEFF SHEPHERD: Yeah, let's go with
 2 those dates. Does anybody have a problem?
 3 (No response.)
 4 CHAIRMAN JEFF SHEPHERD: I guess we'll need a
 5 motion.
 6 MR. JIM LINN: So moved.
 7 MR. RODNEY CLEVELAND: Second.
 8 MS. QUIANA FIELDS: Mr. Cleveland.
 9 MR. RODNEY CLEVELAND: Aye.
 10 MS. QUIANA FIELDS: Ms. Hershey.
 11 MS. ILDA HERSHEY: Aye.
 12 MS. QUIANA FIELDS: Mr. Linn.
 13 MR. JIM LINN: Aye.
 14 MS. QUIANA FIELDS: Ms. Phillips.
 15 MS. TRACI PHILLIPS: Yes.
 16 MS. QUIANA FIELDS: Mr. Torneten.
 17 MR. BILL TORNETEN: Yes.
 18 MS. QUIANA FIELDS: Mr. Shepherd.
 19 CHAIRMAN JEFFREY SHEPHERD: Yes.
 20 MS. QUIANA FIELDS: Motion passed.
 21 CHAIRMAN JEFF SHEPHERD: Thank you.
 22 Item number 11, Public Forum. Is there anybody that
 23 wants to come up and say anything specific?
 24 (No response.)
 25 CHAIRMAN JEFFREY SHEPHERD: All right. Is

Page 73

1 there any new business?
 2 (No response.)
 3 CHAIRMAN JEFFREY SHEPHERD: Okay. We do this
 4 every time. I don't know if we necessarily -- but if
 5 somebody wants to make a motion to adjourn.
 6 MR. JIM LINN: So moved.
 7 MS. QUIANA FIELDS: A second?
 8 MR. RODNEY CLEVELAND: Second.
 9 MS. QUIANA FIELDS: Mr. Cleveland.
 10 MR. RODNEY CLEVELAND: Aye.
 11 MS. QUIANA FIELDS: Ms. Hershey.
 12 MS. ILDA HERSHEY: Aye.
 13 MS. QUIANA FIELDS: Mr. Linn.
 14 MR. JIM LINN: Yes.
 15 MS. QUIANA FIELDS: Ms. Phillips.
 16 MS. TRACI PHILLIPS: Yes.
 17 MS. QUIANA FIELDS: Mr. Torneten.
 18 MR. BILL TORNETEN: Yes.
 19 MS. QUIANA FIELDS: Mr. Shepherd.
 20 CHAIRMAN JEFFREY SHEPHERD: Yes.
 21 MS. QUIANA FIELDS: Motion passed.
 22 CHAIRMAN JEFFREY SHEPHERD: Thanks. We are
 23 adjourned.
 24 (Meeting adjourned at 10:40 a.m.)
 25 * * * * *

1 CERTIFICATION
2 I, Jennifer Payne Kaelin, a Certified Shorthand
3 Reporter within and for the State of Oklahoma, do hereby
4 certify that I was present at the Solid Waste Management
5 Advisory Council meeting had September 12, 2019; that I
6 recorded in stenotype notes all of said meeting; and that
7 I thereafter transcribed my notes so taken and reduced
8 same to typewritten form; and that foregoing transcript
9 of meeting is full, true, correct and complete, to the
10 best of my skill and ability, along with corrections made
11 by the Department of Environmental Quality's staff.
12 I further certify that I am not an attorney for
13 nor relative of any of said parties or otherwise
14 interested in the outcome or event of said action.
15
16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and affixed my official seal this 24th day of September,
18 2019.
19
20 *Jennifer Payne Kaelin, CSR*
21 _____
22 Jennifer Payne Kaelin, CSR#174B
23 Official Court Reporter
24
25

The Solid Waste Management Advisory Council

This past legislative session, Senate Bill 1027 amended the statute establishing and governing Department of Environmental Quality (DEQ) advisory councils. Effective July 1, 2020, SB 1027 sunsets several of DEQ's advisory councils, including the Solid Waste Management Advisory Council (SWMAC), unless legislation is enacted in the 2020 session to allow them to continue.

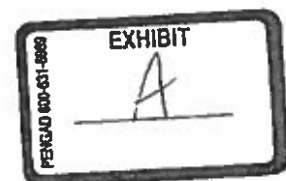
We assume the idea behind the change was to reduce unnecessary red tape and costs to taxpayers by eliminating boards and councils that no longer benefit the citizens of Oklahoma. However, we believe the SWMAC, like the other DEQ advisory councils, has a critical role to play in a very technical area of environmental law.

The SWMAC is comprised of uncompensated volunteers who represent the different industries being regulated, the general public, and environmental non-profits, as well as municipalities or county officials. These Council members bring real world and technical expertise as well as a broad range of perspectives to the review of proposed rules.

This Council also provides transparency to the rulemaking process by providing the first and generally most robust opportunity for a public hearing and public comment on any solid waste management rule proposed by the agency. Votes to recommend the proposed rules for adoption are made in public and recorded at the Council meetings.

We recognize the value in containing the cost of government, but it is our firm opinion that in this instance the cost of eliminating the SWMAC and the other advisory councils substantially outweighs the minimal cost savings to the State.

Thank you for your consideration of this input.





**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL**

**Attendance Record
September 12, 2019
Oklahoma City, Oklahoma**

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Kole Kennedy	DEQ Kole.Kennedy@deq.ok.gov
PATRICIA RILEY	DEQ patriciariley@deq.ok.gov
Ilda Hershey	ilda.hershey@okstate.edu
JIM LINN	jim.linn@OKC.GOV
David Smith	dave.w.smith@aqa.com
Chiane Fields	DEQ
Hillary Young	DEQ Hillary.Young@deq.ok.gov
Reed Cleveland	reecleveland@...
Bill Tonneter	billton1@shgglobal.net
Kase Stamburn	DEQ kase.stamburn@deq.ok.gov
Kaylee Suplee	ODEQ Kaylee.Suplee@deq.ok.gov
John McCreight	WFEC john.mccreight@wfec.com
Kelly Dixon	DEQ
TRACI PHILLIPS	TRACI.Phillips@NATURALEVOLUTION.C
David Cates	DEQ david.cates@deq.ok.gov
CINDY HAILES	DEQ CINDY.HAILES@DEQ.OK.GOV
Michelle Wynn	DEQ michelle.wynn@deq.ok.gov
KARON JAYNE	DEQ Karon.Jayne@deq.ok.gov
Lloyd Kirk	DEQ Lloyd.Kirk@deq.ok.gov
Kathy Aelgischer	DEQ
Shawn Capelin	PCSO deputy.capelin@pafcase.com
Amber Edwards	DEQ amber.edwards@deq.ok.gov