

DRAFT MINUTES
Solid Waste Management Advisory Council
January 12, 2017 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at April 13, 2017 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on January 12, 2017, in accordance with the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice of Regular Meeting was filed to the Office of the Secretary of State on October 13, 2016. Agendas were posted on the entrance doors at the Department of Environmental Quality (DEQ) Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Jeff Shepherd, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Todd Adcock
Steve Landers
Jim Linn
Brenda Merchant
Matthew Newman
Traci Phillips
Bill Torneten
Jeff Shepherd

DEQ STAFF PRESENT

Fenton Rood
Sarah Penn
Tad Alford
Martha Penisten
Kole Kennedy
Michele Woods
Patrick Riley
Amber Edwards
Cindy Hailes
Jacklyn Garrett
Kasie Stambaugh
David Cates
Rachel Hanigan
Martha Grafton
Michele Wynn
Malcolm Zachariah
Hillary Young
Melanie Foster
Cheryl Bradley
Tom Richardson
Quiana Fields

MEMBERS ABSENT

Rodney Cleveland
Ilda Hershey

OTHERS PRESENT

Lynette Wrany, Court Reporter

Approval of the Minutes for the September 15, 2016 Solid Waste Management Advisory Council Meeting – Mr. Newman moved approval of the September 15, 2016 Minutes and Mr. Linn made the second.

See transcript pages 4 – 5

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Ms. Traci Phillips entered the meeting.

Director's Report – Mr. Patrick Riley, Environmental Program Manager of the Land Protection Division (LPD) provided an update on division activities.

See transcript pages 5 – 11

Ms. Brenda Merchant entered the meeting.

Presentation Regarding New Federal Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills and Proposed Rules before the Air Quality Advisory Council January 18, 2017 – Mr. Malcolm Zachariah, Environmental Programs Specialist of the Air Quality Division (AQD), gave a presentation regarding proposed revisions to Chapter 100, Subchapter 47, Control of Emissions from existing Municipal Solid Waste Landfills.

See transcript pages 11 – 29

A. Discussion of proposed changes to Chapter 517 Disposal of Coal Combustion Residuals from Electric Utilities – Mr. Riley, stated the Department is proposing to amend OAC 252:517 in response to the United States Environmental Protection Agency (EPA) amendments to 40 CFR Part 257, Subpart D (Federal CCR Rule). Notably, DEQ incorporated the requirements of the Federal CCR Rule in its entirety to ensure the state and federal regulations pertaining to coal combustion residuals (CCR) disposal were uniform. The gist of the rule is to amend OAC 252:517 to remove the early closure provisions for CCR surface impoundments, and references thereto, and extend certain timeframes, all for purposes of ensuring the state CCR rules are consistent with the Federal CCR Rule. Following questions by the Council and none by the public, Mr. Linn moved to approve and Mr. Newman made the second.

See transcript pages 29 – 33

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

B. Discussion of proposed changes to Chapter 515 Management of Solid Waste – Mr. Riley stated the Department is proposing to amend OAC 252:515 and to create a new Subchapter, OAC 252:515-43, to allow for a tiered permitting and regulatory structure for different classes of solid waste composting facilities. The classes of facilities are based on the type and quantity of material to be received and composted at a particular facility. All proposed amendments to OAC 252:515 are associated with the creation of the new Subchapter and are necessary to ensure consistency with the new Subchapter. The gist of the rule is to replace the current regulations pertaining to solid waste composting facilities to allow for a tiered permitting and regulatory structure based on the type and quantity of material to be composted. Following questions by the Council and none by the public, Mr. Newman moved to approve and Mr. Linn made the second.

See transcript pages 33 – 47

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

C. Discussion of proposed changes to Chapter 4 Rules of Practice and Procedure – Mr. Riley stated the Department is proposing amendments to OAC 252:4-7-58 and OAC 252:4-7-59 to modify and clarify the permitting process requirements and associated tiers that apply to solid waste composting facilities. The gist of this proposed rule is to amend the permitting process regulations pertaining to solid waste composting facilities to be consistent with the proposed new Subchapter referenced above, which will allow for a tiered permitting and regulatory structure based on the type and quantity of material to be received composted at a particular facility.

Hearing no questions by the Council or the public, Mr. Newman moved to approve and Mr. Linn made the second.

See transcript pages 47 – 49

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Discussion of Resolution to Legislature – Mr. Riley stated that during the previous SWMAC meeting on September 15, 2016, the Council decided to continue discussion of providing a resolution to the Legislature at the beginning of session regarding the usage of funds for their intended purpose. Following discussion by the Council and the public, Mr. Landers moved to approve the resolution and Ms. Merchant made the second.

See transcript pages 49 - 56

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Public Forum – No public issues were raised.

New Business – None

Adjournment – Meeting adjourned at 10:30 a.m.

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

1 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
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 9 SOLID WASTE MANAGEMENT ADVISORY COUNCIL
 10 PUBLIC MEETING
 11 JANUARY 12, 2017 - 9:00 A.M.
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 17 Multi-Purpose Room, 1st Floor
 18 DEQ Building
 19 707 N. Robinson
 20 Oklahoma City, OK
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 24 Reported by Lynette H. Wrany, C.S.R. #1167
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1 CALL TO ORDER - 9:08 A.M.
 2 CHAIR JEFF SHEPHERD: This January 12th, 2017
 3 meeting of the Solid Waste Management Advisory Council
 4 was called in accordance with the Open Meeting Act.
 5 Notice was filed with the Secretary of State on
 6 October the 13th, 2016. The Agenda was duly posted on
 7 the doors of the DEQ, 707 North Robinson, Oklahoma
 8 City, Oklahoma, at least 24 hours prior to the
 9 meeting.
 10 Only matters appearing on the posted Agenda
 11 may be considered at this regular meeting. In the
 12 event that this meeting is continued or reconvened,
 13 public notice of the date, time, and place of the
 14 continued meeting will be given by announcement at
 15 this meeting. Only matters appearing on the Agenda of
 16 a meeting which is continued may be discussed at the
 17 continued or reconvened meeting.
 18 Call it?
 19 MS. QUIANA FIELDS: Mr. Adcock?
 20 MR. TODD ADCKOCK: Here.
 21 MS. QUIANA FIELDS: Mr. Cleveland is absent.
 22 Ms. Hershey is absent. Mr. Landers?
 23 MR. STEVE LANDERS: Here.
 24 MS. QUIANA FIELDS: Mr. Linn?
 25 MR. JIM LINN: Here.

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1 COUNCIL MEMBERS PRESENT:
 2 Todd Adcock
 3 Steve Landers
 4 Jim Linn
 5 Brenda Merchant - Vice-Chair
 6 Matthew Newman
 7 Traci Phillips
 8 Jeff Shepherd - Chair
 9 Bill Torneten
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1 COUNCIL MEMBERS ABSENT:
 2 Rodney Cleveland
 3 Ilda Hershey

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1 MS. QUIANA FIELDS: Ms. Merchant is absent.
 2 Mr. Newman?
 3 MR. MATTHEW NEWMAN: Here.
 4 MS. QUIANA FIELDS: Ms. Phillips is absent.
 5 Mr. Torneten?
 6 MR. BILL TORNETEN: Here.
 7 MS. QUIANA FIELDS: Mr. Shepherd?
 8 CHAIR JEFF SHEPHERD: Here.
 9 MS. QUIANA FIELDS: We have a quorum.
 10 CHAIR JEFF SHEPHERD: I'm sure Ms. Phillips
 11 will show up eventually.
 12 All right. Approval of the Minutes for the
 13 September 15th, 2016 Solid Waste Management Advisory
 14 Council meeting. Do I hear a motion?
 15 MR. MATTHEW NEWMAN: So move to approve.
 16 MR. JIM LINN: Second that motion.
 17 MS. QUIANA FIELDS: Mr. Adcock?
 18 MR. TODD ADCKOCK: Yes.
 19 MS. QUIANA FIELDS: Mr. Landers?
 20 MR. STEVE LANDERS: Yes.
 21 MS. QUIANA FIELDS: Mr. Linn?
 22 MR. JEFF LINN: Yes.
 23 MS. QUIANA FIELDS: Mr. Newman?
 24 MR. MATTHEW NEWMAN: Yes.
 25 MS. QUIANA FIELDS: Mr. Torneten?

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1 MR. BILL TORNETEN: Yes.
 2 MS. QUIANA FIELDS: Mr. Shepherd?
 3 CHAIR JEFF SHEPHERD: Yes.
 4 MS. QUIANA FIELDS: Motion passed.
 5 CHAIR JEFF SHEPHERD: The Director's Report.
 6 MR. PATRICK RILEY: I have just a few
 7 announcements and updates that might benefit the
 8 Council that I'll share.
 9 (Whereupon, Traci Phillips entered the
 10 meeting.)
 11 MR. PATRICK RILEY: And before we get into
 12 the balance of our Agenda, first thing, Waste
 13 Exclusion Plan Training. As you know, that disposal
 14 facilities are required to prohibit certain types of
 15 waste and screen for those kinds of waste. And part
 16 of that rule requires the annual training; an initial
 17 eight hours training, four hours annual refresher.
 18 The last few years DEQ and SWANA have teamed
 19 up to provide training, an annual refresher training
 20 at DEQ. So, we're doing that again this year and
 21 that's going to be held on the 25th of this month.
 22 I just wanted to point that out. I think
 23 there's some fliers up on the table, if you want to
 24 take that back with you.
 25 Another update. Had a couple of questions

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1 e-mail is accessible by Finance and Solid Waste. So
 2 we can receive those forms at the same time. And
 3 since we can receive them at the same time, we will be
 4 able to track them better and be able to update our
 5 website, because we have some annual tonnage on there
 6 that isn't really up-to-date right now and we want to
 7 improve that.
 8 After I did this, got the e-mail address
 9 established, I sent a letter to the solid waste
 10 facilities to remind them of the reporting
 11 requirements and told them about the updates that we
 12 had made.
 13 So we just hope that that stuff will improve
 14 our process for receiving and tracking and being able
 15 to provide the public information that we need.
 16 MR. PATRICK RILEY: The other thing to update
 17 you guys on, the Coal Combustion Residuals, there has
 18 been some changes, legislative changes, at the Federal
 19 level. Seems like we'll never be finished with this.
 20 We have an Agenda item later on to talk about state
 21 rules related to CCR.
 22 But just to point out, there have been some
 23 changes on the federal level, amendments to RCRA
 24 Subtitle D. They give EPA direct permitting and
 25 enforcement authority over CCR and grant states the

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1 and comments about DEQ's website. So I wanted to let
 2 you know where we are at there.
 3 The website, in its present form, has been in
 4 its present form for a number of years and it's due
 5 for an update. We have a webmaster who works at DEQ
 6 who is working with the Office of Management and
 7 Enterprise Services and their development team to redo
 8 the whole website. It's been a long and somewhat
 9 convoluted process. He's optimistic that that will
 10 happen this year and I think it will benefit all of us
 11 when it's rolled out.
 12 Also, had some questions about the Solid
 13 Waste page in particular and how we track landfill
 14 tonnage. And there are some changes that relate to
 15 how we're collecting that information. I think Amber
 16 is going to share about what she's been working on.
 17 MS. AMBER EDWARDS: Well, we reviewed the
 18 process that we use to receive and track the monthly
 19 and quarterly reports, because we wanted to make it
 20 better. And since -- well, after that review, I
 21 decided to update the forms and I made the forms into
 22 fillable PDFs that are on our website.
 23 And also, I wanted to have a way for people
 24 to submit their forms electronically. So I had IT
 25 create an e-mail where they can send them and this

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1 authority to establish CCR permit programs, which we
 2 have done through rulemaking. But we have yet to get
 3 that approved by EPA.
 4 EPA will now have oversight of our program.
 5 They will have regular reviews. So it changes a
 6 little bit how we're going to get approval of our
 7 program and how we operate that.
 8 As far as the rules themselves, the federal
 9 rules remain self-implementing. So there is no change
 10 there. The state rules are in effect and will
 11 continue as they are. And we'll talk -- again, we'll
 12 talk about CCR, some specific rule changes, later on
 13 in the Agenda.
 14 The last thing that I want to share about is
 15 the recent Drug Take-Back Pilot Program that you may
 16 have heard about. As you are well aware, there are
 17 significant health and environmental concerns related
 18 to unwanted pharmaceuticals and what people do with
 19 pharmaceuticals when they are done with them.
 20 The -- there are some things in place right
 21 now, Matt Newman's program. He has shared with us how
 22 his facility has converted millions of pounds of
 23 pharmaceuticals into energy.
 24 But there is a new program that I want to
 25 talk about that allows residents to take

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1 pharmaceuticals back to pharmacies. So we have four
2 pharmacies in Oklahoma -- one in Oklahoma City, one in
3 Moore, one in Pawnee, one in Stillwater -- that have
4 agreed to participate in a six-month pilot program.

5 This is a program that was designed and
6 implemented by DEQ and the Product Stewardship
7 Institute to allow residents to bring back
8 pharmaceuticals to the pharmacy and then they will be
9 collected by a waste company and then shipped to a
10 waste energy facility. Not yours, Matt, not -- in
11 Tulsa, but --

12 MR. MATTHEW NEWMAN: One of Covanta's.

13 MR. PATRICK RILEY: Okay. So we're kind of
14 excited about that. Just another option for people to
15 dispose of these pharmaceuticals and keep them out of
16 the environment and keep them out of the hands of kids
17 that might use them improperly.

18 (Whereupon, Vice-Chair Brenda Merchant
19 entered the meeting.)

20 MR. PATRICK RILEY: So we'll keep you updated
21 on how that program works out. Any questions about
22 this information before we move on to the next agenda
23 item?

24 MR. JEFFREY SHEPHERD: Will the tonnages be
25 updated through 2000-- at least 2015?

1 CHAIR JEFF SHEPHERD: Does anybody have any
2 more questions concerning the Director's Report?

3 Okay. Item Number 5, Presentation regarding
4 New Federal Emissions Guidelines and Compliance Times
5 for Municipal Solid Waste Landfills and proposed rules
6 before the Air Quality Advisory Council on January
7 18th, 2017.

8 MR. PATRICK RILEY: Let me introduce this a
9 little bit and then we have a presentation.

10 You know, because -- because environmental
11 regulations are sometimes media specific, we have the
12 Clean Water Act, we have the Clean Air Act, we have
13 the Solid Waste Management Act, but sometimes there
14 are crossovers between the regulated or regulatory
15 bodies and our divisions of DEQ.

16 So there are rules that are proposed right
17 now that will impact disposal facilities, landfills,
18 in particular, that are not going to come before this
19 Council for approval, but will be coming before the
20 Air Quality Council for consideration. But,
21 nevertheless, we feel it's important that you are
22 aware of what's going on and give you an opportunity
23 to learn about what those rules are.

24 We've got a presentation from some folks from
25 our Rules and Planning Section and Air Quality

1 MS. AMBER EDWARDS: We're trying to get --
2 we're gathering all of it right now. We're getting
3 2016 updated pretty soon. I don't know exactly when,
4 but we're working on it right now.

5 CHAIR JEFF SHEPHERD: Okay. That would be
6 helpful.

7 MR. STEVE LANDERS: Hey, Patrick, you
8 mentioned that the EPA has not approved the CCR
9 permitting program in Oklahoma, is that right?

10 MR. PATRICK RILEY: That's right.

11 MR. STEVE LANDERS: What is the hold up
12 there?

13 MR. PATRICK RILEY: Since the process just
14 changed, how they're going to approve or operate a
15 program, we -- they haven't told us yet how they're
16 going to approve it. They're going to come out with a
17 guidance document that explains what they want from
18 us, a document that our program is sufficient.

19 So we expect that sometime in the near
20 future. And once we figure out what they want from
21 us, then we'll work with them to get approval. I
22 don't anticipate any difficulty in receiving approval
23 from them to operate our state program. So it's just
24 a matter of completing the necessary steps.

25 MR. STEVE LANDERS: Okay.

1 Division. And they're going to present information
2 for our benefit, but not for an action.

3 So listen and ask questions and feel free to
4 discuss it. But we can't take action on it, because
5 it's not a rule that we have authority over.

6 The proper venue or appropriate venue for
7 commenting will be at the Air Quality Council meeting,
8 which is next week on the 18th.

9 So if you have comments about the rule that
10 Malcolm is going to talk about in just a minute, then,
11 please, hold on to those and share them with the Air
12 Quality folks either at the Air Quality Council
13 meeting or there is an e-mail address that I will
14 share with you so that you can submit written
15 comments.

16 A lot of the changes that he's going to talk
17 about will involve things that are already in place.
18 Landfill owners and operators are going to be familiar
19 with some of the things that he's talking about: The
20 initial design capacity estimates, the mechanisms for
21 estimating Non-Methane Organic Compound emissions,
22 those kinds of things. But there are some changes
23 that you need to be aware of. So we're -- I look
24 forward to their presentation.

25 And please feel -- he's going to use the --

1 he's going to present a PowerPoint presentation. So
2 if you need to move to be able to see the screen,
3 please, feel free to get up and do that.

4 MS. CAROL BARTLETT: It is possible you
5 people here will be blinded by this.

6 MR. STEVE LANDERS: Is that that
7 presentation?

8 MR. MALCOLM ZACHARIAH: Yes.

9 CHAIR JEFF SHEPHERD: Is there a possibility
10 that we could go blind?

11 MR. STEVE LANDERS: Yeah.

12 CHAIR JEFF SHEPHERD: I don't want to go
13 blind. I'm already deaf. So --

14 MR. MALCOLM ZACHARIAH: Hello. My name is
15 Malcomb Zachariah, and I'm a member of the Air Quality
16 Rules and Planning Section.

17 I have been working with the colleagues from
18 Air Quality and Land Protection on new air emission
19 regulations for municipal solid waste landfills.

20 Now onto Slide two for an overview. On
21 August 29th, 2016, EPA revised the New Source
22 Performance Standards, NSPS, and Emission Guidelines
23 for municipal solid waste landfills. These rules
24 lowered the emission threshold that requires landfills
25 to install a gas collection and a control system, or

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1 NMOCs (Non-Methane Organic Compounds), which include
2 hazardous air pollutants and volatile organic
3 compounds. NMOCs were chosen as the indicator
4 pollutant of landfill gas because they pose the
5 greatest risk to public health and welfare. And so,
6 landfills with a design capacity of 2.5 million
7 megagrams and 2.5 million cubic meters must install a
8 gas collection and control system when NMOC emissions
9 reach 50 megagrams per year.

10 Slide five describes how we came to the new
11 rules. They stem from the 2013 President's Climate
12 Action Plan, which directed federal agencies to reduce
13 methane emissions. Landfills account for 18 percent
14 of U.S. methane emissions. In 2014 and 2015, EPA
15 proposed the new Emission Guidelines and NSPS,
16 subparts Cf and XXX, to reduce landfill gas emissions
17 by lowering the NMOC threshold to install a GCCS. Cf
18 and XXX were finalized in 2016 with a new threshold of
19 34 megagrams per year for all landfills, except those
20 which closed by September 27th, 2017. Those closed
21 landfills can retain the 50 megagrams per year
22 threshold.

23 Slide six gives a graphic comparison of the
24 old and new rules. EPA did not set end dates for the
25 previous Emission Guidelines and NSPS, so the two sets

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1 GCCS. While the NSPS is a federal standard for new
2 sources, Oklahoma must revise its state plan in order
3 to implement the Emission Guidelines for existing
4 sources. Chapter 100, Subchapter 47 is the
5 enforceable mechanism for the state plan, and a
6 revision -- revised version of the Subchapter 47 is
7 scheduled to be presented at the Air Quality Advisory
8 Council next Thursday, January 18th.

9 Slide three describes the Federal Clean Air
10 Act framework of these rules. The 1970 Clean Air Act
11 amendments added Section 111, to control emissions
12 from new or modified stationary sources of air
13 pollution. Section 111(d) applies to existing
14 sources, where existing usually means those
15 constructed before the NSPS proposal date. These
16 guidelines are not directly enforceable, so EPA
17 directs states to incorporate them into their rules.
18 States must develop, or in Oklahoma's case revise, a
19 111(d) state plan, and if they do not, EPA can issue a
20 Federal Plan instead.

21 Slide four shows our current rules. In 1996,
22 EPA published the first Emissions Guidelines and NSPS,
23 which are subparts Cc and WW of 40 CFR Part 60.
24 Landfill gas is composed of approximately 50 percent
25 methane, 50 percent CO₂ and less than one percent

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1 of rules overlap. 1991 was the first cutoff between
2 what are considered existing and new or modified
3 sources. Note that existing means landfills which
4 were accepting waste after 1987. However, the
5 distinction is minimal because Cc, and by extension
6 our Subchapter 47, points to WW for detailed
7 requirements. The new rules, Cf and XXX, have a new
8 cutoff at 2014. Because the new rules have a more
9 stringent standard, landfills must comply with them
10 versus the old ones. Overall, landfills will fall
11 into three categories: those which are closed and
12 existing, where Subchapter 47 applies, and those which
13 are new or modified, where XXX applies.

14 Slide seven describes the new landfills
15 category. New landfills are those which commenced
16 construction, modification, or reconstruction after
17 July 17, 2014. They are subject to XXX, which became
18 effective October 28, 2016. We know at least one
19 landfill has notified DEQ of its compliance with XXX.
20 Like other NSPS, XXX will be incorporated by reference
21 into the air rules Appendix Q.

22 Slide eight describes existing landfills. As
23 in the old rule, these are landfills which were
24 accepting waste after November 8, 1987 and constructed
25 on or before July 17, 2014. This includes some

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1 landfills previously subject to WtW. We have adapted
2 Cf into our proposed Subchapter 47.

3 Next on Slide nine, we have the closed
4 subcategory of existing landfills. Again those
5 landfills which closed on or before September 27th,
6 2017 may keep using the 50 megagrams per year NMOC
7 threshold for installation or removal of a GCCS.

8 Slide ten shows the Rule requirements. At
9 the least, landfills will have to submit one design
10 capacity report to show if their design capacity is
11 over or under 2.5 million megagrams and 2.5 million
12 cubic meters. Those which are over the size limit
13 will need a Title V permit from the Air Quality
14 Division and begin testing for NMOCs. Testing is done
15 via tiers which go from general formulas to more
16 site-specific methods. The new rules added a Tier 4
17 surface methane monitoring method. Finally, if the
18 tiers show an exceedence, the landfill owner or
19 operator must submit a GCCS design plan.

20 Slides 11 through 13 show our preliminary
21 inventory of affected landfills. First, there are 41
22 existing landfills. Twenty-nine of them are known or
23 estimated to have design capacities above 2.5 million
24 megagrams and 2.5 million cubic meters. As few as one
25 to seven of these landfills may have new GCCS

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1 strange that the emissions, NMOC emissions, are based
2 on the waste in place but the design capacities are
3 based on the permit boundary. So --

4 CHAIR JEFF SHEPHERD: How can the -- how can
5 the design capacity be based on the permitted
6 boundary?

7 MR. MALCOLM ZACHARIAH: I think that's --
8 I'll have to bring Melanie Foster, my manager. Or if
9 Patrick is --

10 MR. PATRICK RILEY: That's a good question.
11 I mean, the air rules typically are based on potential
12 to emit. They look at the permit boundary of a
13 landfill as being the total potential to receive
14 waste. So the initial design capacity is based on --
15 based on the permitted boundary and the capacity that
16 could be provided by that. But when you calculate the
17 non-methane, the actual emissions, it's based on waste
18 in place and closure date. And Melanie can fill it
19 in --

20 CHAIR JEFF SHEPHERD: It seems to be
21 overreaching to base it on the permitted boundary, if
22 you have not built but a third or less than that of
23 your existing footprint.

24 MR. PATRICK RILEY: Yes, it does seem
25 counter-intuitive, especially for sites that have a --

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1 requirements.

2 Slide 14 reiterates the fact that the
3 requirements of the old and new rules are very
4 similar. All landfills must report their design
5 capacities at least once. Those with large enough
6 capacities must test and report their NMOC emissions.
7 And those which exceed the NMOC emission threshold
8 must install a gas collection and control system.

9 Slide 15 shows what's next. We are scheduled
10 to present revisions to Subchapter 47 next Thursday,
11 January 18th, at the Air Quality Advisory Council
12 meeting. The public comment period for that meeting
13 is still open, and we accept comments through e-mail,
14 mail, FAX and at the meeting itself. For further
15 information, please contact either me or Cindy Hailes
16 of Land Protection. Thank you.

17 MR. BILL TORNETEN: Does the construction of
18 a new disposal cell constitute a modification for
19 purposes of a new landfill designation?

20 MR. MALCOLM ZACHARIAH: Currently the
21 landfill design capacity is based on the permitted
22 boundary. And so I believe that it should be what the
23 permit boundary already had in place.

24 MR. BILL TORNETEN: Okay.

25 MR. MALCOLM ZACHARIAH: So it's a little

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1 may have a huge permit boundary.

2 CHAIR JEFF SHEPHERD: Right.

3 MR. PATRICK RILEY: They may have 100 acres
4 permitted, but only 10 acres built for waste.

5 CHAIR JEFF SHEPHERD: Correct.

6 MR. PATRICK RILEY: Unfortunately, the way
7 the rule is written, they consider that permit
8 boundary to be the measure of what's used for design
9 capacity, initial design capacity.

10 CHAIR JEFF SHEPHERD: I disagree. I
11 strongly disagree, with that.

12 MR. PATRICK RILEY: And I would ask you to
13 take your comments to the Air Quality Council meeting.
14 I mean, it's certainly the most controversial, or
15 troubling, or whatever term you want to use, aspect of
16 these rules relate to permit boundary versus built
17 boundary.

18 CHAIR JEFF SHEPHERD: We don't have to have
19 financial assurance for the entire permitted
20 boundary.

21 MR. PATRICK RILEY: Correct. And that's the
22 Solid Waste rules.

23 CHAIR JEFF SHEPHERD: Right. Which seem
24 logical.

25 MR. BILL TORNETEN: So does the capacity

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1 anticipate some maximum vertical expansion? What do
2 they use for the vertical height of all the permitted
3 boundary?

4 MR. PATRICK RILEY: It would go back to your
5 initial permit application and final closure plan for
6 the facility.

7 MR. BILL TORNETEN: It's based on what the
8 final closure plan calls for?

9 MR. PATRICK RILEY: Right.

10 CHAIR JEFF SHEPHERD: What if some of these
11 facilities don't have anything like that?

12 MR. PATRICK RILEY: They should. They should
13 have used that to calculate their capacity.

14 CHAIR JEFF SHEPHERD: But nothing -- some
15 sites -- some sites may have that information, but
16 it's never been submitted to the DEQ.

17 MR. PATRICK RILEY: I think that Air Quality
18 would ask you to do that.

19 MR. BILL TORNETEN: I think a closure plan is
20 required.

21 CHAIR JEFF SHEPHERD: It's not saying
22 everybody does it.

23 MR. BILL TORNETEN: Because it is required.
24 The closure plan is required.

25 CHAIR JEFF SHEPHERD: But for the area you

21

1 was one way in the past that they had dealt with this
2 issue.

3 And then it is really, you know, kind of like
4 Patrick said, it is potential to emit. There is the
5 option for the facilities, based on the way Solid
6 Waste permits versus the way Air Quality permits,
7 there is the boundary with each cell then getting
8 individual permission to be built out.

9 CHAIR JEFF SHEPHERD: Realistically, if
10 everybody raises a big stink, is it -- is there a
11 possibility to change that rule? Is there a
12 possibility to change that rule?

13 MS. MELANIE FOSTER: We are, obviously, just
14 going off of what EPA has promulgated. So --

15 CHAIR JEFF SHEPHERD: We need to change that.
16 Is there a possibility to change that?

17 VICE-CHAIR BRENDA MERCHANT: I have been
18 asked, as early as last night from folks on a national
19 level, the waste management in the WRA, SWANA and some
20 other folks, that the state put on hold our plans at
21 this time until the litigation that is currently
22 occurring with the Waste Management suing EPA simply
23 to get them to the table to discuss some of the
24 overlapping and the overreaching elements of this.

25 MS. MELANIE FOSTER: And that is one of the

23

1 have built.

2 MR. BILL TORNETEN: Well, the plan, I mean,
3 you can submit a closure plan for the entire permitted
4 area or for something less.

5 CHAIR JEFF SHEPHERD: Why would you --

6 MR. BILL TORNETEN: It would depend on
7 facility-by-facility. You know, and that brings up
8 the question, if your closure plan doesn't anticipate
9 a complete build out of all the footprint, is that
10 what prevails or is it in fact some other calculation
11 based on the whole boundary?

12 MS. MELANIE FOSTER: My name is Melanie
13 Foster. I'm with Rules and Planning of the Air
14 Quality Division.

15 And this was something that we had discussed
16 with Solid Waste, with Land Protection and our Solid
17 Waste colleagues. The one thing that we talked about
18 is this is not actually a difference or a shift from
19 what was done previously or is currently in place. So
20 we know that at the time when the last rules were
21 passed there were some facilities who looked at that
22 permitted boundary and were concerned that they had no
23 intention to build out cells to the whole capacity.
24 And so they re-permitted their boundary. And that got
25 them under, you know, the capacity threshold. So that

22

1 reasons that we wanted to bring this before you all
2 today, we wanted to hear what you were hearing from
3 your landfills and your constituents.

4 And we are going to take everything that we
5 hear today and consider it in what we go back to our
6 Council with next week. So this is one of the things.

7 Obviously, we're not taking official comments
8 today, but we are, you know, trying to gauge the
9 regulated community through this forum.

10 VICE-CHAIR BRENDA MERCHANT: Melanie, when
11 does the comment period close?

12 MS. MELANIE FOSTER: It closes next
13 Wednesday. Our Council meeting is next Wednesday.

14 VICE-CHAIR BRENDA MERCHANT: Because if I got
15 this so late, I can only imagine. Next Wednesday at
16 what time?

17 MS. MELANIE FOSTER: So our actual, our
18 hearing -- our Council meeting is at 9:00 A.M., just
19 like yours is. So we take comments through the
20 hearing.

21 VICE-CHAIR BRENDA MERCHANT: Okay.

22 MS. MELANIE FOSTER: So we would love to have
23 written comments, obviously, ahead of time, but
24 certainly verbal comments during the hearing are
25 encouraged as well.

24

1 VICE-CHAIR BRENDA MERCHANT: Okay.
 2 MR. BILL TORNETEN: Respectively for the
 3 purposes of the new rule, if you didn't exceed the
 4 capacity threshold previously, you won't exceed it
 5 now?
 6 MS. MELANIE FOSTER: Correct. And also some
 7 may -- the permit boundary is only one of the two
 8 requirements. You know the other is the density
 9 calculation. So you have got the volume as well as
 10 the million megagrams. So some people may have a
 11 large permit boundary but may find that they are taken
 12 out of the rule by being under the 2.5 million
 13 megagrams.
 14 VICE-CHAIR BRENDA MERCHANT: I think one of
 15 the concerns at the state level is just, you know, if
 16 they do prevail in this litigation and do sit back
 17 down and all of this does change, that all of the work
 18 that has been put into this, it's going to have to be
 19 redone.
 20 MS. MELANIE FOSTER: Yes. And we appreciate
 21 that comment.
 22 MR. PATRICK RILEY: I might also point out
 23 that there will be another public forum, apart from
 24 the Air Quality Council meeting, subsequent to that
 25 meeting. All the rules go before the Environmental

25

1 accepted.
 2 MR. BILL TORNETEN: I'm assuming you have to
 3 use the same density you used in your life site
 4 calculation?
 5 MR. PATRICK RILEY: Well, we'd assume some
 6 consistency between the two. But it's not to say that
 7 your density couldn't change over time or that you
 8 might want to do a study to update your density to be
 9 more accurate.
 10 MR. BILL TORNETEN: If you close a portion of
 11 your landfill, I guess that would -- I guess that
 12 would figure into your capacity calculation then?
 13 MR. PATRICK RILEY: I know that
 14 waste-in-place figures into the equation or the
 15 calculation.
 16 MR. BILL TORNETEN: But, obviously, if you
 17 close part of your footprint, you can't place any more
 18 waste there. You shouldn't have to consider that air
 19 space as part of your capacity.
 20 MS. MELANIE FOSTER: It would still be
 21 generating. My understanding is it would still,
 22 obviously, be generating the NMOCs.
 23 MR. BILL TORNETEN: But there wouldn't be any
 24 additional capacity for that closed area.
 25 MS. MELANIE FOSTER: Correct.

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1 Quality Board, which is on the 17th of February. So
 2 if you would like to comment at the Environmental
 3 Quality Board meeting, you're welcome to do that as
 4 well.
 5 And again, that's the 17th, the 17th of
 6 February, I believe.
 7 VICE-CHAIR BRENDA MERCHANT: That will be
 8 here?
 9 CHAIR JEFF SHEPHERD: Yeah.
 10 But it's 2.5 million megagrams and 2.5
 11 million cubic meters. So how --
 12 MS. MELANIE FOSTER: You must meet both of
 13 those to be pulled in.
 14 CHAIR JEFF SHEPHERD: So if you've got more
 15 than 2.5 million cubic meters, but less than 2.5
 16 million megagrams, then you're exempted?
 17 MS. MELANIE FOSTER: Then you're still
 18 technically applicable to the rule, but you do not
 19 have to go forward with the next step, which is
 20 determining your NMOC emission rate.
 21 MR. BILL TORNETEN: Is that by the density?
 22 MS. MELANIE FOSTER: It's site specific.
 23 It's in the rules. It's fairly complicated. But,
 24 yes, you can submit some site specific information to
 25 adjust the density based on what the landfill has

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1 VICE-CHAIR BRENDA MERCHANT: Melanie, is this
 2 going to be an action item on that Agenda?
 3 MS. MELANIE FOSTER: At our Council meeting
 4 next week?
 5 VICE-CHAIR BRENDA MERCHANT: Yes.
 6 MR. STEVE LANDERS: What if they don't pass?
 7 MS. MELANIE FOSTER: Okay. If they do not
 8 pass, if they determine even not to recommend them for
 9 passage, then maybe they would hold them over to the
 10 next, you know, Council meeting or we could, you know,
 11 postpone them, depending on what the recommendation is
 12 from the Council.
 13 From what we've heard, again, through the
 14 comment period, stepping through what happens like
 15 with EPA, because they do issue a Federal
 16 Implementation Plan, if we do not issue a state plan
 17 what would happen next is our deadline to submit our
 18 state plan is May. And if we don't submit a state
 19 plan by May, then EPA is obligated to issue a finding
 20 of failure to submit.
 21 Now, whether they do that timely after we
 22 don't submit, that's, you know, debatable. And so
 23 they might actually then be sued to submit a finding
 24 of failure to submit.
 25 So it could be some time before anything

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1 happens with the Federal Implementation Plan being put
2 in place.

3 An example, from the commercial incinerators
4 and solid waste rules, you all are probably familiar
5 with those as well, because they kind of cross over.
6 Those were promulgated in 2013, amended in 2016. And
7 only this week did EPA issue a proposed federal plan.
8 So there is some time, should we not act.

9 CHAIR JEFF SHEPHERD: The new EPA Chief, who
10 has been suing the EPA, is Scott Pruitt.

11 All right. Any more questions from the
12 Council? Okay. It's not an action item on our part,
13 so we appreciate the presentation and we'll go from
14 there.

15 MS. MELANIE FOSTER: Thank you.

16 CHAIR JEFF SHEPHERD: Thank you. All right.
17 Moving on.

18 Number 6, Public Rulemaking. Discussion of
19 proposed changes to Chapter 517, Disposal of Coal
20 Combustion Residuals from Electric Utilities.

21 The Department is proposing to amend OAC
22 252:517 in response to the United States Environmental
23 Protection Agency amendment to 40 CFR, Part 257,
24 Subpart D (Federal CCR Rule). Notably, DEQ
25 incorporated the requirements of the Federal CCR Rule

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1 in its entirety to ensure the state and federal
2 regulations pertaining to coal combustion residuals
3 (CCR) were uniform.

4 The gist of the rule is to amend OAC 252:517
5 to remove the early closure provisions for CCR surface
6 impoundments, and references thereto, and extend
7 certain time frames, all for purposes of ensuring the
8 state CCR rules are consistent with the Federal CCR
9 Rule.

10 Patrick.

11 MR. PATRICK RILEY: So this is a fairly minor
12 change. And as it states, as then as you read, what
13 we're trying to do is just to maintain consistency
14 between the state rule and the federal rule.

15 So we're proposing to remove certain
16 provisions that were struck from the federal rule from
17 our state rule.

18 CHAIR JEFF SHEPHERD: All righty. I assume
19 that these still have the support of the regulated
20 community?

21 MR. PATRICK RILEY: Yeah, they do.

22 CHAIR JEFF SHEPHERD: Okay.

23 MR. PATRICK RILEY: I should say it's my
24 understanding that they do. I can't speak for the --
25 for them.

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1 CHAIR JEFF SHEPHERD: Okay. Questions,
2 discussion by Council?

3 Is there any questions, comments, discussions
4 by any members of the public?

5 MR. BILL TORNETEN: I mean, basically we're
6 just incorporating the federal rules by reference,
7 aren't we? Almost by reference verbatim?

8 MR. PATRICK RILEY: Yeah. The rules are --
9 there are two separate rules. We're not incorporating
10 the rules, we have our own. But we're making sure
11 that our language in our rules is consistent with what
12 is in the federal rules. As they change their rules,
13 we're changing ours.

14 MR. BILL TORNETEN: So I'm not sure we really
15 have any ability to change anything, even if we wanted
16 to.

17 MR. PATRICK RILEY: No. You could -- I mean,
18 you could keep it the same. I don't know what the
19 benefit would be. Then you're going to have two
20 separate sets of rules operating in parallel that are
21 going apply as to regulated facilities. Their
22 facilities have to comply with the federal rule. If
23 ours are in conflict with the federal rule, then it
24 becomes very problematic for them.

25 CHAIR JEFF SHEPHERD: So every time they

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1 change, we're going to be going through this process?

2 MR. PATRICK RILEY: It gives us something to
3 talk about at future meetings.

4 CHAIR JEFF SHEPHERD: Have more than one
5 meeting a year?

6 Discussion, possible action by the Council?
7 I guess we need to vote to approve these.

8 MR. JIM LINN: I'll so move.

9 MR. MATTHEW NEWMAN: I will second.

10 MS. QUIANA FIELDS: It's not working. For
11 the record, Ms. Phillips and Ms. Merchant are present.

12 CHAIR JEFF SHEPHERD: Okay.

13 Mr. Adcock?

14 MR. TODD ADCOCK: Yes.

15 MS. QUIANA FIELDS: Mr. Landers?

16 MR. STEVE LANDERS: Yes.

17 MS. QUIANA FIELDS: Mr. Linn.

18 MR. JIM LINN: Yes.

19 MS. QUIANA FIELDS: Ms. Merchant?

20 VICE-CHAIR BRENDA MERCHANT: Yes.

21 MS. QUIANA FIELDS: Mr. Newman?

22 MR. MATTHEW NEWMAN: Yes.

23 MS. QUIANA FIELDS: Ms. Phillips?

24 MS. TRACI PHILLIPS: Yes.

25 MS. QUIANA FIELDS: Mr. Torneten?

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1 MR. BILL TORNETEN: Yes.
 2 MS. QUIANA FIELDS: Mr. Shepherd?
 3 CHAIR JEFF SHEPHERD: Yes.
 4 MS. QUIANA FIELDS: Motion passed.
 5 CHAIR JEFF SHEPHERD: Item Number B.
 6 Item Number B, Discussion of proposed changes
 7 to Chapter 515, Management of Solid Waste.
 8 The Department is proposing to amend OAC:
 9 252:515 and to create a new Subchapter, OAC
 10 252:515-43, to allow for a tiered permitting and
 11 regulatory structure for different classes of solid
 12 waste composting facilities. The classes of
 13 facilities are based on the type and quantity of
 14 material to be received and composted at a particular
 15 facility. All proposed amendments to OAC 252:515 are
 16 associated with the creation of the new Subchapter and
 17 are necessary to ensure consistency with the new
 18 Subchapter.
 19 The gist of the rule is to replace the
 20 current regulations pertaining to solid waste
 21 composting facilities to allow for a tiered permitting
 22 and regulatory structure based on the type and
 23 quantity of material to be composted.
 24 MR. PATRICK RILEY: So it might be beneficial
 25 for me to relay some of the history related to this

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1 operating requirements for windrow turning. So if you
 2 look at 43-60, the way it's presented in your packets,
 3 you know, we took out a sentence that said -- 43-60(a)
 4 used to include a sentence that said, "during the
 5 period when compost is maintained at 55°C or higher,
 6 there should be a minimum of five turnings of the
 7 windrow with a minimum of three days between the
 8 turnings."

9 We thought that might be in conflict with
 10 43-61 that said, "Windrows should be turned a minimum
 11 of 5 turnings in 15 days." So we struck that sentence
 12 to make it consistent.

13 And those are the changes that we've made
 14 since the rule was published for public review.

15 Again, it's just -- our intent is to align
 16 the operational and engineering controls with the need
 17 for protection of human health and the environment
 18 based on the type of feed stock to be composted.

19 We have received some public comments. And
 20 after -- after discussion by the Council, then David
 21 is going to share some information about the comments.

22 We could go ahead. It might benefit the
 23 Council if you hear those comments up front. So David
 24 will share about those now.

25 MR. DAVID CATES: Okay. The comments we

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1 item.
 2 And we first discussed this back in September
 3 of 2015. Mr. Chairman, you had talked to someone that
 4 was interested in the composting program and looked at
 5 our rules and found them to be somewhat lacking or
 6 thought they might benefit from some revision.
 7 So we first started talking about it back
 8 then. We mentioned the U.S. Composting Council's
 9 Template Rule. And then in January, our January 2016
 10 meeting, we shared the template and talked about it.
 11 At that time the Council directed the DEQ staff to
 12 draft some rules.
 13 We came back in September of 2016 and
 14 presented some draft rules and there was some
 15 discussion. From that point on then, it brings us to
 16 this meeting where we're presenting those rules for
 17 formal action for approval or revision.
 18 Since that time, we published the rules and
 19 we continued to look at them. We had just a few
 20 changes to those rules from when they were first
 21 noticed. There were, I think, four typographical
 22 errors, which we're very sorry about, but we've
 23 corrected those.
 24 And then the one substantive change in 43-60,
 25 where we found a potential conflict in some of the

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1 received were just a few. They're in tab number 10 in
 2 your packet. Those are the ones that we received in
 3 time to be able to provide written comments or
 4 responses to.

5 We also received a couple that were added --
 6 distributed this morning that came in this morning
 7 that we were not able to provide any written comments
 8 to.

9 One of those was from the Oklahoma City Zoo.
 10 It is basically an endorsement of the changes to the
 11 new compost -- or proposed changes to the composting
 12 rules.

13 And then the other one is a supplement,
 14 actually, from the City of Tulsa Mulching Facility.
 15 And their first comment was -- we actually provided
 16 it. It's the first comment on the sheet that we
 17 provided a written response to -- basically saying
 18 that that facility, since it's not a -- it doesn't
 19 meet the definition of a composting facility, that it
 20 doesn't fall under these proposed new rules.

21 The other comments we just briefly went
 22 through and we can address those in writing for the
 23 record. But they don't require any -- we don't think
 24 they require any changes to -- to the proposed rules.

25 Then, I guess, the -- the ones that we

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1 provided a written response to, several of those --
2 the first one was in your original packet. The last
3 several are new. We haven't seen those until this
4 morning. But I can summarize those briefly.

5 The comment, the second comment, deals with
6 the overlap of jurisdiction on composting facilities
7 between DEQ and the Department of Ag. Those proposed
8 rules only apply to those facilities that are under
9 DEQ jurisdiction, which basically means those
10 facilities that would accept feed stock that's greater
11 than 50 percent non-agricultural material.

12 We've worked with the Department of Ag in
13 developing these rules. We have also provided them a
14 copy for review. And we intend to develop a fact
15 sheet or a memorandum in the future to better define
16 the boundaries, jurisdictional boundaries.

17 The other comment was addressing
18 herbicide-contaminated feed stock. And, you know,
19 that's a problem with composting facilities in that it
20 can affect the process. They can be retained into the
21 end product and it could affect the end user or end
22 use.

23 We basically determined that there wasn't --
24 or that the existing rules were adequate to protect
25 human health and the environment through operational

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1 and engineering controls. The actually permitted
2 Class III and IV facilities, we do have some sampling
3 requirements that would be as part of the permit
4 application.

5 And then I think, you know, if we don't --
6 these rules don't really apply to the end use. But if
7 the compost was used improperly, then other DEQ rules
8 could come into effect and through some kind of
9 enforcement action.

10 The last comment was the City of Tulsa
11 Mulching Operation, which I already mentioned that
12 they don't actually fit the definition of compost
13 facility and, therefore, these rules don't apply.

14 The -- and going back to the first one, just
15 for completeness. For yard waste composting
16 facilities under the new -- proposed new rules, they
17 would be considered Class I composting facilities and
18 require a Tier 1 permit. So the existing facilities
19 would be required to upgrade their operational plan to
20 a Tier 1 permit. That's it.

21 CHAIR JEFF SHEPHERD: I mean, it was a
22 concern of mine about how the interaction between the
23 Agricultural Department and the DEQ would be, because
24 we don't want to make these rules so onerous that they
25 can just go over to the Department of Ag and permit a

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1 composting facility over there. Nor do we need people
2 that are composting, you know, agricultural products
3 to come to the DEQ to try to get a permit.

4 So I think it would behoove us to have a --
5 sort of a fact sheet on jurisdictional boundaries and
6 how those exist.

7 MR. BILL TORNETEN: So for facilities that
8 accept both agricultural and non-agricultural, how do
9 you determine whether or not they meet that 50 percent
10 threshold? Do they have to submit some some kind of a
11 applicability determination or just take their word
12 for it?

13 MR. PATRICK RILEY: I think that in their
14 application, the permit application, they can include
15 how they're -- why they think that they are subject to
16 DEQ rules, whether it be based on volume or
17 operations.

18 CHAIR JEFF SHEPHERD: I mean, I think it's --
19 I mean, it could be -- I don't want to say it's
20 obvious, but, you know, if you're -- I mean, I think
21 most facilities you would have to know what your
22 incoming feed stock is in order to determine how you
23 would compost that material. So you would be keeping
24 track of what you were accepting. And if you were
25 accepting more than 50 percent agricultural, then you

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1 could probably go to the Ag department and get a
2 permit.

3 MR. BILL TORNETEN: So basically you're going
4 to have to be permitted by one or the other, either
5 the Ag or DEQ. So if they go to the Ag, does the Ag
6 have that same requirement, that they only permit
7 facilities that take more than 50 percent?

8 MR. PATRICK RILEY: Yeah. I'm not sure what
9 the Ag's rules are or what they require. Yeah. I've
10 talked to their Environmental Director and we share a
11 concern in making sure that the jurisdictional
12 boundaries are clear. They've reviewed our rules and
13 had very little comment and --

14 MR. MATTHEW NEWMAN: I think if we turn off
15 the podium mic, I think it appears we're limited to
16 two microphones or three microphones.

17 CHAIR JEFF SHEPHERD: I think I have mine on.
18 Sorry.

19 MR. PATRICK RILEY: Thank you. So, I mean, I
20 think that we have fairly clear jurisdictional
21 boundaries specified by statute that are set.
22 Sometimes the statutes are difficult to understand
23 when you read through them. So there's -- Jeremy
24 Seiger and I have talked about getting together, if
25 these rules should pass, getting together and writing

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1 out some frequently asked questions or something that
2 -- or a fact sheet that could be easily interpreted by
3 the public that could direct them one way or the other
4 to one agency or the other.

5 Agriculture -- the Department of Agriculture,
6 Food, and Forestry is very interested in maintaining
7 their jurisdiction over agricultural waste products.
8 Probably the best example is animal mortalities. They
9 have no interest in giving that to the DEQ and we have
10 no interest in taking it. So that boundary is clear.

11 Some of the other things, where it gets more
12 ambiguous, then it might be helpful to sit down with
13 them and draw out and define, you know, what -- answer
14 some of those questions that you might have. So I
15 think that's the path forward if these rules pass.

16 CHAIR JEFF SHEPHERD: It is a little easier
17 to get a composting permit with the Department of Ag,
18 because, I mean, we did a huge animal mortality
19 composting permit with them and it was very easy.

20 MR. PATRICK RILEY: And they -- and they have
21 not wanted to be an obstacle to composting. So when
22 someone would come to them, when they would look at
23 our rules and see that there were significant
24 challenges in permitting a facility to compost
25 different types of feed stock, and the way the rules

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1 plan. I think that is --

2 MR. TAD ALFORD: Within 180 days of
3 implementation or promulgation of rules. So we assume
4 that it passes and goes into effect in September of
5 this year, it would be 180 days from then.

6 MR. TODD ADCOCK: To turn in the permit or
7 application?

8 MR. TAD ALFORD: To submit an application for
9 an upgrade. It's -- the plan that they would have
10 submitted initially would be a Tier 1 application
11 anyway. So it -- I think it's -- it's thought that
12 there -- there's not going to be that much of a burden
13 administratively. It's just ensuring that they, the
14 facility in question, is in compliance with all the
15 Class I submittal requirements. And with the
16 designations of a Class I Yard Waste, composting
17 facilities will be able to accept other class -- or
18 other Type 1 feed stocks. So it's potentially
19 allowing them to accept additional material with this
20 new designation.

21 Part of the reason, I believe, was just
22 administratively it made a lot more sense to group
23 yard waste composting facilities into Class I type
24 facilities and not create this other special
25 designation that really has no functional purpose now

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1 are written right now, if you're doing anything other
2 than yard waste, you need, essentially, a landfill
3 type of permit and designed leachate collection system
4 with a liner. Very expensive.

5 So -- so they would go to Ag and Ag would
6 say, okay, we can't write you a permit. But that's
7 not -- but they are uncomfortable doing that. And
8 again, I shouldn't speak for them, but my
9 understanding is that they don't want to be put in
10 that position where they're the gatekeeper.

11 So that was something that we talked with
12 them early on and was another reason to pursue some
13 revisions of the rules that we have. And I think that
14 we seek a good balance in allowing some flexibility
15 with more feed stock and to meet the demand of people
16 that want to compost.

17 MR. TODD ADCOCK: With the City of Norman
18 response, so they would be considered a Class I
19 composting facility and would be required a Tier 1.
20 What's the timeline that they would be required to
21 turn in the permit process? And does a Tier 1, does
22 that require reporting and DEQ fees, same as other
23 facilities?

24 MR. DAVID CATES: The -- Okay. In terms
25 of -- their requirement would be to upgrade their

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1 that we have these four different tiers of facilities.

2 MR. BILL TORNETEN: So they do this as a
3 permit mod?

4 MR. TAD ALFORD: Effectively, yes.

5 MR. BILL TORNETEN: Okay. So they don't have
6 to go through public notice and the whole --

7 MR. TAD ALFORD: Correct. It's as Tier 1
8 application, which doesn't require any public
9 participation, the same that they would have done or a
10 new facility would have done today to submit a plan
11 for DEQ approval.

12 MR. JIM LINN: And so, essentially, the major
13 changes for the City of Tulsa in this regard would be
14 to make the application and then the reporting
15 requirements that are associated therewith. Correct?

16 MR. TAD ALFORD: The City of Norman. The
17 City of Tulsa --

18 MR. JIM LINN: I beg your pardon.

19 MR. TAD ALFORD: Yes.

20 MR. JIM LINN: The City of Tulsa.

21 MR. TAD ALFORD: Yes. I just wanted to make
22 that clear.

23 MR. JIM LINN: I was looking at Norman.

24 CHAIR JEFF SHEPHERD: The City of Tulsa
25 wouldn't have to do anything. They're not composting.

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1 MR. JIM LINN: Right. They're not
 2 composting.
 3 MR. TAD ALFORD: Yes.
 4 MR. JIM LINN: The City of Norman.
 5 MR. TAD ALFORD: I assumed that's what you
 6 meant, but I just wanted to make that clear that, yes,
 7 they would basically just submit a permit upgrade,
 8 which is just a Tier 1 application, just to ensure
 9 that their operation is consistent with these new
 10 rules for a Class I facility.
 11 MR. JIM LINN: Okay. Thank you.
 12 MR. TODD ADCKOCK: And does these -- remind
 13 me. Does the facilities -- on the reporting, are they
 14 collecting state fees?
 15 MR. TAD ALFORD: The only operations that
 16 will be collecting state fees are the commercial
 17 composting facilities, and that's a statutory
 18 requirement. So these other composting facilities are
 19 not going to be collecting fees, unless they fit
 20 within the definition of a commercial composting
 21 facility. And that's defined in the Solid Waste
 22 Management Act.
 23 MR. TODD ADCKOCK: And you're already
 24 collecting those fees currently. So you don't see any
 25 additional --

1 MR. BILL TORNATEN: Yes.
 2 MS. QUIANA FIELDS: Mr. Shepherd?
 3 CHAIR JEFF SHEPHERD: Yes.
 4 MS. QUIANA FIELDS: Motion passed.
 5 CHAIR JEFF SHEPHERD: All right. That's
 6 good. Very good. It's been a long time in the making
 7 and I'm glad that we've created a opportunity for
 8 people to compost. That's gonna be a little bit more
 9 cost effective, hopefully. I'm glad. Thank you.
 10 Item Number C, Discussion of proposed changes
 11 to Chapter 4 Rules of Practice and Procedure.
 12 The Department is proposing amendments to OAC
 13 252:4-7-58 and 252:4-7-59 to modify and clarify the
 14 permitting process requirements and associated tiers
 15 that apply to solid waste composting facilities.
 16 The gist of this proposed rule is to amend
 17 the permitting process regulations pertaining to solid
 18 waste composting facilities to be consistent with the
 19 proposed new Subchapter referenced above, which will
 20 allow for a tiered permitting and regulatory structure
 21 based on the type and quantity of material to be
 22 received and composted at a particular facility.
 23 MR. PATRICK RILEY: So now that you passed
 24 the changes to 515, we need to amend Subchapter 4, the
 25 Rules of Practice and Procedure to establish the

1 MR. TAD ALFORD: I don't believe we have any
 2 currently permitted commercial composting facilities.
 3 But in the event we did, we would already be
 4 collecting those fees.
 5 CHAIR JEFF SHEPHERD: Any other questions or
 6 comments from the Council?
 7 Questions, comments or discussion by the
 8 public?
 9 All right. We need a motion to approve these
 10 rules.
 11 MR. MATTHEW NEWMAN: Motion to approve.
 12 MR. JIM LINN: Second.
 13 MS. QUIANA FIELDS: Mr. Adcock?
 14 MR. TODD ADCKOCK: Yes.
 15 MS. QUIANA FIELDS: Mr. Landers?
 16 MR. STEVE LANDERS: Yes.
 17 MS. QUIANA FIELDS: Mr. Linn?
 18 MR. JIM LINN: Yes.
 19 MS. QUIANA FIELDS: Ms. Merchant?
 20 VICE-CHAIR BRENDA MERCHANT: Yes.
 21 MS. QUIANA FIELDS: Mr. Newman?
 22 MR. MATTHEW NEWMAN: Yes.
 23 MS. QUIANA FIELDS: Ms. Phillips?
 24 MS. TRACI PHILLIPS: Yes.
 25 MS. QUIANA FIELDS: Mr. Torneten?

1 tier -- the permitting tier for this, for the rules
 2 that we just passed. So that's the changes that are
 3 shown in -- or proposed related to establishing the
 4 tier for permitting compost facilities.
 5 MR. BILL TORNATEN: Do we act on changes to
 6 the Uniform Permitting Rules?
 7 MR. TAD ALFORD: Those within this Council's
 8 jurisdiction. So we're talking about solid waste
 9 disposal facilities, that first would go through you
 10 before it goes to the Board.
 11 CHAIR JEFF SHEPHERD: Questions or comments
 12 from the Council?
 13 Questions or comments from the public?
 14 All right. I need a motion.
 15 MR. MATTHEW NEWMAN: Motion to approve.
 16 MR. JIM LINN: Second.
 17 MS. QUIANA FIELDS: Mr. Adcock?
 18 MR. TODD ADCKOCK: Yes.
 19 MS. QUIANA FIELDS: Mr. Landers?
 20 MR. STEVE LANDERS: Yes.
 21 MS. QUIANA FIELDS: Mr. Linn?
 22 MR. JIM LINN: Yes.
 23 MS. QUIANA FIELDS: Ms. Merchant?
 24 VICE-CHAIR BRENDA MERCHANT: Yes.
 25 MS. QUIANA FIELDS: Mr. Newman?

1 MR. MATTHEW NEWMAN: Yes.
 2 MS. QUIANA FIELDS: Ms. Phillips?
 3 MS. TRACI PHILLIPS: Yes.
 4 MS. QUIANA FIELDS: Mr. Torneten?
 5 MR. BILL TORNETEN: Yes.
 6 MS. QUIANA FIELDS: Mr. Shepherd?
 7 CHAIR JEFF SHEPHERD: Yes.
 8 MS. QUIANA FIELDS: Motion passed.
 9 CHAIR JEFF SHEPHERD: All right. Item Number
 10 7, Discussion of Resolution to Legislature.
 11 During the previous Solid Waste Management
 12 Advisory Council meeting on September the 15th, 2016,
 13 the Council decided to continue discussion of
 14 providing a resolution to the Legislature regarding
 15 the usage of funds and their intended purpose.
 16 I think everything had an opportunity to
 17 comment on that letter that went through.
 18 MR. PATRICK RILEY: Let me point out a couple
 19 -- a couple of things, a couple of changes, and a
 20 little history, if you'll permit me.
 21 Back in September, you typically review --
 22 you review the budget and you have a routine
 23 resolution that goes to the Legislature. That's
 24 required by statute.
 25 There was discussion and some concern about

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1 how funding was taken by the Legislature for other
 2 purposes. Solid Waste funds were used for purposes
 3 other than Solid Waste.
 4 And the discussion that took place at that
 5 meeting was that there might be benefit to having a
 6 separate resolution later on that was delivered to the
 7 Legislature at the beginning of the session, apart
 8 from the routine resolution that you always pass that
 9 might get lost in all the noise.
 10 And so, we took the resolution that we
 11 routinely develop by this Council and sent -- and that
 12 was provided to you for consideration.
 13 I'd point out that no action was taken apart
 14 from the meeting, that we're reserving action on that
 15 resolution to this public meeting. But it was
 16 provided for you to review and comment.
 17 We took the resolution that was developed and
 18 also circulated it through our finance folks, because
 19 any time we talk about money, scientists and engineers
 20 can always benefit from the accountant's point of
 21 view. So there were some changes to the verbiage in
 22 the resolution. So you see in your packet a slightly
 23 different version than what you may have seen before.
 24 I'll also point out that at the end of the
 25 resolution, we have added the Council members' names

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1 and the constituencies with which they represent.
 2 For instance, if you were appointed to the
 3 Council to represent an organization, say an
 4 environmental organization or the county commissioners
 5 or the general public, each one of you represents a
 6 different organization, and that's reflected in here.
 7 And the thought being that that just adds
 8 value to this, it adds some weight to the resolution
 9 so that someone that would read this would know who is
 10 commenting and who has come up with this information.
 11 So that is new and you haven't seen that on a
 12 resolution before.
 13 CHAIR JEFF SHEPHERD: Can we get -- would you
 14 be willing to put your initials on there?
 15 VICE-CHAIR BRENDA MERCHANT: Absolutely.
 16 CHAIR JEFF SHEPHERD: Okay. Is that
 17 something you guys would be willing to do?
 18 MR. JIM LINN: Absolute yes.
 19 MR. MATTHEW NEWMAN: Yes.
 20 MS. TRACI PHILLIPS: Yes.
 21 CHAIR JEFF SHEPHERD: Does anybody have any
 22 issues with this resolution? I mean, I don't think
 23 it's going to get us anywhere. But --
 24 VICE-CHAIR BRENDA MERCHANT: At least we
 25 tried.

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1 MR. JIM LINN: We'll be on record.
 2 MR. MATTHEW NEWMAN: We'll be on record as
 3 saying that.
 4 VICE-CHAIR BRENDA MERCHANT: Can it be
 5 printed on like neon green paper?
 6 MR. STEVE LANDERS: Well, this is the final
 7 edited version, right?
 8 VICE-CHAIR BRENDA MERCHANT: Yes.
 9 MR. TODD ADCOCK: Recycled paper, I prefer.
 10 MR. STEVE LANDERS: Because I don't remember
 11 the verbiage exactly.
 12 CHAIR JEFF SHEPHERD: Who carries this
 13 resolution to the Legislature?
 14 MS. TRACI PHILLIPS: I like the neon green.
 15 MR. PATRICK RILEY: We'll deliver it. And
 16 the recipient list that we have proposed would include
 17 the Governor, Speaker of the House, the Appropriations
 18 Chair of the House, Natural Resources Appropriations
 19 Subcommittee Chair of the House, Senate Pro Tem, the
 20 Appropriations Chair of the Senate, and the Natural
 21 Resources Appropriations Subcommittee Chair of the
 22 Senate. So the committees in both the House and the
 23 Senate and then the leadership.
 24 CHAIR JEFF SHEPHERD: Do any other councils
 25 or agencies submit these types of resolutions?

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1 MR. PATRICK RILEY: I don't know. Quiana, do
2 you know?

3 MS. QUIANA FIELDS: Not to my knowledge. I
4 think you all are the only Council.

5 VICE-CHAIR BRENDA MERCHANT: So everyone
6 that's going to be copied on this will at least
7 include those folks that appoint people to these --
8 the various advisory councils and boards.

9 CHAIR JEFF SHEPHERD: Yes. We could all lose
10 our appointments.

11 VICE-CHAIR BRENDA MERCHANT: I want to make
12 sure they're included.

13 CHAIR JEFF SHEPHERD: Well, I mean, they are.
14 I mean, that's -- the Governor appoints four.

15 VICE-CHAIR BRENDA MERCHANT: Okay.

16 CHAIR JEFF SHEPHERD: The president pro tem
17 appoints three and the speaker of the house. So all
18 of those are included. So we could possibly lose our
19 appointments.

20 VICE-CHAIR BRENDA MERCHANT: I'm not afraid.

21 MR. BILL TORNETEN: How big a threat is that,
22 since we're uncompensated?

23 VICE-CHAIR BRENDA MERCHANT: Yeah. There
24 goes my trip to Hawaii.

25 CHAIR JEFF SHEPHERD: Hey, easy. Easy.

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1 MR. PATRICK RILEY: It goes to the General
2 Counsel. So the General Counsel of DEQ will handle
3 the delivery of the document. Whether it be by
4 attache or by FAX, I'm not sure. But it will be
5 delivered from -- it will get to the intended
6 recipients.

7 CHAIR JEFF SHEPHERD: Okay.

8 VICE-CHAIR BRENDA MERCHANT: Certified maybe?

9 MS. TRACI PHILLIPS: Yeah.

10 MR. PATRICK RILEY: Probably.

11 VICE-CHAIR BRENDA MERCHANT: Signature
12 required.

13 MS. TRACI PHILLIPS: Yeah.

14 CHAIR JEFF SHEPHERD: Is there any other
15 discussions by the Council?

16 MR. BUD GROUND: Yeah.

17 CHAIR JEFF SHEPHERD: Yes?

18 MR. BUD GROUND: I'd like to comment.

19 CHAIR JEFF SHEPHERD: Yeah. Come on up.

20 MR. BUD GROUND: I'm Bud Ground. I'm
21 President of the Environmental Federation of Oklahoma.

22 And I have actually talked to several
23 Councils about this issue of the Legislature taking
24 funding, because they are taking funds that many
25 industries submit in for a specific purpose. We're

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1 Easy.

2 MR. STEVE LANDERS: I think we wrote this
3 because maybe the Waste Tire Fund was one of the early
4 funds to be raided.

5 CHAIR JEFF SHEPHERD: Yeah. The Waste Tire
6 Fund has been raided. The --

7 VICE-CHAIR BRENDA MERCHANT: The general.

8 CHAIR JEFF SHEPHERD: The general. We've
9 lost a couple of funds that we had in reserve for
10 clean-up projects.

11 MR. TODD ADCKOCK: Contracts with the
12 contractors.

13 CHAIR JEFF SHEPHERD: Yeah. We've lost -- do
14 we have anything to do with the Underground Storage
15 Tanks? Is that yours?

16 VICE-CHAIR BRENDA MERCHANT: That's OCC.

17 CHAIR JEFF SHEPHERD: So, I mean, we've
18 lost -- we've lost funding. And it's unfortunate.
19 And we'll probably continue to do that. But at least
20 people will know how we feel about it.

21 MS. TRACI PHILLIPS: So will this be
22 hand-delivered? Or how -- what is the delivery
23 mechanism of this letter?

24 MS. QUIANA FIELDS: I give them to the
25 General Counsel.

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1 very much against it. We've been trying for the last
2 three years to find a way to stop this.

3 I think it's a great gesture on your part to
4 do this. I would actually like to see the other
5 Councils do it as well.

6 It's very difficult for the DEQ itself to do
7 that, since they are a governmental entity. But the
8 Councils, being citizens, it's very appropriate.

9 This is something that I will use myself. I
10 have actually requested information from the DEQ and
11 received it on like the top 10 fee payers in the
12 state, how much they pay. And essentially, what the
13 Legislature has done for the last three years has
14 taken about \$10 million per year. So \$30 million over
15 three years. That's essentially what the top 10 fee
16 payers in the state -- top companies, not just solid
17 waste fees, top 10 companies -- have paid in for each
18 of these last three years. So essentially, they're
19 taking the fees that are put in for a specific purpose
20 and using them for something other than that.

21 Which I think what you're doing is great. We
22 applaud you from the EFO. This is something that we
23 will use ourself as we go out and try to stop and make
24 sure they don't do this again this year.

25 CHAIR JEFF SHEPHERD: I mean, it becomes --

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1 it becomes, instead of a fee, I think it --
 2 MR. BUD GROUND: It's a tax.
 3 VICE-CHAIR BRENDA MERCHANT: Right. It's a
 4 tax.
 5 MR. BUD GROUND: And yes, I agree. And taxed
 6 without representation on that. So that's my only
 7 comment.
 8 I just -- I'm very glad you're doing this as
 9 a Council and I'd like to see you proceed with it.
 10 CHAIR JEFF SHEPHERD: All right. Thank
 11 you.
 12 MR. STEVE LANDERS: Thanks, Bud.
 13 MR. JIM LINN: Mr. Chairman, do you have that
 14 list?
 15 CHAIR JEFF SHEPHERD: Would you like to read
 16 it?
 17 MR. JIM LINN: I would. Thank you.
 18 CHAIR JEFF SHEPHERD: The City of Oklahoma
 19 City should be paying some more fees.
 20 Do we have a motion to approve the
 21 resolution?
 22 MR. STEVE LANDERS: So moved.
 23 VICE-CHAIR BRENDA MERCHANT: Second.
 24 MS. QUIANA FIELDS: Mr. Adcock?
 25 MR. TODD ADCOCK: Yes.

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1 MS. QUIANA FIELDS: Mr. Landers?
 2 MR. STEVE LANDERS: Yes.
 3 MS. QUIANA FIELDS: Mr. Linn?
 4 MR. JIM LINN: Yes.
 5 MS. QUIANA FIELDS: Ms. Merchant?
 6 VICE-CHAIR BRENDA MERCHANT: Yes.
 7 MS. QUIANA FIELDS: Mr. Newman?
 8 MR. MATTHEW NEWMAN: Yes.
 9 MS. QUIANA FIELDS: Ms. Phillips?
 10 MS. TRACI PHILLIPS: Yes.
 11 MS. QUIANA FIELDS: Mr. Torneten?
 12 MR. BILL TORNETEN: Yes.
 13 MS. QUIANA FIELDS: Mr. Shepherd?
 14 CHAIR JEFF SHEPHERD: Yes.
 15 MS. QUIANA FIELDS: Motion passed.
 16 MR. JAMES LINN: So Mr. Riley, will we have a
 17 sort of an official copy we can put our initials on?
 18 MS. QUIANA FIELDS: I have it right here.
 19 CHAIR JEFF SHEPHERD: She has got it right
 20 there.
 21 MR. JIM LINN: Excellent. Thank you,
 22 Ms. Fields.
 23 CHAIR JEFF SHEPHERD: Number 8, Public Forum.
 24 Does anybody have any particular comments
 25 they want to make?

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1 Okay. Item Number 9, New Business.
 2 Does anybody have any New Business?
 3 MR. MATTHEW NEWMAN: Mr. Chair, can I make a
 4 comment?
 5 CHAIR JEFF SHEPHERD: Yes.
 6 MR. MATTHEW NEWMAN: Let's go back to a
 7 comment or an update that Patrick Riley provided all
 8 of us regarding the Pilot Drug Take-Back, Prescription
 9 Drug Take-Back.
 10 Should this pilot work, I would like to see
 11 the DEQ continue their outreach, proactive
 12 communications, which has been absolutely fantastic.
 13 And I have commended Patrick and Fenton, as opposed to
 14 spending time, energy and money cleaning things up,
 15 being protective and avoiding is much more effective.
 16 And in a very short period of time, through
 17 the program that Patrick mentioned, our partnership
 18 with the -- Covanta's partnership with the Bureau of
 19 Narcotics, the Oklahoma Bureau of Narcotics, we've
 20 received and destroyed over 125,000 pounds of pills in
 21 a voluntary program. And the program that Patrick
 22 mentioned, a few of us sit on the committee with PSI
 23 and DEQ working on this, is to increase the reach for
 24 prescription take-back.
 25 CHAIR JEFF SHEPHERD: Yeah.

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1 MR. MATTHEW NEWMAN: And it has been very
 2 effective. Our program has been very effective. And
 3 we hope that this pilot works very well. It's
 4 proactive and I think it's a nation-leading example.
 5 CHAIR JEFF SHEPHERD: Yeah, I agree.
 6 MR. STEVE LANDERS: Is it limited in some way
 7 to just Tulsa, for instance, or you have to live there
 8 to --
 9 MR. MATTHEW NEWMAN: The pilot program or the
 10 Bureau of Narcotics Program? The Bureau of Narcotics
 11 Program partnership that Covanta has with the Oklahoma
 12 Bureau of Narcotics, it's free to citizens, it's free
 13 to residents. And I'll be glad provide you material
 14 on that. You can actually go to a website, either the
 15 Bureau of Narcotics website or Take as Prescribed, and
 16 put your ZIP code in, your home ZIP code, and it will
 17 provide you the deposit box closest to your home.
 18 This is for citizens, this is for households.
 19 This is not for assisted living, hospitals. This is
 20 for citizens. And the folks are not aware, you know,
 21 the leading cause of death of our youth in Oklahoma is
 22 prescription overdose.
 23 VICE-CHAIR BRENDA MERCHANT: Is this the .com
 24 or .org?
 25 MR. MATTHEW NEWMAN: I'll provide that. That

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1 is -- you can go to the Oklahoma Bureau of Narcotics
2 website. In the left margin it has a location box.
3 I believe if you Google or search Take as
4 Prescribed, it will drive you to that website. I do
5 have some cards I can hand out that provide that
6 website link. It is very a successful program and we
7 really hope that this pilot program works well,
8 bringing this pilot -- this pilot program brings this
9 additional education, but also citizens can bring
10 their unwanted, outdated prescription meds back to the
11 pharmacy where they received the medicine.

12 CHAIR JEFF SHEPHERD: Could the City of
13 Oklahoma City ever implement it with their Household
14 Hazardous Waste Collection Depot?

15 MR. MATTHEW NEWMAN: You really wouldn't want
16 to -- I recommend you don't put it at a permanent
17 household hazard waste collection site. I highly
18 recommend armed security, because a lot of these
19 medicines are OxyContin, oxycodone. They are
20 controlled substances.

21 When you -- you can have an event. So the
22 City of Oklahoma City could hold an event and the
23 Oklahoma Bureau of Narcotics, our heroes in uniform
24 with guns, will attend, collect that material from the
25 City of Oklahoma City, from your citizens, and they'll

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1 improved website?

2 MR. PATRICK RILEY: Wouldn't that be great.

3 VICE-CHAIR BRENDA MERCHANT: I want to
4 apologize to everybody for being late. And I missed
5 your presentation and I hate that I did.

6 But is there a handout or something? Like
7 you said, you're going to do a news release. A
8 handout or something or anything on this that we
9 could --

10 MR. PATRICK RILEY: I can -- why don't I send
11 the news release to the Council, if that would be --
12 that would make sense.

13 VICE-CHAIR BRENDA MERCHANT: That would be
14 great. Yeah. I've got hundreds of municipalities
15 that would be interested --

16 MR. PATRICK RILEY: Great.

17 VICE-CHAIR BRENDA MERCHANT: -- in a little
18 information on that.

19 MS. LYNN MALLEY: Is it appropriate for
20 public comment?

21 CHAIR JEFF SHEPHERD: Yeah. Come on up. You
22 have to come up to the podium, please.

23 MR. JIM LINN: While she is, Matt, how long
24 is the pilot program?

25 MR. PATRICK RILEY: Six months.

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1 transport it to those things.

2 MR. TODD ADCOCK: I think the City of Norman
3 does that --

4 MR. MATTHEW NEWMAN: Yes.

5 MR. TODD ADCOCK: -- at their Annual
6 Household Hazardous Waste drop off at the Lloyd Noble
7 every year.

8 MR. MATTHEW NEWMAN: Yeah. And the
9 Metropolitan Environmental Trust will hold events from
10 time to time in grocery store parking lots or home
11 improvement store parking lots. And there are armed
12 officers there, to ensure security.

13 CHAIR JEFF SHEPHERD: Not bad. Very good.

14 MS. TRACI PHILLIPS: Could the DEQ put out a
15 public information via social media about this
16 particular -- about the pilot program so we can help
17 spread the word?

18 MR. PATRICK RILEY: Yeah. We've prepared a
19 news release. I don't know if anyone has seen it. We
20 have used our social media outlets to promote it. So
21 I can get a news release to you, if you want to share
22 it with your people so you can comment.

23 MS. TRACI PHILLIPS: Yeah. Yep. That'd be
24 great.

25 MR. BILL TORNETEN: Is that on your new and

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1 MS. TRACI PHILLIPS: And what will determine
2 the success of the pilot?

3 MR. PATRICK RILEY: I don't have that
4 information in front of me. I'm not sure that -- what
5 all the criteria are.

6 MR. MATTHEW NEWMAN: Well, let me just -- if
7 I could add something, Patrick. When we -- when
8 Covanta started the program with the Oklahoma Bureau
9 of Narcotics, it took a little while to gain momentum
10 in communicating. And we did quite a bit of outreach.

11 About one year later, one and a half years
12 later, we started seeing this communication working.
13 The communities that receive the most communication
14 with the Bureau of Narcotics Program are, hands down,
15 the most productive.

16 The City of Broken Arrow has a tremendous
17 response. The City of Tulsa, kind of Green Country,
18 that happens to be where Covanta is located and I'm
19 located. So I do a tremendous amount communicating on
20 this drug take-back.

21 So the more we can discuss and communicate
22 this pilot, the better, and encourage citizens to
23 participate. And whoever uses those pharmacies, the
24 better.

25 VICE-CHAIR BRENDA MERCHANT: I have a

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1 question. I just have one more question. And who's
2 paying for this?

3 MR. PATRICK RILEY: DEQ.

4 MS. TRACI PHILLIPS: Will that also determine
5 ongoing --

6 MR. PATRICK RILEY: Well, I think -- yeah. I
7 think we would have to look at a couple of things.
8 What puts -- the program is sponsored by DEQ through
9 our partnership with the Product Stewardship
10 Institute. The pharmacies are volunteering to
11 participate. So they've allowed the construction of
12 these kiosks that receive the waste.

13 So it remains to be seen. I'm sure we'd do
14 some kind of cost-benefit analysis at the conclusion
15 of the pilot and see what we're getting for the
16 result.

17 Back to funding, Solid Waste funding, I mean,
18 that's the source of revenue that's paying for this
19 program. So if we continue to lose revenue, then we
20 may not have that available to fund projects like
21 this.

22 But if you recall, in September, one of the
23 line items on our budget is membership and
24 participation with the Product Stewardship Institute.
25 And that's what you're gaining from that line item in

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1 trying to get the Legislature to pass a law that would
2 maybe require pharmacies to take back unused drugs?

3 MS. LYNN MALLEY: I'm going to defer to
4 Patrick.

5 My comment on that would be we are at the
6 very beginning of this pilot. It started, I think
7 officially, December 19th. And we haven't had our
8 first Advisory Council meeting or Committee meeting
9 since then. It started over the holidays.

10 So I would hope that would happen personally,
11 I can't speak for the committee.

12 MR. PATRICK RILEY: Well, I -- and again,
13 just thinking out loud, I think that our participation
14 with the pharmacies that have volunteered will be --
15 will get us a whole lot of information on what works
16 for them.

17 We seem to have greater success with
18 voluntary programs than with -- as far as passing
19 legislation that would require things, I think we'd
20 get a lot of push back from that.

21 But I think what's key is working with the
22 pharmacies to figure out what might work, and what
23 their obstacles are and what their concerns are and to
24 meet the needs there.

25 I mean, it certainly provides a logical place

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1 the budget, because of programs like this Drug
2 Take-Back Program.

3 CHAIR JEFF SHEPHERD: Yes, ma'am.

4 MS. LYNN MALLEY: My name is Lynn Malley. I
5 work for Oklahoma State University doing Solid Waste
6 Management. I serve on the Advisory Council for this
7 Drug Take-Back Program with Matt Newman and Patrick
8 Riley. And I basically was responding to your --
9 wanted to respond to your question, Brenda.

10 We're also very much hoping to promote this
11 program. We've pulled in two of the four pharmacies
12 that are participating, have sent out information
13 about the Take-Back Program to all of the members
14 around the state of the Solid Waste Association of
15 North America in Oklahoma and all of the OKRA,
16 Oklahoma Recycling Association, members. All of our
17 extension educators around the state. It's on our two
18 Solid Waste social media platforms. So we're also
19 trying to help promote it.

20 I think it's an excellent program and are
21 very concerned about the deaths that are being caused
22 by these prescription drugs. We see that as a primary
23 reason -- reason to promote it.

24 CHAIR JEFF SHEPHERD: Absolutely.

25 MR. BILL TORNETEN: Has your group considered

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1 to collect spent medicine or outdated medicine, if you
2 could take it back to the place where you're getting
3 new medicine. So that -- so we would very much like
4 to have that connection. And we'll just have to see
5 what develops.

6 MR. STEVE LANDERS: I was unaware of -- Let
7 me turn the mic on. I was unaware that -- of the
8 statistic you brought up, Matt, on Oklahoma youth.
9 But -- which is reason enough right there.

10 But isn't there a water quality issue? I
11 mean, that's one of the benefits also of keeping --
12 keeping pharmaceuticals out of --

13 CHAIR JEFF SHEPHERD: Waste Water Treatment
14 Plants can't handle that. Absolutely.

15 MR. STEVE LANDERS: Is that a consideration,
16 do you know, of the success of the program?

17 MR. PATRICK RILEY: Well, it's something
18 that's certainly mentioned any time you talk about
19 drug take-back programs, are the environmental impacts
20 of pharmaceuticals when they're, say, flushed into the
21 sewer system. And if they're not removed by water
22 treatment subsequent to being discharged to the
23 waterways.

24 We're seeing residual chemicals in the
25 waterways that have impact on wildlife. So that's

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1 something that's mentioned. That's the main
2 environmental concern that you hear, along with the
3 health hazard when you talk about this type of
4 program.

5 MR. BILL TORNETEN: Have you all seen any
6 effects to the groundwater from your groundwater
7 analysis at the landfills? I guess it'd be hard to
8 sort out what was the result of drugs that were put
9 into the landfill versus other potential causes. But
10 I suspect that's a concern.

11 MS. TRACI PHILLIPS: (Inaudible.)

12 MR. BILL TORNETEN: Depending on -- I would
13 think so, depending on what you're analyzing for in
14 the groundwater analysis.

15 VICE-CHAIR BRENDA MERCHANT: I think flushing
16 in large quantities is a big water issue, you know,
17 more so than it would be the occasional half a
18 prescription that was thrown into your garbage on your
19 garbage day because it's so dispersed.

20 I do know, just from personal experience,
21 that the protocol for most hospice organizations is
22 right there in front of you to flush it, whatever is
23 left over when that person passes. And so there is
24 large quantities at times that are going into the
25 waste stream or going into the water. So this, I love

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1 this.

2 MR. MATTHEW NEWMAN: Going to, Brenda, the --
3 until recently, the United States Environmental
4 Protection Agency's guidance for prescription med, and
5 Patrick you can confirm this or add to it, had been
6 recommended for flushing it. Which just the irony
7 there. That stance is changing.

8 JEFF SHEPHERD: Any other questions or
9 comments?

10 All right. I think we're adjourned.

11 ADJOURNMENT - 10:30 A.M.

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1 * * C E R T I F I C A T E * * *

2 STATE OF OKLAHOMA)
3 COUNTY OF OKLAHOMA) SS:

4

5 I, Lynette Wrany, a Certified Shorthand Reporter
6 within and for the State of Oklahoma, do hereby
7 certify that I reported all of the foregoing meeting,
8 and that I later reduced it to typewritten form, as
9 the same appears herein.

10 I further certify that I am not a relative of,
11 nor attorney for, nor clerk or stenographer for any
12 party to this meeting, and that I am not otherwise
13 interested in the event of the same.

14 I further certify that the above and foregoing
15 typewritten pages contain a full, true and correct
16 transcript of my stenographic notes so taken, during
17 said meeting.

18 WITNESS my hand and seal this the 14th day of
19 January, 2017.

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LYNETTE WRANY, C.S.R.
Oklahoma Certified Shorthand Reporter
Certificate No. 1167
Expiration Date: December 31, 2017

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**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL**
Attendance Record
January 12, 2017
Oklahoma City, Oklahoma

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