

MINUTES
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL
October 10, 2019
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official after Approved by HWMAC
On October 15, 2020

Notice of Public Meeting - The Hazardous Waste Management Advisory Council (HWMAC) convened for a Regular Meeting at 10:00 a.m. on October 10, 2019 at the Oklahoma Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meetings Act, with notice of the meeting given to the Secretary of State on October 11, 2018. The agenda was posted at the DEQ at least twenty-four hours prior to the meeting. Mr. Lee Grater, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Wesley Anderson
Kenneth Ede
Lyndel Gibson
Bob Kennedy
Ray Reaves
Debra Smith
Noble Stanfield
Terry Vandell
Lee Grater

DEQ STAFF PRESENT

Trevor Hammons
Lee Dooley
Mike Edwards
Mike Stickney
Kelly Dixon
Hillary Young
Ryan Kirk
Clifton Hoyle
Michelle Wynn
Lloyd Kirk
Jennifer Handley
Loree Boyanton
Matt Pace
Quiana Fields
OTHERS PRESENT
Susan Stotts, Court Reporter

MEMBERS ABSENT

None

Discussion, Amendment, and Roll Call Vote to Approve the Minutes of the July 18, 2019 meeting - Mr. Kennedy moved to approve and Mr. Gibson made the second.

See transcript pages 4 - 5

Wesley Anderson	Abstain	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Abstain
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Yes		

Presentation and Discussion – Mr. Mike Edwards, Environmental Programs Manager of the LPD, gave an overview on the DEQ budget as it applies to the Hazardous Waste Program.

See transcript pages 5 - 10

Presentation and Discussion – Mr. Edwards talked on the incorporation by reference of federal rule changes from the year that ended July 1, 2019. This presentation will cover new rules as well as changes needed for RCRA Authorization. Following questions and comments by the

Council and none by the public, Mr. Grater called for a motion. Mr. Reaves moved to approve and Mr. Stanfield made the second.

See transcript pages 10 - 17

Wesley Anderson	Yes	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Yes		

Presentation, Discussion – Ms. Jennifer Handley, Environmental Programs Manager of the ECLS Division, talked on the proposed highway remediation rule changes. Following questions and comments by the Council and none by the public, Mr. Grater called for a motion. Mr. Kennedy moved to approve with the additional language for hazardous materials that was discussed to modify the definition. Ms. Vandell made the second.

See transcript pages 17 - 29

Wesley Anderson	Yes	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Yes		

Election of Officers for 2020 – Ms. Smith made a motion that Mr. Grater remain as Chair and Dr. Ede made the second.

See transcript pages 29 - 30

Wesley Anderson	Yes	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Yes		

Mr. Grater made a motion that Mr. Reaves remain as Vice-Chair and Mr. Kennedy made the second.

See transcript pages 30 - 31

Wesley Anderson	Yes	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Abstain		

Set Meeting Dates for 2020 – The proposed HWMAC meeting dates for 2020 will be Thursday, July 16 and Thursday, October 15. Mr. Reaves moved to approve and Mr. Gibson made the second.

See transcript pages 31 - 33

Wesley Anderson	Yes	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Yes		

New Business – None

Adjournment – Mr. Gibson moved to adjourn and Mr. Anderson made the second. The meeting was adjourned at 10:45 a.m.

See transcript pages 34 - 35

Wesley Anderson	Yes	Debra Smith	Yes
Kenneth Ede	Yes	Noble Stanfield	Yes
Lyndel Gibson	Yes	Terry Vandell	Yes
Bob Kennedy	Yes	Lee Grater	Yes
Ray Reaves	Yes		

Transcript and attendance sheet are attached as an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENT QUALITY

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HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL

PUBLIC MEETING

OCTOBER 10, 2019

* * * * *

MULTI-PURPOSE ROOM

DEQ BUILDING

707 N. ROBINSON

OKLAHOMA CITY, OKLAHOMA

REPORTED BY: SUSAN G. STOTTS, CSR

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1 COUNCIL MEMBERS:
2 MR. LEE GRATER - CHAIRMAN
3 MR. WESLEY ANDERSON
4 DR. KENNETH EDE
5 MR. LYNDEL GIBSON
6 MR. BOB KENNEDY
7 MR. RAY REAVES - VICE CHAIRMAN
8 MS. DEBRA SMITH
9 MR. NOBLE STANFIELD
10 MS. TERRY VANDELL
11 ALSO PRESENT:
12 MS. QUIANA FIELDS, Secretary of Board and Council
13 MS. KELLY DIXON, Director of Land Protection Division
14 MR. MIKE EDWARDS, DEQ Hazardous Waste Division
15 MR. RYAN KIRK, DEQ Hazardous Waste Division
16 MS. JENNIFER HANDLEY, DEQ Manager Highway Spill
17 Remediation Program
18 MR. TREVOR HAMMONS, Attorney for ECLS
19 MR. MIKE STICKNEY
20
21
22
23
24
25

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1 CALL TO ORDER - 10:00 a.m.
2 MR. GRATER: We'll call the meeting of the
3 Hazardous Waste Management Advisory Council to order.
4 The October 10, 2019, regularly scheduled meeting of
5 the Hazardous Waste Management Advisory Council is
6 called in accordance with the Open Meeting Act.
7 Notice was filed with the Secretary of State
8 on October 11, 2018. The Agenda was duly posted 24
9 hours prior to the meeting at the DEQ.
10 The only matters appearing on the Agenda may
11 be considered at this regular meeting. In the event
12 that this meeting is continued or reconvened, public
13 notice of the date and time of place of the continued
14 meeting will be given by announcement at this meeting.
15 Only matters appearing on the Agenda which is continued
16 may be discussed at the continued reconvened meeting.
17 Miss Fields, call the roll, please.
18 MS. FIELDS: Mr. Anderson?
19 MR. ANDERSON: Here.
20 MS. FIELDS: Dr. Ede?
21 DR. EDE: Here.
22 MS. FIELDS: Mr. Gibson?
23 MR. GIBSON: Here.
24 MS. FIELDS: Mr. Kennedy?
25 MR. KENNEDY: Here.

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1 MS. FIELDS: Mr. Reaves?
2 MR. REAVES: Here.
3 MS. FIELDS: Ms. Smith?
4 MS. SMITH: Here.
5 MS. FIELDS: Mr. Stanfield?
6 MR. STANFIELD: Here.
7 MS. FIELDS: Ms. Vandell?
8 MS. VANDELL: Here.
9 MS. FIELDS: Mr. Grater?
10 MR. GRATER: Here.
11 MS. FIELDS: We have a quorum.
12 MR. GRATER: The next item on the Agenda
13 would be any discussion or amendments to approve the
14 minutes of the last meeting of July 18th, 2019.
15 Are there any comments regarding the minutes?
16 There does not appear to be.
17 Do we have a motion to approve?
18 MR. KENNEDY: I'll make a motion to approve
19 the July 18, 2019 minutes.
20 MR. GIBSON: I second.
21 MR. GRATER: A motion has been made and
22 seconded.
23 MS. FIELDS: Mr. Anderson?
24 MR. ANDERSON: Abstain.
25 MS. FIELDS: Dr. Ede?

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1 DR. EDE: Yes.
2 MS. FIELDS: Mr. Gibson?
3 MR. GIBSON: Yes.
4 MS. FIELDS: Mr. Kennedy?
5 MR. KENNEDY: Yes.
6 MS. FIELDS: Mr. Reaves?
7 MR. REAVES: Yes.
8 MS. FIELDS: Ms. Smith?
9 MS. SMITH: Yes.
10 MS. FIELDS: Mr. Stanfield?
11 MR. STANFIELD: Yes.
12 MS. FIELDS: Ms. Vandell?
13 MS. VANDELL: Abstain.
14 MS. FIELDS: Mr. Grater?
15 MR. GRATER: Yes.
16 MS. FIELDS: Motion passed.
17 MR. GRATER: Next item on the Agenda is
18 presentation and discussions on the DEQ budget as
19 applies to the Hazardous Waste Program.
20 Mr. Edwards?
21 MR. EDWARDS: Thank you, Mr. Chairman, and
22 thanks to the Council. This is a great turnout. I
23 think this may be the biggest turnout we've had in a
24 long time, so way to go on that.
25 This is my least favorite part of what we do

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1 because I'm not that familiar with some of the aspects
2 of the budget, so it's hard for me to make it
3 interesting and relevant, but I think you've got the
4 documents in your packet.

5 One is for fiscal year 2019, which is over,
6 and then one is for the fiscal year that we're in now,
7 2020. If you look on the fiscal year '19 sheet, I
8 think the most probably relevant thing or the most
9 interesting thing maybe is the footnote where our
10 revolving fund, which is our fee money, had \$6 million
11 removed by the legislature, so, you know, I think,
12 obviously, we have our entire finance section, and they
13 know how to deal with things like this, and I think
14 they can move money around and deal with that to where
15 it shouldn't be a problem for our program.

16 You can look ahead to the year that we're in
17 now on the other page and see that it is approximately
18 \$120,000 less. I think it's accurate to say that has
19 nothing to do with that money that was taken by the
20 legislature. I think it's just natural variation and
21 just different things that we budget for. There's not
22 really anything on this that gets at what may be a
23 factor in the future which is the pharmaceutical rule
24 is likely to have fairly significant changes --
25 resulting changes to our large quantity generator

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1 large quantity generator fee, we need to do a little
2 bit more, I think, research on that to see what an
3 appropriate number would be.

4 So that's about all I have. I can try to
5 entertain some questions or maybe someone else in the
6 room, if you have any.

7 DR. EDE: I have one question. I just want
8 to be sure about this. This year your lab budget is
9 about \$50,000. Next year you go to about \$6,000.
10 You're decreasing your lab budget by \$46,000 in one
11 year?

12 MR. EDWARDS: Yes. Anyone who wants to chime
13 in and correct me if I say anything wrong, my
14 understanding and caveat, I'm not heavily involved in
15 this level of budget, but I believe the budget for the
16 lab is largely made up from small bits taken from other
17 programs throughout the agency, so I'm guessing that
18 that reduction is going to be offset by additional
19 money from someone else.

20 MS. DIXON: I think the other thing that's
21 important to note, this is lab equipment. It's sort of
22 a -- it's a general category that is carried for all of
23 the divisional programs, and so it's lab equipment, so
24 it might be maintenance or purchase of new equipment.
25 It's not analytical services that they provide to the

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1 universe which is going to have a direct impact on the
2 amount of fee money that we get from those generators.
3 So that's sort of yet to be determined how that's going
4 to affect things. It's mainly going to be pharmacies
5 that are currently notified as large quantity
6 generators but will be able to notify as less than that
7 in the future.

8 It's a little bit unpredictable for several
9 reasons. One being we heard from, at least, one
10 company that indicates they want to stay at the large
11 quantity generator notification level even though they
12 are not generating that amount of waste, so we may have
13 things like that that result in the universe not
14 changing as much as we would think. That's going to be
15 determined in the future.

16 So we're also, I guess, budget related.
17 We're still contemplating making changes to the
18 disposal plan requirements. We talked about that in
19 previous meetings, and we're really still in the
20 research stage on that. Again, the pharmaceutical rule
21 is going to change our universe, so that's going to
22 change the numbers, so we need to kind of recalculate a
23 little bit on that before we really figure out if we're
24 going to move forward and exactly how we're going to
25 move forward, and if it requires an increase in the

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1 program. That's within the hazardous waste budget.
2 Does that answer your question?

3 DR. EDE: Again, to be revenue neutral, the
4 cost of lab equipment goes up, you know, quite a bit
5 every year. It's interesting that it had this dramatic
6 drop.

7 MS. DIXON: Well, like Mike said, the cost of
8 the lab equipment is spread out across other divisions,
9 and our lab is mostly a public waters lab, I mean,
10 that's the bulk of what they do, and so I think the
11 water program has a heavier burden, and they got some
12 appropriations this year, too, for lab equipment from
13 the legislature.

14 DR. EDE: I see. I just want to be sure it
15 wasn't a decimal point error.

16 MS. DIXON: Okay.

17 DR. EDE: Thank you. That's all I have.

18 MR. GIBSON: I had one. I was just wanting
19 to know, did the pharmacies give you any type of
20 feedback why they would prefer to stay as a large
21 quantity generator if they could reduce?

22 MR. EDWARDS: No. The short answer is no. I
23 haven't received any, but it's not uncommon for a
24 generator to -- especially in a situation where they
25 have become compliant with the larger category, it's

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1 almost, in a way, easier for them to maintain that than
2 to fluctuate back and forth because it presents a
3 certain level of, I guess, the unknown when you're
4 dealing with the workers when they are not exactly sure
5 which regulation applies because you may have
6 fluctuated between a category, so I'm guessing that's
7 part of it. There may be some corporate liability
8 calculation involved, but I haven't really heard
9 anything specific, so -- and I think it's mostly CVS.
10 They may change their mind too, you know.
11 MR. GIBSON: Thank you.
12 MR. GRATER: Any other comments from the
13 Council? Any questions from the audience, public?
14 The next item on the Agenda is presentation
15 and discussion of the incorporation by reference of
16 federal rule changes for the year that ended July 1st,
17 2019. This presentation will cover new rules as well
18 as changes needed for RCRA authorization.
19 Mr. Edwards, Mr. Kirk.
20 MR. EDWARDS: So I'll start off like I did in
21 the July meeting, and, really, I think we're not going
22 to present anything that's different from the July
23 meeting for those of you that were there. The part I
24 was going to talk about is that, in our authorization
25 packet for Cluster 25 that we submitted last year, EPA

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1 these rules by reference as they are drafted by EPA and
2 without any changes on our part.
3 One very important point is that certain
4 provisions are more stringent than the existing rules
5 which necessitate adoption by the states in order for
6 the states to maintain equivalency with the federal
7 RCRA program and to, obviously, retain authorization to
8 implement our program.
9 I'll start with a brief description of the
10 Safe Management of Recalled Airbags Rule. Since Takata
11 airbags were first recalled in 2015, people who are
12 handling these devices have been injured and killed, so
13 on November 30, 2018, EPA issued an interim rule to
14 expedite the process of moving from facilities that are
15 actively engaged in the removal, such as car
16 dealerships, to facilities who are better suited to
17 handle them.
18 These devices become more unstable with age
19 so -- and more dangerous, so -- the longer that they
20 are stored, so they are needing to get them to
21 somewhere that they can be dealt with properly.
22 This rule is promulgated under the base RCRA
23 program rather than HSWA authority, so we'll need to
24 adopt this rule before affected entities in the states
25 can use this conditional exemption. We're not required

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1 did a much more thorough review of our state rules and
2 whether or not they comport with the federal rules.
3 There's been a lot of changes recently with federal
4 regulations, and that naturally inserts some potential
5 issues in the state rules.
6 So EPA did a very thorough review, and they
7 gave us a multipage document with comments pointing out
8 areas in the state rules that need to be fixed, and so
9 that's why the rule change document that you'll see in
10 your packet is somewhat more -- there's more to it than
11 just the incorporation by reference that we normally
12 do. There's several other changes, but none of those
13 are really substantive as far as adding new regulations
14 or anything like that. It's really fixing errors and
15 continuity issues and changing citations and things
16 like that. That's really the part I was going to
17 mention, and I'll hand off to Ryan for the
18 incorporation by reference part.
19 MR. KIRK: Thanks, Mike.
20 The two rules that we're presenting to
21 Council today are titled The Safe Management of
22 Recalled Airbags and the Management Standards for
23 Hazardous Waste Pharmaceuticals and Amendment to the
24 P075 listing for nicotine. We will be incorporating
25 these rules -- as mentioned, we will be incorporating

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1 to adopt it, but we are recommending adoption.
2 I'll move on to the pharmaceutical rule now.
3 The hazardous waste regulations, as originally written,
4 are more applicable to industrial and service sectors
5 such as vehicle manufacturing and vehicle maintenance
6 facilities. Management of retail pharmaceuticals were
7 somewhat of an odd fit. The newer rule, which was
8 published on February 22nd, 2019, is intended to
9 improve and clarify waste management processes by
10 establishing a regulatory framework that is designed
11 for healthcare facilities including pharmacies, and
12 also reverse distributors play a large role in this.
13 There's some other provisions to the rule,
14 and I'm going to run through those quickly and kind of
15 give a brief description. There's a prohibition on
16 disposing hazardous waste pharmaceuticals down the
17 drain. This prohibition is to address the
18 well-documented problems associated with these drugs
19 ending up in our lakes and streams, eventually, the
20 fish tissue and our water sources.
21 There is also a conditional exemption for
22 DEA-controlled substances that are also hazardous
23 waste. In these cases, oversight will be deferred to
24 the DEA in order to prevent duplicate regulation of
25 these substances.

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1 Also, there's a new definition of RCRA empty,
2 and the new definition is -- or a revised definition
3 for RCRA empty for pharmaceutical containers so that
4 facilities often won't have to count the weight of the
5 container when determining the quantity of the waste
6 they generate. This is important because some of the
7 substances have extremely low thresholds in terms of
8 moving -- as Mike described earlier, in terms of moving
9 a facility from one generator category to another.
10 They may find themselves in a very high category with
11 just a very slight increase in the weight that may be
12 added by the container, so that makes it a lot easier
13 on the facilities to remain -- if they are managing
14 these as a hazardous waste, it allows them to reduce
15 their regulatory burden.
16 And there's also -- the final one is --
17 there's a revision to the P075 listing description for
18 certain nicotine replacement therapies. The best
19 examples are nicotine patches, gums, and lozenges.
20 These will no longer be regulated as hazardous waste
21 when they are discarded, and in the past they have
22 been.
23 I do have a -- the regulatory impact
24 information that was prepared by DEQ for both these
25 rules if anybody is interested. They provide some

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1 MR. REAVES: I would have thought that the
2 airbag -- anything to do with airbags would have been
3 in that area rather than EPA.
4 MR. KIRK: Well, the airbags, when they
5 become a waste, when they are removed and they are no
6 longer serving their purpose, they become a waste, and
7 they would be considered a reactive waste because they
8 can detonate and so forth, so they fit the definition
9 of a reactive hazardous waste, so that's why, at that
10 stage in their life cycle, they come under RCRA
11 regulation. And as far as what the role of the highway
12 administration is in this, I'm not exactly sure.
13 MR. REAVES: I would have thought that,
14 certainly, they would have some part of that since it
15 is highway -- something that goes along with the
16 highway, I would think.
17 MR. KIRK: Right, but at this stage, they are
18 no longer being used for that purpose, so it's kind of
19 past that stage where the highway -- whatever
20 department we're talking about here -- would be
21 involved.
22 MR. REAVES: Thank you.
23 MR. GRATER: Any additional questions from
24 the Council? Are there any questions or comments from
25 the public? There don't seem to be.

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1 really good information about the cost and benefits,
2 and we do believe that the costs -- I'm sorry -- the
3 benefits heavily outweigh the cost for these rules.
4 Finally, a quick word on timelines and
5 adoption status. The sewerage prohibition was
6 promulgated under HSWA authority and automatically
7 became effective in all 50 states on August 21st, 2019,
8 and then state adoption -- as far as the nicotine
9 replacement therapy, state adoption is not required,
10 but we'll be including this in this incorporation by
11 reference. And everything else in the pharmaceutical
12 rule we are required to adopt in order to maintain our
13 equivalency with the federal regulations.
14 Anybody have questions?
15 MS. SMITH: The vaping and electronic
16 cigarettes that have the solutions with the nicotine in
17 them, what about the residue and all that? Is that --
18 MR. KIRK: That is not included. They are
19 going to be regulated as they were and, most likely, as
20 hazardous waste.
21 MS. SMITH: Thank you.
22 MR. REAVES: The one question I would have is
23 what part does the federal highway play with the
24 airbags?
25 MR. KIRK: I'm not sure.

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1 Do we have a motion to accept?
2 MR. REAVES: I'll make the motion.
3 MR. GRATER: A motion has been made. Is
4 there a second?
5 MR. STANFIELD: I'll second.
6 MR. GRATER: Motion has been made and
7 seconded. Ms. Fields.
8 MS. FIELDS: Ms. Anderson?
9 MR. ANDERSON: Yes.
10 MS. FIELDS: Dr. Ede?
11 DR. EDE: Yes.
12 MS. FIELDS: Mr. Reaves?
13 MR. REAVES: Yes.
14 MS. FIELDS: Ms. Smith?
15 MS. SMITH: Yes.
16 MS. FIELDS: Mr. Stanfield?
17 MR. STANFIELD: Yes.
18 MS. FIELDS: Ms. Vandell?
19 MS. VANDELL: Yes.
20 MS. FIELDS: Mr. Grater?
21 MR. GRATER: Yes.
22 MS. FIELDS: Motion passed.
23 MR. GRATER: Next item on the Agenda is
24 Presentation and Discussion on the Proposed Highway and
25 Remediation Rule Changes. Ms. Jennifer Handley.

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1 MS. HANDLEY: Good morning. My name is
2 Jennifer Handley. I am the program manager over the
3 Highway Spill Remediation Program, and I just wanted to
4 make sure you all each got your amended version of the
5 rules -- the official rules that were put out. I
6 placed them at each location this morning. We have
7 made five additional changes based on informal comments
8 that we received prior to the official public comment
9 period, and I'd like to definitely talk about those,
10 answer any questions.

11 The first one was just a change to the
12 definition of hazardous material. Removing the
13 references to the CFR and adding the term "other
14 pollutants" based on language that was suggested from
15 some of our licensees. Also, under 210:1-3 in the
16 General Provisions under "license required," we had a
17 request to change the language there to make sure that
18 responsible parties understood that -- and lead
19 officials understood that responsible parties had the
20 ability to choose a licensed remediator once an
21 emergency situation was either contained or stabilized.

22 We just had a language correction suggested
23 by a licensee. I was really glad they caught that.
24 Under 210:1-4, under 210:1-6, we had a change -- we had
25 a request to change the term "report" to "notify." We

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1 here, the definition of a hazardous material,
2 generally, when we have rules and regulations, we have
3 some form of citation that it's these materials we're
4 going to regulate. In this definition here, I do not
5 see any boundaries, so, I guess, my question is here,
6 on the definition of hazardous material, if I
7 accidentally spill a couple of milliliters of oil on
8 the highway, is that a hazardous material?

9 MS. HANDLEY: We have, historically, said
10 that you don't have to hire a licensed remediator to
11 clean up something that you basically can do with a
12 shovel. You can just get out and scoop it up.
13 However, we have to include other contaminants other
14 than listed hazardous waste materials because milk can
15 be hazardous if it ends up in a stream. Orange
16 juice -- we've had fish kills from milk spills and
17 orange juice and different materials, so we have to
18 make that definition for the remediation portion a
19 little broader than what typically you would see.

20 DR. EDE: I fully understand your point, and
21 I agree with your point. The only thing I'm saying is,
22 as a caveat, this definition is wide open.

23 MS. HANDLEY: It is.

24 DR. EDE: I mean, it is wide open, and the
25 other thing is the amount. It does not describe

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1 generally ask that notifications be made to our 1-800
2 number or spill-reporting hotline, and there was some
3 confusion with licensees. They were concerned they
4 needed to turn in a written document, and we didn't
5 want to make that change. We just wanted to make sure
6 they needed to notify us. We've had several instances
7 where spills weren't reported timely, and we'll find
8 out months after an incident actually occurred that
9 something was spilled and is needing remediation, which
10 causes bigger issues.

11 Then the last one we had a request just to
12 change some additional language. Under 210:1-7 and
13 change the term -- to use a single term for our
14 responsible party who would be identified as
15 responsible for the remediation of a site that was
16 impacted as opposed to a vehicle or equipment owner or
17 other terminology used prior in the draft language.

18 We held meetings with our Highway Spill
19 Remediation licensees, the Corporation Commission, the
20 Department of Public Safety, highway patrol, and the
21 Oklahoma Department of Transportation, along with
22 comments from DEQ staff and general public.

23 Are there any questions?

24 DR. EDE: I have one question here. In the
25 very first page, I just wanted sort of as a caveat

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1 quantity. And I understand what you're saying. If I
2 can clean up my own milk spill, then, I guess, I'm
3 exempt from this, but if I spill too much oil or
4 whatever it is, it's unusual to have -- other than
5 CERCLA, other than Superfund, most other clean air act,
6 clean water act, DOT, they cite as per 40 CFR, 49 CFR,
7 whatever it is. By removing this, you've opened the
8 universe, and I'm not disagreeing with it because milk
9 can kill a stream.

10 MS. HANDLEY: Yeah. So we felt like the
11 references were really included to help our field staff
12 know where to look if they needed to look some things
13 up, and we are going to put those in our procedure to
14 make sure they have those references available, but we
15 didn't find any reason -- when we received the request,
16 we didn't find any reason why to leave the references
17 in there, although we can if you would like, but the
18 original definition of hazardous material, while it did
19 not include the term "other pollutants," it also
20 states, "Such substances include but are not limited
21 to," so the original definition was really wide open.
22 We just thought it would make it more clear by adding
23 the other pollutants, which was the comment we had
24 received.

25 DR. EDE: Essentially what you are saying is

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1 anything that is detrimental?
2 MS. HANDLEY: Yes.
3 DR. EDE: Whether it's a food substance or
4 chemical, whatever it is, a lubricant, anything
5 detrimental, you're going to define as a hazardous
6 material?
7 MS. HANDLEY: Yes, and it is required to be
8 cleaned up.
9 DR. EDE: Again, I'm not disagreeing with
10 you. There are many food substances that are certainly
11 detrimental to a body of water or to soil, those kinds
12 of things, sure.
13 MS. VANDELL: I agree with that comment. I
14 would urge you to consider keeping that reference in.
15 And getting back to the volume comment, and I'm not
16 sure of the exact wording, but at the top where you
17 define hazardous material means "any substance that, if
18 spilled," somehow to insert something regarding the
19 volumes, unacceptable volume or --
20 MS. HANDLEY: Maybe --
21 DR. EDE: At a volume that could be
22 detrimental. Yeah, I see what you mean.
23 MS. HANDLEY: Maybe where it says "if
24 spilled," add the language in a volume that is or has
25 the potential or in a quantity.

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1 depending on the company they use, so that's why that
2 language was requested from the licensees, and we
3 thought that was something we could accommodate.
4 MR. GIBSON: Okay. So if there is an impact,
5 the lead official still has the authority to call a
6 company in?
7 MS. HANDLEY: Absolutely, and they can get
8 in; they can contain and stabilize that to ensure that
9 there's not any additional environmental or public
10 health or safety issue occurring, and then once the
11 contracted remediation service or once the responsible
12 party gets online and chooses their remediation
13 service, they can come out and actually perform the
14 remediation itself.
15 MR. GIBSON: Okay. And still in these
16 provisions I don't see any type of time frame for a
17 response.
18 MS. HANDLEY: For response from --
19 MR. GIBSON: For that clean-up contractor.
20 MS. HANDLEY: They are usually there on site,
21 depending on where they are, they might -- you know,
22 some of them may be on the other side of the state
23 which is why a lead official may hire a closer
24 contractor to come in and stabilize the area, but the
25 lead official makes that call, and we haven't seen any

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1 DR. EDE: Or a quantity, yes.
2 MS. HANDLEY: In a quantity. We can
3 certainly do that.
4 DR. EDE: The rest of the document looks very
5 good.
6 MS. HANDLEY: Thank you.
7 MR. GIBSON: I do have a question on 210-1-3.
8 If you could just kind of, in layman's terms, explain
9 the change in the process from my knowledge previously
10 to what we're trying to get to here.
11 MS. HANDLEY: Apparently, there's been some
12 instances where the lead official, highway patrol or
13 fire department, has said, "Contact Company X. We've
14 got a little emergency. Contact Company X," and they
15 come out there, except that the responsible party has a
16 contract with a clean-up service that they use either
17 nationwide or whatever, and those folks are on their
18 way, so once the emergency has been taken care of, the
19 company that's under contract, Company Y, should,
20 technically, have the ability to take over, and there's
21 been some pushback from either lead officials or,
22 obviously, from Company X who's already on site and
23 wants to be able to remediate the spill, but the
24 responsible party didn't have a choice in choosing that
25 person, and sometimes fees can be quite different

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1 problems where a remediator wasn't called out right
2 away. What we've generally seen is just pushback
3 between remediators and the lead official about who's
4 going to clean it once the site has been stabilized.
5 So we don't really have a time -- I mean, it's hard to
6 put a time frame on that in order to respond.
7 Now, if you go on our website, all of the
8 licensees have response times to each county, so if the
9 responsible party goes in and looks or a lead official
10 goes in and looks, they can see how long it will take
11 Company X to respond or Company Y to respond to a
12 location in that county.
13 MR. GIBSON: That's under the contract or the
14 RP plan?
15 MS. HANDLEY: Right.
16 MR. GIBSON: Thank you.
17 MS. HANDLEY: You're welcome.
18 MR. GRATER: One of the concerns that I have
19 is the obvious potential for food-type materials to
20 contaminate waterways. I was thinking perhaps it might
21 be appropriate to change the first sentence to say,
22 "Any substance that has spilled or has potential to be
23 harmful to humans, the environment, or the surface
24 waters in the State of Oklahoma is appropriate to
25 impose special requirements upon those remediating the

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1 spill."
2 MS. HANDLEY: So just put in like a comma
3 where it says or the environment, comma, and then
4 surface waters?
5 MR. GRATER: Yeah. Has potential to be
6 harmful to humans, the environment, or surface waters.
7
8 MR. HAMMONS: If I may, ladies and gentlemen,
9 my name is Trevor Hammons. I'm the supervising
10 attorney for ECLS, and I would just like to make the
11 point that, with your questions about the definitions,
12 there is no January Council meeting scheduled, as I
13 understand it. It is our intent to take this to the
14 February board, so any changes have to be done now in
15 order for us -- and if depending on how you pass it,
16 but if there are suggested changes, we would be voting
17 on those suggested changes to what you suggest because
18 we won't have another opportunity before it goes to the
19 February board meeting. So I don't know how that's
20 going to work, but if there is -- maybe with that
21 change right there, it would be -- you would be voting
22 on the proposed change that you made, sir. Does that
23 make sense?
24 MR. GRATER: Yes.
25 MR. HAMMONS: Okay. Thank you very much.

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1 "environment," if that includes waters of Oklahoma, I
2 mean, it's broad enough, yes. Yeah.
3 MS. HANDLEY: So as I'm showing it right now,
4 if we go back to that term "environment" and don't add
5 surface waters, that first sentence would read,
6 "Hazardous material means any substances that, if
7 spilled in a quantity that has the potential to be
8 harmful to humans or the environment such that it is
9 appropriate to impose special requirements upon those
10 who remediate a spill of the substance"; is that
11 correct?
12 MR. GRATER: Yeah.
13 MS. HANDLEY: Okay.
14 MR. HAMMONS: And that is what we would be
15 asking you to vote upon to approve. Thank you.
16 MR. GRATER: Any other comments from the
17 Council? Are there any comments from the public?
18 There do not appear to be any comments. Is there a
19 motion to approve?
20 MR. KENNEDY: I make a motion that we approve
21 this with the additional language for hazardous
22 materials as was just recorded here by the discussion
23 that we had to modify that definition.
24 MS. VANDELL: I second.
25 MR. GRATER: The motion has been seconded.

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1 MS. VANDELL: I would just like to add, when
2 you say "or environment or surface waters," and, you
3 know, I mean, surface waters would be the first impact
4 but could potentially get to shallow groundwater.
5 MR. GRATER: Sure.
6 MS. VANDELL: So I'm wondering do we want to
7 add groundwater or just leave surface waters as far as
8 environment would cover it all?
9 MR. GRATER: Or perhaps water resources.
10 DR. EDE: Waters of Oklahoma.
11 MR. GRATER: Yeah. Waters of Oklahoma, that
12 would include groundwater.
13 MS. SMITH: Wouldn't these all be included in
14 environment?
15 MR. HAMMONS: That was going to be my point.
16 Environment is everything, and I would only caution, if
17 we start -- there's -- you know, groundwater is owned
18 by private owners. The owner owns it. It's not
19 necessarily a state resource unless it flows under
20 state property, so if we start limiting what we can go
21 after, we may be cutting off our nose to spite our
22 face. If we have "environment," that can be anything I
23 choose for it to be and have them argue honestly, so
24 would counsel on that as well. Thank you.
25 DR. EDE: Having said that, I think the word

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1 Ms. Fields.
2 MS. FIELDS: Mr. Anderson?
3 MR. ANDERSON: Yes.
4 MS. FIELDS: Dr. Ede?
5 DR. EDE: Yes.
6 MS. FIELDS: Mr. Gibson?
7 MR. GIBSON: Yes.
8 MS. FIELDS: Mr. Kennedy?
9 MR. KENNEDY: Yes.
10 MS. FIELDS: Mr. Reaves?
11 MR. REAVES: Yes.
12 MS. FIELDS: Ms. Smith?
13 MS. SMITH: Yes.
14 MS. FIELDS: Mr. Stanfield?
15 MR. STANFIELD: Yes.
16 MS. FIELDS: Ms. Vandell?
17 MS. VANDELL: Yes.
18 MS. FIELDS: Mr. Grater?
19 MR. GRATER: Yes.
20 MS. FIELDS: Motion passed.
21 MS. HANDLEY: Thank you.
22 MR. GRATER: Thank you.
23 Next item on the Agenda is election of
24 officers for the year 2020. Are there nominations by
25 the Council?

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1 MS. SMITH: I'd like to nominate Lee Grater.
 2 DR. EDE: I second.
 3 MS. FIELDS: Mr. Anderson?
 4 MR. ANDERSON: Yes.
 5 MS. FIELDS: Dr. Ede?
 6 DR. EDE: Yes.
 7 MS. FIELDS: Mr. Gibson?
 8 MR. GIBSON: Yes.
 9 MS. FIELDS: Mr. Kennedy?
 10 MR. KENNEDY: Yes.
 11 MS. FIELDS: Mr. Reaves?
 12 MR. REAVES: Yes.
 13 MS. FIELDS: Ms. Smith?
 14 MS. SMITH: Yes.
 15 MS. FIELDS: Mr. Stanfield?
 16 MR. STANFIELD: Yes.
 17 MS. FIELDS: Ms. Vandell?
 18 MS. VANDELL: Yes.
 19 MS. FIELDS: Mr. Grater?
 20 MR. GRATER: Abstain.
 21 MS. FIELDS: Motion passed.
 22 MR. GRATER: We also have to fill the
 23 position of vice chairman currently held by Mr. Reaves.
 24 I make the motion to nominate Mr. Reaves to continue if
 25 he's willing. Is there a second?

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1 MR. EDWARDS: Yes. I have foreseen that if
 2 we set dates in July and October, like we did this past
 3 year, there are three Thursdays in July: The 9th, the
 4 16th and 23rd that have potential. We don't have a
 5 preference for any of those particular dates, but it
 6 would be something you could choose from, I guess.
 7 MR. GRATER: Does that conflict with
 8 anybody's birthday or anniversaries?
 9 MR. EDWARDS: I didn't notice anything on the
 10 calendar.
 11 MR. KENNEDY: The 16th would be that second
 12 Thursday. Does that sound like --
 13 MR. GRATER: Yeah. I would say go for either
 14 the first or the second one in case we have to move it
 15 for some reason.
 16 MR. EDWARDS: That's a good idea. The 16th?
 17 Then October the 8th, 15th or 22nd. We can follow the
 18 same pattern and go with the 15th.
 19 MR. GRATER: That will work.
 20 MR. EDWARDS: Okay.
 21 MR. GRATER: Any additional discussion by the
 22 Council? Any comments from the public? Is there a
 23 motion to accept those dates?
 24 MR. REAVES: I'll make the motion to accept.
 25 MR. GRATER: Motion has been made. Is there

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1 MR. KENNEDY: I'll second.
 2 MR. GRATER: Motion has been made and
 3 seconded. Ms. Fields.
 4 MS. FIELDS: Mr. Anderson?
 5 MR. ANDERSON: Yes.
 6 MS. FIELDS: Dr. Ede?
 7 DR. EDE: Yes.
 8 MS. FIELDS: Mr. Gibson?
 9 MR. GIBSON: Yes.
 10 MS. FIELDS: Mr. Kennedy?
 11 MR. KENNEDY: Yes.
 12 MS. FIELDS: Mr. Reaves?
 13 MR. REAVES: Abstain.
 14 MS. FIELDS: Ms. Smith?
 15 MS. SMITH: Yes.
 16 MS. FIELDS: Mr. Stanfield?
 17 MR. STANFIELD: Yes.
 18 MS. FIELDS: Ms. Vandell?
 19 MS. VANDELL: Yes.
 20 MS. FIELDS: Mr. Grater?
 21 MR. GRATER: Yes.
 22 MS. FIELDS: Motion passed.
 23 MR. GRATER: Set meeting dates for the year
 24 2020. Do you have any input, Mike, as to what you
 25 foresee?

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1 a second?
 2 MR. GIBSON: I second.
 3 MR. GRATER: Ms. Fields.
 4 MS. FIELDS: Mr. Anderson?
 5 MR. ANDERSON: Yes.
 6 MS. FIELDS: Dr. Ede?
 7 DR. EDE: Yes.
 8 MS. FIELDS: Mr. Gibson?
 9 MR. GIBSON: Yes.
 10 MS. FIELDS: Mr. Kennedy?
 11 MR. KENNEDY: Yes.
 12 MS. FIELDS: Mr. Reaves?
 13 MR. REAVES: Yes.
 14 MS. FIELDS: Ms. Smith?
 15 MS. SMITH: Yes.
 16 MS. FIELDS: Mr. Stanfield?
 17 MR. STANFIELD: Yes.
 18 MS. FIELDS: Ms. Vandell?
 19 MS. VANDELL: Yes.
 20 MS. FIELDS: Mr. Grater?
 21 MR. GRATER: Yes.
 22 MS. FIELDS: Motion passed.
 23 MR. GRATER: The last item on the Agenda is
 24 any new business limited to any matter not known or
 25 which would not have been reasonably foreseen at the

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1 time of posting the Agenda 24 hours before this
 2 meeting. Is there any other news? There does not
 3 appear to be. Next item would be to adjourn. Is there
 4 a motion to adjourn?
 5 MR. GIBSON: I'll make the motion.
 6 MR. ANDERSON: And I'll second.
 7 MR. GRATER: The motion to adjourn has been
 8 made and seconded.
 9 MS. FIELDS: Mr. Anderson?
 10 MR. ANDERSON: Yes.
 11 MS. FIELDS: Dr. Ede?
 12 DR. EDE: Yes.
 13 MS. FIELDS: Mr. Gibson?
 14 MR. GIBSON: Yes.
 15 MS. FIELDS: Mr. Reaves?
 16 MR. REAVES: Yes.
 17 MS. FIELDS: Ms. Smith?
 18 MS. SMITH: Yes.
 19 MS. FIELDS: Mr. Stanfield?
 20 MR. STANFIELD: Yes.
 21 MS. FIELDS: Ms. Vandell?
 22 MS. VANDELL: Yes.
 23 MS. FIELDS: Mr. Grater?
 24 MR. GRATER: Yes.
 25 MS. FIELDS: Motion passed.

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1 MR. GRATER: The meeting is adjourned
 2 officially.
 3 (Meeting adjourned at 10:43 a.m.)
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1 C E R T I F I C A T E
 2
 3 STATE OF OKLAHOMA)
) ss:
 4 COUNTY OF OKLAHOMA)
 5 I, Susan G. Stotts, Certified Shorthand Reporter
 6 for the State of Oklahoma, certify that the above and
 7 foregoing proceeding taken by me in stenotype and
 8 thereafter transcribed and is a true and correct
 9 transcript of the proceeding; that the proceeding was
 10 taken on October 10, 2019, in the City of Oklahoma
 11 City, State of Oklahoma; that I am not an attorney for
 12 nor a relative of any said parties, or otherwise
 13 interested in the event of said action.
 14
 15 IN WITNESS WHEREOF, I have hereunto set my
 16 hand and seal of office on this 23rd day of
 17 October, 2019.
 18
 19 Susan G. Stotts
 20 SUSAN G. STOTTS
 Certified Shorthand Reporter
 Oklahoma License No. 1605
 Expires December 2019
 21
 22
 23
 24
 25



**HAZARDOUS WASTE MANAGEMENT
ADVISORY COUNCIL**

Attendance Record

October 10, 2019

Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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Jennifer Handley	DEQ
Quiang Felice	DEQ
MIKE STICKLER	DEQ
Danny Smith	HUMAC
	OKC
Hillary Yang	DEQ
Lee R. Motta	HUMAC
Clifton Hoyle	OK DEQ
Kelly Dixon	OK DEQ
Loree Bryantm	OK DEQ
Michelle Wynne	DEQ
Hoyd Cook	DEQ
John Cook	EDS
Ryan Kirk	DEQ