

DRAFT MINUTES
HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL
October 12, 2017
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official after Approved by HWMAC
On October 11, 2018

Notice of Public Meeting - The Hazardous Waste Management Advisory Council (HWMAC) convened for a Regular Meeting at 10:00 a.m. on October 12, 2017 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 16, 2016. 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

Michael Graves
Bob Kennedy
Ray Reaves
Marsha Slaughter
Debra Smith
Noble Stanfield
Terry Vandell
Lee Grater

MEMBERS ABSENT

Wesley Anderson

DEQ STAFF PRESENT

Stephen Baldridge
Mike Edwards
Mike Stickney
Kelly Dixon
Hillary Young
Clark Packard
Clifton Hoyle
Dianne Wilkins
Quiana Fields

OTHERS PRESENT

Debra Garver, Court Reporter

Chairperson’s Report – None

Discussion, Amendment, and Roll Call Vote to Approve the Minutes of the October 13, 2016 meeting - Mr. Graves moved to approve and Mr. Kennedy made the second.

See transcript pages 4 - 5

Michael Graves	Yes	Debra Smith	Yes
Bob Kennedy	Yes	Noble Stanfield	Yes
Ray Reaves	Yes	Terry Vandell	Abstain
Marsha Slaughter	Yes	Lee Grater	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 - 8

Presentation, Discussion and Roll Call Vote to Approve – Mr. Mike Edwards stated that the incorporation by reference of federal rule changes from the year that ended July 1, 2017. These include revisions to the generator rules and necessitate changing certain parts of the state rules to ensure equivalency due to citation changes. Following questions and comments by the Council and none by the public, Mr. Grater called for a motion. Mr. Graves moved to approve and Ms. Slaughter made the second.

See transcript pages 8 - 15

Michael Graves	Yes	Debra Smith	Yes
Bob Kennedy	Yes	Noble Stanfield	Yes
Ray Reaves	Yes	Terry Vandell	Yes
Marsha Slaughter	Yes	Lee Grater	Yes

Presentation, Discussion and Roll Call Vote to Approve – Mr. Edwards stated that the revocation of parts 17-1 through 17-6 of Subchapter 17 “Tax Credits” are no longer supported by statute. Hearing no questions or comments by the Council or the public, Mr. Grater called for a motion. Mr. Reaves moved to approve and Mr. Graves made the second.

See transcript pages 15 - 17

Michael Graves	Yes	Debra Smith	Yes
Bob Kennedy	Yes	Noble Stanfield	Yes
Ray Reaves	Yes	Terry Vandell	Yes
Marsha Slaughter	Yes	Lee Grater	Yes

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

See transcript pages 18 – 27

Election of Officers for 2018 – Mr. Reaves made a motion that Mr. Grater remain as Chair and that he remain as Vice-Chair. Mr. Kennedy made the second.

See transcript pages 27 – 28

Michael Graves	Yes	Debra Smith	Yes
Bob Kennedy	Yes	Noble Stanfield	Yes
Ray Reaves	Yes	Terry Vandell	Yes
Marsha Slaughter	Yes	Lee Grater	Yes

Set Meeting Dates for 2018 – Mr. Edwards proposed that the HWMAC meeting set for 2018 will be Thursday, October 11 and will contact the Council via email regarding the time. Mr. Graves moved to approve and Mr. Reaves made the second.

See transcript pages 28 – 31

Michael Graves	Yes	Debra Smith	Yes
Bob Kennedy	Yes	Noble Stanfield	Yes
Ray Reaves	Yes	Terry Vandell	Yes
Marsha Slaughter	Yes	Lee Grater	Yes

New Business – None

Adjournment – Mr. Graves moved to adjourn and Ms. Smith made the second. The meeting was adjourned at 10:50 a.m.

See transcript pages 31 - 32

Michael Graves	Yes	Debra Smith	Yes
Bob Kennedy	Yes	Noble Stanfield	Yes
Ray Reaves	Yes	Terry Vandell	Yes
Marsha Slaughter	Yes	Lee Grater	Yes

STATE OF OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT COUNCIL

Thursday, October 12, 2017

A regularly scheduled meeting beginning at 10:00 a.m.
Department of Environmental Quality Multi-Purpose Room
707 North Robinson
Oklahoma City, Oklahoma 73101

REPORTED BY DEBRA GARVER, CSR, RPR

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1 COUNCIL MEMBERS PRESENT:
2 MICHAEL GRAVES
3 BOB KENNEDY
4 RAY REAVES
5 MARSHA SLAUGHTER
6 DEBRA SMITH
7 NOBLE STANFIELD
8 TERRY VANDELL
9 LEE GRATER, Chairman
10
11 COUNCIL MEMBERS ABSENT:
12 WESLEY ANDERSON
13
14 ALSO PRESENT:
15 MIKE EDWARDS
16 MIKE STICKNEY
17 KELLY DIXON
18 STEPHEN BALDRIDGE
19 QUIANA FIELDS, Secretary
20
21
22
23
24
25

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1 PROCEEDINGS
2 10:00 a.m.
3 CHAIRMAN GRATER: Call the meeting of the
4 Hazardous Waste Management Advisory Council to order. The
5 Thursday, October 12, 2017, regularly scheduled meeting of
6 the Hazardous Waste Management Advisory Council is called in
7 accordance with the Open Meeting Act.
8 Notice was filed with the Secretary of State on
9 October 16, 2016. The agenda was duly posted 24 hours prior
10 to the meeting at the DEQ.
11 Only matters appearing on the posted agenda may be
12 considered at this regular meeting. In the event that this
13 meeting is continued or reconvened, public notice of the
14 date, time, and place of the continued meeting will be given
15 by announcement at this meeting. Only matters appearing on
16 the agenda of the meeting which is continued may be
17 discussed at the continued or reconvened meeting.
18 Ms. Fields, call the roll.
19 MS. FIELDS: Mr. Graves.
20 MR. GRAVES: Yes.
21 MS. FIELDS: Mr. Kennedy.
22 MR. KENNEDY: Yes.
23 MS. FIELDS: Mr. Reaves.
24 MR. REAVES: Yes.
25 MS. FIELDS: Ms. Slaughter.

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1 MS. SLAUGHTER: Yes.
2 MS. FIELDS: Ms. Smith.
3 MS. SMITH: Yes.
4 MS. FIELDS: Mr. Stanfield.
5 MR. STANFIELD: Yes.
6 MS. FIELDS: Ms. Vandell.
7 MS. VANDELL: Yes.
8 MS. FIELDS: Mr. Grater.
9 CHAIRMAN GRATER: Yes.
10 MS. FIELDS: We have a quorum.
11 CHAIRMAN GRATER: Chairperson's report, I don't
12 really have much of anything to say today except thank you
13 for being here. I know some of you had to make a special
14 effort to be here this morning. We appreciate that.
15 I believe the next item on the agenda is the
16 discussion, amendment, and roll call vote on the meeting of
17 October 13th, 2016.
18 Does the Hazardous Waste Management Advisory Council
19 meeting have any questions and discussion of the minutes by
20 members of the council?
21 Do not appear to be any.
22 Any questions or comments been by the public?
23 (No response.)
24 CHAIRMAN GRATER: Do we have a motion to accept?
25 MR. GRAVES: So move.

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1 MR. KENNEDY: I'll second.
2 CHAIRMAN GRATER: Motion has been moved and
3 seconded.
4 Ms. Fields.
5 MS. FIELDS: Mr. Graves.
6 MR. GRAVES: Yes.
7 MS. FIELDS: Mr. Kennedy.
8 MR. KENNEDY: Yes.
9 MS. FIELDS: Mr. Reaves.
10 MR. REAVES: Yes.
11 MS. FIELDS: Ms. Slaughter.
12 MS. SLAUGHTER: 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 CHAIRMAN GRATER: Yes.
21 MS. FIELDS: Motion passed.
22 CHAIRMAN GRATER: Next item on the agenda is
23 discussion, amendment, and -- I'm sorry, presentation and
24 discussion of the DEQ budget as it applies to the Hazardous
25 Waste Program.

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1 Mr. Edwards.
2 MR. EDWARDS: Thank you, Mr. Chairman. Just want
3 to reiterate first, thank everyone for coming. Obviously,
4 this is a very important meeting every year so we always
5 appreciate you guys coming.
6 I will admit the budget part is my -- I'm least
7 comfortable with this part of the meeting mainly just
8 because I haven't really been that involved.
9 And, I don't know, did everybody get one of these
10 budget handouts? It will make a lot more sense, what I'm
11 about to say, if you can look at it.
12 MS. SMITH: We didn't receive it.
13 MR. EDWARDS: Oh, you didn't? Maybe it will be
14 part of the packet. I don't know, we'll see.
15 I'll just go ahead and walk through it. It's pretty
16 straightforward. The fiscal year 2017 budget, which we just
17 ended fiscal year 2017, had a total of about \$2.5 million,
18 \$2,512,340 to be exact. The vast majority of that, as
19 usual, was salaries and compensation expenses.
20 There are several other categories; professional
21 services, travel expenses, administrative expenses, lab
22 equipment, a couple other items. And that budget was
23 essentially made up of a combination of fee income and
24 monies from our federal grant.
25 The fee income was 1.3 million; 1,342,687 to be exact.

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1 And the federal grant was \$921,000. You may remember we had
2 a reduction in the federal grant, I want to say two or three
3 years ago, by about, I believe, 14 percent spread out over
4 four years. So we're still dealing with that as far as
5 reducing what we were used to for many, many years.
6 As far as I know right now, any further reductions that
7 may come down the pike on our STAG grant are unknown. I
8 think the government's under a continuing resolution I want
9 to say until December. I may be wrong about that time
10 frame, but I would think we may hear something different
11 after that as far as possible additional reductions on the
12 STAG grant.
13 So looks like we got the documents. I'll pause for a
14 second.
15 (Documents provided to council members.)
16 MR. EDWARDS: So everything I just said is on the
17 first page. That's basically covering the fiscal year that
18 just ended.
19 The second page is the projected budget for the fiscal
20 year that we're in currently. I tried to do some quick math
21 a few minutes ago. Math is not my strong suit, but it looks
22 like we have an increase of about \$150,000.
23 The overall, as you can see, went from 2.5 million to
24 2.6 million. And salaries and compensation are up about
25 60,000, which I assure you is not my salary. Professional

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1 services up about 8,000. Travel expenses, 20. Indirect
2 costs went up 60,000, and then a couple other changes.
3 Overall, the budget increases about 150,000, so
4 hopefully our STAG grant will at least maintain its current
5 status. And I don't think we anticipate any problems at
6 this point with the budget. So that's all I have on the
7 budget.
8 Feel free to ask any questions which I may or may not
9 be able to answer.
10 CHAIRMAN GRATER: Any questions from the council?
11 MS. VANDELL: Just curious what the prior federal
12 grant amount was?
13 MR. EDWARDS: It was traditionally -- for most of
14 my career, it was a million dollars. I don't know if it
15 was -- if that was -- if there was some calculation that
16 arrived at a million or if they just chose that number, but
17 traditionally that's what it was up until three or four
18 years ago when they reduced it 14 percent over four years.
19 CHAIRMAN GRATER: Any other questions from the
20 council?
21 Other questions from the public?
22 Doesn't appear to be.
23 Do we have a motion to approve?
24 MR. KENNEDY: It's just a presentation.
25 CHAIRMAN GRATER: Okay. Next item on the agenda

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1 is presentation, discussion, and roll call vote to approve
2 the incorporation by reference of the federal rule changes
3 for the year that ended July 1st, 2017.
4 These include revisions to the generator rules and
5 necessitate changing certain parts of the state rules to
6 ensure equivalency due to citation changes.
7 Mr. Edwards.
8 MR. EDWARDS: Thank you.
9 This is the meat of the presentation, of the meeting.
10 As we do every year, we're doing incorporation by reference
11 in order to ensure equivalency with the federal program.
12 As you may have noticed, on the rule-making documents
13 there are some additional subchapter changes compared to
14 what we normally do. Normally, for incorporation by
15 reference, we just have to change subchapter 3-1 and 3-2.
16 Because the new generator improvement rule involved
17 several, at least 20, if not more, changes to citations,
18 reorganizations of the CFR, that resulted in several
19 instances in our state rules needing to be changed in order
20 to ensure equivalency.
21 And that's why subchapter 3-4, subchapter 13, 13-1, and
22 then in subchapter 15, 15-2, those all represent areas in
23 the state rules where citations need to be changed in order
24 to accommodate the changes at the federal level.
25 So it's pretty straightforward. Our attorney and I

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1 went through the rule change -- the citation changes very
2 carefully. Fortunately, EPA has a crosswalk of changes,
3 reorganized regulations where they list the previous
4 citation and the new citation, so that made it much easier,
5 although it was still fairly difficult. So that's why
6 there's these additional subchapter changes compared to
7 normal. So that's one point.
8 The other main point, as you know, I think, is that the
9 revised generator rules, the generator improvement rules,
10 are the key change that happened during the last year that
11 we're hoping to incorporate.
12 And I can go through some of that if you want to ask
13 specific questions about it. I have a PowerPoint that I did
14 at EFO a week or two ago, so I'm fairly familiar with much
15 of it.
16 It's extensive. In my career, it's the most extensive
17 changes to the generator rules that I've ever seen. There's
18 60 or so changes to the rules, and there was an additional
19 20 clarifications or organizational changes that are part of
20 it.
21 So it's pretty -- it's pretty broad, it's pretty
22 extensive, but it's, I think, beneficial and it's been
23 needed for a long time. It's really made some pretty good
24 improvements.
25 It's adding flexibility for generators. And most of it

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1 is more stringent, so we're required to incorporate it to
2 maintain our program. There are a few that are less
3 stringent, that we're actually not technically required to
4 incorporate, although those three parts that are less
5 stringent I actually think are some of the more valuable
6 aspects of the rule.
7 So we like all of it, and we would recommend that we
8 incorporate all of it. I think -- like I alluded to, I
9 think it's going to be beneficial for most industries once
10 they get used to it.
11 It's going to be a burden on us because we're going to
12 have to change checklists, web pages, guidance documents.
13 There's going to be a lot of changes as a result of it.
14 CFRs are going to change, correcting documents, et cetera,
15 et cetera. So definitely a little bit of a burden there.
16 But some of the rule changes implement into the future.
17 Like, for instance, there's one that's the small quantity
18 generators have to renotify every four years. That's one
19 rule change, but it doesn't actually implement next year.
20 So there's some delays in some of the implementation.
21 So, having said all that, if there are any specific
22 questions about it, I can try to answer related to those
23 rule changes.
24 MR. REAVES: One question. Well, I guess I have
25 two. One is: Was there some action that prompted this

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1 procedure change and so forth?
2 MR. EDWARDS: There was not a specific action, but
3 I'll just give you a quick rundown on the reasons that EPA
4 thought that these revisions were needed.
5 The regulations are confusing. Everyone knows that
6 who's been dealing with RCRA. That's a no-brainer. They're
7 still going to be confusing, but hopefully they'll be less
8 confusing after these changes.
9 There was a lack of flexibility for operators of
10 facilities that changed their generator status. What that's
11 really getting at is, if, let's say, a small quantity
12 generator does a one-time cleanout or they have off-spec
13 products that they need to dispose of, under the current
14 regulations they would have to renotify as, say, a large
15 quantity generator, which comes with all kinds of burdens,
16 additional fees. It makes them subject to the entire large
17 quantity generator set of regulations.
18 So this new generator improvement rule will allow for
19 episodic generation once a year. So if a facility knows
20 that something's coming, say they want to clean out a tank,
21 they can let us know that they're going to do that and they
22 don't have to change the generator size, which is a huge
23 benefit for them.
24 And it's a big benefit for us too, because we have to
25 do a lot of paperwork, invoice for fees, things like that,

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1 any time someone changes generator size.
2 So, to me, that's the best aspect of the new rules both
3 for the regulated community and the regulators.
4 Another main issue was there were lengthy contingency
5 plan requirements and a lack of recordkeeping requirements,
6 so these rule changes are an attempt to address that.
7 And then EPA thought that there was a lot of
8 mismanagement of waste from generators. And that's probably
9 true in New Jersey or -- I don't really feel like it's that
10 true in Oklahoma. We find a few every year, you know, that
11 have issues, but overall in Oklahoma I think our generators
12 do a pretty good job.
13 But that's one of the rules that they said -- or one of
14 the reasons that they said that these rules were needed, so.
15 MR. REAVES: Was this in the Federal Registry as a
16 single item? And has the time limit that it's supposed to
17 be before voted upon, is that over?
18 MR. EDWARDS: Yeah. Like the comment period? Is
19 that what you mean? Yeah, that's over. The final rule was
20 published November 28. Mr. Baldrige -- 2016 -- has a
21 lengthy Federal Register Notice.
22 It's about a hundred pages, front and back, very small
23 type. I haven't actually gotten through all of it yet, but
24 I'm working on that.
25 So, yes, it was published. There was a proposed rule

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1 that came out before. There was a comment period. Some
2 changes were made. And then a final rule November 28.
3 MR. KENNEDY: With an implementation date of? You
4 said some things are delayed, but what's the soonest?
5 MR. EDWARDS: Well, I think --
6 MR. BALDRIDGE: The effective date of the federal
7 regulations is -- according to the Federal Register, is
8 May 30th, 2017. So that's why, as an authorized program, we
9 have to upgrade our authorization. So it's already
10 effective technically.
11 MR. EDWARDS: At the federal level, it's already
12 effective. But probably September 15th next year, when the
13 governor signs our rule change, that's when it would be
14 effective in Oklahoma.
15 So that's really good. You know, gives us more time to
16 get used to it and, you know, change documents as needed,
17 that kind of thing. Some of them are implemented farther
18 into the future, like I mentioned.
19 CHAIRMAN GRATER: Mr. Edwards, would it be
20 possible for you to, if you haven't already, put that
21 PowerPoint on the ODEQ website where we can access it?
22 MR. EDWARDS: Sure. I will.
23 CHAIRMAN GRATER: Thank you.
24 Any additional questions from the council?
25 Are there any questions regarding this matter from the

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1 public?
2 Next item would be -- do we have a motion to approve?
3 MR. GRAVES: So move.
4 MS. SLAUGHTER: Second.
5 CHAIRMAN GRATER: Ms. Fields.
6 MS. FIELDS: And I forgot to mention, for the
7 record, Mr. Anderson is absent.
8 Mr. Graves.
9 MR. GRAVES: Yes.
10 MS. FIELDS: Mr. Kennedy.
11 MR. KENNEDY: Yes.
12 MS. FIELDS: Mr. Reaves.
13 MR. REAVES: Yes.
14 MS. FIELDS: Ms. Slaughter.
15 MS. SLAUGHTER: Yes.
16 MS. FIELDS: Ms. Smith.
17 MS. SMITH: Yes.
18 MS. FIELDS: Mr. Stanfield.
19 MR. STANFIELD: Yes.
20 MS. FIELDS: Ms. Vandell.
21 MS. VANDELL: Yes.
22 MS. FIELDS: Mr. Grater.
23 CHAIRMAN GRATER: Yes.
24 MS. FIELDS: Motion passed.
25 CHAIRMAN GRATER: Next item on the agenda is

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1 presentation, discussion, and vote to approve the revocation
2 of part 17-1 through 17-6 of subchapter 17, Tax Credits
3 which are no longer supported by statute.
4 Mr. Edwards.
5 MR. EDWARDS: You just said it. There's really
6 not a whole lot else to add. Part of that subchapter was
7 previously revoked, which I wish I could tell you exactly
8 when that was. I don't remember doing that in a previous
9 rule-making so it may have been before I was involved in
10 rule-making.
11 But, anyway, the 17-1, 2, 3, 4, 5, and 6 were not
12 revoked previously, but as you mentioned, there was a
13 statutory change in 2013 that made that subchapter
14 essentially obsolete.
15 And so this is really just a housekeeping exercise
16 where we're revoking those parts of the tax credit
17 subchapter in accordance with the statutory change.
18 MR. BALDRIDGE: That created some confusion
19 because people were actually calling about tax credits and
20 the law no longer supported it.
21 MR. EDWARDS: That's all I have. Again, just a
22 housekeeping exercise for the state rules.
23 CHAIRMAN GRATER: Any questions by the council?
24 Doesn't appear to be.
25 Any questions from the public?

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1 Do we have a motion to approve?
2 MR. REAVES: Make a motion.
3 MR. GRAVES: So move.
4 CHAIRMAN GRATER: Motion's been made and approved.
5 Ms. Fields.
6 MS. FIELDS: Mr. Graves.
7 MR. GRAVES: Yes.
8 MS. FIELDS: Mr. Kennedy.
9 MR. KENNEDY: Yes.
10 MS. FIELDS: Mr. Reaves.
11 MR. REAVES: Yes.
12 MS. FIELDS: Ms. Slaughter.
13 MS. SLAUGHTER: 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 CHAIRMAN GRATER: Yes.
22 MS. FIELDS: Motion passed.
23 CHAIRMAN GRATER: Next item on the agenda is the
24 director's report.
25 Ms. Dixon.

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1 MS. DIXON: Good morning. I think I've said Hi to
2 most of you this morning. We don't normally do a director's
3 report in these HazWaste council meetings, but I think --
4 since we meet only once a year, I thought it might be a good
5 idea to sort of give you some updates on some of the things
6 that are going on in our agency.
7 As Mike mentioned, there is a lot of uncertainty in our
8 budget, both from the state perspective and the federal
9 perspective.
10 The RCRA program is in good shape right now mostly due
11 to our fees, which are statutory. I think that's a good
12 thing that they're statutory. So as long as our fee income
13 stays pretty constant and Congress doesn't do anything
14 crazy, I think we'll be in good shape. But we're just, you
15 know, watching and waiting and continuing to work as we can.
16 The rest of the agency, the biggest impact we've had
17 agency-wide is in our general revenue appropriations that
18 come from the state legislature. Our division is not --
19 doesn't get any appropriations. There's a few divisions
20 that don't.
21 But some key divisions rely on state-appropriated
22 dollars, and those have been cut for the past three years.
23 So that's in our lab, our water program, and in our local
24 services program.
25 So we're trying to, you know, become more lean and more

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1 efficient in looking at what we can do to stay afloat and
2 manage the cuts and still provide service to everybody.
3 You guys all know that we have a new EPA administrator.
4 Scott Pruitt is the EPA administrator. And there's some
5 really good things that are coming out of this. There's a
6 new -- there's several new initiatives that are going on.
7 And one of them they've labeled "Cooperative
8 Federalism," which basically means that they're trying to
9 hit -- EPA's trying to hit the reset button on how EPA works
10 and engages with the states.
11 And one of the primary focuses is where you have a
12 delegated or authorized program, the state should have the
13 primacy and should have the lead, and so there's a lot of
14 dialogue and things going on with EPA and between states to
15 identify how we can partner better, how the states can be a
16 more significant partner when it comes to EPA and especially
17 with delegated programs, how we can work together to
18 identify where there's duplications so we're not duplicating
19 efforts anymore, because EPA has to be more lean as well.
20 So we're -- I think it's going to be a good thing. I'm
21 hopeful anyway. And one of the good things that's come out
22 of that is Region VI recently has engaged with the states in
23 the region on how do they -- how do we redefine how we look
24 at enforcement and compliance.
25 And they've talked with us and we've shared some ideas

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1 and we're working to come up with sort of a new paradigm
2 that sets in stone these ideas that when the state has
3 primacy for a program, that we have more of a say in how
4 things happen.
5 And I'll give you a few examples what that might look
6 like. So EPA sometimes will come up with the -- identify
7 things that have national -- issues that have national
8 significance. And they push that out to the states and tell
9 the states, You have to do X-Y-Z, maybe look at a certain
10 sector, industrial sector or something.
11 So what we're working with Region VI on is, when EPA
12 finds these issues, instead of telling us what to do, they
13 will consult with us, and we would tell them whether we
14 believe we have that issue in Oklahoma.
15 And if we don't, we will take a pass and not do
16 something that they're doing in other states because we
17 don't have a need. That's one example.
18 Another example is enforcement approaches. We have
19 delegation, we do our inspection enforcement. EPA also will
20 sometimes do inspections in the state, and especially if
21 it's a program that if they found a violation with a
22 facility that's nationwide.
23 So we have recently started some dialogue with Region
24 VI when they identified, let's say, a nationwide program
25 with companies that had facilities in Oklahoma, that they'll

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1 work with us in Oklahoma to, instead of fighting a company
2 in a punitive way, maybe look at doing a supplemental
3 environmental project that makes sense for the violations.
4 So an example of that might be if you had a retail
5 outlet that was -- that had a paperwork violation, they
6 might have sent waste under the wrong notification status,
7 but it didn't cause any environmental harm, that might be a
8 good case where, instead of a fine, you want to do a
9 supplemental environmental project.
10 So maybe -- and we've suggested this to EPA -- instead
11 of fining a company for that kind of violation, why don't
12 you have them conduct training for other retail outlets and
13 increase compliance rates through training and education and
14 outreach.
15 And so Region VI is listening to us, paying attention
16 to us, and so we're hopeful that these kind of initiatives
17 will take hold and, I think, will be a good thing for
18 Oklahoma.
19 The other thing I wanted to talk to you guys are about
20 are some of the DEQ initiatives. And you might have heard
21 about some of these before, so these are just updates.
22 While we recently engaged in doing a strategic plan for
23 the agency, it's been many years since we've been an agency
24 and we haven't stepped back to look at what's our mission,
25 how are we doing.

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1 And you guys might have been -- might have received a
2 survey. We sent out surveys to citizens, the regulated
3 community, municipalities, and received the responses about,
4 you know, what are we doing well, what are we not doing so
5 well, what are your ideas about how we can improve.
6 And so our external affairs office is compiling this
7 information and looking at it. And we've received all of
8 the information now from the surveys, and we're going to
9 look at that in a procedural way and try to identify areas
10 that we can make changes and become more modern and more
11 responsive and improve things. So that's underway.
12 And I don't know what the timeline is on that, but I
13 think it might be another year before we're completed with
14 that process.
15 Self-certification program, we've started that in the
16 RCRA program several years ago. Ryan Kirk is now working on
17 that for our staff, and this is where we have small quantity
18 generator voluntary self-certification.
19 So that universe, as you guys know, is pretty big.
20 It's about 600 entities. And that's the universe that tends
21 to be -- you know, they're smaller companies, their
22 environmental person may also be the CEO, so they may not
23 know a lot of regulations or, even if they do, that may be
24 the first thing that goes out the window when times get
25 hard.

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1 So, you know, that's where we have a lot of problems,
2 so we're trying to do more outreach to them through this
3 voluntary self-certification program. So that's been going
4 on five years.
5 Started in '14?
6 MR. EDWARDS: Started in '14.
7 MS. DIXON: We've been a little disappointed in
8 the participation. We've tried several different things to
9 target these entities. And I think it's one of those
10 situations where we're saying, "Trust us, we're going to
11 help you help yourselves, you know, come join our program,
12 tell us that you're in compliance."
13 But they basically go through a checklist, and when
14 they finish that checklist that walks through the
15 regulations, they submit that to us and they voluntarily
16 have self-certified.
17 And we provide technical assistance and customer
18 reviews to make sure -- if they want us to, to make sure
19 that they've filled out their forms correctly.
20 But we recently, to try to enhance our outreach
21 efforts, have partnered with OSU to provide some training --
22 we've done training in Tulsa and Oklahoma City, and I think
23 we're going to repeat it again in Tulsa -- to have people
24 come in and talk about our regulations and talk about the
25 program. And I think that's been successful. We've gotten

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1 more attention because of that. It's just a one-day
2 training.
3 The other thing that we've been doing, and you guys may
4 or may not know this, but all of the administrative
5 penalties that we collect are, by statute, required to go
6 into the hazardous waste fund.
7 And that fund is restricted for specific uses that are
8 related to assisting Oklahoma in being prepared for
9 emergency response. So we are required to provide
10 assistance to communities.
11 We've historically used money from the penalty fund to
12 pay for collection of mercury from households and then bring
13 it here and have it recycled and retorted off site. And
14 recently Cliff Hoyle, who's in our risk management program,
15 that's -- basically, does Tier 3 work and he works a lot
16 with the local emergency response -- commissions? Wasn't
17 sure what that C was. Every county has one.
18 And so he -- through some outreach, we've reached out
19 and have been able to provide some monetary assistance to 18
20 county governments to purchase things like radios or gas
21 meters, things that you would need in an emergency response.
22 We also -- that was in 2017. And we also last year
23 provided mercury collection for 61 households across the
24 state.
25 The other thing that our division does, and we have

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1 several people engaged in this, is we are associated with
2 national groups like ASTSWMO and ECOS. We had people in
3 work groups, RCRA groups. Mike Stickney serves on a work
4 group.
5 And our participation in these national organizations
6 are how we have a state voice in forming national policies,
7 so we think it's really important and we're going to
8 continue to do that work.
9 And then one last thing I wanted to mention is that
10 another staff member of Mike's, Christina Coffel, she's a
11 data manager and deals with disposal plans and invoicing and
12 notifications, she's been working really hard to make some
13 improvements in how we collect and exchange data in trying
14 to automate it and streamline things.
15 We have several irons in the fire. They're not quite
16 ready for prime time, but we're working behind the scenes to
17 help streamline how we collect data, how we share data, how
18 you guys interact with us to make it more streamlined.
19 And so we're hoping that we can roll that out in the
20 next year, and we will provide training and outreach to make
21 sure that the regulated communities know what we're up to.
22 So that's about it. Thank you. I'll take questions if
23 you have any.
24 CHAIRMAN GRATER: Ms. Dixon, you referred to EPA
25 Region VI willingness to cooperate on enforcement actions

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1 and some other things.
2 Has there been any discussions regarding their role in
3 oversight for new permits? When ODEQ writes a draft and
4 it's submitted to Region VI?
5 MS. DIXON: I don't know that we've had a lot of
6 discussion about that. It's been focused primarily on the
7 enforcement and compliance section.
8 Is there a concern that you have?
9 CHAIRMAN GRATER: Just curious.
10 MS. DIXON: Okay. Well, I think there's one other
11 thing that I forgot to mention that is noteworthy, and you
12 guys may or may not know about this, but Don Hensch, who was
13 chief engineer in our RCRA permitting group for many years,
14 retired in July and we haven't yet filled the position.
15 Hillary Young, who is our chief engineer, is stepping
16 in to supervise that group right now. And we intend to fill
17 the position. So it's not currently filled, but we will be
18 working on that pretty soon.
19 So I think things are fine.
20 MS. SMITH: I have a strange request. When you
21 have the training on the different rules that you were
22 talking about in Oklahoma City, Tulsa, could we be notified
23 and possibly attend? I'd like to be better educated.
24 MS. DIXON: Absolutely. The target audience is
25 small quantity generators, but we can definitely let you

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1 know.
2 MS. SMITH: Thank you.
3 MS. DIXON: We've also talked about whether -- and
4 as Mike was making a presentation, I was wondering if
5 training on these new rules is indicated, and that's
6 something we can be looking at, and we would welcome any
7 input from you guys in terms of whether you think there's a
8 need or not. And that's something we can evaluate.
9 MS. SMITH: Thank you.
10 CHAIRMAN GRATER: Questions from the council?
11 Are there any questions regarding this matter from the
12 public?
13 The next item on the agenda is election of officers for
14 2018. Do we have nominations from the council for the
15 chairman and vice chairman positions?
16 MR. REAVES: Could I use the old, "If it ain't
17 broke, don't fix it."
18 CHAIRMAN GRATER: Are there any other comments or
19 suggestions from the -- I'm not totally sure it's not broke.
20 It may have a few squeaks.
21 No other comments?
22 MR. REAVES: I would be a lot more direct and say
23 I recommend no changes.
24 CHAIRMAN GRATER: Is there a motion?
25 MS. FIELDS: That was a motion.

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1 MR. KENNEDY: I'll second that.
2 CHAIRMAN GRATER: There's a motion and a second.
3 Ms. Fields.
4 MS. FIELDS: Mr. Graves.
5 MR. GRAVES: Yes.
6 MS. FIELDS: Mr. Kennedy.
7 MR. KENNEDY: Yes.
8 MS. FIELDS: Mr. Reaves.
9 MR. REAVES: Yes.
10 MS. FIELDS: Ms. Slaughter.
11 MS. SLAUGHTER: 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 CHAIRMAN GRATER: Yes.
20 MS. FIELDS: Motion passed.
21 CHAIRMAN GRATER: The next agenda -- or next
22 item on the agenda is meeting dates for 2018.
23 First of all, Mr. Edwards, Ms. Kelly, are there any
24 foreseeable needs on the department's forthcoming agenda
25 that would require us to set meetings?

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1 MR. EDWARDS: Other than the incorporation by
2 reference, kind of depends on what EPA does between now and
3 the end of our fiscal year. I looked at the calendar, looks
4 like October 11th kind of makes sense for 2018.
5 We don't anticipate a need for any other meetings, but
6 you never know. So I think if we do need one, makes sense
7 to communicate through email and set that up.
8 CHAIRMAN GRATER: I agree totally.
9 MR. EDWARDS: I wanted to ask, is there any
10 opposition to holding the meeting in the afternoon, say
11 2 o'clock? The reason, I went to a Water Quality meeting a
12 couple days ago, theirs was at 2 o'clock. For people that
13 have to travel, it may be better.
14 So I was just throwing that out there. We don't have
15 to change it, but if there's interest, we could, or any
16 other time for that matter.
17 MS. SMITH: I would just prefer being through
18 before rush hour traffic.
19 MR. EDWARDS: Okay.
20 MR. KENNEDY: Doesn't matter.
21 CHAIRMAN GRATER: As long as we're in and out
22 avoiding morning and evening rush hour traffic, I have no
23 preferences whatsoever. Whatever works.
24 MR. REAVES: I'm assuming that's a Thursday.
25 MR. EDWARDS: Yes, yes. The 11th.

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1 Well, on the time, I can communicate on that by email
2 too. So for now we'll just leave it at 10:00, and then
3 maybe consider changing it. Do 1:00 maybe. So, anyway,
4 we'll figure that out.
5 CHAIRMAN GRATER: So Mr. Edwards has proposed a
6 meeting on the 11th of October, time to be determined.
7 Communication by email.
8 Are there any other comments or suggestions from the
9 board?
10 There are not.
11 Do we have a motion to adjourn?
12 MR. GRAVES: So move.
13 MR. REAVES: I'll second.
14 CHAIRMAN GRATER: Ms. Fields.
15 MS. FIELDS: Mr. Graves.
16 MR. GRAVES: Yes.
17 MS. FIELDS: Mr. Kennedy.
18 MR. KENNEDY: Yes.
19 MS. FIELDS: Mr. Reaves.
20 MR. REAVES: Yes.
21 MS. FIELDS: Ms. Slaughter.
22 MS. SLAUGHTER: Yes.
23 MS. FIELDS: Ms. Smith.
24 MS. SMITH: Yes.
25 MS. FIELDS: Mr. Stanfield.

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1 MR. STANFIELD: Yes.
2 MS. FIELDS: Ms. Vandell.
3 MS. VANDELL: Yes.
4 MS. FIELDS: Mr. Grater.
5 CHAIRMAN GRATER: Yes.
6 MS. FIELDS: Motion passed.
7 CHAIRMAN GRATER: The next item on the agenda is
8 new business limited to any matter not known or which could
9 not have reasonably been foreseen prior to the time of
10 posting of the agenda, which was 24 hours prior.
11 Is there any such new business?
12 Does not appear to be.
13 That concludes the scheduled agenda for the Hazardous
14 Waste Advisory Council.
15 Do we have a motion to adjourn?
16 MR. GRAVES: So move.
17 MS. SMITH: Second.
18 CHAIRMAN GRATER: We have a second.
19 MS. FIELDS: Mr. Graves.
20 MR. GRAVES: Yes.
21 MS. FIELDS: Mr. Kennedy.
22 MR. KENNEDY: Yes.
23 MS. FIELDS: Mr. Reaves.
24 MR. REAVES: Yes.
25 MS. FIELDS: Ms. Slaughter.

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1 MS. SLAUGHTER: Yes.
2 MS. FIELDS: Ms. Smith.
3 MS. SMITH: Yes.
4 MS. FIELDS: Mr. Stanfield.
5 MR. STANFIELD: Yes.
6 MS. FIELDS: Ms. Vandell.
7 MS. VANDELL: Yes.
8 MS. FIELDS: Mr. Grater.
9 CHAIRMAN GRATER: Yes.
10 MS. FIELDS: Motion passed.
11 CHAIRMAN GRATER: The meeting is formally
12 adjourned.
13 (Proceedings adjourned 10:50 a.m.)
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1 STATE OF OKLAHOMA
2 DEPARTMENT OF ENVIRONMENTAL QUALITY
3 STATE OF OKLAHOMA)
4) ss
5 COUNTY OF OKLAHOMA)
6
7 CERTIFICATE
8 I, DEBRA GARVER, a Certified Shorthand Reporter within
9 and for the State of Oklahoma, certify that the foregoing
10 proceedings were taken by me in stenotype and thereafter
11 transcribed by computer and the same is a true and correct
12 transcript of the record taken on October 12, 2017, in
13 Oklahoma City, Oklahoma; that I am not an attorney for or a
14 relative of any party, or otherwise interested in this
15 action.
16 Witness my hand and seal of office on this the 16th day
17 of October 2015.
18
19
20 DEBRA GARVER, CSR, RPR
21 State of Oklahoma CSR# 1370
22 Certificate exp. 12/31/17
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STATE OF OKLAHOMA

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA)

) ss

COUNTY OF OKLAHOMA)

C E R T I F I C A T E

I, DEBRA GARVER, a Certified Shorthand Reporter within and for the State of Oklahoma, certify that the foregoing proceedings were taken by me in stenotype and thereafter transcribed by computer and the same is a true and correct transcript of the record taken on October 12, 2017, in Oklahoma City, Oklahoma; that I am not an attorney for or a relative of any party, or otherwise interested in this action.

Witness my hand and seal of office on this the 16th day of October 2015.



DEBRA GARVER, CSR, RPR
State of Oklahoma CSR# 1370
Certificate exp. 12/31/17



HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL

Attendance Record

October 12, 2017

Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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