

**DRAFT MINUTES**  
**Solid Waste Management Advisory Council**  
**January 20, 2022 Regular Meeting**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City, Oklahoma**

**Official SWMAC Approval**  
**at April 14, 2022 meeting**

**Notice of Public Meeting** - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on January 20, 2022, 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 November 3, 2021. 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. Jim Linn called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present. Mr. Shepherd, Chair and Ms. Merchant, Vice-Chair was absent so Mr. Linn chaired the meeting.

**MEMBERS PRESENT**

Todd Adcock  
 Robert Joyce  
 Jim Linn  
 Jody Reinhart  
 April Sacha  
 Christopher Schaefer

**DEQ STAFF PRESENT**

Kelly Dixon  
 Kole Kennedy  
 Patrick Riley  
 Karen Jayne  
 Michele Woods  
 David Cates  
 Cindy Hailles  
 Clifton Hoyle  
 Pam Dizikes  
 Kaylee Shippet  
 Michelle Wynn  
 Quiana Fields

**MEMBERS ABSENT**

Rodney Cleveland  
 Brenda Merchant  
 Greg Phillips  
 Jeff Shepherd

**OTHERS PRESENT**

Brenda Plumbtree, Court Reporter

**Approval of the Minutes for the September 9, 2021 Solid Waste Management Advisory Council Meeting** – Mr. Joyce moved approval of the September 9, 2021 Minutes and Mr. Adcock made the second.

*See transcript pages 4 – 5*

**Roll Call**

Todd Adcock	Yes	Jody Reinhart	Yes
Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Christopher Schaefer	Yes

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

*See transcript pages 5 – 10*

**Discussion of proposed changes to Chapter 515 Management of Solid Waste** – Ms. Kaylee Shippet, Engineer Intern of the LPD stated that the DEQ is proposing to revise OAC 252:515 in response to Governor Stitt’s Executive Order 2020-03. The Department is proposing by roll call vote to amend OAC 252:515 to remove redundant and outdated regulations and make minor

changes to clarify existing language. Hearing no questions and comments by the Council and none by the public, Mr. Linn called for a motion. Ms. Reinhart moved to approve the changes and Ms. Sacha made the second.

*See transcript pages 10 – 17*

<b>Roll Call</b>			
Todd Adcock	Yes	Jody Reinhart	Yes
Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Christopher Schaefer	Yes

**Discussion of proposed changes to Chapter 515 Management of Solid Waste to include new regulations specific to the disposal of Per- and polyfluoroalkyl substances (PFAS) –** Mr. Riley stated that the continued discussion on the Department’s proposal to amend OAC 252:515 to include new rules applicable to the disposal of certain types of PFAS waste. A verbal report and written summary will be provided summarizing the November 3, 2021 PFAS work group meeting. Following questions and comments by the Council and none by the public, this item was for discussion and informational purposes only and no action was taken.

*See transcript pages 17 – 37*

**Public Forum –** No public issues were raised.

**New Business –** None

**Adjournment –** Mr. Linn called for a motion to adjourn the meeting. Mr. Adcock moved to adjourn and Ms. Reinhart made the second. The meeting was adjourned at 9:55 a.m.

*See transcript pages 37 – 38*

<b>Roll Call</b>			
Todd Adcock	Yes	Jody Reinhart	Yes
Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Christopher Schaefer	Yes

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

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT ADVISORY COUNCIL

JANUARY 20th, 2022 at 9:00 A.M.

DEQ BUILDING  
707 NORTH ROBINSON, 1ST FLOOR  
MULTI-PURPOSE ROOM  
OKLAHOMA CITY, OKLAHOMA 73012

REPORTED BY: BRENDA PLUMBTREE, CSR

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1 COUNCIL MEMBERS PRESENT  
2 Mr. Jim Linn  
Mr. Todd Adcock  
3 Mr. Robert Joyce  
Ms. Jody Reinhart  
4 Ms. April Sacha  
Mr. Christopher Schaefer  
5  
6 ABSENT COUNCIL MEMBERS  
7 Mr. Jeff Shepherd - Chair  
Mr. Rodney Cleveland  
Ms. Brenda Merchant  
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1 MR. LINN: Morning, ladies and gentlemen.  
2 We'll call the meeting to order today. I'm standing  
3 in for Mr. Shepherd and Ms. Merchant, our chair and  
4 vice chair. So, be gentle and we'll get through it  
5 together. So good morning.  
6 We will -- I'll read the protocol statement  
7 first. This January 20, 2022 regular meeting of the  
8 Solid Waste Management Advisory Council was called  
9 in accordance with the Open Meeting Act.  
10 Notice was filed with the Secretary of State on  
11 November 3, 2021. The agenda was duly posted on the  
12 doors of the DEQ, 707 North Robinson, Oklahoma City,  
13 Oklahoma at least 24 hours prior to the meeting.  
14 Only matters appearing on the posted agenda may  
15 be considered at this regular meeting. In the event  
16 that this meeting is continued or reconvened, public  
17 notice of the date, time, and place of the continued  
18 meeting will be given by announcement at this  
19 meeting. Only matters appearing on the agenda of a  
20 meeting, which is continued, may be discussed at the  
21 continued or reconvened meeting.  
22 And with that, I'll turn it over to Ms. Fields  
23 for roll call.  
24 MS. FIELDS: Mr. Adcock.  
25 MR. ADCOCK: Here.

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1 MS. FIELDS: Mr. Cleveland is absent.  
2 Mr. Joyce.  
3 MR. JOYCE: Here.  
4 MS. FIELDS: Mr. Linn.  
5 MR. LINN: Here.  
6 MS. FIELDS: Ms. Merchant is absent.  
7 Mr. Phillips is absent. Ms. Reinhart.  
8 MS. REINHART: Present.  
9 MS. FIELDS: Ms. Sacha.  
10 MS. SACHA: Here.  
11 MS. FIELDS: Mr. Schaefer.  
12 MR. SCHAEFER: Here.  
13 MS. FIELDS: Mr. Shepherd is absent. We  
14 have a quorum.  
15 MR. LINN: Thank you, ma'am. And with that  
16 we'll move to Item 3, approval of the minutes for  
17 the September 9, 2021 Solid Waste Management  
18 Advisory Council meeting. And do we have a motion  
19 to approve? Is that required at this point?  
20 MS. FIELDS: Yes.  
21 MR. LINN: Okay. Do I have a motion to  
22 approve those minutes?  
23 MR. JOYCE: So moved.  
24 MR. ADCOCK: Second.  
25 MR. LINN: Thank you. Hearing a move and a

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1 second we'll call roll, Ms. Fields.  
2 MS. FIELDS: Mr. Adcock.  
3 MR. ADCOCK: Yes.  
4 MS. FIELDS: Mr. Joyce.  
5 MR. JOYCE: Yes.  
6 MS. FIELDS: Mr. Linn.  
7 MR. LINN: Yes.  
8 MS. FIELDS: Ms. Reinhart.  
9 MS. REINHART: Yes.  
10 MS. FIELDS: Ms. Sacha.  
11 MS. SACHA: Yes.  
12 MS. FIELDS: Mr. Schaefer.  
13 MR. SCHAEFER: Yes.  
14 MS. FIELDS: Motion passed.  
15 MR. LINN: Very well. We'll move to  
16 Item 4, Director's Report.  
17 MR. RILEY: Thank you. So typically at  
18 this time in the council meetings we share a little  
19 bit about what's happening in the division or in the  
20 agency in general that may be of interest to you  
21 all. Our director of land protection, Kelly Dixon,  
22 I don't believe I saw her come in.  
23 MS. DIXON: I'm here.  
24 MR. RILEY: Oh, she's here. I usually give  
25 her first right of refusal to provide any comments.

<p style="text-align: right;">Page 6</p> <p>1 And I have not heard that she wants to make any 2 comments. So, I will go ahead and jump in. 3 First of all I'll share something that is new 4 that you'll have at your spots today. The "DEQ 5 Board and Councils" magazine that our office of 6 communications put together. Since you can't tell 7 the players without a program, this is a valuable 8 tool to figure out what's going on. 9 I'll point out just a couple of things. If you 10 open up the -- open up to the first page, this 11 little black and white photo showing staff of DEQ 12 back at its inception in 1993. There are some faces 13 in there that you may not recognize, but are still 14 at the agency and may even be in this room. But you 15 might take your time and look through that and 16 identify some of those folks. 17 The other thing I want to point out. This 18 magazine lists the boards and councils and the areas 19 of expertise and who appoints various council 20 members. So you may find that interesting. 21 I'll use this to talk about some changes that 22 have happened in our executive director's office. 23 On Page 14 it kind of lays out the organization of 24 the executive director's office. And the office of 25 external affairs has been changed somewhat to</p>	<p style="text-align: right;">Page 7</p> <p>1 include some new functions and roles. The office of 2 regulatory affairs is now a separate office led by 3 Lloyd Kirk focusing on permit assistance and 4 technical assistance focused on businesses and 5 assisting businesses. 6 And then the office of continuous improvement is 7 a new office. And Skylar McElhaneey directs that 8 office. And that's focused on policy improvements 9 and process improvements agency wide with a focus on 10 improving operational efficiency and customer 11 service. So that's a couple of changes there. 12 But my understanding is this will be updated 13 every so often. And when it is we'll provide you 14 copies of it just to keep you in the know. 15 Since we're talking about continuous 16 improvements. And one of the things that DEQ as an 17 agency as developed is a five-year strategic plan to 18 improve efficiency. And one of the things that the 19 divisions have been asked to do is to develop 20 process improvements at the staff level, at the 21 divisional level, and see how we can improve things. 22 And one of those improvements -- or I'll point 23 out a couple today. One of them is the agenda that 24 you received this time around. The way we 25 distribute the packet was different. The room is</p>
<p style="text-align: right;">Page 8</p> <p>1 set up differently, and you'll notice that we have 2 the -- all the documents are going to be projected. 3 And the focus of that is to reduce the amount of 4 paper generated. 5 And I'm curious to know how that worked out for 6 you. With the QR code on the agenda, were you able 7 to access the documents without too much difficulty? 8 MS. REINHART: Yeah. I mean, it worked 9 perfectly. 10 MR. RILEY: Great. That's good. You know 11 I have a tendency to rely on paper and hard copy of 12 things. It's going to be one of my goals to kind of 13 move away from that. And as an example the council 14 packet that we have this time around includes about 15 50 pages if you print it out. We typically produce 16 at least 10 copies for the public that may or may 17 not show up. 18 So, you know, at 50 pages per packet and 19 10 packets, that's a ream of paper. So, this time 20 around this is the paper that we saved by not 21 printing those packets for the public. And for 22 members of the public, if you have problems 23 accessing the documents, let us know and we can 24 certainly accommodate you. But it's our goal to 25 reduce waste, save money, and operate more</p>	<p style="text-align: right;">Page 9</p> <p>1 efficiently. 2 Another example of a process improvement relates 3 to solid waste tonnage and fees. So we are working 4 now on an electronic reporting system that will 5 allow disposal facilities to report tonnage and pay 6 their associate tonnage fees on line, rather than 7 send in a written report that then has to be 8 transcribed into a database at DEQ. This will 9 improve the speed at which those invoices are 10 processed, payments are reduced. It will reduce 11 transcription errors and kind of bring us into the 12 modern age. 13 So those are just a couple of examples of 14 process improvements we have going on right now. 15 Other things to point out that are happening, 16 there's a SWANA conference, Solid Waste Association 17 of North America, coming up March 29th through the 18 31st. 19 The 29th will be the day that DEQ hosts in 20 conjunction with SWANA the annual Waste Exclusion 21 Plan Training, which is required of all disposal 22 facilities. So it will be held in Midwest City. 23 Right now it's scheduled to be held in person. And 24 that annual training will be provided then. 25 Another update, Coal Combustion Residuals,</p>

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1 something the council has been involved in seems  
2 like every council meeting for the last six years or  
3 so. Just an update on that. We are -- DEQ is  
4 continuing to work toward program re-authorization.  
5 As you know the last time you voted on formal rules  
6 you voted to amend our CCR rules to make them  
7 consistent with federal rules. So they would remain  
8 as protective. It is our obligation then to seek  
9 re-authorization from EPA to continue that program.  
10 So we're working on that.

11 EPA is also being sued for Oklahoma's approval  
12 of the Coal Ash Program. And oral arguments were  
13 heard yesterday at the DC Court of Appeals. And  
14 we'll see what emerges from that. But we're  
15 confident that EPA made their decision correctly.  
16 But we'll keep you updated on that.

17 Any questions on anything that I've talked  
18 about? That concludes my report. We can move to  
19 the next agenda item.

20 MR. LINN: All right. Thanks, Patrick.  
21 Looks like Item 5 is a public rule making hearing.  
22 It reads, "Discussion of proposed changes to  
23 Chapter 515, Management of Solid Waste. The  
24 Department of Environmental Quality is proposing to  
25 revise OAC 252:515 in response to Governor Stitt's

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1 effective date of this chapter. So, that's outdated  
2 and no longer necessary.

3 And then next is under Groundwater  
4 Monitoring/Corrective Action, Background Water  
5 Quality. And this is something that we presented in  
6 September. And the council asked us to revisit  
7 this. So this is a little different from what we  
8 presented in September under B. Under A we're  
9 proposing to strike that, because it refers to 1994  
10 and sampled quarterly for two full years. So that  
11 has passed.

12 And under B, we are proposing to add at least,  
13 and be consistent with the appropriate statistical  
14 procedures and performance standards in the facility  
15 statistical analysis plan in 9-52 of this sub, to  
16 determine background water quality. This is to be  
17 consistent with federal rules and to provide  
18 clarity.

19 Next is under C. It's that same language as in  
20 B for consistency with the federal rules.

21 Does anyone have any questions? Okay.

22 And then next is under Assessment Monitoring.  
23 We are also adding that same language for  
24 consistency. And adding some more language for  
25 clarity. Because previously it read that, at each

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1 Executive Order 2020-03. The Department is  
2 proposing by roll call vote to amend OAC 252:515 to  
3 remove redundant and outdated regulations and make  
4 minor changes to clarify existing language."

5 Looks like we have a presentation by Kaylee.  
6 MS. SHIPLET: Good morning everyone. Can  
7 you hear me? So just as a refresher, during the  
8 July and September meetings we presented some rule  
9 changes. Rules that are duplicative or outdated or  
10 rules we want to refine for more clarity. And today  
11 we are presenting them for a formal vote.

12 Jeff should be controlling it on the projector  
13 and all the relative documents should be in the  
14 packet.

15 So the first change we have is in the definition  
16 section. It's under Areas Susceptible to Mass  
17 Movement. That's just a spelling error we noticed.  
18 So we're proposing to fix that.

19 And then next under the definition section is  
20 the definition of used tire. We're proposing to  
21 strike that, because it's already been covered in  
22 another subsection.

23 And then next is 252:515-1-8 Special  
24 Considerations. And we're proposing to strike these  
25 because it refers to within 180 days of the

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1 sampling event you would need to take four samples  
2 at each well. And that's not what we want. So  
3 we're providing clarity to that. And then we also  
4 are proposing to add in parenthesis, unless already  
5 established. Because this is assessment monitoring,  
6 so some constituents may already have background  
7 established.

8 And then next is under C1. We are proposing to  
9 strike that EPA reference, because it is outdated.  
10 And so we're proposing to change it to specified in  
11 the most recent health-based levels publication by  
12 the EPA to keep it updated.

13 And then next is under Leachate Management. And  
14 so we are fixing this formatting for clarity and  
15 adding a double-walled system with leak detection,  
16 because this is something that we allow. So we want  
17 to be clear on that.

18 And then at B we are also proposing to strike an  
19 outdated reference and change it to keep it updated  
20 to the most recent requirements for underground  
21 storage tank systems published by the Oklahoma  
22 Corporation Commission. And then in C, the change  
23 there is to reflect the changes in A.

24 The next change is under Stormwater Management,  
25 17-3, B2. We're proposing to strike 2. It's

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1 unnecessary because an OPDES permit should be  
2 already included in the SWPPP. And then under  
3 19-50, Slope Limits, we are proposing to strike that  
4 last sentence that tells you what will happen if you  
5 don't comply with that rule. It's not really  
6 necessary. If it's included there, then it can be  
7 included in all the rules if you don't comply with  
8 that rule what would happen.  
9 And then in Part 13, Wheel Washes, we are  
10 proposing to strike all of this language, because  
11 there is no longer wheel wash funding, so it's no  
12 longer necessary.  
13 And then same thing with 21-72, ineligible for  
14 compensation -- I'm sorry, I got ahead of myself.  
15 We're proposing to change in B2 that reference from  
16 B to C to fix that. And then in 21-74 we're  
17 proposing to strike that, because there is no longer  
18 funding, so it's no longer necessary.  
19 And then in Subchapter 23, Regulated Medical  
20 Waste Management, under B, Acceptable Waste, we're  
21 proposing to add abandon, unless otherwise approved  
22 by DEQ, because we do have medical waste facilities  
23 that take medical marijuana waste and pharmaceutical  
24 waste. So we just want to reflect that in our  
25 rules.

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1 April 1st to April 9th changes.  
2 Are there any questions?  
3 MR. LINN: Okay. Thank you Kaylee.  
4 Questions and discussion by council on these  
5 changes. Anyone have anything? Okay. Questions  
6 and discussions by the public. All right.  
7 Discussion and possible actions by the council. So  
8 are we ready for a motion?  
9 MS. REINHART: I make the motion that we  
10 approve the changes that the group has proposed in  
11 Chapter 515, Management of Solid Waste, as described  
12 in the packet.  
13 MR. LINN: Do I have a second?  
14 MS. SACHA: I'll second.  
15 MR. LINN: Okay.  
16 MS. FIELDS: Mr. Adcock.  
17 MR. ADCOCK: Yes.  
18 MS. FIELDS: Mr. Joyce.  
19 MR. JOYCE: Yes.  
20 MS. FIELDS: Mr. Linn.  
21 MR. LINN: Yes.  
22 MS. FIELDS: Ms. Reinhart.  
23 MS. REINHART: Yes.  
24 MS. FIELDS: Ms. Sacha.  
25 MS. SACHA: Yes.

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1 And then the next change we have is under  
2 Closure and Post-Closure Care, Post-Closure. Under  
3 25-54-2 we're proposing to change April 1st to  
4 April 9th. There's a rule later on that states to  
5 change all the dates and the rules from April 1st to  
6 April 9th. So we're going to propose to strike that  
7 and just fix the references. So this is one of  
8 those.  
9 And then the next is the rule I was just  
10 referring to, 27-4 B. We're just going to strike  
11 that and fix all of the references. And next under  
12 27-8, Economic Life of Disposal Facility, C, that is  
13 also one of those references we're proposing to  
14 change.  
15 Next under Cost Estimates, 27-34, also one of  
16 those references we're proposing to change from  
17 April 1st to April 9th.  
18 And then next we have Roofing Material  
19 Recycling. All of these rules that we're proposing  
20 to strike are duplicative. They're already covered  
21 in a different section, so they are unnecessary  
22 here.  
23 And then next under the fourth tab are the  
24 appendices. And nothing is changing in the  
25 appendices besides the footnotes to reflect the

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1 MS. FIELDS: Mr. Schaefer.  
2 MR. SCHAEFER: Yes.  
3 MS. FIELDS: Motion passed.  
4 MR. LINN: Thank you, Ms. Fields. Item 6  
5 is a discussion of proposed changes to Chapter 515,  
6 Management of Solid Waste to include new regulations  
7 specific to the disposal of Per- and polyfluoroalkyl  
8 substances, (PFAS). Continued discussion on the  
9 Department's proposal to amend OAC 252:515 to  
10 include new rules applicable to the disposal of  
11 certain types of PFAS waste. A verbal report and  
12 written summary will be provided summarizing the  
13 November 3, 2021 PFAS workgroup meeting. It shows  
14 an introduction by DEQ.  
15 MR. RILEY: Thanks. So we thought we had  
16 fun with CCR, PFAS came along. So as you know we've  
17 talked about PFAS the last couple of -- at least the  
18 last couple of council meetings. And we proposed  
19 some rule making. The rule making was proposed  
20 early last year in response to some legislative -- a  
21 legislative intent to pass a statute relating to the  
22 PFAS regulation in Oklahoma, PFAS waste regulation.  
23 So -- and obviously it is a big topic and  
24 complicated issue. And because it was so cumbersome  
25 the council suggested that we have some additional

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1 meetings outside the routine council meetings to  
2 discuss what the rules might look like and to engage  
3 in conversation with some stakeholders and work  
4 through some of the nuances and some of the  
5 obstacles that would relate to passing some rules,  
6 which we did.  
7 So we had one workshop meeting back in August.  
8 And then we had another one in November. So, what  
9 we'd like to do today is present, and we have  
10 presented in your packets, a written summary, some  
11 bullet points, of what the major discussion involved  
12 at the November workshop meeting.  
13 But before we talk about that, I think that we  
14 need to also talk about what's going on with  
15 legislation this session. So last session the  
16 legislative initiative did not make it out of  
17 committee and was not -- did not move pass  
18 committee. So nothing happened.  
19 The legislation has been that that initiative  
20 has been renewed this year. So in -- I think today  
21 is the deadline for filing. So there will be a bill  
22 filed today to regulate PFAS waste in Oklahoma.  
23 Because that legislation directs us as a council  
24 to promulgate rules, I think that what we need to do  
25 is watch how that legislation progresses this

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1 solid waste, but to focus on those types of waste  
2 that contain PFAS at high enough concentrations that  
3 disposal is not routine. And as such, you know, we  
4 feel that it's important that we establish some  
5 criteria for effective and safe disposal.  
6 The other thing that -- and that's what the  
7 legislation intends to do. It also intends to make  
8 sure that generators bear some responsibility for  
9 the management of PFAS waste. If something should  
10 happen and a release occurs or an impact to systems  
11 or communities would happen.  
12 And the legislation does not -- does not want to  
13 impact the ability of landfills to dispose of the  
14 waste should they want to do that. But simply  
15 require them to demonstrate that they can do it in a  
16 safe manner.  
17 In all this is to say, you know, Oklahoma has an  
18 abundance of disposal capacity. Disposal in  
19 Oklahoma is very economical. And absent any  
20 criteria for managing this waste in the context of  
21 other states and federal initiatives to tighten the  
22 disposal or tighten the regulation of these  
23 compounds, we think Oklahoma is at risk to becoming  
24 a dumping ground for the nation, which we want to  
25 avoid.

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1 session and use that to inform our next steps with  
2 rule making.  
3 Just some background. We know that these  
4 synthetic organic compounds are forever chemicals.  
5 There are over 6,000 of them. They don't degrade.  
6 They're known as forever chemicals for that reason.  
7 They tend to bioaccumulate.  
8 On the science related to the risk and adverse  
9 health effects, that the fate and transport of these  
10 compounds and the treatment technology is still  
11 emerging.  
12 But what we do know for sure is that PFAS  
13 compounds have quickly become the focus of many  
14 states and federal environmental regulation, risk  
15 assessment, and health advisories, and additional  
16 regulations are anticipated.  
17 US EPA published a PFAS action plan last year.  
18 And this year published a strategic roadmap to  
19 follow an aggressive regulatory approach to these  
20 compounds.  
21 So that is -- that is why DEQ is pursuing or why  
22 legislation is being proposed. What we know about  
23 the draft legislation so far is that it -- the  
24 intent, and we've talked about this before. The  
25 intent is not to impact the management of routine

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1 If we can accept all of that waste in a safe  
2 way, then, sure, let's do that. But in order to  
3 make that happen we think we need to have some  
4 controls. So that's what the legislative intent is.  
5 And that's what then will lead to rule making on  
6 behalf of the DEQ with this council's help.  
7 So that being said, we look back at some of the  
8 discussion that we had in November's workshop  
9 meeting. And I believe, Mr. Joyce, you participated  
10 in that?  
11 MR. JOYCE: I did.  
12 MR. RILEY: And Brenda Merchant, I think,  
13 was the other council member that participated, if  
14 I'm remembering that correctly. Unfortunately she's  
15 not here. But, Mr. Joyce, I would encourage you to  
16 jump in and share your thoughts on how this went.  
17 The -- behind the Tab No. 6 in your packet we  
18 have the written summary. But we talked -- we used  
19 some draft rules, kind of a framework for our  
20 discussion. But the majority of the discussion has  
21 always been a focus on how do we define this high  
22 concentration waste. And that high concentration  
23 waste has been a difficult thing to wrap our minds  
24 around and define. Because there aren't set  
25 criteria. As we said, that science is emerging



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1 around these compounds. There's 6,000 different  
2 compounds at least. So it's difficult to describe.  
3 So we spent a lot of time talking about that,  
4 about how to define that. I'm not sure that we  
5 arrived at a final. So we're continuing to wrestle  
6 with that. And I anticipate that we will continue  
7 to do that, as well.  
8 We talked a lot about groundwater monitoring and  
9 the benefit that that would provide in either a  
10 routine sampling requirement or if it would be  
11 beneficial to do it only in instances when releases  
12 were expected. And I think what we arrived at was  
13 that routine monitoring for PFAS at disposal  
14 facilities would not be effective.  
15 But that if there were indications that were  
16 released that we would have the ability to go in and  
17 look for specific compounds at that time. So, in  
18 the event assessment monitoring was triggered, for  
19 instance, then we would have the ability to go in  
20 and look at or look for the potential occurrence of  
21 PFAS compounds.  
22 And, again, that -- you know, we talked broadly  
23 about things. I really appreciate the diverse  
24 expertise of the participants. And we had college  
25 professors, we had attorneys, we had engineers, and

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1 And then we can -- I'd like to hear your thoughts on  
2 what and when we should proceed with any future rule  
3 making, in light of the legislative attempt that's  
4 going on.  
5 So I'll stop talking and let others jump in.  
6 MR. LINN: Thanks, Patrick. Do we have --  
7 Mr. Joyce, I guess, do you have anything, any  
8 thoughts or comments to add relative to the summary  
9 of the workgroup's findings?  
10 MR. JOYCE: No, I think the summary is  
11 really good and kind of captures what we were  
12 discussing at the meetings. And my feeling walking  
13 out was we raised more questions than we did -- than  
14 answering. So, you know, it was a good first step  
15 for us to kind of get our thoughts focused. And I  
16 think you've done that here in the summary.  
17 And, you know, as far as going forward from  
18 here, you know, I think obviously we're going to  
19 have to see what the legislation looks like and  
20 if -- what we think the chances are it's going to be  
21 passed. I think we had some really good comments  
22 during the meeting from the landfill operators and  
23 how they viewed the whole situation.  
24 I think we're going to need more industry,  
25 public comment to kind of help us focus our thoughts

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1 groundwater people, and landfill operators. So the  
2 unique perspective that gave us kind of a broad look  
3 at things. But, again, as far as coming down to  
4 specific rules, we didn't get there. And that's why  
5 we didn't present any draft rules today.  
6 So we talked about groundwater. We talked about  
7 definitions. We talked about what it would look  
8 like to have a demonstration of safe disposal. And,  
9 again, it was a broad discussion and I don't know  
10 that we came to any conclusions.  
11 And we also talked about financial assurance,  
12 which is one of the things that is in the draft  
13 legislation, and we'll have to at some point address  
14 in the rules, is that we need to insure that there  
15 is adequate financial assurance for facilities that  
16 choose to accept this kind of waste. And if there  
17 are facilities that are already required to have  
18 financial assurance, that may be sufficient. If  
19 they are different types of facilities that were not  
20 required to have financial assurance before, we'll  
21 have to look at some kind of mechanism for that. So  
22 that's something that we'll do.  
23 And that is about it as far as the discussion.  
24 And, again, I would -- we can talk about that some  
25 more and talk about any of those items specifically.

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1 on how this should be regulated. And what we should  
2 be looking at in a way to handle these materials.  
3 You know, that's my short -- short summary of the  
4 meeting and where I think we ought to go.  
5 I mean, I'm sure you guys are probably rolling  
6 ideas around in your head about the rule making.  
7 And, you know, I don't know how -- if those thoughts  
8 have changed any since the last time you presented a  
9 proposed rule. I don't know if that developed at  
10 all in light of the meetings.  
11 MR. RILEY: I think the meetings have been  
12 particularly helpful in understanding the path  
13 forward for groundwater monitoring. Although we  
14 don't have a final idea of what rules would look  
15 like. I think it solidified some of the -- some of  
16 our understanding of what might and might not work.  
17 For sure the outcome of the legislation is going to  
18 be very impactful on what we do with the rules.  
19 I mean, the legislation could -- there's so many  
20 different things that could happen. It could die.  
21 It could pass as is or it could pass in an amended  
22 form. So -- and any of those outcomes will impact  
23 what direction our rules will take.  
24 I would anticipate that if the legislation  
25 ultimately does not pass or move forward, that we

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1 will still pursue some type of rule making, absent  
2 the legislation. And what that would look like,  
3 we'll have to work together to come up with  
4 something.

5 So, I mean, I think, you know, the last time we  
6 met we asked about if the council would be in favor  
7 of having another workshop meeting before the next  
8 council meeting, and you were. At this point I  
9 think what I would recommend is just waiting to see  
10 with that legislation. And when the session wraps  
11 up in May, then after that it may make sense then to  
12 have another workshop meeting.

13 So, at our next regularly scheduled council  
14 meeting in April, which we may or may not have  
15 anything to talk about, if we do we can make some  
16 decisions. We'll have a better idea then. Or we  
17 might wait until the next meeting in July. But that  
18 would be my recommendation.

19 And there may -- there are some folks in the  
20 audience, too, I think, that attended and  
21 participated in the workshop meeting. So if they  
22 have comments I would welcome those, as well.

23 MR. JOYCE: Absolutely.

24 MR. ADCOCK: Patrick, you kind of answered  
25 one of my questions, was the legislative timeline.

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1 back.

2 MR. RILEY: Right.

3 MR. ADCOCK: So if it's going to be hard to  
4 give a number of what that threshold is, why are we  
5 doing it? We keep coming back to that over and  
6 over. And I think if we say we're going to do it  
7 for groundwater, we're going to run into that same  
8 problem on, you know, what's a safe number to -- for  
9 testing. And, I mean, no one has ever given an  
10 answer to that. And I think we're going to run into  
11 that again.

12 MR. RILEY: I suspect that you're right.  
13 You know, we don't have -- we've talked about  
14 concentrations, concentrations of waste,  
15 concentrations of water, health advisories. We're  
16 beginning to see some states come out with some  
17 health advisory recommendations. And the EPA. As  
18 well.

19 I suspect that will continue to evolve. And  
20 that may help us -- help inform our decision moving  
21 forward. But I think we're a ways away from setting  
22 a number. And I'm with you, you know, I hate to set  
23 something in rule as a number that then we have  
24 to -- we either overshoot or undershoot and we have to  
25 go back and change it and then explain why. So --

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1 I mean, so we're looking at -- if they do anything  
2 this session we're looking at a year before rule  
3 making is really kind of voted on.

4 MR. RILEY: Right. So, let's say we know  
5 what's going to happen. We'll know the fate of the  
6 legislation this summer. If we were -- if we were  
7 particularly agile we could come up with rules to  
8 present in July and then vote on them in September.  
9 Or maybe have them in September and vote on them in  
10 January. And then we could have -- and then they  
11 would go through the same session.

12 But, yeah, you're right, we're looking at --  
13 it's at least a year down the road.

14 MR. ADCOCK: Okay. My other question was  
15 on groundwater, which I didn't make the second  
16 meeting, but I was in the first. And we had talked  
17 about the groundwater. And I agree that if -- I  
18 don't think you specifically test for PFAS unless  
19 you think there's been a breach.

20 But let's say that you do -- something happens  
21 and you think, okay, we need to test. If it's a  
22 forever chemical it's in everything. What exactly  
23 are -- is there a threshold we're looking for?

24 Again, everybody is scared to give a number, because  
25 once you give a number it's hard to take that number

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1 MR. ADCOCK: It's hard to put the  
2 toothpaste back in the tube.

3 MR. RILEY: Yeah. Yeah, you're right. I  
4 mean, we want to be -- trying to figure out where we  
5 want to position ourselves. And we don't want to  
6 get too far out in front of science, obviously. But  
7 we don't want to get too far behind the curve of  
8 this massive wave of waste that may come blowing  
9 into Oklahoma unregulated. I mean, that's kind of  
10 how we're thinking of it.

11 So it's a challenge. So I'm glad that we have  
12 the talented members of council that we do that are  
13 up to the task.

14 MR. ADCOCK: I have another question. On  
15 the financial assurance on -- does it make sense to  
16 increase financial assurance for facilities that  
17 accept PFAS? Now, is that for specific -- like AFFF  
18 waste? Is that -- will there be a -- a checklist or  
19 definition of what is -- what type of PFAS waste is  
20 going to be required for additional financial  
21 assurance?

22 MR. RILEY: I think that's something we  
23 have to flush out in the rules. And I think it may  
24 be waste specific. It may be disposal type specific  
25 or storage. You know, if a facility wants to set up

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1 a series of frac tanks in which they store AFFF for  
2 disposal, for bulking and disposal, you know, that's  
3 a -- kind of a scary scenario that we might want to  
4 have financial assurance for. Versus someone that's  
5 just taking a very limited amount of something that  
6 falls into the -- whatever we define as PFAS waste.  
7 MR. ADCOCK: But if you're -- you're just  
8 a, you know, little old landfill in rural Oklahoma  
9 and you're just taking MSW and C&D, and it's in  
10 everything, you're not changing -- you're not  
11 accepting anything special. That shouldn't trigger  
12 any additional financial assurance if it's just  
13 regular MSW?  
14 MR. RILEY: Correct. That would be our  
15 intent. And our intent would be only to manage --  
16 you know, all the things that we're talking about,  
17 we're talking about PFAS waste being a unique  
18 non-routine waste stream. And -- and what we want  
19 to avoid is somehow sweeping into the conversation  
20 the routine MSW waste or commercial waste, which we  
21 know contains -- is going to contain some PFAS.  
22 But where we draw that line and make the  
23 demarcation between routine waste that contains PFAS  
24 in high concentration or concerning PFAS waste, you  
25 know, that's always been our challenge. But, yeah,

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1 MS. REINHART: So, I guess my question is  
2 that if you've been a landfill, you've been  
3 accepting, because it was never even thought of as  
4 waste in the past and you accepted it, so how would  
5 that be dealt with. Because it's going to show up,  
6 you know. That's the big question I have.  
7 MR. RILEY: Uh-huh. No, I agree. We'll  
8 have to figure that out.  
9 MR. JOYCE: Well, that will be an  
10 interesting discussion on the federal side of  
11 things, because of all of the CERCLA, super fund  
12 implications and all of that. So, you know, when  
13 super fund first came along we always talk about  
14 the, you know, the penny in the landfill. You know,  
15 you throw in a penny and you're a contributor to the  
16 waste so you're responsible.  
17 Obviously we've got to avoid that situation in  
18 this rule making. And, you know, the real trick is  
19 going to be to define, you know, that level of  
20 contamination that is added to whatever it is you're  
21 disposing. You know, some of it's just going to be  
22 intrinsic in that item that we've got to obviously  
23 avoid regulating those type of things, I think.  
24 MR. RILEY: Right.  
25 MR. JOYCE: Unless there's some way out of

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1 we don't want to -- our intent is not to impact the  
2 average landfill in rural Oklahoma that's taking  
3 routine waste.  
4 MR. ADCOCK: Okay.  
5 MR. JOYCE: Do you know if there's anybody  
6 that's done any studies? I mean, the stuff has been  
7 around quite some time. And obviously it's gone to  
8 landfills over many, many years. You know, we may  
9 or may not have an idea of in what form it went in  
10 there. But has there been any studies done on  
11 background concentrations anywhere or, you know,  
12 something that we can at least have in front of us  
13 to look at to see, you know, how -- you know, what  
14 kind of a problem we're dealing with now and where  
15 we go from there?  
16 MR. RILEY: No, I think that would be very  
17 helpful. I don't know -- I don't have any of those  
18 studies. They may be out there. Some states,  
19 Vermont I think, is requiring routine monitoring for  
20 PFAS at landfills. A lot of the waste companies I  
21 think are doing some studies for their own benefit.  
22 So I would suspect over the next few years,  
23 maybe not even that long, that we would have access  
24 to some of that data. And I think that would be  
25 very helpful.

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1 some certain products in bleaches or those other  
2 things. But, you know, it's going to take a lot of  
3 minds to really piece this all together. So it kind  
4 of makes you wonder where to start. But other than  
5 just gathering data that are out there, you know,  
6 maybe looking at some of the litigation that's gone  
7 on and what the toxicologists are saying and what  
8 kind of evidence is coming up there.  
9 I mean, it's a huge task, really, to get a  
10 handle on that. But, you know -- and I think it's  
11 something that's going to have to be done.  
12 MR. LINN: Patrick, to what extent will EPA  
13 help guide us on these matters or is it just -- are  
14 they going to throw this thing at us and say, you  
15 know, to the states, and just say good luck?  
16 MR. RILEY: Well, that's a really good  
17 question. I mean, it could -- it could go different  
18 directions. I mean, they -- on the one hand they  
19 could -- you know, part of their intent is to  
20 increase studies to understand the issue, and that  
21 could help inform our decisions. And on the other  
22 hand they could dictate federal rules that we have  
23 to comply with or be at least perfected as.  
24 So, you know, they could force our hands to do  
25 certain things a certain way. And -- but also

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1 hopeful that they -- that some of the initiative  
2 that they have in understanding the issue, doing  
3 research, will help us make our own decisions.  
4 MR. JOYCE: I think the whole issue is  
5 going to get very politicized over time. You know,  
6 depending on who wins Congress in the next session  
7 and who the next president is going to be. We could  
8 be looking at some of this back and forth for a  
9 long, long time.  
10 MR. RILEY: A lot of unknowns.  
11 MR. JOYCE: You know, we might want to come  
12 up with some --  
13 MS. DIXON: I just wanted to add a little  
14 bit of more information about what EPA is up to.  
15 You may or may not know that they are proceeding  
16 with an MCL or PFAS. They're in, I think, year one  
17 of that. They are also looking at calling -- making  
18 PFAS a hazardous substance under CERCLA, under super  
19 fund.  
20 I'm sorry, I'm Kelly Dixon. I forgot to say my  
21 name.  
22 And they recently made a determination related  
23 to corrective action that would pull, if you have a  
24 really -- PFAS that pulls monitoring into record  
25 corrective action. And that's related to some

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1 legislative liaison. At this point Senator James  
2 Leewright has been asked to be the author of the  
3 legislation. And once it is decided whether it will  
4 be heard in committee or not, we will look for a  
5 house author at that point.  
6 MR. JOYCE: Okay. Thank you.  
7 One other question. So is it just still in  
8 discussion phases right now or is there an actual  
9 draft out there?  
10 MS. WYNN: There is a draft out there, yes  
11 sir. But today is the day for filing. So if the  
12 draft is going to be considered, it will have to be  
13 filed today. But there is draft language, yes, sir.  
14 MR. JOYCE: Yeah. That will be perfect  
15 then. We can start looking to see if it's there.  
16 MR. LINN: Okay. Any other questions or  
17 comments by council for discussion? All right. Do  
18 we have any questions or comments or discussion from  
19 the public? Anyone wish to speak?  
20 Okay. So discussion and possible action by  
21 council. From what I'm hearing from Patrick it  
22 might be our best bet to basically wait to see  
23 what's going to happen with this bill. And so, in  
24 that regard, Patrick, I don't believe we necessarily  
25 have a roll call vote today, do we?

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1 petition that New Mexico made to EPA.  
2 So I just wanted to provide that other  
3 information. And one other -- one other thing is,  
4 last year EPA filled an interim guidance on the safe  
5 disposal of PFAS. And it really was just a catalog  
6 of the different treatment and disposal options.  
7 And that document does have some information about  
8 what they know and what they've collected about  
9 leachate and landfill disposal and how safe it is or  
10 it isn't.  
11 And I think that's a work in progress, because  
12 they weren't able to definitively say which one of  
13 those technologies or disposal options was actually  
14 the answer.  
15 So, anyway, I wanted to share that information  
16 with you guys.  
17 MR. JOYCE: Thank you.  
18 MR. LINN: Are there any other questions or  
19 discussion by the council on this matter?  
20 MR. JOYCE: So who all is putting forth the  
21 legislation right now? Do you know who's working on  
22 it for Oklahoma?  
23 MR. RILEY: Michelle, do you want to  
24 address that one?  
25 MS. WYNN: Hello. Michelle Wynn, I'm DEQ


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1 MR. RILEY: I don't think so.  
2 MR. LINN: Anyone have any issues with that  
3 on the council? Okay. Well, then we will, I  
4 suppose you could say, table the matter until we  
5 have a bill to look at or some draft or something.  
6 Patrick, would you all, once it's filed will you  
7 all get us a copy of it, please? Love to see it  
8 just for kicks.  
9 Very well. Public forum, Item 7. We'll move  
10 on. Open discussion time for the public. Do we  
11 have anyone who wishes to speak today on any of the  
12 matters presented before the council? Very well.  
13 New business, limited to any matter not known or  
14 which could not have been reasonably foreseen prior  
15 to the time of posting the agenda 24 hours prior to  
16 the meeting. Anyone have new business? It's a  
17 quiet group.  
18 All right. So do we have a motion for  
19 adjournment?  
20 MR. ADCKOCK: Motion to adjourn.  
21 MS. REINHART: Second.  
22 MS. FIELDS: Mr. Adcock.  
23 MR. ADCKOCK: Yes.  
24 MS. FIELDS: Mr. Joyce.  
25 MR. JOYCE: Yes.

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1 MS. FIELDS: Mr. Linn.  
2 MR. LINN: Yes.  
3 MS. FIELDS: Ms. Reinhart.  
4 MS. REINHART: Yes.  
5 MS. FIELDS: Mr. Sacha.  
6 MS. SACHA: Yes.  
7 MS. FIELDS: Mr. Schaefer.  
8 MR. SCHAEFER: Yes.  
9 MS. FIELDS: Motion passed.  
10 MR. LINN: All right. And that will do it  
11 for today. Thank you everyone.  
12 (Meeting adjourned)  
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1 CERTIFICATE  
2 STATE OF OKLAHOMA )  
) SS:  
3 OKLAHOMA COUNTY )  
4 I, Brenda Plumbtree, Certified Shorthand  
5 Reporter within and for the State of Oklahoma, do  
6 hereby certify that the above and foregoing Council  
7 Meeting was by me taken in shorthand and thereafter  
8 transcribed; that the same is true and correct; and  
9 that it was taken on the 20th day of January, 2022  
10 at the time of 9:00 A.M. in the City of Oklahoma  
11 City, County of Oklahoma, State of Oklahoma under  
12 the stipulations hereinbefore set out, and that I am  
13 not attorney for or relative of any of said parties  
14 or otherwise interested in the event of said action.  
15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 and official seal this 24th day of January, 2022.  
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