

**MINUTES**  
**Solid Waste Management Advisory Council**  
**January 12, 2023 Regular Meeting**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City, Oklahoma**

Official SWMAC Approval  
at September 7, 2023 meeting

**Notice of Public Meeting** - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on January 12, 2023, 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 1, 2022. 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.

**MEMBERS PRESENT**

Todd Adcock  
Piotr Baidas  
Rodney Cleveland  
Robert Joyce  
Jim Linn  
Jody Reinhart  
April Sacha  
Christopher Schaefer

**DEQ STAFF PRESENT**

Kelly Dixon  
Kole Kennedy  
Patrick Riley  
Karen Jayne  
Michele Woods  
Jon Hunter  
David Burton  
Anne Marie Smith  
Cindy Hailes  
Hillary Young  
Erin Hatfield  
Libby McCaskill  
Amber Edwards  
Jennifer Boyle  
Madison Miller  
Lyndsey Murray  
Linzi Bhatta  
Lauren Predieri  
Cat Ecker  
Amy Brittan  
Clifton Hoyle  
Rob Singletary  
Saba Tahmassebi  
Kaylee Shiptet  
Michelle Wynn  
Quiana Fields

**MEMBERS ABSENT**  
Brenda Merchant

**OTHERS PRESENT**  
Jenny Longley, Court Reporter

**Approval of the Minutes for the September 8, 2022 Solid Waste Management Advisory Council Meeting** – Ms. Reinhart moved approval of the September 8, 2022 Minutes and Mr. Joyce made the second.

*See transcript pages 3 – 4*

<b>Roll Call</b>			
Todd Adcock	Yes	Jody Reinhart	Yes
Piotr Baidas	Yes	Christopher Schaefer	Yes
Rodney Cleveland	Yes	Jim Linn	Yes
Robert Joyce	Yes		

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

*See transcript pages 4 – 12*

**Ms. April Sacha entered the meeting during Agenda Item #4.**

**Keep Oklahoma Beautiful Award Presentation** – Ms. Jeanette Nance, Executive Director of Keep Oklahoma Beautiful, presented the Keep America Beautiful State Partnership Award to DEQ for collaborating on the Oklahoma Clean Communities Program.

*See transcript pages 12 - 16*

**Public Rulemaking Hearing**

**Discussion of proposed changes to Chapter 515 Management of Solid Waste** – Mr. Patrick Riley, Environmental Programs Manager of the LPD, stated that the DEQ is proposing to revise OAC 252:515-23-3. Disposal of untreated, regulated medical waste, to make clear that regulated medical waste generators, including small quantity generators, are also subject to any additional provisions that may be required by the Oklahoma State Department of Health. Hearing questions by the Council and none by the public, Mr. Linn called for a motion. Ms. Reinhart moved to approve the changes and Mr. Adcock made the second.

*See transcript pages 16 – 20*

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

**PFAS Work Group Summary Report** – Ms. Kaylee Shiplet, Engineer Intern of the LPD, stated that the discussion of potential changes to Chapter 515 Management of Solid Waste to include new regulations specific to the disposal of certain types of per- and polyfluoroalkyl substances (PFAS) was held at an informal workgroup meeting November 8, 2022. A verbal report will be provided summarizing the discussion. Following questions and comments by the Council and by the public, this item was for discussion and informational purposes only and no action was taken.

*See transcript pages 20 – 51*

**Land Protection Division Environmental Justice (EJ) Policy** – Ms. Jennifer Boyle, General Counsel of the DEQ, gave an overview of Land Protection’s EJ Policy and how it is used during the solid waste permitting process.

*See transcript pages 51 – 83*

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

**New Business** – None

**Adjournment** – Mr. Linn called for a motion to adjourn the meeting. Ms. Sacha moved to adjourn and Ms. Reinhart made the second. The meeting was adjourned at 11:53 a.m.

*See transcript pages 83 – 84*

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

**Transcript, Attendance Sheet and Aclarity PFAS treatment document are attached as an official part of these Minutes.**

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1 SOLID WASTE MANAGEMENT ADVISORY COUNCIL MEETING  
 2 ON SEPTEMBER 8, 2022 AT 10:00 AM  
 3 IN OKLAHOMA CITY, OKLAHOMA  
 4  
 5  
 6 MEMBERS PRESENT  
 7 Todd Adcock  
 8 Piotr Baidas  
 9 Jim Linn  
 10 Rodney Cleveland  
 11 Robert Joyce  
 12 Jody Reinhart  
 13 April Sacha  
 14 Christopher Schaefer  
 15  
 16 MEMBERS ABSENT  
 17 Brenda Merchant  
 18  
 19  
 20  
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 24  
 25 REPORTED BY: Jenny Longley, CSR

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1 PROCEEDINGS  
 2 CHAIRMAN LINN: Morning, Ladies and  
 3 Gentlemen, I'll read the protocol statement. It  
 4 says, "This January 12, 2023 regular meeting of the  
 5 Solid Waste Management Advisory Council was called  
 6 in accordance with the Open Meeting Act".  
 7 "Notice was filed with the Secretary  
 8 of State on November 1, 2022. The Agenda was duly  
 9 posted on the doors of the DEQ, 707 North Robinson,  
 10 Oklahoma City, Oklahoma at least 24 hours prior to  
 11 the meeting."  
 12 "Only matters pertaining to the -- on  
 13 the posted Agenda may be considered at this regular  
 14 meeting. In the event that this meeting is  
 15 continued or reconvened, public notice of the date,  
 16 time, and place of the continued meeting will be  
 17 given by announcement at this meeting. Only matters  
 18 appearing on the Agenda of a meeting which is  
 19 continued may be discussed at the continued or  
 20 reconvened meeting."  
 21 So with that, Ms. Fields will do roll  
 22 call.  
 23 SECRETARY FIELDS: Mr. Adcock?  
 24 MR. ADCOCK: Here.  
 25 SECRETARY FIELDS: Mr. Baidas?

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1 MR. BAIDAS: Here.  
 2 SECRETARY FIELDS: Mr. Cleveland?  
 3 MR. CLEVELAND: Here.  
 4 SECRETARY FIELDS: Mr. Joyce?  
 5 MR. JOYCE: Here.  
 6 SECRETARY FIELDS: Ms. Merchant is absent.  
 7 Ms. Reinhart?  
 8 MS. REINHART: Here.  
 9 SECRETARY FIELDS: Ms. Sacha is absent.  
 10 Mr. Schaefer?  
 11 MR. SCHAEFER: Here.  
 12 SECRETARY FIELDS: Mr. Linn?  
 13 CHAIRMAN LINN: Here.  
 14 SECRETARY FIELDS: We have a quorum,  
 15 CHAIRMAN LINN: Thank you, ma'am.  
 16 And so we'll consider the approval of  
 17 the minutes for the September 8, 2022 Solid Waste  
 18 Management Advisory Council meeting, calls for a  
 19 roll call vote by the council. Do I hear a motion?  
 20 MS. REINHART: Yeah, I make a motion to  
 21 approve the minutes from the September 8, 2022  
 22 council meeting.  
 23 CHAIRMAN LINN: And a second?  
 24 MR. JOYCE: Second.  
 25 CHAIRMAN LINN: Okay.

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1 SECRETARY FIELDS: Mr. Adcock?  
 2 MR. ADCOCK: Yes.  
 3 SECRETARY FIELDS: Mr. Baidas?  
 4 MR. BAIDAS: Yes.  
 5 SECRETARY FIELDS: Mr. Cleveland?  
 6 MR. CLEVELAND: Aye.  
 7 SECRETARY FIELDS: Mr. Joyce?  
 8 MR. JOYCE: Yes.  
 9 SECRETARY FIELDS: Ms. Reinhart?  
 10 MS. REINHART: Yes.  
 11 SECRETARY FIELDS: Mr. Schaefer?  
 12 MR. SCHAEFER: Yes.  
 13 SECRETARY FIELDS: Mr. Linn?  
 14 CHAIRMAN LINN: Yes.  
 15 SECRETARY FIELDS: Motion passed.  
 16 CHAIRMAN LINN: Thank you.  
 17 So we'll move to Item 3, the  
 18 Director's Report from DEQ.  
 19 MS. DIXON: Good morning, everyone, Happy  
 20 New Year. I just introduced myself to Piotr, I  
 21 think you're new to the council, or relatively new.  
 22 My name's Kelly Dixon, I'm the director of the  
 23 division.  
 24 I wanted to start by thanking the  
 25 council for your service. It's such an important

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1 function to the agency in our rulemaking to make  
 2 sure that we have rigorous regulation and -- that  
 3 protects not only the economy, but the environment;  
 4 so we appreciate your service and the effort you  
 5 take to be here to show up and engage.  
 6 I have a few updates I want to give  
 7 you in our Solid Waste program. We are fully  
 8 staffed. We have a couple of new employees. If you  
 9 guys are here, if you can wave your hand so they can  
 10 put the face to the name. Lauren Predieri is a new  
 11 inspector in our Solid Waste program, and Lyndsey  
 12 Murray is an engineer intern in our Permit program,  
 13 Dave Burton, right behind me here, is not as new as  
 14 those two, but is in our Tire program, he's an  
 15 inspector in our Tire program, a transplant from  
 16 Colorado.  
 17 And so we are fully staffed, but  
 18 shortly we won't be because Ms. Cindy Hailes, who  
 19 you guys probably know, a long-time DEQ employee and  
 20 solid waste permit engineer, is retiring. We are  
 21 having a going-away celebration party on  
 22 January 27th at 1:00, in this room; so if you want  
 23 to join us, you're welcome to join to help us  
 24 celebrate her time with DEQ.  
 25 So let's move on to some highlights

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1 from the division at large. You guys are aware of  
 2 PFAS regulation coming down the pike from EPA, I  
 3 know the Solid Waste group has had a workgroup and  
 4 has been meeting. We, as a division and as an  
 5 agency, continue to comment on proposed rules and  
 6 regulations. I think you have -- or, the workgroup,  
 7 anyway, has copies of all the comments that we've  
 8 made to date related to proposed rulemaking. So  
 9 that's just something that we're going to continue  
 10 to watch and engage on, and we'll report out to you  
 11 as it may impact the solid waste industry.  
 12 The other big initiative that the  
 13 agency's embarked on is the Lean process or  
 14 Continuous Improvement. We sort of took a pause  
 15 last year and had a consulting group come and do  
 16 some training for our leadership, and the whole goal  
 17 is to streamline our workflow so that we're more  
 18 efficient and more productive agency-wide, and our  
 19 focus in our division is to do as much online  
 20 services as we can. We have successfully created a  
 21 Solid Waste reporting and payment portal that's  
 22 online, and we're happy about that and we continue  
 23 to make progress on other avenues in our division  
 24 and in the agency.  
 25 Another big thing that's probably in

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1 the news, that you've probably seen about, is a big  
 2 RCRA enforcement case on the improper management of  
 3 hand sanitizer in Chickasha, Oklahoma, you guys  
 4 probably saw that. There were a couple of big  
 5 fires, and we have a really, really big enforcement  
 6 case that we continue to work on. And I'm not going  
 7 to talk too much about it because it's enforcement,  
 8 but it takes up a lot of our staff time at the  
 9 moment.  
 10 The other thing I want to talk about  
 11 -- I forgot to talk about -- going back to Solid  
 12 Waste, our grants that we are applying for, there is  
 13 a Solid Waste Infrastructure for Recycling grant  
 14 that we submitted a notice of intent to EPA on for  
 15 funding. I'm told that if you do a notice of  
 16 intent, you're guaranteed to get funding and the  
 17 funding amount will be based on the need. We plan  
 18 to use that money for a statewide waste  
 19 characterization study. I think Libby and her group  
 20 will be working on that. So we're excited about  
 21 that, and we will definitely keep you in the loop on  
 22 progress as we move on in that front.  
 23 I also want to highlight -- I'm going  
 24 to call Patrick an award magnet. Every -- he has a  
 25 lot of programs that seem to just get awards. The

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1 Scor3card project, which is from The Sustainability  
 2 Alliance, has now received -- last year, it received  
 3 the Gold Award, I think it's the third or fourth  
 4 year we've received an award. And the Scor3card  
 5 program, if you remember, is a business program that  
 6 allows organizations to realize measurable results  
 7 in sustainable practices: people, profit, and  
 8 planet. So that's quite an accomplishment for a  
 9 government agency, I think we may be the only  
 10 government agency -- is that true, Patrick --  
 11 MR. RILEY: Yeah, I think so.  
 12 MS. DIXON: -- in the Scor3card roll. We  
 13 were also nominated and received the Bellmon Award  
 14 from the Sustainability Alliance, and this  
 15 recognizes outstanding achievements of Scor3card  
 16 participants; so that's another notable achievement.  
 17 And our Tire program, I think today, is getting  
 18 recognized for its partnership with Keep Oklahoma  
 19 Beautiful.  
 20 But I wanted to mention these awards  
 21 because I think it highlights that it speaks very  
 22 highly of our staff and their motivation and their  
 23 passion for our mission, so I just wanted to take a  
 24 moment to thank our staff for their hard work and  
 25 staying engaged.

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1 You guys are familiar with the Solid  
 2 Waste grants that we give out with our fee revenue,  
 3 a lot of it's statutory. The grant window is open  
 4 right now, it closes in February. The funding is  
 5 for units of government, tribes, nonprofit  
 6 organizations, and institutions of higher learning,  
 7 public institutions of higher learning. It's  
 8 available in five categories: Environmental Officers  
 9 -- which I like to call trash cops -- Solid Waste  
 10 and Recycling Equipment, Waste Collection Events,  
 11 Food Waste Management, and Professional Services,  
 12 such as KOB and the services they provide for us.  
 13 The applications for those are on our web page.  
 14 And our Tire program also has a grant  
 15 window open right now, that closes in February, to  
 16 fund projects that demonstrate market development  
 17 for the use of scrap tires. The prioritization for  
 18 the awards will be the projects that have the  
 19 greatest potential to benefit schools, communities,  
 20 and local governments. So that application also is  
 21 on our web page.  
 22 And then, moving to agency news, I'm  
 23 not sure if you guys are aware, but we have a new  
 24 cabinet secretary. Ken Wagner was the cabinet  
 25 secretary until sometime last summer, when he

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1 resigned, and Ken McQueen is the new cabinet  
 2 secretary. He is a native Oklahoman from Tulsa, I  
 3 think based out of Tulsa, is a petroleum engineer,  
 4 and his former job before he came here was as a  
 5 regional administrator at Region 6 at EPA. I've  
 6 been in several meetings with him, he is delightful,  
 7 he's very engaged, and I think he's going to be an  
 8 asset, we're happy to have him on board.  
 9 And the last thing I wanted to talk  
 10 to you guys about is recruitment and retention. I  
 11 don't think our agency is alone, with other state  
 12 agencies and even the private sector, in the ability  
 13 to recruit and retain staff, and I have some numbers  
 14 I wanted to share with you. This is for last fiscal  
 15 year; so it would be from July '21 through June '22.  
 16 The agency's turnover rate as a whole was  
 17 14 percent, and that equates to 73 people that left.  
 18 The lion's share of those that left were  
 19 resignations, almost 50 people were -- resigned, 19  
 20 were retirements, and then other discharges and a  
 21 death.  
 22 So this is concerning to the agency  
 23 because it's difficult to recruit people and then to  
 24 keep good people. It's not always clear when people  
 25 resign, you know, why they're leaving, but I think

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1 it's fair to say that a lot of it is because of  
 2 money. Our agency, in this past month, was able to  
 3 provide a 3 percent cost-of-living adjustment across  
 4 the board for all of our employees, and that seems  
 5 very low, and it's the first time in a long time. I  
 6 call it the diet cola, but it was all that we could  
 7 muster given our current budget situation.  
 8 But -- so, you know, we continue to  
 9 think about how we can improve recruitment and  
 10 retention. We have several agency workgroups that  
 11 are working on ways to keep employees engaged, to  
 12 find meaningful engagement activities for them and,  
 13 you know, I don't think all is lost, but we -- it's  
 14 a concern.  
 15 And in Land, all of our fees -- most  
 16 of our program in Land is funded by fees, except for  
 17 one, and those fees are statutory so they're not  
 18 subject to the CPI adjustment every year; so they're  
 19 pretty -- they're just flat, they stay the same  
 20 every year. So that's a little bit of an  
 21 interesting twist on how our division operates, but  
 22 that's all I have for you today.  
 23 If you have any questions, I'm happy  
 24 to try to answer them.  
 25 CHAIRMAN LINN: Any questions from the

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1 council? All right.  
 2 Thank you, ma'am.  
 3 We'll move to Item 5, which is the  
 4 Keep Oklahoma Beautiful Award State Partner Award  
 5 Presentation. Sounds fun.  
 6 MR. RILEY: All right. I've invited  
 7 Jeanette Nance, who is the executive director of  
 8 Keep Oklahoma Beautiful, to share about this award  
 9 that's being presented to our Tire program. And you  
 10 all know about what the Tire program does in  
 11 recycling and establishing a program for the  
 12 collection of old tires and making them into new  
 13 things, but they -- you know, over the years,  
 14 they've gotten creative in providing an incentive to  
 15 collect tires in communities, and that led to the  
 16 program that -- the Clean Community program.  
 17 And so I'd invite Jeanette and Kole  
 18 to talk a little bit about the Clean Community  
 19 program, if they'd like, and the presentation of  
 20 this award.  
 21 MS. NANCE: So I am Jeanette Nance, and  
 22 I'm with Keep Oklahoma Beautiful. I am so happy to  
 23 be here today because not only do I want to talk to  
 24 you all about this national recognition for the  
 25 Department of Environmental Quality for the Clean

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1 Community program, one of the reasons I nominate the  
 2 Department of Environmental Quality each year is why  
 3 they -- because they partner with us in so many  
 4 things, not just this program. This is a  
 5 significant program, it involves my community  
 6 partners and engages people to collect tires and to  
 7 hold cleanup and litter events; so that's important  
 8 to us, obviously, as litter is our mission.  
 9 But we also recognize DEQ on our own  
 10 level. Just recently, in November, they received  
 11 the Government Award along with the department of --  
 12 Water Resources Board, the Grand River Dam  
 13 Authority, and Department of Environmental Quality  
 14 -- I'm going to miss somebody, there were several  
 15 organizations -- and the Oklahoma Conservation  
 16 Commission.  
 17 But they worked on a project that we,  
 18 as Keep Oklahoma Beautiful, the statewide  
 19 organization, determined this was a recognition that  
 20 we needed to afford these organizations and state  
 21 agencies because of the impact that their project  
 22 had. So we recognize them on a state level, we  
 23 applaud them for their contributions to the Keep  
 24 Oklahoma Beautiful mission and broad program  
 25 spectrum.

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1 And then I nominate them to Keep  
 2 America Beautiful, and this is a national  
 3 recognition, this is a big deal. Had we been able  
 4 to go to a national convention this last year --  
 5 pandemic -- this would have been presented by the  
 6 CEO of Keep America Beautiful. So this is for their  
 7 efforts in, actually, 2021; so it's a long time  
 8 coming because we kept trying to think we were going  
 9 to have a national convention. And so I nominated  
 10 them again for 2022, and they will be receiving an  
 11 award at the national convention in Washington, D.C.  
 12 this coming February. So, big deal, and I think  
 13 they deserve a round of applause.  
 14 CHAIRMAN LINN: I agree.  
 15 MS. NANCE: But to speak to the specifics  
 16 about the program that this award is for, I think  
 17 Kole's probably the better person to talk about what  
 18 that program would entail.  
 19 MR. KENNEDY: Sure. I can be very quick,  
 20 Council. I'm Kole Kennedy. We are just really  
 21 thankful to receive this award and we really enjoy  
 22 the partnership we have with Keep Oklahoma  
 23 Beautiful, but for the specifics of it is that the  
 24 Tire program and Keep Oklahoma Beautiful form this  
 25 partnership that each community has to host a tire

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1 collection event, and then, as part of the Keep  
 2 Oklahoma Beautiful side, they have to do certain  
 3 events throughout the year, and that's part of the  
 4 application process. And if you meet certain levels  
 5 of doing certain events throughout the year and the  
 6 certain number of events that you do for Keep  
 7 Oklahoma Beautiful, you can receive this award, and  
 8 there's three different tiers.  
 9 And we recognize multiple cities and  
 10 tribes and communities throughout the state. We've  
 11 been all the way up to the panhandle, all the way  
 12 down into the southeast corner and everywhere in  
 13 between, and so I will give a little shout-out that  
 14 if you are part of a community and you have a tire  
 15 collection event, you do Keep Oklahoma Beautiful  
 16 things, quite possibly you should get an award.  
 17 And we make it a very big deal is  
 18 that we invite your legislatures, your city  
 19 councils, people involved with maybe perhaps a board  
 20 that is running this organization. It's a really  
 21 fantastic thing and it gets media publicity, and we  
 22 like to share the great news of people doing good  
 23 things throughout the state of Oklahoma. So, thank  
 24 you, Jeanette.  
 25 MS. NANCE: If the chairman doesn't mind,

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1 I'd like to take a picture with you all.  
 2 (A photo was taken.)  
 3 CHAIRMAN LINN: All right. Item 6 is the  
 4 Public Rulemaking Hearing, it reads as follows:  
 5 "Discussion of proposed changes to Chapter 515  
 6 Management of Solid Waste. The Department of  
 7 Environmental Quality is proposing to revise OAC  
 8 252:515-23-3. Disposal of untreated, regulated  
 9 medical waste, to make clear that regulated medical  
 10 waste generators, including small quantity  
 11 generators, are also subject to any additional  
 12 provisions that may be required by the Oklahoma  
 13 State Department of Health".  
 14 And it looks like Patrick will give  
 15 us the intro.  
 16 MR. RILEY: Yeah.  
 17 If you turn back behind Tab Number 3,  
 18 the draft rules are there, and we talked about these  
 19 in concept at our September meeting. And the goal  
 20 of this revision is just to clarify within our rules  
 21 that there may be rules from other agencies that  
 22 apply to disposal of regulated medical waste, namely  
 23 the State Department of Health. So just to make  
 24 clear that our regulations are not all-encompassing,  
 25 but that generators should also be aware of other

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1 rules, we have suggested a change in "B", just to --  
 2 again, to say that generators of regulated medical  
 3 waste may be subject to additional provisions  
 4 required by Oklahoma State Department of Health.  
 5 We go on to say, in the Definitions  
 6 section, the definition for small quantity regulated  
 7 medical waste generators, that they will enjoy that  
 8 exemption as small quantity generators if they will  
 9 -- if they can document and make records -- document  
 10 their generation rate and then make those records  
 11 available to DEQ, which is something they should be  
 12 doing anyway.  
 13 So again, we -- the council reviewed  
 14 this in September, we're bringing this back now for  
 15 a formal vote. If it passes, it goes to the  
 16 Environmental Quality Board and then will move on  
 17 through the system.  
 18 CHAIRMAN LINN: All right. Is there  
 19 questions or discussion from the council?  
 20 MR. ADCOCK: Patrick, just to clarify,  
 21 this doesn't have any effect on facilities that are  
 22 already accepting treated medical waste from, you  
 23 know, established companies?  
 24 MR. RILEY: Correct.  
 25 MR. ADCOCK: So this is just more

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1 definitions that are being cleared up?  
 2 MR. RILEY: Right.  
 3 MR. ADCOCK: Okay.  
 4 CHAIRMAN LINN: Any other questions or  
 5 discussion from the council?  
 6 Okay. At this point, we'll entertain  
 7 questions or discussions by the public.  
 8 All right. Hearing none, we'll move  
 9 to discussion of possible action by the council.  
 10 So, is there a motion if there is no additional  
 11 discussion?  
 12 MS. REINHART: Yes, I'll make the motion  
 13 to approve the proposed changes to Chapter 515  
 14 Management Solid Waste, where we will revise OAC  
 15 252:515-23-3, to adopt those changes. So is that  
 16 clear enough?  
 17 CHAIRMAN LINN: Yes, ma'am, thank you.  
 18 MS. REINHART: I know you have to be very  
 19 specific when you make these.  
 20 MR. ADCOCK: Second.  
 21 MR. JOYCE: One question, is that the  
 22 correct citation for the rule -- or, for the change?  
 23 It does not appear to be.  
 24 CHAIRMAN LINN: You want to handle that  
 25 one, Patrick?

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1 MS. REINHART: Oh, that's true because -2.  
 2 -1 and -2.  
 3 MR. RILEY: I and 2.  
 4 MS. REINHART: Yeah. So I'll amend my  
 5 motion for it to be -1 and -2, as noted in the  
 6 record that was provided to us.  
 7 CHAIRMAN LINN: All right. Do I hear a  
 8 second on that?  
 9 MR. ADCOCK: Second.  
 10 SECRETARY FIELDS: Mr. Adcock?  
 11 MR. ADCOCK: Yes.  
 12 SECRETARY FIELDS: Mr. Baidas?  
 13 MR. BAIDAS: Yes.  
 14 SECRETARY FIELDS: Mr. Cleveland?  
 15 MR. CLEVELAND: Aye.  
 16 SECRETARY FIELDS: Mr. Joyce?  
 17 MR. JOYCE: Yes.  
 18 SECRETARY FIELDS: Ms. Reinhart?  
 19 MS. REINHART: Yes.  
 20 Ms. Sacha has entered the meeting.  
 21 Ms. Sacha?  
 22 MS. SACHA: Yes.  
 23 SECRETARY FIELDS: Mr. Schaefer?  
 24 MR. SCHAEFER: Yes.  
 25 SECRETARY FIELDS: Mr. Linn?

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1 CHAIRMAN LINN: Yes.  
 2 SECRETARY FIELDS: Motion passed.  
 3 CHAIRMAN LINN: All right. Thank you.  
 4 Item 7 is PFAS Work Group Summary Report, it reads  
 5 as follows: "Discussion of potential changes to  
 6 Chapter 515 Management of Solid Waste to include new  
 7 regulations specific to the disposal of certain  
 8 types of per- and polyfluoroalkyl substances, PFAS,  
 9 was held at an informal workgroup meeting  
 10 November 8, 2022. A verbal report will be provided  
 11 summarizing the discussion."  
 12 And the introduction is from DEQ.  
 13 MR. RILEY: Kaylee Shiplet will present  
 14 the summary of the workgroup meeting that we've been  
 15 -- the workgroup has met for some time to talk about  
 16 these complicated rules. So she's going to present  
 17 the summary.  
 18 CHAIRMAN LINN: Good morning.  
 19 MS. SHIPLET: Good morning. As Patrick  
 20 said, these rules are complicated. And just kind of  
 21 a quick sidebar, I was watching National Treasure  
 22 this weekend, and Nicolas Cage had a quote from  
 23 Thomas Edison that he said -- it's a quote about how  
 24 he didn't fail 1,000 times to make a light bulb, he  
 25 just found 1,000 ways not to make a light bulb, and

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1 that made me think of PFAS and all of our efforts  
 2 and how it's complicated. And, you know, sometimes  
 3 it makes us feel like we leave with more questions  
 4 than answers, but when we eliminate ideas that won't  
 5 work and we continue our discussions, we're working,  
 6 you know, to a successful solution. So, you know,  
 7 on your weekends when you're watching movies, you  
 8 think about solid waste and PFAS.  
 9 But, anyways, I think this was our  
 10 third PFAS workgroup meeting. And, you know, we  
 11 appreciate everyone that participated, and we had a  
 12 wide range of participants. And one of the first  
 13 things we did was recount our first couple meetings  
 14 from August and November, I think back in 2021.  
 15 And one of the things we discussed is  
 16 that it's important to establish criteria for  
 17 effective and safe disposal of PFAS waste. We're  
 18 not looking, you know, to regulate pots and pans,  
 19 but nonroutine disposal such as large quantities or  
 20 particularly problematic waste, such as AFFF, we  
 21 just want to make sure it's safely managed, you  
 22 know, not ban disposal. We concluded that routine  
 23 groundwater monitoring would not be beneficial.  
 24 Maybe in the event of assessment monitoring further  
 25 down the road, sampling for PFAS would be more

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1 appropriate.  
 2 We continue to struggle with the  
 3 definition for PFAS waste. The science around these  
 4 compounds is emerging, and like we said, we're not  
 5 trying to encapsulate pots and pans.  
 6 One of the things we realized through  
 7 our discussions is we needed to determine when  
 8 financial assurance would apply, such as storing  
 9 PFAS waste. We have also decided that a PFAS  
 10 management plan would be needed, whatever that may  
 11 look like. And we do not want Oklahoma to become a  
 12 PFAS dumping ground; so that's kind of our goal with  
 13 these rules.  
 14 And new discussions from the November  
 15 8th meeting, Amy Brittain attended to provide a  
 16 recap on the PFAS discussions from the ASTSWMO  
 17 meeting. The EPA proposed that PFOA and PFOS be  
 18 designated as CERCLA hazardous substances. The EPA  
 19 plans to finalize the rule in summer of 2023, and  
 20 the rule would allow enforcement actions through  
 21 Superfund. This would heavily rely on landfills to  
 22 take cleanup materials, such as contaminated soils.  
 23 DEQ commented on EPA's proposed rule  
 24 similar to those comments voiced by National Waste &  
 25 Recycling Association. DEQ requested leniency for

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1 those that did not create the waste, such as  
 2 landfills and POTWs.  
 3 There was also discussions about  
 4 liquid PFAS waste being particularly problematic.  
 5 One participant suggested that underground injection  
 6 wells would be most suitable -- would be the most  
 7 suitable place for liquid PFAS waste. Bulky methods  
 8 and solidification materials would need to be looked  
 9 at more in-depth for liquid PFAS waste being  
 10 appropriate at landfills. The main concern with  
 11 PFAS is solubility, not concentration, and that is  
 12 why liquid PFAS waste is particularly concerning.  
 13 Another discussion was that, as we've  
 14 stated many times, that we don't want Oklahoma to  
 15 become a PFAS dumping ground. A big concern is  
 16 shipments of PFAS waste from out of state. Oklahoma  
 17 -- disposal in Oklahoma is cheap, and so that's what  
 18 makes it an attractive destination for PFAS waste.  
 19 A potential solution that was discussed is to update  
 20 WEP plans or out-of-state waste disposal plans to  
 21 ensure landfills can safely manage and properly  
 22 dispose of the waste.  
 23 We continued to discuss different  
 24 approaches for a facility to demonstrate that it is  
 25 a protective and appropriate place for PFAS waste.

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1 One idea was applying a tiered approach to accepting  
 2 PFAS waste, similar to what was used for NHIW prior  
 3 to the 515s. Basically, the idea was depending on  
 4 how they were constructed and operating, certain  
 5 landfills could accept waste at a higher tier or  
 6 volume. And the consensus around this discussion  
 7 was that this was not an approach to resurrect for  
 8 PFAS waste one of our, you know, efforts at creating  
 9 a light bulb that, you know, will get us further  
 10 down the road. We discussed what the industry was  
 11 seeing for current disposal demands, and the  
 12 consensus was that there is not many requests for  
 13 disposal, but there has mostly been questions.  
 14 And then there are some updates on  
 15 the status of what other states are doing. New  
 16 Mexico petitioned the EPA to classify PFAS as  
 17 hazardous under RCRA, and DEQ did not agree with  
 18 this. Many states are moving to ban or restrict  
 19 PFAS, such as Maine. They are placing a ban on  
 20 intentionally-added PFAS in any product sold in the  
 21 state. The first mandate took effect January 1st,  
 22 referring a phaseout for rugs, carpets, and fabric  
 23 treatments. New York has banned the sale and  
 24 distribution of food packaging made with  
 25 intentionally-added PFAS as of January 1, 2023.



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1 California is instating similar bans -- oh, sorry,  
 2 let me back up.  
 3 So New York is banning the sale and  
 4 distribution of food packaging, and California is  
 5 instating a similar ban. Pennsylvania has passed  
 6 drinking water standards, PFOA at 14 parts per  
 7 trillion and PFOS at 18 parts per trillion.  
 8 Colorado has already prohibited the use of Class B  
 9 foams with intentionally-added PFAS in certain  
 10 hangars effective January 1st. Law requires the  
 11 state's Solid and Hazardous Waste Commission to  
 12 create PFAS foam, capture and disposal standards, as  
 13 well as registration rules for facilities like fire  
 14 departments that use or store PFAS in operations.  
 15 As for DEQ's timeline for rulemaking,  
 16 we're expecting to draft rules in 2023 and vote  
 17 through council in 2024, which is in line with the  
 18 EPA's timeline of finalizing rules in the summer of  
 19 2023.  
 20 Now we can dive into any of these  
 21 topics deeper or if anyone that attended the  
 22 workgroup meeting has anything that they would like  
 23 to add.  
 24 MR. BAIIDAS: Was there any discussion  
 25 regarding establishing a baseline for current

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1 contamination within the state?  
 2 MR. RILEY: I don't know that we talked  
 3 about that directly. You know, at one of the  
 4 meetings that we had, we talked about sampling  
 5 groundwater at disposal facilities just to see  
 6 what's in place. I think that that -- I think it  
 7 would be fair to say that that was not well-received  
 8 as an approach, you know, for a variety of reasons,  
 9 one of which is the difficulty in obtaining  
 10 good-quality groundwater samples and lab analysis at  
 11 the time. But it would be interesting to know  
 12 what's out there now, but we are not proposing to do  
 13 that at this time.  
 14 MS. DIXON: I will add to that that the  
 15 EPA just released what they're calling a PFAS  
 16 analytical tool, it's a map that has different data  
 17 sets in it from -- all the way from groundwater  
 18 surface water, fish data. One of the fields they  
 19 have is called industry, and they -- that field,  
 20 there's a caveat on that field, but it's -- they're  
 21 putting industry down that may have managed or  
 22 handled PFAS, it doesn't -- there's not a documented  
 23 release. So there's information out there on  
 24 industries that may handle PFAS waste that people  
 25 will start using.

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1 CHAIRMAN LINN: I think I understand why  
 2 solubility is a problem, but why is concentration  
 3 not necessarily a factor?  
 4 MR. RILEY: I think that was a comment of  
 5 one of the -- I want to think it -- I want to  
 6 attribute that to Ken Ede, a professor from OSU; so  
 7 I don't know that -- what his rationale was. I don't  
 8 know. It may be that he was more concerned about  
 9 solubility than concentration. I don't think he was  
 10 implying that concentration's not important, but he  
 11 did have concerns or express concerns about the  
 12 liquid, PFAS liquid.  
 13 MS. SHIPLET: I think if it's more soluble  
 14 it's more likely to, you know, leach. If it's a  
 15 solid waste, it's probably more likely to stay  
 16 contained. If it's more soluble, it might break  
 17 down into leachate.  
 18 CHAIRMAN LINN: It's also interesting that  
 19 the landfills, according to what Kaylee mentioned,  
 20 have not received a lot of requests to dispose of  
 21 this material.  
 22 Todd?  
 23 MR. ADCOCK: Not from our facility or any  
 24 of the other facilities that I've talked to that --  
 25 I mean, it's not a big request as of yet. Did I see

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1 -- did 3M say that they were going to -- I mean,  
 2 they're a manufacturer of --  
 3 MS. REINHART: Yeah, there's talk of  
 4 manufacturing.  
 5 MR. ADCOCK: -- everything.  
 6 MS. REINHART: Yeah.  
 7 MR. ADCOCK: They're going to stop PFAS in  
 8 their products by a certain date?  
 9 MS. REINHART: I think it's 2024 is when  
 10 it's supposed to stop. I'm not certain, but I do  
 11 recall saying it's in the very near future.  
 12 MR. ADCOCK: So I think we're starting to  
 13 see at least manufacturers see that they're -- I  
 14 don't -- they probably don't want to be on the  
 15 liability end, and -- which is good because, I mean,  
 16 I don't think that the landfill should absorb any of  
 17 the liability for manufacturing, so...  
 18 MS. REINHART: Do you think because EPA's  
 19 proposing the listing of CERCLA hazardous substances  
 20 that companies are already moving to manage them in  
 21 that regard and sending it to Subtitle C facilities  
 22 versus Subtitle E? I'm just asking.  
 23 MR. RILEY: Don't know.  
 24 MS. REINHART: So you haven't heard any  
 25 reports from ODOT, any preference yet?

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1 MR. RILEY: I don't have information about  
 2 that.  
 3 MS. REINHART: I'm just curious.  
 4 MR. RILEY: I mean, that would be one  
 5 option. I mean, I think there's a lot of concern  
 6 about liability all the way around, a lot of  
 7 industries, especially as we see states start to  
 8 pass these restrictions on manufacturing certain  
 9 types of items, like food containers that contain  
 10 PFAS.  
 11 So I think that, you know,  
 12 manufacturers are concerned, and that's driving --  
 13 you know, concerns about liability drive a lot of  
 14 actions. And what they're going to do in response  
 15 we're not sure, but -- and one of the things that we  
 16 wanted to avoid is the influx of lots of PFAS waste  
 17 to municipal solid waste landfills in Oklahoma.  
 18 CHAIRMAN LINN: So, Kaylee, I think you  
 19 mentioned one state had set limits.  
 20 MS. SHIPLET: Yes.  
 21 CHAIRMAN LINN: And I think I heard 14  
 22 parts per trillion and then 18; right?  
 23 MS. SHIPLET: Yes, in Pennsylvania.  
 24 CHAIRMAN LINN: So that's the first time  
 25 I've heard, at least in here, something, a number,

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1 that another state is applying to this issue; so  
 2 that's promising. You'll remember our discussions  
 3 in the last 12 months, Patrick, where we just didn't  
 4 have any -- there was no baseline, there wasn't any  
 5 -- there wasn't really anything to put our fingers  
 6 on with respect to being able to begin to come up  
 7 with rulemaking for concentration, particularly. So  
 8 it's interesting that we do have at least one state  
 9 with a number now.  
 10 MR. BAIDAS: 14 states, as far as I'm  
 11 aware of.  
 12 CHAIRMAN LINN: 14? Okay.  
 13 MR. BAIDAS: At least.  
 14 MR. JOYCE: And they run the gamut  
 15 between, you know, drinking water standards versus,  
 16 you know, disposal standards versus something else,  
 17 so...  
 18 MR. RILEY: Yeah, I think -- you know,  
 19 when we started this discussion, that was always the  
 20 big hurdle is how do we define -- we said we were  
 21 worried about high-concentration PFAS waste, and  
 22 then the definition of high-concentration was always  
 23 what we got stuck on, we've kind of been stuck on  
 24 there since. I think a lot of states are saying  
 25 it's drinking water standards or looking at things.

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1 We have not seen, I don't think, yet,  
 2 a concentration for waste that would define a  
 3 category of waste based on concentration, which, you  
 4 know, I would love to see someone start that or come  
 5 up with something, some rationale for us to look at.  
 6 MS. REINHART: What was that proposed  
 7 CERCLA number that they mentioned? I mean, because  
 8 they've proposed it to be CERCLA regulated, right?  
 9 MR. RILEY: The EPA, yeah.  
 10 MS. REINHART: Yeah.  
 11 What was that number, do you guys --  
 12 MS. DIXON: There wasn't a number.  
 13 MS. REINHART: Oh, okay.  
 14 MR. ADCOCK: Have they come up with -- I  
 15 mean, one of the big topics that we talked about in  
 16 our workgroups was, okay, you know, even if you set  
 17 a number, how do you test for it, because everything  
 18 we're testing in has PFAS in it, you know, the  
 19 beakers or the lab equipment. So have we found a  
 20 way to test that yet? I mean, have we made that  
 21 hurdle?  
 22 MR. RILEY: I think that laboratory -- or,  
 23 field techniques and standards have advanced as --  
 24 you know, just out of practice and trial and error,  
 25 that we've advanced in an ability to obtain better

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1 samples. But you're right in that, you know, the  
 2 waterproof log books that you write data in and the  
 3 ink in the ink pen that you use and the laundry  
 4 detergent that was used to wash clothes that you're  
 5 wearing, all those things that the sample tech is  
 6 using can influence the sample; so it's made it  
 7 extremely difficult to collect representative  
 8 samples.  
 9 So I think that with more experience,  
 10 the -- there are better Best Management Practices  
 11 being defined; it's still a challenge because the  
 12 concentrations that we're talking about are so  
 13 extremely small. You know, when you talk about  
 14 parts per trillion, you know, just a little bit of  
 15 influence from something outside of the matrix that  
 16 you're looking for can create havoc.  
 17 MS. DIXON: We did publish, and it's on  
 18 our website, a field sampling guide for PFAS. We  
 19 worked with Ken Ede's graduate students, who did a  
 20 bunch of literature research and put together a  
 21 guide for us, and we finalized it last year. So  
 22 it's on our web page for field sampling.  
 23 And our laboratory has the capability  
 24 of sampling for PFAS in drinking water, and they're  
 25 going to -- they've been approved to participate in

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1 the Unregulated Contaminant Monitoring Rule, and  
 2 PFAS is part of that this year. I think they've  
 3 expanded the number of PFAS compounds they're  
 4 looking at.  
 5       So our lab will be participating in  
 6 that, and we've had conversations with our lab about  
 7 doing some test runs from the field sampling part  
 8 all the way to the laboratory part. And even in the  
 9 laboratory, you can have background noise from the  
 10 laboratory; so we're anxious to sort of test it out  
 11 and see how that works.  
 12       MS. SACHA: Do you happen to know if the  
 13 lab instruments, when they do their NBL studies, can  
 14 they see below proposed EPA levels that are already  
 15 being talked about? Because I know when they first  
 16 came out, the labs couldn't see low enough on the  
 17 instrument to get below proposed levels. So have  
 18 they resolved that, can the instrumentation now see  
 19 lower?  
 20       MS. DIXON: I don't think so, I think the  
 21 levels that EPA has established as a screening level  
 22 are lower than the laboratory detects, so that's --  
 23       MS. SACHA: A big issue.  
 24       MS. DIXON: There'll be some -- you know,  
 25 there'll have to be some reconciliation, at some

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1 point, on how those things marry up.  
 2       CHAIRMAN LINN: Do you all have an opinion  
 3 about what we're expecting to hear from EPA?  
 4 Because if I heard Kaylee correctly --  
 5       MR. ADCOCK: Summer of '23.  
 6       CHAIRMAN LINN: -- summer of '23, they're  
 7 going to commence their rulemaking. So do we have  
 8 any hints about what that's going to be?  
 9       MS. DIXON: Well, you know they're working  
 10 on an MCL. Whether or not it's listed as a CERCLA  
 11 hazardous substance, that decision they say they're  
 12 going to make sometime this year.  
 13       So I don't know how many comments  
 14 they've had. I think we -- in our comment we  
 15 requested they extend the comment period and I  
 16 hadn't heard that they'd done that. So I don't have  
 17 any -- my gut feeling is telling me the EPA is just  
 18 moving as fast as they can towards rulemaking, so...  
 19       MS. REINHART: And they're not letting  
 20 anybody know what they're going to be doing, there's  
 21 no in-kind. I mean, you're not getting feedback  
 22 about where it's headed, so --  
 23       MS. DIXON: Well, I mean, there's the  
 24 formal process where you comment on --  
 25       MS. REINHART: Right.

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1       MS. DIXON: -- the rules and I know  
 2 we've...  
 3       MR. RILEY: And I think I'd add at this  
 4 point that one of the things that DEQ has done is to  
 5 look and see what information and what comments are  
 6 coming out of the waste industry, and we saw some  
 7 very important comments from SWANA and from National  
 8 Waste & Recycling Association, comments that we  
 9 share.  
 10       And then I think Todd expressed a  
 11 minute ago that the landfills as repositories of  
 12 this waste shouldn't bear the full cost or all the  
 13 liability associated with manufacturing these  
 14 things. EPA expressed some intent to use discretion  
 15 in enforcement when looking at facilities like  
 16 landfills and waste -- and water treatment  
 17 facilities but, you know, that -- we think that that  
 18 can be strengthened or should be in legislation  
 19 because, you know, right now, landfills may be the  
 20 best option for disposing of this kind of waste,  
 21 right? I mean, they're -- that's -- properly built,  
 22 operated and maintained landfills are what we rely  
 23 upon for safe disposal, and that may include PFAS,  
 24 at least for the time being.  
 25       So we included that in our comments

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1 and attached the letter from National Waste &  
 2 Recycling Association so that -- you know, to  
 3 reinforce that, that we feel strongly about that.  
 4       MS. SACHA: Do you know if EPA's going to  
 5 involve some treatment standards along with the  
 6 clean-up type regulations, that you have to meet  
 7 some sort of treatment standard before you go to  
 8 disposal?  
 9       MS. DIXON: They've put out a publication,  
 10 a year and a half ago, about -- it was sort of a  
 11 catalog of treatment technologies that could address  
 12 it, and they -- there's been a lot of research, both  
 13 public and private, on technologies, but I don't  
 14 think there's a definitive answer on what the best  
 15 and final technology is that works to treat PFAS.  
 16       And DoD has temporarily banned their  
 17 facilities from incinerating waste until they're  
 18 confident that incineration is not transferring  
 19 contaminants through the air to other media; so  
 20 that's a temporary ban until we hear otherwise.  
 21       CHAIRMAN LINN: Hopefully, their testing  
 22 is sensitive enough to be able to detect it.  
 23       Okay. Any other questions or  
 24 discussion by the council on this issue?  
 25       All right. We'll entertain any

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1 questions or discussion by the public. Sir? Come  
 2 on up to the podium, if you will, and state your  
 3 name.  
 4 MR. GREEN: Hi, my name is Todd Green, I'm  
 5 Vice President of Landfill Operations for American  
 6 Environmental Landfill and also a representative for  
 7 the National Waste & Recycling Association. And I  
 8 want to thank Pat and the council and the group  
 9 that's been -- the workgroup for -- that's been  
 10 working on the PFAS program, and we certainly want  
 11 to be a continued part of that program.  
 12 I'd just like to state that we feel  
 13 that it's very pertinent for everyone to understand  
 14 the designation of CERCLA hazardous versus RCRA  
 15 hazardous and that we keep in mind, as Pat stated,  
 16 as we move forward with EPA and their rulemaking  
 17 that we look clearly at that, CERCLA versus RCRA.  
 18 RCRA, as we all know, would regulate the disposal at  
 19 the landfills or wherever we might propose, whether  
 20 it be injection well or at landfills.  
 21 The National Waste & Recycling  
 22 Association adamantly opposes any bans that would be  
 23 proposed by state agencies that would not be  
 24 previously adopted under RCRA by the EPA. So we  
 25 would oppose any regulations that would be more

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1 stringent than the EPA's rulemaking process. And as  
 2 you know, our national association has submitted  
 3 documentation to the EPA, both from SWANA and from  
 4 NWRA.  
 5 Again, we would also submit -- as we  
 6 stated in the workgroups, we would submit for  
 7 consideration that the agency itself proved why  
 8 Subtitle D isn't sufficient as a means of protecting  
 9 and handling PFAS disposal, not the other way  
 10 around, where we -- if -- so, for example, if  
 11 there's been no RCRA designation for PFAS as a  
 12 hazardous substance, then there would be no rules  
 13 against the disposal of it; therefore, Subtitle D  
 14 disposal regulations would be deemed sufficient to  
 15 handle the acceptance of that material.  
 16 So as opposed to having a proposed  
 17 plan submitted by the permittee showing that he is  
 18 safely handling it, the opposite should be  
 19 considered true, and that is that Subtitle D  
 20 regulations already are sufficient to allow the  
 21 acceptance and disposal of that in the absence of  
 22 any additional EPA rules. So, we're very adamant  
 23 about that.  
 24 Finally, we feel that sequestration  
 25 at landfills is inevitable, obviously, that's where

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1 all of the waste has been going for decades. So  
 2 there's no doubt that PFAS and PFOA is very rampant  
 3 in landfills, in leachate, in our -- could be even  
 4 in groundwater, obviously.  
 5 With respect to that, in the  
 6 assessment mode, our industry has no objections to  
 7 identifying and assessing what would be in our  
 8 groundwater and what would be in our leachate. We  
 9 voluntarily, at AEL, would like to work with the  
 10 department to come out and test, in any format,  
 11 where we are at so there could be some assessments  
 12 made. I think that would be beneficial for the  
 13 department in their rulemaking process and also in  
 14 the management and regulatory issues. So,  
 15 therefore, we would welcome any assistance with the  
 16 department on groundwater sampling, leachate  
 17 sampling.  
 18 One of the things that obviously is  
 19 going to be critical because we know that  
 20 sequestration is happening at the landfills, we all  
 21 confidently feel like our leachate has high  
 22 concentrations of these chemicals. And that being  
 23 said, consider the recirculation for the -- the  
 24 leachate recirculation that we currently have at  
 25 AEL, some facilities have foregone that and are

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1 sending their leachate to wastewater treatment  
 2 plants throughout the state. That's just going to  
 3 complicate things, it's going to send it elsewhere;  
 4 so, the city's wastewater treatment plants are going  
 5 to be inundated with these contaminants, as well.  
 6 So, one consideration might be for these facilities  
 7 to do recirculation of that leachate.  
 8 Finally, I would like to give this  
 9 information to Patrick, I mentioned it on our  
 10 conference call in our previous meeting. There has  
 11 been an electrochemical patent issued by one entity  
 12 out of Boston, Massachusetts, a company called  
 13 Aclarity. It is the only patent that has been given  
 14 so far with respect to total PFAS destruction. They  
 15 currently have a mobile laboratory that they have  
 16 sent across the country, and they have had  
 17 100 percent success.  
 18 So I would like to submit this to  
 19 Patrick for future consideration. We're looking at  
 20 sending -- or, acquiring this mobile lab to our  
 21 facility to assess our leachate, as well. Thank  
 22 you.  
 23 CHAIRMAN LINN: Thank you, Mr. Green.  
 24 MR. GREEN: Thank you.  
 25 CHAIRMAN LINN: Okay. Any other members

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1 of the public wish to speak on the issue?  
 2 All right. Possible action by the  
 3 council? Is there anything we need to do today?  
 4 MR. RILEY: The reason why that's on the  
 5 agenda is just to ask if you, as a council, would  
 6 like us to continue convening workgroup meetings.  
 7 If you find that beneficial and would like us to  
 8 continue to have periodic meetings, we can do that.  
 9 So, that's one thing. I don't want to limit you on  
 10 what you can suggest or what action you can take,  
 11 but that's a suggestion that I would have.  
 12 CHAIRMAN LINN: Thank you.  
 13 Who here has been?  
 14 Todd, were you part of the group?  
 15 MR. ADCOCK: Uh-huh.  
 16 CHAIRMAN LINN: Anyone else?  
 17 MR. JOYCE: I am, too.  
 18 CHAIRMAN LINN: All right. Gentlemen, do  
 19 you find that it was helpful and do you think we  
 20 should continue the meetings? I know Mr. Green  
 21 indicated they'd like to be a part of it, as well,  
 22 at some point, if I heard him correctly.  
 23 MR. ADCOCK: I think they are extremely  
 24 helpful, but I -- is there anything new to discuss  
 25 from the last one in November? I'm just really

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1 curious to see what the EPA's going to do, and I  
 2 think that -- I mean, for me, I would like to see  
 3 kind of what direction they're going or if there's  
 4 new information, then have a meeting; otherwise, I  
 5 think we're just going to keep coming up with the  
 6 same questions and banging our heads against the  
 7 wall.  
 8 MR. RILEY: Right. Yeah, no, I think  
 9 that's a very good observation. You know, the  
 10 original intent was to try and wordsmith or craft  
 11 the rules to make them -- you know, to come up with  
 12 the best rules that we could for disposal, and that  
 13 evolved somewhat to more of an information-sharing  
 14 forum for what's happening at EPA, and I don't have  
 15 any desire, really, to get out in front of what EPA  
 16 is doing to the point that we pass rules that are  
 17 now in conflict with what EPA is doing and we have  
 18 to go back and change them to catch up.  
 19 So, you know, I might suggest that we  
 20 kind of shift the workgroup meetings to share  
 21 information as it becomes available from EPA to what  
 22 we see on a federal level that may impact us in  
 23 Oklahoma, and then use that as an opportunity to  
 24 discuss, if and when we need to revise our rules, to  
 25 -- you know, in response to that.

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1 MR. ADCOCK: Todd, you were -- you're part  
 2 of that last workgroup. Do you agree with that for  
 3 that direction of where we should go?  
 4 MR. GREEN: Absolutely. I think that,  
 5 again, in just a simple statement, we recognize that  
 6 the department and I think the state does not want  
 7 to be a dumping ground, and as a facility we don't  
 8 want to facilitate that in any way. So, working  
 9 with the agency, not trying to get ahead of the EPA  
 10 or more stringent than the EPA, but certainly not  
 11 behind the EPA, so that if there are regulations and  
 12 changes to RCRA that we, as an agency and a state,  
 13 are immediately adopting those rules and putting  
 14 that in place.  
 15 MR. JOYCE: I don't know if there's any  
 16 evidence that we have seen any dumping, you know,  
 17 thus far, but if we have --  
 18 MR. GREEN: I'm sorry, you asked is there  
 19 evidence of --  
 20 MR. JOYCE: Out-of-state dumping.  
 21 MR. GREEN: Yes. Just to address that, as  
 22 a disposal facility we are getting numerous requests  
 23 for AFFF. Not, you know, huge quantities, but  
 24 various Air Force bases and different -- like, I had  
 25 one happen this last week. It was an airplane

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1 hangar in Kansas City that their alarms went off,  
 2 their system went off and sprayed foam in the hangar  
 3 and they had to clean it up. So they are now -- all  
 4 of that water and foam is now in a frac tank in  
 5 Kansas City, and they are looking at trying to get  
 6 rid of that material in tanker loads. There's about  
 7 15,000 gallons of PFAS-contaminated liquid with the  
 8 AFFF.  
 9 Another thing that we have seen is  
 10 groundwater samples in a drum and also core  
 11 samplings -- or, soil samples in a drum from Lawton,  
 12 the military base there, from the one here in the  
 13 city, Tinker, so we've had several requests for  
 14 those types of things.  
 15 And I think in line with what the  
 16 department is saying, we all are aware that AFFF is  
 17 much more concentrated. You know, in terms of  
 18 concentrations, I heard y'all talking about  
 19 solubility, concentration earlier, we all can be in  
 20 agreement that the AFFF is much more concentrated  
 21 volumes of the PFAS. At the same time, along those  
 22 lines, when you have soil samples and groundwater  
 23 samples where they're trying to assess the  
 24 situation, those -- disposal of those items seems  
 25 very reasonable; so I don't think that the

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1 department's going to get real crazy about that.  
 2 So I think that there's twofold, one  
 3 is the AFFF seems to stand alone, and then the other  
 4 is impacted soils, groundwater, booms and things  
 5 like that where people are attempting to address  
 6 this nationwide.  
 7 MR. JOYCE: Well, and the reason I asked  
 8 that question was, is there -- obviously, we're not  
 9 ready for any type of robust regulation, but is  
 10 there any kind of a stopgap regulation that we need  
 11 to consider to --  
 12 MR. GREEN: Well, what we've done so far  
 13 is all of us, pretty much, have addressed this by  
 14 kind of going on hope. Pat -- as we've discussed  
 15 with Patrick and several -- Cindy and several people  
 16 in the department, we have kind of put these  
 17 requests on hold for the last 18 months, for the  
 18 most part, waiting on additional regulations. When  
 19 the department was trying to form some regulations  
 20 to get out in front of it, we specifically just told  
 21 everybody, 'Hey, we're not taking anything, we're on  
 22 hold'.  
 23 Right now, we're not eagerly  
 24 approaching anyone for disposal of this material,  
 25 but we have accepted some of the groundwater and

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1 soil samples that are contaminated with it. And  
 2 again, I don't feel that's going to change the  
 3 amount that is already sequestered at the landfill  
 4 or in our leachate.  
 5 I think excessive receipts of the  
 6 AFFF over the next 18 to 24 months, while the  
 7 rulemaking process is going on, I think there is  
 8 some concerns there and I think that we should be  
 9 possibly addressing that, maybe as an agency, that  
 10 we could form some sort of regulations that say  
 11 until the EPA has ruled on this, maybe we do look at  
 12 a case-by-case situation or volumes restrictions or  
 13 limitations or specific landfills based on their  
 14 capabilities and their compliance. So it might be  
 15 where we say, "Hey, AEL is a compliant landfill and  
 16 Landfill X is not. We could allow them to take X  
 17 number of volume, you know, based on our feeling of  
 18 safety".  
 19 So those are just some thoughts that  
 20 we've talked about and had between ourselves, that's  
 21 being Waste Management, Republic, and myself and  
 22 Waste Connections.  
 23 MR. JOYCE: So that may be something we  
 24 need to discuss at the committee meeting --  
 25 MR. GREEN: I think it's going to happen.

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1 I do think it's going to happen where you're going  
 2 to see -- even if they -- certainly, if they  
 3 proposed a RCRA contaminant limit, where you have a  
 4 maximum concentration level where it's going to be  
 5 hazardous, and at that point I think you're going to  
 6 see a rush. Just like a gold rush, I think you're  
 7 going to see a rush of industry and military  
 8 installations and FAA facilities across the country  
 9 are going to rush to wherever it's cheapest. And as  
 10 we all know, Oklahoma is fairly cheap, so we're  
 11 going to be a dumping ground, I think.  
 12 And, you know, we're in the business  
 13 to make money; at the same time, we're -- we don't  
 14 want to cause us problems in the future under what  
 15 may be future anticipated rules, which is why,  
 16 again, I think that, realistically, we all have to  
 17 address what Patrick said, and that is landfills may  
 18 be our best locations to handle it and to sequester  
 19 this. It's already here at our site, we already  
 20 know what I'm -- my site is much more concentrated  
 21 than anywhere else. So let's focus on that, and  
 22 then if we can get some sort of change or assistance  
 23 in how we would treat our leachate and manage our  
 24 leachate over time, then that may be the best place  
 25 is handling it where it's already at.

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1 CHAIRMAN LINN: I'm curious to see how the  
 2 Aclarity system --  
 3 MR. GREEN: I urge all of you to go to  
 4 their website and check this out, it is a full  
 5 patent that is destruction. Everything else that  
 6 Arcadis and all of these other companies have come  
 7 up with are great ideas, Veolia and a lot of them  
 8 have come up with great programs, but they are all,  
 9 you know, carbon activated. In other words, it's  
 10 going to hold onto the -- it's basically removing it  
 11 and then having to handle it as a disposal, so  
 12 that's not really solving the problem.  
 13 CHAIRMAN LINN: No.  
 14 MR. GREEN: Aclarity's patent through  
 15 electrochemical process actually breaks up, they've  
 16 actually figured out how to break that fluoride  
 17 molecule off.  
 18 CHAIRMAN LINN: That's impressive.  
 19 MR. GREEN: Pretty interesting. Very  
 20 impressive. And not only can it be done in the lab,  
 21 it now has been demonstrated in the field, so that's  
 22 pretty cool.  
 23 CHAIRMAN LINN: Thank you, Mr. Green, we  
 24 appreciate your comments.  
 25 MR. GREEN: Thank you. Thank you very

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1 much.

2 CHAIRMAN LINN: Sounds like we're kind of

3 basically going to be waiting on EPA. I'm not --

4 well, I probably shouldn't say I'm not confident,

5 but I'm skeptical about whether there will be

6 anything in there we can sink our teeth into,

7 frankly, based on Pat's performance, but we'll see,

8 hopefully.

9 That was -- we're in the public

10 section here; so, anything else from the public?

11 These are great comments, again.

12 Thank you for your comments,

13 Mr. Green, we appreciate it.

14 All right.

15 MR. JOYCE: So, quickly, just going

16 forward with the workgroup, I mean, I do like the

17 idea of getting together for information sharing and

18 all the things you suggested, but you know, I don't

19 think there's anything that keeps us from -- you

20 know, if we feel like we need to put something

21 forward with regard to a stopgap measure or

22 something else, then, you know, we can act on that

23 as a workgroup and propose it into the committee

24 here or the workgroup --

25 CHAIRMAN LINN: So I guess the question

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1 is, do we wait until EPA bites and then set a

2 meeting or set a meeting now for sometime in the

3 future?

4 MS. REINHART: So I would suggest that,

5 pending whatever EPA does, then DEQ would set up a

6 network meeting, you know, a time period after that.

7 You know, and just go ahead and have it kind of

8 preemptively ready to move and -- but not actually

9 set dates or anything at this point.

10 MR. ADCOCK: When's our next council

11 meeting?

12 CHAIRMAN LINN: It's April; isn't it?

13 MS. REINHART: April.

14 MR. RILEY: Yeah, we schedule for a year,

15 and typically the April and July are -- often, April

16 and July meetings are not held just because there is

17 not a lot to talk about. But we have a meeting

18 scheduled in April.

19 MR. ADCOCK: I would say if there's

20 anything that comes up between now and the April

21 meeting, that that be -- PFAS be put on the agenda;

22 otherwise, I think a workgroup, we're probably going

23 to do the same thing, we're just going to sit around

24 and discuss the same things. I'd just like to see

25 some -- if there's something new that comes out that

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1 you guys think that we should, as a council, be

2 aware of, then I'd like to do that.

3 CHAIRMAN LINN: Sounds reasonable. All

4 right. Ready to move on to Item 8, Land Protection

5 Division Environmental Justice (EJ) Policy says,

6 "Information will be shared about Land Protection's

7 Environmental Justice Policy and how it is used

8 during the solid waste permitting process", and it

9 shows the intro by DEQ.

10 Good morning.

11 MS. BOYLE: Good morning. I'm Jennifer

12 Boyle, General Council with DEQ, and I'm going to

13 try to give you guys the -- just the overview of

14 Environmental Justice, there are -- there is so much

15 to talk about on this topic, but I'm going to give

16 you kind of the summary of the history of it very

17 briefly, it's 40 years' worth that I'll try to

18 summarize very quickly and then what DEQ is doing in

19 response to that.

20 So, DEQ has adopted its own

21 Environmental Justice Statement which is, "All

22 people should be protected from the impacts of

23 environmental pollution regardless of race, national

24 origin, or income. DEQ is committed to ensuring

25 such protection through the development,

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1 implementation, and consistent enforcement of

2 environmental laws and regulations." So that is our

3 concise statement.

4 But to go into the history a little

5 bit because I know I've received this question a

6 whole lot, where did this come from, because it's --

7 we're hearing so much about it today. The history

8 does actually go back to the late 70's, but the

9 emphasis has changed and evolved depending on

10 federal administration, typically, and so the

11 current administration has had a very robust

12 response and so that's why we're hearing about it

13 and that's why I'm speaking to you today.

14 But this did start, originally, in

15 1979. A community action group filed a class action

16 lawsuit to block a landfill from being placed within

17 1,500 feet of a local public school that was a

18 majority-minority school, and it was the first

19 lawsuit of its kind and it was alleging

20 environmental discrimination under civil rights

21 laws.

22 So that's what kind of kicked it all

23 off, and there were numerous -- countless, I'd say,

24 studies that were done in response to that. And so

25 the 80's and '90s were largely studies and reports

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1 being generated on the impacts of pollution and its  
 2 -- the situation of the sources of pollution and  
 3 their effect on the surrounding communities.  
 4 So, the first real executive action  
 5 was in 1994. There was an executive order issued  
 6 called Federal Actions to Address Environmental  
 7 Justice in Minority Populations and Low-Income  
 8 Populations, and so the goal of that was to achieve  
 9 environmental protection for all communities.  
 10 Again, it was just an executive order, and it was  
 11 directing agencies to try to use existing law to try  
 12 to achieve this goal.  
 13 Then, in 2000, EPA issued EPA's  
 14 Statutory and Regulatory Authorities Under Which  
 15 Environmental Justice Issues May be Addressed in  
 16 Permitting, and that went out to -- that went on to  
 17 flesh out the provisions within the Clean Water Act,  
 18 Saf Drinking Water Act, Clean Air Act, RCRA, the  
 19 provisions within those existing laws that could be  
 20 used to advance environmental justice concerns. And  
 21 so that was just comprehensively updated in May of  
 22 2022, and it is a very lengthy document that I have  
 23 made my way through.  
 24 So the emphasis, like I said, has  
 25 varied depending on the federal administration. So

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1 that was kind of 40 years in a nutshell, and then in  
 2 2020, there were two more executive orders issued.  
 3 One is called Tackling the Climate Crisis at Home  
 4 and Abroad, and that directed federal agencies to  
 5 promote work toward proactively achieving  
 6 environmental justice, and that also established the  
 7 White House Environmental Justice Advisory Council,  
 8 also known as WHEJAC. And then there was also an  
 9 executive order in 2020 called Advancing Racial  
 10 Equity and Support for Underserved Communities  
 11 through the Federal Government.  
 12 And one of the things that was born  
 13 out of these was the EJScreen, which is a mapping  
 14 and screening tool where it's open to the public and  
 15 you can draw a map over a geographical area and you  
 16 just -- like, you would select your geographical  
 17 area, and then there are seven demographic and 12  
 18 environmental indicators that are populated into  
 19 those, and they're combined in a way to come up with  
 20 environmental justice indexes.  
 21 And so some of the demographic  
 22 indicators include populations of people of color,  
 23 income level for the area, education level, age,  
 24 young and old can be disproportionately affected by  
 25 pollution. And then some of the environmental

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1 indicators include air toxics cancer risk, lead  
 2 paint, Superfund proximity, things like that. And  
 3 so once that tool is run for a geographic area, the  
 4 combination of those things will give you  
 5 environmental -- EJ indicators. And I apologize,  
 6 EJ's the shorthand that we're all using for  
 7 environmental justice.  
 8 So, depending on what -- the indexes  
 9 that you get after running the tool, then that takes  
 10 you to your next step so you can see whether this is  
 11 an area that is historically impacted and has had a  
 12 disproportionate impact on low income or minority  
 13 communities. The language of this is also evolving,  
 14 and we're trying to get away from saying EJ  
 15 communities and saying communities with  
 16 environmental justice concerns; so please bear with  
 17 me, this language is constantly changing.  
 18 So that's what's going on at the  
 19 federal level. There's a whole lot more, and I  
 20 could fill an hour or two trying to describe those  
 21 efforts, but that's it in a nutshell. And so then  
 22 we have adopted our own policy, which is summarized  
 23 as, "If a permitting action is determined to  
 24 potentially impact a community with EJ concerns,  
 25 then DEQ also determines whether the proposed action

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1 is a "significant action" for EJ purposes. As an  
 2 example, Tier 3 permits are presumably significant,  
 3 and the others will be determined by a balance of  
 4 factors. Each appropriate division will implement a  
 5 meaningful public participation plan for the  
 6 permitting process, which shall include enhanced  
 7 notice to and opportunity for comment by the  
 8 potentially-impacted community. The content of  
 9 those plans will be determined by the division and  
 10 should depend on the community and the proposed  
 11 activity and environmental consequences at issue."  
 12 So a lot of it is case-by-case basis, and DEQ is  
 13 currently running the EJScreen tool on all  
 14 permitting and remediation actions.  
 15 So, so far, the Air Quality Division  
 16 has triggered a couple of enhanced reviews for air  
 17 quality permits, and I will say all of these that  
 18 I'm about to talk about were triggered by using the  
 19 tool except one, we did get some public comment on  
 20 an air quality permit and so we're addressing that,  
 21 those issues were raised in the public comments.  
 22 Then in the Water Quality Division,  
 23 the Municipal Permit Section has had 28 permits that  
 24 have triggered enhanced review, and eight industrial  
 25 permits have triggered enhanced review -- or, no,



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1 five out of eight, I'm sorry. So in the Water  
 2 Quality Division, 28 have triggered and 12 resulted  
 3 in enhanced review; in the industrial permit  
 4 section, eight have triggered it, five have resulted  
 5 in enhanced review.  
 6 And that enhanced review, like I  
 7 said, is a little case by case depending on the  
 8 division and the concern at issue, but those  
 9 generally involve development and distribution of  
 10 meaningful public participation plans -- which we're  
 11 calling MP3s, we love acronyms -- informational  
 12 flyers, tribal notification letters, and just also  
 13 some press releases, publishing notice in local  
 14 papers, just increasing the amount of opportunity  
 15 for the impacted community to comment if they so  
 16 desire.  
 17 And then in the Land Protection  
 18 Division, we have had 26 sites, remediation sites  
 19 and two permitted facilities have triggered the  
 20 threshold for additional outreach. And this is all  
 21 very, very new and we are in the early stages of  
 22 negotiating what that enhanced outreach will look  
 23 like.  
 24 So that is pretty much the summary in  
 25 a nutshell, and I anticipated some questions. So I

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1 can handle general questions, but if they are too  
 2 specific, I'm going to have to seek assistance from  
 3 some of our colleagues.  
 4 CHAIRMAN LINN: Thank you.  
 5 Questions or comments from the  
 6 council?  
 7 MS. SACHA: So on the enhanced outreach,  
 8 is that done by DEQ or by the regulated facility  
 9 requesting the permit action?  
 10 MS. BOYLE: Ideally, I think it would be  
 11 done by both, but we are kind of taking the lead on  
 12 it.  
 13 MS. SACHA: So do you run the screening  
 14 tool at DEQ during the permitting process or do  
 15 EPA's review after you do your review, do they  
 16 screen it?  
 17 MS. BOYLE: We run it, initially. And  
 18 there are multiple tools out there, too, and more  
 19 and more being developed all the time, but EJScreen  
 20 is the primary.  
 21 MR. ADCOCK: I'll have to say, I was  
 22 unaware of environmental justice; so I had -- when I  
 23 saw this on the agenda, I had to actually go back  
 24 and look to see what it was, and I was -- I guess I  
 25 was surprised that it was as old as that. What --

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1 when I saw that the policy was enacted in February  
 2 of last year and that it would trigger either  
 3 stopping or -- that the permitting process would be  
 4 delayed, I guess I was concerned that I'd never --  
 5 as being on the council, I'd never heard of that, of  
 6 a policy being enacted without it coming before us  
 7 or anything like that. Is that common that policies  
 8 are -- of something this -- seems like this is a big  
 9 deal, that we've never heard of it or that it was  
 10 just signed and now, a year later, we're learning  
 11 about it.  
 12 MS. BOYLE: Well, we are really trying to  
 13 -- there's a lot happening at the federal level in  
 14 terms of guidance, but it's not really binding; so  
 15 we're getting a lot of suggestions on how to  
 16 approach this. But we did not want to not have  
 17 something in place because of the federal mandate to  
 18 sort of -- all agencies need to start addressing  
 19 this.  
 20 Otherwise, EPA has some tools they  
 21 can use, and I do know 10 states are currently being  
 22 petitioned through EPA, the Civil Rights Division,  
 23 to have their agency programs looked at for  
 24 environmental justice. So this was really sort of  
 25 responsive, we didn't exactly know what it was going

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1 to look like. We knew that we were expected to do  
 2 it, but we've just now started, you know, triggering  
 3 that enhanced review.  
 4 MR. ADCOCK: Does this -- is this  
 5 something that is -- should be in the rules and  
 6 regulations of --  
 7 MS. BOYLE: Well, that makes them  
 8 enforceable, and so right now we are really relying  
 9 on guidance. And so I can tell you, the one I'm  
 10 going to be watching most closely is Colorado.  
 11 Colorado has been one of the most proactive states  
 12 on this. They have passed their own state  
 13 legislation requiring environmental justice review,  
 14 the legislature has given them additional resources  
 15 to do so, and they had what I considered an  
 16 incredibly robust outreach and response to a Suncor  
 17 Title V permit, I believe, and even after Colorado  
 18 jumped through all of those hoops, which I thought  
 19 were pretty sufficient -- and I've got details on  
 20 those if you guys want to know -- but EPA went ahead  
 21 and objected to that permit anyway, and that is the  
 22 first state that is now being -- or, the first state  
 23 that has been petitioned that is about to conduct  
 24 that enhanced review, and that just happened this  
 25 month.

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1 MR. JOYCE: So are you all working on any  
 2 sort of guidance onto, once these sites are  
 3 identified, how environmental justice considerations  
 4 are going to be applied to the permitting decision?  
 5 I mean, it's one thing to, you know, gather all this  
 6 input, you know, and then follow the regulations on,  
 7 you know, issuing a permit, but it sounds like  
 8 there's got to be more in terms of, you know,  
 9 considering environmental justice factors for what  
 10 they are in making your permit decision. What  
 11 guides that?  
 12 MS. BOYLE: It's a balance of factors.  
 13 MR. SINGLETARY: Mr. Chairman, Members of  
 14 the Council, my name is Rob Singletary, I'm Chief of  
 15 Staff here at the DEQ. I think there's two things  
 16 we want to point out. First, in regard to that  
 17 question, there's no substantive rule change or  
 18 requirement. So the whole purpose of this is to  
 19 gain input from these communities, not to create any  
 20 additional requirement in issuing the permit. So  
 21 we're going to handle the same comments the way we  
 22 would have previously, whether they're from any  
 23 member of the public, tribal community or not, or  
 24 any other EJ. So it could be an economically  
 25 depressed area, it may have nothing to do with a

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1 travel component. So, anyone that would fall within  
 2 those EJ concerns.  
 3 The permits and the comments are  
 4 going to be evaluated exactly as they have been  
 5 before; so there's going to be no change in the  
 6 threshold as to whether or not a permit is issued or  
 7 whether or not there's some new permit condition or  
 8 requirement within there. So rest assured, none of  
 9 that's changed, we're just trying to be proactive in  
 10 getting out there and getting these concerns raised  
 11 in the beginning because there is so much scrutiny  
 12 on all -- not just -- Jennifer stated, it's not just  
 13 LPD or the permits that you guys are interested in,  
 14 it's also air quality permits, water permits, it's  
 15 across the board. And it's really in the  
 16 permittee's best interest I think to get these  
 17 concerns addressed from the beginning, at least get  
 18 these comments on the record. It shouldn't change  
 19 the permit outcome in any way, it's just going to  
 20 make sure that those are on the record, those  
 21 concerns are addressed, and then the permit's going  
 22 to be issued and the permit itself should be a lot  
 23 stronger and easier to defend for us and for you  
 24 all, as well.  
 25 But anyway, I hope that -- seemed

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1 like there was some concern there as far as it  
 2 creating some additional substantive component. The  
 3 idea is we already have comment periods as part of  
 4 all these permits anyway; so we plan to work that  
 5 into this process, not to extend it in any way.  
 6 There may be some additional efforts instead of just  
 7 putting it in a local newspaper or however, you  
 8 know, depending on the type of permit it is, but  
 9 hopefully we can do that within that same time  
 10 period, as well.  
 11 So, hopefully the process doesn't get  
 12 extended, there shouldn't be any additional  
 13 substantive requirements that come out of the permit  
 14 as long as -- you know, there may potentially be a  
 15 comment we receive that we wouldn't have otherwise  
 16 received, but that comment -- it doesn't change the  
 17 validity of that comment in any way, right? So, the  
 18 actual -- our response to it isn't going to be any  
 19 different than if we would have received it through  
 20 the normal comment process or as a result of this  
 21 enhanced outreach. But that's all it is at this  
 22 point is just enhanced outreach.  
 23 CHAIRMAN LINN: Sounds like they're still,  
 24 according to the previous report, working on what  
 25 that looks like, the enhanced outreach, it's not

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1 defined yet.  
 2 MR. SINGLETARY: Well, that's going to  
 3 depend, too, on the specific permit application,  
 4 right?  
 5 CHAIRMAN LINN: Sure.  
 6 MR. SINGLETARY: So the more complicated  
 7 it is, that plan in the communities that are  
 8 involved. So it may be just reaching out to the  
 9 local government, it may be reaching out to a local  
 10 tribal entity, it may -- you know, there may be some  
 11 specific interest group or something that's involved  
 12 in it that, you know, they maybe reached out to as  
 13 part of it, it really depends on the location and  
 14 the type of the permit.  
 15 MS. REINHART: So do you think that EPA  
 16 will then over-file on what y'all's efforts have  
 17 been? Because that's what it sounded like had  
 18 happened with -- up there in Colorado, is that they  
 19 had --  
 20 MR. SINGLETARY: Colorado has some  
 21 substantive differences. They have some  
 22 requirements that say if there's an EJ community  
 23 that receives a disproportionate burden as the  
 24 result of a permitting action, then the agency shall  
 25 not issue the permit. We're not talking -- there's

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1 nothing like that here, we just want to make sure  
 2 that the concerns are raised and that they're  
 3 addressed, but it shouldn't change the outcome of  
 4 the permit itself.  
 5 MS. REINHART: Okay.  
 6 MR. SINGLETARY: And we do think -- our  
 7 hope is that by having this policy in place, it  
 8 makes this permit stronger and more defensible  
 9 against the EPA over-filing or against some third  
 10 party filing some kind of challenge to the permits,  
 11 as well.  
 12 MR. ADCOCK: Was there any other  
 13 notifications to facilities about this policy?  
 14 MS. BOYLE: We don't know until we run the  
 15 tool whether a facility might even be impacted or  
 16 have those concerns in the surrounding community.  
 17 MR. ADCOCK: So you won't -- a facility  
 18 won't know that they're subject to the EJ policy  
 19 until they submit a permit?  
 20 MS. BOYLE: Yes.  
 21 MR. ADCOCK: Either a Tier -- you're  
 22 saying, like, Tier 3, Tier 2, or a Superfund?  
 23 MS. BOYLE: Yes, that's when we run the  
 24 tool and determine whether or not the indexes, there  
 25 are enough indexes to trigger the enhanced review.

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1 MS. REINHART: But the tool's available to  
 2 the public right now, you can go onto the EPA  
 3 website and you can run the tool yourself --  
 4 CHAIRMAN LINN: I think Patrick sent a  
 5 link, didn't he, or did I dream that last night?  
 6 MR. RILEY: No.  
 7 CHAIRMAN LINN: Okay. Never mind.  
 8 MR. BAIDAS: To clarify, there are  
 9 multiple tools --  
 10 MS. BOYLE: In -- yes.  
 11 MR. BAIDAS: -- and various government  
 12 agencies have different iterations of environmental  
 13 justice indices and the mapping tools that are, as  
 14 Jody said, publicly available.  
 15 MS. BOYLE: And those tools are constantly  
 16 being refined almost weekly, you know, definitely  
 17 monthly. They are constantly changing, so -- to  
 18 answer your question, whoever's helping you draft  
 19 your permit should be able to help you run your own  
 20 EJSscreen before so you understand the impacts that  
 21 may be coming with that permit application. So --  
 22 MS. SACHA: At what point in the process  
 23 does DEQ run the tool, is that part of your  
 24 administratively complete or your technical complete  
 25 status? At what point do you run the tool and when

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1 will we know we need to do some enhanced measures --  
 2 MR. RILEY: Right.  
 3 MS. SACHA: -- as a regulated community?  
 4 MR. RILEY: So we would run it when the  
 5 application is received and again at different steps  
 6 in the process. So if we're talking about a Tier 3  
 7 permit application, for instance, when those -- you  
 8 know, when it's received, we would run it at the  
 9 draft permit stage, at the proposed permit stage,  
 10 then I think run it again.  
 11 Now, the review process takes a fair  
 12 amount of time. So as Jody mentioned, the tools are  
 13 being constantly updated. So there may be an  
 14 instance where we could run the model early in the  
 15 process and not trigger for certain indices that  
 16 then, later, may, in fact, trigger because  
 17 demographic information has been updated, a new  
 18 census has occurred and the tool parameters change.  
 19 So we would run it at different times, typically  
 20 associated with the times in which public notice  
 21 would be required.  
 22 And I'm speaking for -- specifically  
 23 for Solid Waste in response to our Land Protection  
 24 policy, and again, it's different for each -- each  
 25 different division has its own policy.

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1 MS. SACHA: One more question. So after  
 2 DEQ runs it and they do or don't trigger and they do  
 3 or don't do enhanced outreach, then, when it goes  
 4 for final review after all the public comments, then  
 5 onto EPA or, say, Region 6 here, they have an  
 6 opportunity to also require enhance -- so it could  
 7 go through it even again at the EPA review level;  
 8 right?  
 9 MR. RILEY: It would depend on the permit,  
 10 the type of permit. For Solid Waste permits,  
 11 there's not an EPA review.  
 12 MS. SACHA: Okay. So other divisions  
 13 there are, but -- okay.  
 14 MS. BOYLE: Yeah. In Air Quality, yeah,  
 15 EPA can object to our granting of the permit.  
 16 And one of the reasons I also pointed  
 17 to Colorado is that because this is the first  
 18 affirmative review of the state's program, we do  
 19 believe this will formalize EPA's requirements.  
 20 Their findings there will determine whether or not  
 21 they want to formalize the actual requirements on us  
 22 or if it's going to continue to be guidance driven.  
 23 MR. ADCOCK: What was the trigger for the  
 24 signing of the policy back in February?  
 25 MS. BOYLE: Just paying attention to what

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1 EPA was asking of agencies. All state agencies were  
 2 asked to basically kind of look at this and kind of  
 3 take on doing it for themselves, and so we just --  
 4 ours really works very well within our existing  
 5 permitting framework, I think.  
 6 MR. JOYCE: Any pressure from EPA to do  
 7 something more robust?  
 8 MS. BOYLE: Well, we were also seeing how  
 9 EPA was addressing states that weren't doing  
 10 anything.  
 11 MR. JOYCE: Okay. So we're kind of --  
 12 we're doing something, but --  
 13 MS. BOYLE: Right. And Colorado has been  
 14 so proactive, and now they're the ones that are  
 15 going to get, basically, audited; so it's been kind  
 16 of interesting to see how that's playing out.  
 17 Something else, a very recent  
 18 development was a Georgia energy company just  
 19 reached a settlement agreement with a community  
 20 action group. And so they had their own settlement,  
 21 the energy company was going to do additional  
 22 outreach, but then, even after they reached that  
 23 agreement, that community group petitioned the  
 24 office -- EPA's Office of Civil Rights to do the  
 25 review. So I'm not sure if they knew that was going

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1 to happen at the time they reached the settlement  
 2 agreement, but I'm going to watch that one closely,  
 3 too.  
 4 MR. SINGLETARY: I just wanted to add to  
 5 Jennifer's response that, really, the catalyst was  
 6 EPA. When the new administration took over, they  
 7 had two priorities, one was EJ, one's climate  
 8 change, and they really started pushing that in  
 9 every program nationwide. So instead of having them  
 10 develop a -- their official EJ policy and pushing  
 11 that down on us, we preemptively tried to craft  
 12 something that we thought would work here in  
 13 Oklahoma and that would be manageable and workable  
 14 and still address the primary purpose of it, right,  
 15 without them having to put something in place kind  
 16 of like what's going on in Colorado.  
 17 So that was the idea why -- you know,  
 18 what kind of initiated it. The Biden Administration  
 19 had been in place for probably about a year by the  
 20 time that we had put this policy, and it's just an  
 21 interim policy. We're still working to develop a  
 22 permanent policy in place, but this is something to  
 23 have there so that we can, you know, start  
 24 addressing those concerns and kind of stave off some  
 25 kind of nationwide policy that might not work great.

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1 We're very uniquely situated in  
 2 Oklahoma the way our EJ communities are, it's  
 3 different than a lot of different places in the  
 4 country; so we thought it would be smart if we tried  
 5 to craft something instead of letting a nationwide  
 6 policy be kind of pushed down on us.  
 7 MS. SACHA: Have you had any feedback or  
 8 input from EPA Region 6, specifically for their  
 9 states, on this specific --  
 10 MS. BOYLE: Not specifically. Oh, well,  
 11 wait, you said Region 6 or -- all the states in  
 12 Region 6 or the Region 6 office with regard to us?  
 13 MS. SACHA: With regard to Oklahoma.  
 14 MS. BOYLE: Okay. No.  
 15 MS. DIXON: One thing that I'll mention  
 16 about Land Protection Division, I think EJ, this  
 17 sounds a little scary to everybody, but in our --  
 18 Jennifer mentioned that about 28 sites have been  
 19 through the screening tool and the cleanup programs,  
 20 but before it was called EJ in our cleanup programs,  
 21 we were doing -- we have always done enhanced  
 22 outreach where we have cleanup projects to engage  
 23 with the community, to let them know what's going  
 24 on, to do plain language notices to do mail-outs, so  
 25 -- and that -- it turns out to be successful. When

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1 you're transparent with the community, their fears  
 2 seem to subside. So from my perspective, that even  
 3 though it seems scary, I'm not sure it needs to be  
 4 scary because I think it's just more transparency in  
 5 our actions, the way I see it.  
 6 CHAIRMAN LINN: Well, it sounds like  
 7 impact determination has been going on, just it's  
 8 got a different name, essentially.  
 9 MS. DIXON: Well, and it -- I think it's  
 10 --  
 11 CHAIRMAN LINN: Plus --  
 12 MS. DIXON: -- it's new to the permitting  
 13 programs, is really the change.  
 14 CHAIRMAN LINN: Any other questions or  
 15 comments from the council?  
 16 MR. BIDAS: Are you performing any, like,  
 17 monitoring and evaluation to determine how well  
 18 bridging that communication gap in these communities  
 19 is working?  
 20 MR. RILEY: I think that's a good idea.  
 21 We're very early in the process; so we haven't had  
 22 that opportunity to try things yet. But the policy,  
 23 as written, gives us a lot of flexibility in how we  
 24 do this enhanced outreach, so, yeah, definitely want  
 25 to look and see what's successful. I mean, the

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1 intent would be to make our existing permitting  
 2 process more accessible to the community so that  
 3 they know how to participate in that process.  
 4 CHAIRMAN LINN: All right. Any other  
 5 questions or comments from council?  
 6 All right. We'll entertain comments  
 7 or questions from the public.  
 8 Welcome back, Mr. Green.  
 9 MR. GREEN: Thank you. Again, my name is  
 10 Todd Green with American Environmental Landfill.  
 11 And speaking on behalf of the National Waste &  
 12 Recycling Association, obviously we're familiar with  
 13 the fact that we currently do the Native American  
 14 background and issues there and certainly, as an  
 15 association, do not oppose any environmental justice  
 16 reviews; however, we'd like them to be supported by  
 17 the rulemaking process and certainly appreciate the  
 18 council's statements with regards to that vein.  
 19 Thank you.  
 20 CHAIRMAN LINN: Thank you.  
 21 Any other comments or questions from  
 22 the public?  
 23 Good morning.  
 24 MR. EVANS: Hey, good morning. My name is  
 25 Karl Evans, I'm with Republic Services, probably

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1 most of you've seen me before. I have a couple of  
 2 questions. The first question is, when this policy  
 3 was put into place in February, why was the  
 4 regulated body, that was regulated, not notified  
 5 that this was in place? Anybody can answer that  
 6 question.  
 7 MR. TAHMASSEBI: Well, you know, what we  
 8 are requiring really isn't a big deal, what we are  
 9 requiring is just enhanced communication with people  
 10 who need to know what's going on, that's all it is.  
 11 So, nationwide, there are lawsuits about EJ, there  
 12 are people who are really upset about certain  
 13 industries going in certain communities, there are  
 14 actual lawsuits, and we don't want to have that  
 15 here.  
 16 We think that we have a very robust  
 17 public participation process in Oklahoma, our rules  
 18 are written in a way that, at different parts during  
 19 the permit process, the members of the public get  
 20 notified of what's going on and we think that is  
 21 going on, this is happening really effectively. The  
 22 federal government thinks that the country as a  
 23 whole needs to do better when it comes to certain  
 24 communities, and we are just following what they  
 25 want us to do.

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1 And the reason we are doing this now  
 2 and we are doing it the way we do is that if we  
 3 don't, other people will do that for us. Other  
 4 people will tell us what it is that we need to do,  
 5 and if we don't, then the regulated -- not the  
 6 regulated community, people in the community might  
 7 take other actions against the facility. So it's to  
 8 everyone's best interest to say that, yes, DEQ does  
 9 indeed have a policy and the facility has followed  
 10 DEQ's policy. That may provide some protection for  
 11 the industry.  
 12 And what is it that we're requiring?  
 13 We are telling you that in certain communities,  
 14 whatever you publish in English, if there are people  
 15 in the community that don't speak English, also  
 16 publish it in their language so they understand. Or  
 17 if the education level in a certain part of the  
 18 community is such that they can't understand what  
 19 you're writing, write it in, like, 5th grade or 7th  
 20 grade English so they understand, this is all we are  
 21 asking. Or if there are certain members of the  
 22 community that they don't read the newspaper,  
 23 somehow let them know what's going on. So it's all  
 24 very positive, it's to your advantage.  
 25 Why didn't we talk to the different

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1 councils? It's because it's not a big deal. It's  
 2 because all we are asking people to do is to enhance  
 3 this communication. Do I need to go to the councils  
 4 and say, 'Council Members, we want to enhance  
 5 communication, let's form a workgroup and let's all  
 6 of us discuss how we are going to tell people what  
 7 to do?' I don't think that's necessary, I don't  
 8 think that you guys think that necessary, either.  
 9 How about the facilities, why didn't  
 10 we give you this policy when it happened? It's  
 11 because we tell you when you need to know it. I  
 12 mean, all you have to do is to go to Google  
 13 Translate and translate it to Spanish and send it to  
 14 people. This doesn't require the level of  
 15 communication and coordination that I feel that  
 16 people here are wanting us to do, it doesn't raise  
 17 to that level. It's very simple, just communicate  
 18 more.  
 19 But in future, if we do something  
 20 that is -- to me, this is so insignificant and it is  
 21 -- it doesn't require that much work on part of the  
 22 regulated community. If you want more involvement  
 23 in things like that, then yeah, we involve you, we  
 24 tell you that, Karl, if we have a -- if you have an  
 25 expansion, send letters to more people or if you

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1 don't want to do it, I'll do it for you.

2 MR. SINGLETARY: I will say that we have

3 made efforts in other divisions to share that with

4 different councils and the different organizations

5 that are involved in it, but it wasn't something

6 that I guess the engineering folks felt was a -- hit

7 a threshold that it was going to make such a

8 substantive change that there was a formalization of

9 how that worked, but we can definitely do better

10 with that and make sure folks are aware of it.

11 MR. EVANS: Well, it was just a question,

12 right?

13 MR. SINGLETARY: Yeah, we want to -- for

14 sure, obviously when an application comes in, the

15 policy was communicated with different applicants,

16 but you know, there was no -- we wanted to make sure

17 it was out there and that, you know, folks knew of

18 it; so we probably could have definitely done a

19 better job.

20 Obviously, if the council wasn't

21 aware that this policy went into effect last year,

22 we could have done a better job in making sure that

23 you guys were aware of it just so there wasn't any

24 kind of surprise or we don't want it to be a

25 surprise in the industry. Obviously, I mean, you

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1 guys are the ones that are -- you know, want to be

2 able take that stuff into account as we're

3 evaluating permit applications. So that definitely

4 was not -- clearly, it didn't happen --

5 MR. EVANS: It was just a question, right?

6 MR. SINGLETARY: -- sufficiently. We want

7 to make sure it does.

8 MR. EVANS: Right.

9 MR. SINGLETARY: So if we can do better in

10 the future in making sure policy changes like that

11 are communicated effectively through everyone who's

12 going to be impacted, we definitely want to do that.

13 MR. EVANS: Thank you very much.

14 So as Saba said, there's already a

15 notification of a requirement inside the process to

16 local neighbors. And I realize that the EPA is

17 coming at everybody on this and I didn't realize it,

18 that's my fault, I should have been checking.

19 But the other part of that is if that

20 process is already in place, are we looking for

21 suspenders to go with that belt, is that really what

22 this is? I'm just trying to understand. Are we

23 sending out a separate notification? I just need to

24 understand, we're doing it to try to protect

25 ourselves from either the regulatory body or the

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1 regulated community to be sued, right? That's the

2 whole goal.

3 MS. DIXON: I would say that it's more to

4 be more transparent in our processes so that there's

5 meaningful involvement of the -- of a community that

6 may be impacted. So, I mean, I'm going to spin it a

7 little bit or twist what you're saying. Really, the

8 goal is to increase opportunities for public

9 participation in our permit process, that's really

10 what it is.

11 MR. EVANS: Thank you, Kelly. Thank y'all

12 very much.

13 CHAIRMAN LINN: Thank you, sir.

14 Any other comments or questions from

15 the public?

16 Good morning.

17 MS. HANIGAN: Good morning. Rachel

18 Hanigan with Waste Connections. I just want to ask

19 the question about running the EJScreen tool and the

20 decisions of -- I guess I'm hearing that we're going

21 to run the EJScreen tool multiple times throughout

22 an application's review process, and so that could

23 be a moving target, I think we're recognizing that

24 as data that's pushed to the EJScreen tool may

25 change. And I'm also hearing from council that the

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1 EJ process maybe belongs at the beginning of the

2 application process, that we do that engagement up

3 front.

4 So I guess I'd like some clarity as

5 to how many times maybe DEQ is going to run the

6 EJScreen tool throughout the process. Those of us

7 that submit applications know that it takes some

8 time to get through the review process. So I guess

9 that is my question is at what point do we stop the

10 reevaluation and the recalculating of what our EJ

11 score may be?

12 CHAIRMAN LINN: Great question.

13 MR. RILEY: Well, I would say that, you

14 know, if our intent is to increase communication at

15 the time that public participation opportunities are

16 offered, then that would be the time at which we

17 would run the model. So in a Tier 3 application,

18 you have a notice of filing, you have a notice of

19 draft permit, and you have a notice of proposed

20 permit.

21 The time between filing and draft

22 permit can be lengthy, depending on how long and how

23 complicated the application is; so I think it makes

24 sense, at that point, to run them again. And it may

25 -- especially since things are evolving so rapidly

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1 and updates are happening to the tool rapidly, I  
 2 think that has an impact, too.  
 3 But that's what I think we would do,  
 4 is opportunities -- if our goal is to increase  
 5 opportunities for communication when public  
 6 participation is called for in the rules, then  
 7 that's when we would utilize the tool.  
 8 MS. HANIGAN: I guess just one more  
 9 question, then. So we have the Oklahoma Uniform  
 10 Environmental Permitting Act and the Subchapter 4  
 11 rules which talk about these different tiered  
 12 permits which are referenced in this policy.  
 13 Has there been any consideration of  
 14 the timelines that are referenced in the rules and  
 15 how this EJ review may impact those timelines? Do  
 16 we anticipate incorporating some of this EJ language  
 17 into that rulemaking in the future?  
 18 MR. RILEY: As far as rulemaking goes, I  
 19 -- down the road, there may be opportunities and  
 20 there may be an initiative to incorporate some of  
 21 this into the rulemaking. I can't speak for the  
 22 agency and I don't know exactly.  
 23 You know, I think that the policy  
 24 that we've written in Land talks about potential  
 25 rulemaking in the future; so I wouldn't rule that

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1 out, I mean, and certainly the Chapter 4s would be  
 2 the place to do that. I would expect that this will  
 3 evolve over time.  
 4 MS. HANIGAN: And then just one last  
 5 question. Are these policies available, all the  
 6 different division policies, are they available on  
 7 the website anywhere where the regulated community  
 8 can go read them or are they just released at the  
 9 time that a facility understands that they have an  
 10 EJ review? I mean, are these publicly available  
 11 guidance documents?  
 12 MR. RILEY: All of our documents are  
 13 public record, I don't think that they're on the  
 14 website; I can't speak for other divisions.  
 15 Maybe Jennifer, do you know if  
 16 they're --  
 17 MS. BOYLE: I don't believe any are  
 18 publicly published, but they are all publicly  
 19 available.  
 20 MR. TAHMASSEBI: Yeah, they are for  
 21 internal use. These are, like, internal use  
 22 guidance, but they could become public, I mean,  
 23 there's no reason why they couldn't be.  
 24 MS. HANIGAN: Thank you.  
 25 CHAIRMAN LINN: Okay. Any other comments

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1 or questions from the public?  
 2 Thanks, Jennifer.  
 3 MS. BOYLE: Thank you so much.  
 4 CHAIRMAN LINN: So we enter Item 9, Public  
 5 Forum, Open Discussion. Is there anything from the  
 6 public that we need to discuss?  
 7 Hearing none, New Business, which is  
 8 "Limited to any matter not known or which could not  
 9 have been reasonably foreseen prior to the time of  
 10 posting the Agenda, which is 24 hours prior to the  
 11 meeting". Any new business?  
 12 Hearing none, I'll entertain a motion  
 13 for adjournment.  
 14 MS. SACHA: I'll make a motion.  
 15 CHAIRMAN LINN: Is there a second?  
 16 MS. REINHART: Second.  
 17 SECRETARY FIELDS: Mr. Adcock?  
 18 MR. ADCOCK: Yes.  
 19 SECRETARY FIELDS: Mr. Baidas?  
 20 MR. BAIDAS: Yes.  
 21 SECRETARY FIELDS: Mr. Cleveland?  
 22 MR. CLEVELAND: Aye.  
 23 SECRETARY FIELDS: Mr. Joyce?  
 24 MR. JOYCE: Yes.  
 25 SECRETARY FIELDS: Ms. Reinhart?

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1 MS. REINHART: Yes.  
 2 SECRETARY FIELDS: Ms. Sacha?  
 3 MS. SACHA: Yes.  
 4 SECRETARY FIELDS: Mr. Schaefer?  
 5 MR. SCHAEFER: Yes.  
 6 SECRETARY FIELDS: Mr. Linn?  
 7 CHAIRMAN LINN: Yes, ma'am.  
 8 SECRETARY FIELDS: Motion passed.  
 9 CHAIRMAN LINN: We are adjourned, thank  
 10 you.  
 11 (MEETING ADJOURNED AT 11:53 AM)  
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CERTIFICATE

I, Jenny Longley, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above and foregoing meeting was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 20th day of January, 2023.



Jenny Longley, CSR  
CSR # 1903





**SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL  
Attendance Record  
January 12, 2023  
Oklahoma City, Oklahoma**

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**SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL  
Attendance Record  
January 12, 2023  
Oklahoma City, Oklahoma**

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WE DESTROY PFAS FOREVER.

## ACLARITY DESTROYS PFAS CHEMICALS FOREVER IN FULL-SCALE PILOT

### First-ever mobile pilot, sponsored by Xylem, succeeds as US EPA proposes Hazardous Waste designation for PFAS

- Aclarity has developed a low-cost, high-throughput PFAS destruction tool for landfill operators and centralized waste treatment facilities.
- Existing methods for managing PFAS in landfill leachate merely shift PFAS chemicals within our environment.
- Third party lab results confirmed continuous destruction of up to 99% of PFOS in landfill leachate, bringing levels to below detection limits.


January 11, 2023. - Boston, MA - Aclarity, a leading PFAS destruction technology company, announced today that it has successfully destroyed PFAS chemicals at a customer's site, at volume, in landfill leachate, a primary source of PFAS contamination in the environment.

The full-scale pilot, sponsored by Xylem, a leading water technology company, demonstrates that PFAS, otherwise known as "forever chemicals," a class of highly toxic and ubiquitous substances previously resistant to any form of degradation, can be destroyed at full-scale capacity for large operations. The modular nature of the Aclarity technology allows for destruction of low volume streams and even those requiring upwards of millions of gallons per day to be treated.

Until now, PFAS destruction technologies have been relegated to the laboratory, or to batched processing. Yet most wastewater treatment processes need a continual-flow solution – a batch process would interrupt facility operations. Aclarity's full scale reactors can continuously destroy PFAS at a rate that matches the customer's purification train.

Third party lab results using standard ASTM method D7979 confirmed Aclarity destroyed PFAS compounds in landfill leachate continuously at a centralized waste treatment facility at levels of greater than 1,000 ng/L to below 10 ng/L. The equipment operated continuously for 4 weeks using very little energy: less than 100 Watt-hr/gallon.

"Electrochemical destruction is a leading candidate for degrading PFAS from water into harmless by-products including carbon dioxide and fluoride ions. In our laboratory testing, the destruction efficiency seen in Aclarity's electrochemical destruction pilot unit was excellent and is a notable advancement," said Dr. Mahmut S. Ersan, an Assistant Research Professor in the School of Sustainable Engineering, and the Built Environment at Arizona State University.

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WE DESTROY PFAS FOREVER.

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These results offer a pathway forward to ridding the world of dangerous, cancer-causing forever chemicals. They come at a time when the US EPA is proposing to designate PFOA and PFOS as hazardous substances under CERCLA (the Superfund act), which would require PFAS disposal or on-site treatment at landfills, more than tripling operating costs for operators. As this ruling moves forward, Aclarity's system provides landfill operators and centralized waste treatment facilities with a cost-effective tool to comply and save the environment.

"Existing methods for managing PFAS in landfill leachate merely transfer the chemicals within our environment," Julie Bliss Mullen, Aclarity CEO, said. "By proving scalability and leading unit economics, our customers now have a feasible solution to destroy PFAS forever, reducing environmental impact, liability, costs and operations while increasing capacity and public health."

After a recent fundraise of over \$3 million, Aclarity is combating PFAS in landfills across the country with their mobile trailers, helping landfills of all sizes set and achieve safety and sustainability goals around PFAS and improve public health. The company is currently planning several permanent installations in 2023 and is working to evaluate complementary concentration technology providers to expand into verticals such as drinking water and groundwater remediation.

#### About Aclarity

Aclarity is a venture-backed, woman owned and founded water technology company based in Massachusetts. Aclarity's low energy, electrochemical process quickly and safely destroys dangerous contaminants in water at the industrial scale and makes it easy to destroy unwanted contaminants such as PFAS in landfill leachate and other highly concentrated PFAS streams.

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For photos and Aclarity logos please visit the Aclarity Media page:  
<https://www.aclaritywater.com/media-center>

