

DRAFT MINUTES
Solid Waste Management Advisory Council
September 9, 2021 Regular Meeting
Department of Environmental Quality

Official SWMAC Approval
at January 20, 2022 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on September 9, 2021, 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 4, 2020. Agendas were posted on the entrance doors at the Department of Environmental Quality (DEQ) Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Jeff Shepherd, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Todd Adcock
 Rodney Cleveland
 Robert Joyce
 Jim Linn
 Brenda Merchant
 Jody Reinhart
 April Sacha
 Christopher Schaefer
 Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
 Hillary Young
 Patrick Riley
 Amanda Scofield
 Melanie Foster
 Karen Jayne
 Clifton Hoyle
 Amber Edwards
 David Cates
 Elizabeth Smith
 Malcolm Zachariah
 Michelle Wynn
 Quiana Fields

MEMBERS ABSENT

Greg Phillips

OTHERS PRESENT

Deb Garver, Court Reporter

Approval of the Minutes for the July 8, 2021 Solid Waste Management Advisory Council Meeting – Mr. Linn moved approval of the July 8, 2021 Minutes and Ms. Reinhart made the second.

See transcript pages 4 - 5

Roll Call

Todd Adcock	Yes	Jody Reinhart	Yes
Rodney Cleveland	Yes	Christopher Schaefer	Yes
Robert Joyce	Yes	Jeff Shepherd	Yes
Jim Linn	Yes		
Brenda Merchant	Yes		

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

See transcript pages 5 - 10

Ms. Sacha has entered the meeting after item #4.

Air Quality Report – Mr. Malcom Zachariah of the Air Quality Division, stated that on May 21, 2021, the U.S. Environmental Protection Agency (EPA) promulgated a Federal Plan in 40 CFR Part 62, Subpart OOO to implement the Emission Guidelines (EG) and Compliance Times for Municipal Solid Waste (MSW) Landfills, 40 CFR Part 60, Subpart Cf, which applies to existing MSW landfills. The Federal Plan requires all affected MSW landfills to submit an initial design

capacity report to EPA by September 20, 2021. The AQD is resuming its rulemaking to incorporate the requirements into Chapter 100. This will allow Oklahoma to replace the Federal Plan with a State Plan upon EPA approval. This item is for discussion purposes only.

See transcript pages 10 - 24

Solid Waste Grant Summary, Fiscal Year 2021 Projects – Ms. Amanda Scofield of the LPD, spoke on the Oklahoma Solid Waste Management Act (Act) that created a system of state solid waste fees to fund DEQ’s environmental protection programs. Local governments and nonprofit organizations can apply to DEQ for funding to accomplish environmental improvements.

See transcript pages 24 - 32

Discussion of Solid Waste Program Fees/Expenditures and Resolution by Council – Mr. Patrick Riley of the LPD, stated that the Council’s comments concerning program fees and program expenditures are to be submitted to the Executive Director, Governor and Legislature by November 1st of this year.

See transcript pages 32 – 48

Roll Call			
Todd Adcock	Yes	Jody Reinhart	Yes
Rodney Cleveland	Yes	April Sacha	Yes
Robert Joyce	Yes	Christopher Schaefer	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Yes		

Mr. Cleveland left the meeting after item #7.

Discussion of proposed changes to Chapter 515 Management of Solid Waste – Ms. Kaylee Shiplet of the LPD, stated that the Department of Environmental Quality is proposing to revise OAC 252:515 in response to Governor Stitt’s Executive Order 2020-03. The Department is proposing, for discussion only, to amend OAC 252:515 to remove redundant and outdated regulations and make minor changes to clarify existing language.

See transcript pages 48 - 71

Discussion of proposed changes to Chapter 515 Management of Solid Waste to include new regulations specific to the disposal of Per- and polyfluoroalkyl substances (PFAS). - Mr. Riley stated that the continued discussion on the Department’s proposal, for discussion only, to amend OAC 252:515 to include new rules applicable to the disposal of certain types of PFAS waste. A verbal report will be provided summarizing August 24, 2021 PFAS work group meeting.

See transcript pages 71 - 96

Election of Officers for 2022 – Ms. Merchant made a motion that Mr. Shepherd remains Chair and Mr. Linn made the second.

See transcript pages 96 - 97

Roll Call			
Todd Adcock	Yes	Jody Reinhart	Yes
Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Christopher Schaefer	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Mr. Linn made a motion that Ms. Merchant remains Vice-Chair and Ms. Reinhart made the second.

See transcript page 99

Roll Call			
Todd Adcock	Yes	Jody Reinhart	Yes

Robert Joyce	Yes	April Sacha	Yes
Jim Linn	Yes	Christopher Schaefer	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Suggested Meeting Dates for 2022 Council Meetings – The suggested 2022 dates are to be January 20, April 14, July 14 and September 8. Ms. Reinhart moved to approve and Ms. Merchant made the second.

See transcript pages 99 – 101

Roll Call			
Todd Adcock	Yes	Brenda Merchant	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Public Forum – Ms. Merchant mentioned supply chain not doing well other than that no public forum issues were raised.

See transcript pages 101 - 102

New Business – None

Adjournment – Mr. Shepherd adjourned the meeting at 11:25 a.m.

See transcript page 104

Transcript and sign-in sheet are attached as an official part of these Minutes.

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
PUBLIC MEETING

SEPTEMBER 9, 2021, at 9:00 A.M.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

707 North Robinson
1st Floor, Multi-Purpose Room
Oklahoma City, Oklahoma

* * * * *

REPORTED BY DEBRA GARVER, CSR, RPR

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A P P E A R A N C E S

1 Council Members:

2 Todd Adcock

3 Greg Phillips, (absent)

4 April Săcha

5 Jim Linn

6 Brenda Merchant, Vice Chair

7 Jody Reinhart

8 Jeff Shepherd, Chair

9 Robert Joyce

10 Christopher Schaefer

11 Rodney Cleveland

12

13 Presenting:

14 Kelly Dixon

15 Patrick Riley

16 Malcolm Zachariah

17 Amanda Scofield

18 Kole Kennedy

19 Kaylee Shiple

20 David Cates

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1 MS. FIELDS: Mr. Linn.

2 MR. LINN: Here.

3 MS. FIELDS: Ms. Merchant.

4 MS. MERCHANT: Here.

5 MS. FIELDS: Mr. Phillips is absent.

6 Ms. Reinhart.

7 MS. REINHART: Here.

8 MS. FIELDS: Ms. Săcha is absent.

9 Mr. Schaeffer.

10 MR. SCHAEFER: Here.

11 MS. FIELDS: Mr. Shepherd.

12 CHAIRMAN SHEPHERD: Here.

13 MS. FIELDS: We have a quorum.

14 CHAIRMAN SHEPHERD: All right.

15 All right. So first Agenda item: Approval of the

16 minutes for the July 8th, 2021, Solid Waste Management

17 Advisory Council Meeting.

18 Do I hear a motion?

19 MR. LINN: I'll move that.

20 MS. REINHART: Second.

21 MS. FIELDS: Mr. Adcock.

22 MR. ADCOCK: Yes.

23 MS. FIELDS: Mr. Cleveland.

24 MR. CLEVELAND: Aye.

25 MS. FIELDS: Mr. Joyce.

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P R O C E E D I N G S

1 CHAIRMAN SHEPHERD: The September 9th, 2021,

2 regular meeting of the Solid Waste Management Advisory

3 Council is called in accordance with the Open Meeting

4 Act. Notice was filed with the Secretary of State on

5 November the 4th, 2020.

6

7 The Agenda was posted on the doors of the DEQ, 707

8 North Robinson, Oklahoma City, Oklahoma, at least 24 hours

9 prior to the meeting.

10 Only matters appearing on the posted Agenda may be

11 considered at this regular meeting. In the event that

12 this meeting is continued or reconvened, public notice of

13 the date, time, and place of the continued meeting will be

14 given by announcement at this meeting. Only matters

15 appearing on the Agenda of a meeting which is continued

16 may be discussed at the continued or reconvened meeting.

17 If you're going to speak, go ahead and pull down your

18 mask, please, so that everybody can understand you.

19 Call roll.

20 MS. FIELDS: Mr. Adcock.

21 MR. ADCOCK: Here.

22 MS. FIELDS: Mr. Cleveland.

23 MR. CLEVELAND: Here.

24 MS. FIELDS: Mr. Joyce.

25 MR. JOYCE: Here.

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1 MR. JOYCE: Yes.

2 MS. FIELDS: Mr. Linn.

3 MR. LINN: Yes.

4 MS. FIELDS: Ms. Merchant.

5 MS. MERCHANT: Yes.

6 MS. FIELDS: Ms. Reinhart.

7 MS. REINHART: Yes.

8 MS. FIELDS: Mr. Schaefer.

9 MR. SCHAEFER: Yes.

10 MS. FIELDS: Mr. Shepherd?

11 CHAIRMAN SHEPHERD: Yes.

12 MS. FIELDS: Motion passed.

13 CHAIRMAN SHEPHERD: All right.

14 Next one is the Director's Report.

15 MS. KELLY DIXON: Good morning, everyone.

16 Is this on? Kelly Dixon.

17 I wanted to start by thanking everybody for your

18 service. I realize that serving on a council is voluntary

19 and it takes time and energy, homework, sometimes

20 workshops. So really want to reiterate how much we

21 appreciate your service to the agency and to the state and

22 citizens of Oklahoma. We really appreciate it.

23 I wanted to also share some news. In our division --

24 I don't know how many of know Ferrella March. She retired

25 last month to follow -- to pursue a passion and is going

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1 into crisis counseling, but -- so she retired after 15
 2 years at DEQ and 24 years of state service. She worked
 3 for Wildlife Department and Water Board before she came
 4 here.

5 But I -- I wanted to share a little about her
 6 contributions to the agency, especially in the tire
 7 program. She was really, really good at collaborating and
 8 getting groups together.

9 One outcome of that was a collaboration with KOB and
 10 the Oklahoma Clean Communities. And through that program,
 11 we have cleaned up so many tires in small communities
 12 across the state.

13 She also was very passionate about working on market
 14 development for the recycled tires that are processed in
 15 the state. And as a part of that, she got this coalition
 16 together, got funding from the State Transportation
 17 Innovation Council to do the Demonstration Project for
 18 ground tire rubber and asphalt. It was a dry process.

19 There were lots of partners; Federal Highway, OU,
 20 OSU, private vendors, ODOT is key. The outcome of that is
 21 there's a Demonstration Project where asphalt has been
 22 laid, testing continues. The Oklahoma Asphalt Association
 23 is also very active in this project.

24 The good news about the results of this are that ODOT
 25 is pursuing a spec for ground tire rubber and asphalt,

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1 projects, trying to improve our online services to our
 2 community.

3 One of the things that's important to this group is
 4 Amber Edwards is working on a project to have electronic
 5 submittals of monthly and quarterly reports from landfills
 6 and also to automate our billing. That's in its infancy.
 7 She's working on it. I think it won't be done until next
 8 year, but we're excited about that.

9 I don't think it's going to be mandatory. People can
 10 still do paper, but we're going to encourage people to use
 11 the electronic format because it's so much easier.

12 One other thing I wanted to share was -- so last time
 13 we talked, I told you that we -- we were -- have a formal
 14 telework policy for our staff, and a lot of staff are
 15 taking advantage of that.

16 Air Quality Division put together a metric, an info
 17 graphic. I always -- always encourage you guys to go to
 18 our web page and to follow us on social media. If you did
 19 that, you -- if you haven't done that, you're missing out.
 20 But this information is on our web page.

21 But it shows the benefits of teleworking, not only to
 22 the employees through better health, less paper usage,
 23 better morale, but -- this is an astounding number to
 24 me -- based on the miles that people commute to work, the
 25 yearly savings of miles is 1,150,000-plus miles a year.

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1 which is great news for Oklahoma. It will help keep the
 2 crumb rubber -- right now the crumb rubber is going out of
 3 state to other projects. It will stimulate markets here
 4 in Oklahoma and help us pave roads.

5 And the interesting thing about using ground tire
 6 rubber in asphalt is it really improves the performance of
 7 the road, so that's really, really good.

8 She also was a coauthor on a scientific paper about
 9 this process in a -- in a materials journal.

10 And then she developed -- this is kind of outside of
 11 the world of solid waste, but she also developed a -- it's
 12 called OKRT, Oklahoma Kill Response Team, and it was about
 13 fish kills. That was one of her earlier passions in her
 14 career was fish and aquatic environment.

15 But she put together this coalition of ten states,
 16 nine tribes, five federal agencies, and developed a
 17 paradigm for how to respond to fish kills, how to
 18 communicate, and then was pursuing training and education
 19 to elevate that work. And so we're going to miss her, but
 20 we're hoping to continue.

21 We've handed off the OKRT to another division and
 22 we're going to continue the efforts on market development
 23 and cleaning up tires in our division. So I just wanted
 24 to share that information with you.

25 We're aggressively, in the agency, working on IT

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1 And then Air Quality also calculated the emission
 2 savings of CO2 carbon monoxide, hydrocarbons, NOx, PM2.
 3 And so that's -- it's -- the numbers are really
 4 impressive. So I encourage you to go to our web page and
 5 look at it. It think it's on the banner of the -- of the
 6 web page, so it's easy to find.

7 And then the last thing I wanted to share, there's
 8 several conferences coming up that you guys might be
 9 interested in.

10 The Oklahoma Recycling Conference really soon, it's
 11 online only, September 22nd and 23rd.

12 The Oklahoma Composting Conference, October 15th.
 13 That's in person at the OSU Oklahoma County Extension
 14 Office. That's some classroom lectures and then some
 15 hands-on tours and things like that.

16 And then -- I talked about this last time -- the
 17 National Brownfields Conference December 8th through 11th.
 18 I looked at the agenda recently, and it's really cool
 19 because it's a national conference. It's a lot of people,
 20 and it's going to highlight all of the redevelopment in
 21 Oklahoma City.

22 And there's tours every single day in that
 23 conference. There's continuing education credits. And
 24 there's educational topics on liability, redevelopment,
 25 working with tribes, working with small communities.

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1 It's -- it's a pretty aggressive menu -- agenda.
 2 And so we encourage you guys to try to attend if you
 3 want to, especially to participate in those tours. It's a
 4 really good opportunity to see what's going on in Oklahoma
 5 City.
 6 So that's my brief update for you guys. If you have
 7 any questions, I'm happy to answer them.
 8 CHAIRMAN SHEPHERD: Thanks, Kelly.
 9 MS. KELLY DIXON: All right. Thank you.
 10 CHAIRMAN SHEPHERD: Air Quality Report.
 11 On May 21st, 2021, the U.S. Environmental Protection
 12 Agency promulgated a federal plan in 40 CFR Part 62,
 13 Subpart OOO, to implement the Emission Guidelines and
 14 Compliance Times for Municipal Solid Waste Landfills, 40
 15 CFR Part 60, Subpart Cf, which applies to existing MSW
 16 landfills.
 17 The federal plan requires all affected MSW landfills
 18 to submit an initial ESIGN capacity report to EPA by
 19 September the 20th. The Air Quality Division is resuming
 20 its rule making to incorporate requirement into Chapter
 21 100. This will allow Oklahoma to replace the Federal Plan
 22 with the State Plan upon EPA approval.
 23 So I guess we are going to -- at the end of this
 24 presentation by you, we will have a complete understanding
 25 of the Air Quality regulations.

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1 clarifying all these rules.
 2 MR. ZACHARIAH: Thank you, Patrick.
 3 I'm Malcolm Zachariah with the Air Quality Rules and
 4 Planning section. I'm here today because the EPA recently
 5 finalized its federal plan for implementing 2016 landfill
 6 gas regulations on existing Oklahoma municipal solid waste
 7 landfills.
 8 DEQ is now resuming our state rule making so we can
 9 revise our state plan and replace the federal plan. I
 10 want to thank our Land Protection Division counterparts
 11 for working with us throughout the years for -- in this
 12 process.
 13 We also appreciate the comments from council members
 14 and stakeholders when we first proposed rule changes in
 15 2017. Today's presentation will not include the rule
 16 language itself. I will be presenting that before the
 17 October 20th Air Quality Advisory Council meeting.
 18 I'll start with the background of the rules before
 19 going into the federal plan, who's affected, and what we
 20 are doing now.
 21 Next slide.
 22 Section 111 of the Clean Air Act provides the
 23 framework to set national standards for stationary sources
 24 of air pollution, which are NSPS, new source performance
 25 standards. Often, adding emission control equipment at

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1 MR. ZACHARIAH: Hopefully.
 2 CHAIRMAN SHEPHERD: Okay. I challenge you to
 3 make that happen.
 4 (Off record briefly to reorient seating.)
 5 MR. RILEY: And while you guys get situated and
 6 Malcolm gets ready to give his presentation, I'll just
 7 give him a little bit of an introduction.
 8 So, you know, we tend to separate environmental media
 9 into different groups. And we have Clean Water Act, Clean
 10 Air Act, Solid Waste Management Act. But the
 11 environmental world doesn't discriminate according to our
 12 regulations. So, you know, there are times when -- when
 13 we need to hear what some of the other permit groups are
 14 doing, and that's why Malcolm is here.
 15 It's important to remember that this is just for
 16 information. The actual rule making will occur through
 17 the Air Quality Council, not Solid Waste Management
 18 Advisory Council. So Malcolm is here to share information
 19 because it's popular information in Air Quality and Solid
 20 Waste Management.
 21 Think of it as a crossover. If you thought Garth
 22 Brooks was Oklahoma's crossover artist, I would submit to
 23 you that Malcolm Zachariah is DEQ's crossover artist.
 24 He's going to share information pertinent to cross medium.
 25 So he'll -- and I'm sure he'll be up to the challenge of

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1 the time of construction is cheaper and easier than adding
 2 retrofits. And here "modification" means a change that
 3 increases the amount of air emissions.
 4 Section 111(d) lets EPA also make emission guidelines
 5 (EG) for existing unmodified sources, but those guidelines
 6 are directed at the states to implement. States have to
 7 submit a state plan or EPA will issue a federal plan
 8 instead.
 9 Next slide.
 10 In 1996, EPA finalized its first EG and NSPS rules,
 11 which are 40 CFR Part 60, Subparts Cc and WWW. The rules
 12 were based on public health risk of landfill gas, which is
 13 mostly methane and CO2, but also includes a small fraction
 14 of non-methane organic compounds, NMOCs.
 15 NMOCs include hazardous air pollutants (HAPS) and
 16 volatile organic compounds (VOCs), which are precursors to
 17 other air pollutants like ozone.
 18 The 1996 rules reduced the risk by requiring
 19 landfills of a large enough design capacity to install gas
 20 collection and controls systems (GCCS) when NMOC emissions
 21 reached 50 megagrams per year.
 22 Next slide.
 23 As part of the federal effort to reduce methane
 24 emissions, in 2016 EPA finalized newer rules, EG Cf and
 25 NSPS XXX. EPA estimated 18 percent of U.S. human-related

<p style="text-align: right;">Page 14</p> <p>1 methane emissions came from MSW landfills. These new 2 rules lowered the NMOC emission threshold from 50 to 34 3 megagrams per year for open landfills. 4 Next slide. 5 I know this is a bit confusing because we have two 6 pairs of federal rules with some overlaps. In general, a 7 landfill must follow the more stringent requirement. 8 EG Cf overlaps the older EG Cc and NSPS WWW, which is 9 revised to not overlap with NSPS XXX. 10 Because new landfills are rare, most landfills become 11 subject to an NSPS due to a modification. In effect, all 12 landfills have to follow the lower 34-megagram threshold 13 to install a GCCS unless they closed before September 27, 14 2017. 15 At the bottom you can see how the rules get 16 implemented. And our current work will be to replace the 17 federal plan by adding EG Cf requirements into 18 Chapter 100, Subchapter 47. 19 Next slide. 20 Okay. What's happened since 2016? DEQ has 21 incorporated NSPS XXX into the air quality rules and began 22 rule making to incorporate EG Cf into Chapter 100, 23 Subchapter 47. 24 However, due to comments we received, litigation, and 25 a change in EPA administration, we did not finalize that.</p>	<p style="text-align: right;">Page 15</p> <p>1 The slowdown continued as EPA proposed longer deadlines 2 for state plans and held off action on those that were 3 submitted. 4 Eventually, EPA was required to develop a federal 5 plan for over 40 states, including Oklahoma. With another 6 administration change in 2021, and a court decision that 7 vacated the extensions, EPA was now ready to finalize the 8 federal plan. 9 Next slide. 10 The federal plan became effective June 21st, 2021. 11 It incorporates EG Cf. And, again, only affects landfills 12 that were operating after 1987, which is the same as the 13 old rules, up to 2014. 14 All affected landfills need to submit at least an 15 initial design capacity report and, if above the 16 2.5 million-megagram and cubic meter design capacity, it 17 must submit NMOC emission reports. There are some 18 reporting exemptions for landfills that closed or were 19 already controlling their emissions. 20 Next slide. 21 So here are the categories of all landfills. They 22 are either new/modified and subject to NSPS or existing 23 and subject to EG Cf. 24 Next slide. 25 For new or modified landfills, DEQ has already</p>
<p style="text-align: right;">Page 16</p> <p>1 incorporated NSPS XXX. We have seen approximately five 2 landfills that fall into this category. 3 Next slide. 4 Existing landfills are effectively those which have 5 not been modified after 2014 and under EG Cf, which EPA's 6 federal plan is now implementing. The federal plan 7 identified 31 Oklahoma landfills that are affected, which 8 are the ones who received a recent DEQ outreach letter 9 to remind them of their federal obligations. They will go 10 back to state jurisdiction after DEQ revises our rule and 11 plan and EPA approves it. 12 Next slide. 13 The next two are subcategories of existing landfills 14 and also under the federal plan. Again, closed landfills 15 can keep using the older NMOC threshold for running a 16 GCCS. 17 The legacy-controlled landfill subcategory is a new 18 addition in the federal plan for those who already have a 19 GCCS, and it exempts them from any initial reports because 20 they're already controlling emissions. 21 Next slide. 22 So what this does this all mean for all these 23 landfills? There's not much change. Those in the 24 existing category must submit a design capacity report to 25 EPA, which could be the same report submitted to DEQ for</p>	<p style="text-align: right;">Page 17</p> <p>1 the old rules. 2 For those above 2.5 million megagrams and 3 2.5 million cubic meters, the landfill was already 4 required to get a Title V air permit under both the new 5 and old rules. 6 The landfill was already required to test or estimate 7 NMOC emissions, now with an additional option of surface 8 monitoring. And the landfill was already required to 9 submit a GCCS design plan and begin installation once the 10 landfill reached a specific NMOC emission threshold. The 11 biggest change is the change to that emission threshold. 12 Next slide. 13 I will be presenting our rule revision of 14 Chapter 100, Subchapter 47, at the October 20 Air Quality 15 Advisory Council meeting, and the rule will be available, 16 along with the start of the comment period, on 17 September 15th. 18 We welcome written comments and/or oral comments at 19 the meeting itself. And, again, the first federal plan 20 deadline is September 20, 2021. 21 Until we have a state plan approved by EPA, existing 22 landfills will need to comply with the federal plan. 23 Next slide. 24 Here's the contact info for both EPA's federal plan, 25 which is managed by Region 6, and DEQ staff. Thank you</p>

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1 for your time and I'm happy to answer any questions.
2 CHAIRMAN SHEPHERD: Thank you, Malcolm.
3 It is confusing at best.
4 Is there any questions and discussion by the council?
5 MS. REINHART: I think you did a very good job
6 explaining that confusing -- highly-confusing topic to
7 people that aren't air people necessarily; so, good job.
8 MR. ZACHARIAH: Yes. It's like an alphabet
9 soup.
10 CHAIRMAN SHEPHERD: Well, you know, the OOO and
11 the WWW and the CC and the Cf, and it's very confusing.
12 Any other questions for discussion?
13 (No response.)
14 CHAIRMAN SHEPHERD: Any questions or discussion
15 from anybody in the public?
16 (No response.)
17 CHAIRMAN SHEPHERD: All right.
18 Thank you, Malcolm. Appreciate it.
19 MR. ZACHARIAH: Thank you.
20 MR. RILEY: One thing I'll add just --
21 CHAIRMAN SHEPHERD: To clear it up?
22 MR. RILEY: Yeah, right. No, I can't do that.
23 But Malcolm and the other folks from Air have helped
24 me understand that -- that what this rule making is about
25 that they're taking into October, it's more about making

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1 But how long will it take to get federal authority, that
2 plan approved?
3 MR. ZACHARIAH: The earliest we can have our
4 rules finalized would be September 2022. And we would
5 still have to go to EPA to get their approval. So we
6 need their rules in place at the same time.
7 MS. REINHART: Right. Do you think that -- how
8 quickly does EPA grant authority, though, is what I --
9 MR. ZACHARIAH: It -- it may take some time,
10 because they have additional time to review it once it's
11 submitted.
12 MS. REINHART: Okay. So it's probably a
13 two-year event at least, right?
14 MR. ZACHARIAH: Possibly.
15 CHAIRMAN SHEPHERD: Plus the lawsuits. I mean,
16 there was lawsuits when we copied over the CCR rules,
17 wasn't there?
18 MR. RILEY: They're still -- they're still
19 going on.
20 CHAIRMAN SHEPHERD: They're still going on?
21 With the air -- the state air rules, have you sent
22 out the letter to the 31 landfills?
23 It -- it seems that some -- I don't know if it was
24 just a straight-up form letter you sent out or what, but,
25 you know, one of my C&D clients got it and was concerned

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1 sure that DEQ has regulatory authority instead of EPA.
2 So while the regular -- there's not the opportunity
3 to change the emission limits or the size limits that
4 trigger anything. There is the opportunity, through this
5 rule making -- and please correct me if I'm wrong. But
6 there's the opportunity that, if this passes, then it's --
7 then the reg -- regulation of a new rule is with DEQ and
8 not EPA. So that -- I think that's important to remember.
9 CHAIRMAN SHEPHERD: Are the DEQ rules going to
10 be easier to understand?
11 MR. RILEY: No.
12 CHAIRMAN SHEPHERD: Are you just going to cut
13 and paste?
14 MR. ZACHARIAH: Yeah. We are trying to
15 incorporate by reference rather than copy wholesale the
16 federal rules.
17 CHAIRMAN SHEPHERD: Okay.
18 MR. ZACHARIAH: But they will be more
19 sustainable.
20 MR. RILEY: And the advantage is that if you
21 have questions, you'll deal with DEQ rather than EPA.
22 And I think that -- I think that's helpful.
23 MS. REINHART: How soon do they think it's
24 going to happen? I mean -- well, excuse me. I know it's
25 going to go through Air Quality and things like that.

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1 that they might have to comply. And I told them they did
2 not because they were C&D. Is that correct?
3 MR. RILEY: That's correct.
4 CHAIRMAN SHEPHERD: Thank you.
5 So any other questions or discussions from the
6 public?
7 (No response.)
8 CHAIRMAN SHEPHERD: Go for it, Brenda.
9 MS. MERCHANT: I just have one question just
10 for my own edification, and that is: What is -- what
11 qualifies as a modified landfill?
12 MR. RILEY: How much time do you have?
13 MS. MERCHANT: The "Reader's Digest" version.
14 MR. ZACHARIAH: So it's basically a lateral
15 expansion of the permit boundary or a vertical expansion
16 of a disposal cell. And it's the commence --
17 commencement of construction of that expansion.
18 CHAIRMAN SHEPHERD: See, that's where it gets
19 funky, because a lateral expansion of the permit boundary
20 is a Tier III permit modification. And what a lot of
21 landfills do are Tier I permit modifications to build
22 additional liner that's within the permitted boundary, so
23 that should not qualify as an expansion.
24 MR. ZACHARIAH: That should have been in the
25 previous design capacity. That --

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1 CHAIRMAN SHEPHERD: See, that's the thing is
2 it -- a lot of landfills don't necessarily know for sure
3 what their design capacity is ultimately.
4 MR. RILEY: They should. You should help them
5 do that.
6 CHAIRMAN SHEPHERD: Why? So I got to tell them
7 that they've got to spend even more money?
8 MR. RILEY: And the -- we -- we've had a lot of
9 discussions about this. And the initial design capacity
10 is assumed to be the permitted area for which waste can
11 be placed.
12 So it doesn't necessarily mean that, you know, a
13 brand-new landfill that's only built a part of what
14 their -- they could, it's assumed that that landfill will
15 calculate initial design capacity based on that entire
16 permitted area.
17 So individual --
18 CHAIRMAN SHEPHERD: Even though the permitted
19 area may never get built out? What if it never gets
20 built out?
21 MR. RILEY: It's still considered part of the
22 design capacity. "Potential to emit" is what the air
23 folks like to call it.
24 CHAIRMAN SHEPHERD: The "potential." That's a
25 big word.

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1 size-based net. And then only those that actually have
2 emissions would need to install -- would -- would be
3 required to install the system.
4 CHAIRMAN SHEPHERD: Okay.
5 MR. ZACHARIAH: Many have already installed
6 systems before, and we don't think anyone is between the
7 34 and 50 that have not already installed a system. So
8 we think we're okay that no one has to do new things in
9 terms of installing a system right now.
10 CHAIRMAN SHEPHERD: Okay.
11 Any other loaded questions, Brenda?
12 MS. MERCHANT: Thank you.
13 CHAIRMAN SHEPHERD: Anything else?
14 (No response.)
15 CHAIRMAN SHEPHERD: All right. Let's move on
16 to item number 6: Solid Waste Grant Summary, Fiscal Year
17 2021 Projects.
18 The Oklahoma Solid Waste Management Act created a
19 system of state solid waste fees to fund DEQ's
20 environmental protection programs. Local governments and
21 nonprofit organizations can apply to DEQ for funding to
22 accomplish environmental improvements. Highlights from
23 the past fiscal year will be provided.
24 Good morning.
25 MS. SCOFIELD: Good morning. My name is Amanda

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1 MS. REINHART: That would be worst-case
2 scenario that really means, right, on emissions?
3 MR. RILEY: The maximum -- maximum.
4 MS. REINHART: Right.
5 MR. RILEY: Yeah.
6 CHAIRMAN SHEPHERD: Now, that's where it gets
7 fuzzy when you start saying "the potential to emit." I
8 have to build a ton -- I have to spend -- my client has
9 to spend millions of dollars to build a gas system on the
10 potential.
11 MR. RILEY: No, it's -- because there are other
12 triggers that would require the installation of the gas
13 control system.
14 CHAIRMAN SHEPHERD: Okay.
15 MR. RILEY: It's -- the initial design capacity
16 doesn't trigger that, but that --
17 CHAIRMAN SHEPHERD: So it's just 34 megagram --
18 MR. ZACHARIAH: So there -- there are certain
19 tiers of the estimation. And if you just get that
20 2.5 million threshold, you're most likely not going to
21 have emissions to require a system. You're going to have
22 to be much bigger or have more waste to have enough to
23 trigger that.
24 CHAIRMAN SHEPHERD: Okay.
25 MR. ZACHARIAH: So it's, unfortunately, a

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1 Scofield. I coordinate our grant program. And, yeah,
2 I'll just be talking about some of our highlights from
3 this year. So this is that sheet.
4 So, yeah, in Fiscal Year '21, we assisted 84 local
5 governments. And you can see this map here on the handout
6 where the counties are in green and the cities are in
7 yellow, and those are contracts that we directly worked
8 with -- directly contracted with.
9 It is -- it's not extensive of our grant program,
10 because some grants don't exactly fit on the map; for
11 example, nonprofits.
12 See the pie graph to the right of the map shows
13 distribution of funding. It shows by approximate
14 percentages, and this was purposeful since the budget will
15 be discussed on the next line item. So please save your
16 budget questions.
17 You can see that 14 percent was spent on
18 environmental officer grants, which curtail illegal
19 dumping. We funded officers in 12 counties and one town
20 and one for the Ponca tribe.
21 You can see statistics below the map on our
22 environmental officer program. So we have each program
23 submit monthly statistics, and we recently re-prioritized
24 those statistics to focus more on the cleanup and less on
25 citations.

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1 So you can see 14 programs, 300 dumps cleaned,
 2 900,000 pounds of trash picked up, 2,000 tires,
 3 9,000 miles of road.
 4 Moving on to collection events. These make up
 5 4 percent of our grant funding, spending. Collection
 6 events are really great because they help prevent illegal
 7 dumping. We funded six collection events, which included
 8 household hazardous waste, e-waste, tires,
 9 pharmaceuticals, and sharps.
 10 We encourage each event to collect e-waste. We've
 11 been doing that for the last couple years. And by doing
 12 this, we can use fees from the Oklahoma Computer and
 13 Equipment Recovery Act to fund those collections.
 14 And as a sidebar, we did glam up the annual OCERA
 15 report. It's this blue flip book here. So in the past
 16 this has been submitted as just a 14-page document.
 17 Pretty bland. And so now it's much more reader-friendly,
 18 so take a look at that.
 19 And, back to the grants, so equipment grants came in
 20 at 17 percent. They included a bTrade for the City of
 21 Eufaula, which was a new one for us, a trench burner, a
 22 trailer and most popular in demand, our chippers,
 23 especially after that big ice storm we had.
 24 And when we grant chippers, we encourage those cities
 25 or programs to beneficially reuse those chips. And

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1 accomplishments was that --
 2 Oh, before I start, I'll start with saying this is a
 3 stakeholder-led group. And so stakeholders include DEQ
 4 employees, a few of us in solid waste, PSI staff, Product
 5 Stewardship Institute, waste industry professionals,
 6 medical professionals, tribal representation, and more.
 7 So some of our takeaways have been this interactive
 8 map. There's a picture of it here, and you can find it on
 9 the website. It's pretty interesting. I encourage you to
 10 play around with it.
 11 You can search for "near me" and the locations are
 12 separated by type. So the blue dots are law enforcement,
 13 the red dots are pharmacies, and -- and so on.
 14 You can also find two fact sheets that we made, one
 15 on safe disposal of medical sharps and one on safe
 16 disposal of pharmaceuticals.
 17 There's also a guide to building a municipal program
 18 for home-generated sharps. So this is a guide intended
 19 for municipalities who want to create their own sharps
 20 collection program, and the guide includes examples,
 21 different options, case studies. And so I encourage you
 22 to take a look at that.
 23 And then, lastly, we did a social media educational
 24 outreach campaign. So the picture of the frog is an
 25 example from that social media campaign where the theme

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1 sometimes that looks like using them on city grounds,
 2 sometimes giving them away to the public, using them as
 3 cover for -- at landfills.
 4 So this picture here of this playground is from the
 5 City of Marlow, and they used their storm debris chips to
 6 cover their playground. And the playground is really
 7 impressive if you haven't seen it before.
 8 And then a big percentage, 36 percent on the
 9 piechart, is listed as "cleanup assistance." And that
 10 includes one-time cleanups, roll-off rentals and
 11 chainsaws. These are mostly distributed through the
 12 Oklahoma Cooperative Engineering Districts, or OCCED.
 13 And, lastly, nonprofits -- flip to the other side --
 14 we come in at 29 percent. We've had so many great
 15 nonprofits that work on environmental education,
 16 sustainability, litter abatement, and -- and more.
 17 Today we're highlighting two of these projects. The
 18 first is our work with the Product Stewardship Institute
 19 on the Oklahoma Medicine and Sharps Disposal Committee,
 20 OMSDC. And this committee works to -- to create a safe
 21 statewide disposal solution for pharmaceuticals and
 22 medical sharps.
 23 There's a QR code here that will take you to -- to
 24 that website, and there you can find all of our
 25 accomplishments and what we do. One of our

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1 was "Protect Me." So this frog is "protect me from
 2 pharmaceuticals in the water," and there was some other
 3 ones as well. So that was the OMSDC project, and that
 4 project is continuing in this next fiscal year.
 5 So I'll move on to Solid Waste Institute of Northeast
 6 Oklahoma. They -- In Fiscal Year '21, they analyzed 30
 7 years of solid waste management trends in a 14-county
 8 region, pictured here. They compared their findings of
 9 today from those findings from a similar study they
 10 conducted in 1990, and the study includes interesting
 11 crafts and a lot of interesting information.
 12 The key takeaways were 55 percent increase in
 13 municipal solid waste generation, 26 percent population
 14 growth. Unincorporated areas may face challenges in the
 15 future with waste management, but for now the disposal
 16 capacity is sufficient.
 17 Tipping these are some of the lowest in the country
 18 and they have seen more recycling opportunities in that
 19 area since 1990.
 20 So that's all I have for you today. Thank you for
 21 your time.
 22 CHAIRMAN SHEPHERD: Thanks, Amanda.
 23 Does anyone have any questions from the council?
 24 (No response.)
 25 CHAIRMAN SHEPHERD: The dumps that you guys get

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1 cleaned up, do -- are they just sort of repeating dumps?
2 Are they just -- are we cleaning up the same dumps over
3 and over and over again? Is that what's happening?
4 MS. SCOFIELD: So the Environmental Officer
5 Program, we also fund -- so we fund the officers and --
6 for their cleanups and everything. And they also put up
7 "No Dumping" signs, and some of them have cameras put up
8 so they can monitor and can catch whoever is dumping. So
9 those are some ways of mitigating that problem.
10 CHAIRMAN SHEPHERD: Okay.
11 MS. REINHART: So I was curious about, you
12 know, the safe disposal of the sharps and pharmaceuticals
13 and things like that. So how are those materials
14 actually managed safely?
15 MS. SCOFIELD: Right. So before the committee,
16 there was mixed messaging in the state. Different, you
17 know, companies said one thing. And so that's why one of
18 the goals was to create one message for the whole state.
19 For example, with sharps, the -- the recommendation
20 has traditionally been to store them in a rigid container,
21 like a detergent bottle, and then put them in the garbage.
22 But one of the reasons the committee was started is
23 because waste energy professionals were getting pricked
24 because, yes, those bottle are rigid at home, but once
25 they get to the landfill they get crushed and they open up

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1 red, last resort, category. And that's because there's
2 just some different viewpoints and opinions on that, but
3 it is an option.
4 MR. CLEVELAND: Okay.
5 CHAIRMAN SHEPHERD: Any other questions or
6 comments from the public?
7 (No response.)
8 CHAIRMAN SHEPHERD: All right. Thank you,
9 Amanda.
10 MS. SCOFIELD: Thank you.
11 CHAIRMAN SHEPHERD: All right. Item number 7:
12 Our annual discussion.
13 Discussion of Solid Waste Program Fees/Expenditures
14 and Resolution by Council. The Oklahoma Solid Waste
15 Management Act (27a O.S. 2-10-802E) requires DEQ to
16 annually report to the Solid Waste Management Advisory
17 Council its income from solid waste fees and its
18 expenditures of those monies during the previous fiscal
19 year.
20 The Council's comments concerning program fees and
21 program expenditures are to be submitted to the executive
22 director, governor, and the legislature by November 1st of
23 each year in the form of a resolution.
24 Patrick.
25 MR. RILEY: So my hope was that Amanda would

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1 again. So that's one example.
2 And pharmaceuticals, previously they've -- there have
3 been kiosks at law enforcement offices, but not everyone
4 wants to go there, so it's not always a viable option.
5 Yeah.
6 CHAIRMAN SHEPHERD: Any other questions from
7 the council?
8 MR. CLEVELAND: As far as the pharmaceuticals,
9 they -- at their -- at the national association
10 conference there was a -- there's a vendor there that had
11 chemical -- I'm saying that wrong -- but has a chemical
12 packet that you can put your pharmaceuticals in and it
13 just immediately destroys -- makes them irrelevant and
14 everything, and then they can be disposed of and
15 everything.
16 Is that something that you guys are aware of or y'all
17 would look at and see and have that available, or have
18 grant opportunities for local governments to be able to
19 purchase, you know, those for the public?
20 MS. SCOFIELD: Yeah. So those kind of home
21 destruction devices are mentioned on our pharmaceuticals
22 fact sheet where we have a stoplight approach of best
23 disposal; you know, the yellow is next best, and the red
24 is last resort.
25 We do two list that chemical home disposal as in the

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1 share all these "good news" stories and, you know, leave
2 you with a very happy place that you wouldn't care about
3 the money, so -- but if you feel you must, we'll go ahead
4 and talk about it.
5 CHAIRMAN SHEPHERD: We probably should,
6 shouldn't we?
7 MR. RILEY: Yes. In fact, it's our obligation
8 to present this information to you, and it's your
9 obligation to report to the executive director and the
10 governor and legislature of what your findings are as far
11 as if the solid waste money is adequate for our projects,
12 for our services, and any recommendations that you have.
13 So it's our obligation to report to you revenue and
14 spending of the previous year, and it's also been our
15 practice to share with you the budget for the coming year.
16 So you'll find three reports back behind tab number 4
17 in your notebooks. They're separated by program. One is
18 for the eWaste program for the Oklahoma Computer Equipment
19 Recovery Act, the revenue that we get from that program.
20 Any manufacturer that sells or offers to sell
21 computers in the state has to pay a fee and file a plan
22 with the DEQ on how they will fix up and recycle machines
23 at the end of life. So that's -- that's described in the
24 first report.
25 We've made an effort over the last few years to use

<p style="text-align: right;">Page 34</p> <p>1 that revenue specifically for that program. It pays the 2 salary of the coordinator of the program, which is -- who 3 is Amanda. And it also -- the money that's left over, we 4 use for collection events that Amanda described. 5 And these are really popular with the public. You 6 know, lots of people have electronics that they've saved 7 that are no longer value to them, that they are 8 accumulating in garages; used computers, TVs, things like 9 that, that we can help fund a community collection event. 10 We can -- we can pair it with other collection, say, 11 household hazardous waste, pharmaceuticals, sharps, tires. 12 It's a really popular program, so we use eWaste money to 13 fund that when we can. 14 The other two reports, there's one on tires, but I 15 think the one -- and we can talk about that, too. But the 16 one that's probably the most interesting, the most 17 relevant, is the solid waste report. It includes the most 18 money. So if you look at that one, I'll point out a few 19 things. 20 It's important to remember -- and those of you that 21 have been on the council for a while know this, those that 22 are new may not, but solid waste is funded entirely by the 23 per-ton disposal fee charged on disposal. So a dollar and 24 quarter for every ton comes to the DEQ to support our 25 programs and expenses.</p>	<p style="text-align: right;">Page 35</p> <p>1 So if you look in the upper right-hand corner, for 2 this past fiscal year, we received about \$5.8 million in 3 revenue from that per-ton disposal fee. The majority of 4 that was used to pay for salaries and benefits, and you'll 5 see the other line items there point out to where the 6 money was allocated or -- or spent. 7 I'll point out that at the bottom of the page the 8 total budget for contracts, the things that we use to fund 9 all the things that Amanda described in that piechart, 10 \$1.9 million was budgeted. We actually spent 1.5. 11 We have some encumbered funds that are yet to be paid 12 out as invoices come in at the end of the year, so there's 13 still a balance remaining. But if you compare the revenue 14 that we have of 5.8 million and expenditures 5.6 and 15 change, then we did pretty well. 16 You know, 2020 was a weird year. I think there were 17 a lot of organizations that we contracted with that had 18 good intentions on spending the money certain ways and had 19 to pivot in midyear and figure out how they were going to 20 use those funds to accomplish what they wanted in a 21 different way. 22 And for the most part, we were successful in doing 23 that. But, you know, as far as our prediction of revenue 24 that came in, we predicted 6.1, we got 5.8. You know, I 25 think that we did okay for the year as crazy as it was.</p>
<p style="text-align: right;">Page 36</p> <p>1 For next year, again, we're -- if you look at the -- 2 on the other -- on the backside of that page, our budget 3 for fiscal year '22, we're estimating about 6.1 million 4 again in revenue. 5 That's been consistent across the years. It varies a 6 little bit, but, you know, with the exception of last year 7 being an odd year, I think we're pretty confident that we 8 can operate on that assumed budget. 9 And then I'll stop there and let you catch up and 10 look things over and ask any questions that you have. 11 CHAIRMAN SHEPHERD: All right. 12 Questions from the council? 13 Has there been a decrease in the tonnage? 14 MR. RILEY: Yeah. I mean, that's reflected in 15 that revenue. 16 And, you know, you guys may have some insight into 17 this. You know, when people started working from home, 18 right, there was a decline in commercial waste, right, in 19 volume, but an increase in residential. 20 And I don't know, depending on how state contracts 21 are structured, if that increase in residential waste 22 was paid. I guess we still get the same amount of the 23 dollar and quarter tonnage fee, but it's interesting if 24 that residential waste stream would be the same as 25 commercial.</p>	<p style="text-align: right;">Page 37</p> <p>1 I think, you know, there was -- initially, there was 2 a decline in commercial because businesses weren't 3 operating, and then a lot of businesses took advantage of 4 being closed to remodel, so there was an increase in 5 construction and demolition waste, which was interesting. 6 So it's been a really strange year and different than 7 typical, but as far as trying to identify trends or figure 8 out what's going to happen next, it's anybody's guess. 9 I don't know what you guys have seen, if you can 10 predict the future or know what's coming in. 11 MR. ADCOCK: You're looking at me. 12 MR. RILEY: I'm looking at you. What do you 13 see coming through the gate, or what are your predictions 14 for waste? 15 MR. ADCOCK: From our area, we saw a decrease 16 in commercial. On our hauling division, we saw a 17 decrease in commercial, a slight uptick in residential. 18 But like you said, it was -- you know, the cities and the 19 residents paid the same rate, but that tonnage went up 20 slightly. We didn't see a huge amount, but 21 it did increase. But once it hit the scales, it's still 22 the \$1.25 to the DEQ, so. 23 We anticipate that commercial -- our commercial 24 bounce-back particularly, like, out in the Shawnee area, 25 Pottawatomie County, Lincoln County, those numbers bounced</p>

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1 back, and we continue -- we anticipate to see those
2 continue to rise and kind of level back.
3 Commercial -- or C&D definitely went up. Not only
4 was it businesses that remodeled, it was homeowners that
5 wanted, you know, 10-yard roll-offs dropped at their
6 driveway, remodeling a bathroom, office space, backyard
7 projects. We saw a huge number jump on that.
8 MR. RILEY: Very interesting.
9 MR. ADCOCK: Yeah. But we hope to -- and
10 anticipating things kind of leveling back to pre-2020
11 levels. And I can't predict anything further than that.
12 Sorry.
13 CHAIRMAN SHEPHERD: Well, I think it'll be
14 interesting. The federal benefits all run out, what, at
15 the end of this month? Correct? I think that's the
16 case. So it will be interesting to see how many people
17 actually get up and go back out and go out and get work
18 and see how that impacts.
19 Because on the construction side, we were impacted
20 greatly with lack of materials, long lead times, you know,
21 projects that we thought would take 45 to 60 days are
22 taking 120 because we're just waiting for parts or pieces
23 because manufacturing is down because of no labor. So
24 it'll be interesting to see if that has an overall impact
25 on the economy and the waste stream.

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1 program. We still have a teleworking program at the City
2 of OKC. So we're not sure how that's going to affect
3 particularly the putrescible waste side.
4 Bulk waste is a different -- a totally different
5 story. We've actually seen a decline in the tonnage in
6 the last eight months, since the storm of October 26th of
7 '29 [sic]. But the set-out percentage is incredibly
8 higher to the extent that it caused us to be behind for a
9 period because we don't staff for mega setups. You can't
10 staff or equip.
11 So we definitely saw an uptick in the tonnage
12 overall. And I think it will mitigate some, but it all --
13 for all the reasons these folks mentioned, we're not sure
14 exactly what it's going to be.
15 So it's been a strange year for sure in the trash
16 business, hadn't it?
17 CHAIRMAN SHEPHERD: Just in the last few weeks,
18 our -- my company is losing personnel to other companies
19 that are allowing them to work from home. So we're
20 losing, I don't know, probably five to ten people a
21 month --
22 MR. LINN: Wow.
23 CHAIRMAN SHEPHERD: -- just because, for
24 whatever reason, we decided that everybody has to be in
25 the office and a lot of people aren't -- still aren't

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1 MR. ADCOCK: Yeah. Supply chains has been the
2 most disruptive in our industry. From -- getting trash
3 trucks, what used to be, you know, 60-, 90-day leads, is
4 now six months, a year, to get, you know, side loads and
5 front loads.
6 And we had one order for a roll-off and the price
7 jumped 50 grand overnight. And, you know, parts for
8 yellow iron, heavy equipment at the landfill, that has
9 been -- I mean, things that we used to be able to get
10 overnight or, you know, in a couple days, now it's weeks
11 to get parts that should be readily available.
12 So those have been -- that and labor force has been
13 the most disruptive. And that's really hard when you've
14 got -- you know, you don't have a backup for every single
15 piece of equipment and you're waiting on a single part
16 just to get things going again. That's been a big
17 challenge, but it's -- I think it's for everybody.
18 MR. LINN: Patrick, in the City of Oklahoma
19 City, we saw quite an uptick in residential waste at the
20 curb. When everyone went home in 2020, naturally, as you
21 pointed out, all that -- or very much of that commercial
22 waste came home. And so we're not sure exactly what the
23 new normal is going to be.
24 Because, as Ms. Dixon pointed out in her remarks, you
25 know, DEQ has a work-from-home program, a teleworking

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1 comfortable with that. So they're taking jobs where
2 people are allowed to work from home and going that
3 route.
4 MR. RILEY: We've certainly seen that employees
5 value that as a benefit --
6 CHAIRMAN SHEPHERD: Yeah.
7 MR. RILEY: -- the option to work remotely, you
8 know.
9 MS. REINHART: Well, it's not only for them,
10 their personal safety, but they have children to deal
11 with that -- you know, kids getting exposed at school and
12 then they have to be quarantined.
13 So it allows them to be able to still work and take
14 care of their family, so...
15 MR. RILEY: Yeah. It's beneficial to both the
16 organization and employees, I think, to be able to
17 maintain that continuity of labor when situations require
18 you to be at home.
19 MS. REINHART: Yeah.
20 CHAIRMAN SHEPHERD: The Waste Tire Program,
21 based on the issues that we've seen in the news about the
22 facility in Bristow, what is -- is there any plan to
23 possibly have to mitigate that site?
24 MR. RILEY: Yeah, I might let Kole talk about
25 that. He's been leading up the effort.

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1 So what Jeff is talking about is the -- there was a
 2 tire processing facility in Bristow, Oklahoma, that caught
 3 on fire and burned, lost a lot of tires, lost equipment,
 4 lost the building. And right now we're in the efforts of
 5 looking at what we need to do to for them to get things
 6 cleaned up and move forward.

7 CHAIRMAN SHEPHERD: Have they rescinded the
 8 permit?

9 MR. RILEY: The permit has been suspended
 10 pending additional work in remediation, if necessary.

11 And Kole can talk about how -- what's happening on
 12 the ground and what the outlook is for the state as far as
 13 managing that supply of used tires that continues even,
 14 you know, with the lack of this processor.

15 MR. KOLE KENNEDY: Sure. So -- thank you,
 16 Patrick. You pretty much answered that exact question,
 17 so awesome job.

18 Kole Kennedy, by the way.

19 I can -- I can speak a little bit to it that we are
 20 seeing an increase in the number of calls that we receive
 21 at DEQ based on that fire, because, for easy math, they
 22 were roughly about half percent -- or half of the tonnage
 23 that came through the state, the folks in Bristow did
 24 process that.

25 So another processor has stepped in to help out with

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1 least once a quarter, so proximity to people is not
 2 really an issue.

3 So folks in the panhandle do get serviced at least
 4 once a quarter, you know, or outlying areas. So that has
 5 always been the case and that will continue to be the
 6 case.

7 CHAIRMAN SHEPHERD: But are we anticipating any
 8 state funds for cleanup?

9 MR. KOLE KENNEDY: I do not anticipate that,
 10 no. The facility did have financial assurance and
 11 they're -- they haven't walked away, so they are -- I
 12 assume they would want to keep their permit, so they are
 13 wanting to continue to clean up the site.

14 CHAIRMAN SHEPHERD: Okay. And the funds that
 15 come from the waste tire recycling come from the fees on
 16 the tires, right?

17 MR. KOLE KENNEDY: Yes. That fee you pay every
 18 time you buy a brand-new tire comes in. And that pays my
 19 salary, so thank you for that. But --

20 CHAIRMAN SHEPHERD: I forgot; by statute, how
 21 much goes to the Air Quality? Twenty percent?

22 MR. KOLE KENNEDY: Twenty-four percent of the
 23 \$2.90 fee.

24 CHAIRMAN SHEPHERD: Okay. All right.

25 MR. KOLE KENNEDY: Which is passenger tires.

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1 that tonnage as well, but there is going to be a little
 2 bit of a backlog on that because there's only so much
 3 tonnage you can increase to.

4 So right now we are seeing a little bit of an
 5 increase in calls. By "a little bit," I mean, 15 to 20
 6 calls a day per --

7 CHAIRMAN SHEPHERD: Calls for what?

8 THE WITNESS: Tire dealers needing tires picked
 9 up.

10 CHAIRMAN SHEPHERD: Got you.

11 MR. KOLE KENNEDY: So we do pass those calls
 12 along to our existing processors. Everybody has kind of
 13 pitched in a little bit and been able to help. But
 14 specifically one processor has taken the lion's share of
 15 that, so that's helped a lot. And they do continue to
 16 increase the amount that they can take. So it's just a
 17 matter of time.

18 But, like Patrick said, we are actively working with
 19 that processor that did have the damage and they're
 20 working to get back into compliance.

21 MS. MERCHANT: Where is the one located that
 22 has stepped up to fill that void?

23 MR. KOLE KENNEDY: That would be the processor
 24 in Noble. But there is a requirement for each of our
 25 processors that they have to service the entire state at

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1 Sorry.

2 CHAIRMAN SHEPHERD: Yeah. Just passenger
 3 tires, yeah.

4 Any other questions or comments from the council?
 5 (No response.)

6 CHAIRMAN SHEPHERD: Any other questions or
 7 comments from the public?

8 MS. CAROL BARTLETT: I had a question. And so
 9 that Norman hailstorm was isolated, but it was really
 10 big. So I was just curious where all that waste goes for
 11 the roofs and all the glass that were shattered. Is that
 12 just general fees?

13 CHAIRMAN SHEPHERD: Probably.

14 MS. CAROL BARTLETT: Thank you.

15 MR. KOLE KENNEDY: Just to clarify, she asked
 16 about the waste from the hailstorm in Norman, where that
 17 waste went.

18 CHAIRMAN SHEPHERD: Are all the roofs going to
 19 be replaced?

20 MR. KOLE KENNEDY: I would anticipate so, yes.
 21 Thank you, council.

22 CHAIRMAN SHEPHERD: All right. Well, we have
 23 to vote on this, so I need a motion to approve the
 24 budgets as you see in the packet.

25 MR. RILEY: Do you have -- excuse me. I don't

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1 mean to disrupt you, sir. But do you have a copy of the
 2 resolution that you are going to -- could you read that
 3 into the record?
 4 CHAIRMAN SHEPHERD: You spelled my name wrong.
 5 MR. RILEY: I can say I didn't prepare that,
 6 but I apologize on behalf of whoever did.
 7 Kole, did you do that?
 8 I blame Kole for everything.
 9 MR. LINN: Patrick, I had to point it out to
 10 him, by the way.
 11 CHAIRMAN SHEPHERD: It doesn't bother me.
 12 All right. The resolution of the Solid Waste
 13 Management Advisory Council:
 14 Whereas, the Oklahoma Solid Waste Management Act (27A
 15 O.S. 2-10-802e) requires the DEQ to annually report to the
 16 Solid Waste Management Advisory Council its income from
 17 solid waste fees and its expenditures for those monies
 18 during the previous fiscal year;
 19 Whereas, the council is also required to develop
 20 comments comparing income program expenditures;
 21 The council hereby resolves as follows: The solid
 22 waste fee income is adequate to support the solid waste
 23 management programs for which it was originally intended
 24 and approves the report of the income expenditures for the
 25 fiscal year 2021. Adopted by majority vote in open

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1 CHAIRMAN SHEPHERD: Yes.
 2 MS. FIELDS: Motion passed.
 3 CHAIRMAN SHEPHERD: All right. I see next on
 4 the meeting Agenda is discussion of proposed changes to
 5 Chapter 515 Management of Solid Waste.
 6 The Department of Environmental Quality is proposing
 7 to revise OAC 252:515 in response to Governor Stitt's
 8 Executive Order 2020-03. The Department is proposing, for
 9 discussion only, to amend 252:515 to remove redundant and
 10 outdated regulations and make minor changes to clarify
 11 existing language.
 12 Kaylee.
 13 MS. SHIPLET: Good morning, everybody. My name
 14 is Kaylee Shiplet. I will be continuing our discussion
 15 from the July meeting of our proposed changes.
 16 CHAIRMAN SHEPHERD: Can you remind us what
 17 exactly was the governor's executive order?
 18 MS. SHIPLET: So last year he signed an
 19 executive order requiring state agencies to review the
 20 administrative rules with the purpose of streamlining and
 21 approving them.
 22 And so, as requested, DEQ reviewed our solid waste
 23 515 and we found a lot of suggested changes. A lot of the
 24 changes we had during the July meeting were redundant and
 25 outdated rules we wanted TO remove.

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1 meeting in 9th day of September, 2021.
 2 So that is the resolution.
 3 MR. LINN: Are you ready for a motion?
 4 CHAIRMAN SHEPHERD: I need a motion to approve
 5 the resolution.
 6 MR. LINN: So moved.
 7 MR. CLEVELAND: Second.
 8 MS. FIELDS: Mr. Adcock.
 9 MR. ADCOCK: Yes.
 10 MS. FIELDS: Mr. Cleveland.
 11 MR. CLEVELAND: Aye.
 12 MS. FIELDS: Mr. Joyce.
 13 MR. JOYCE: Yes.
 14 MS. FIELDS: Mr. Linn.
 15 MR. LINN: Yes.
 16 MS. FIELDS: Ms. Merchant.
 17 MS. MERCHANT: Yes.
 18 MS. FIELDS: Ms. Reinhart.
 19 MS. REINHART: Yes.
 20 MS. FIELDS: Ms. Sācha has entered the meeting.
 21 Ms. Sācha.
 22 MS. SĀCHA: Yes.
 23 MS. FIELDS: Mr. Schaefer.
 24 CHAIRMAN SHEPHERD: Yes.
 25 MS. FIELDS: Mr. Shepherd.

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1 And today we have a few more changes to clarify
 2 existing language and improve the rules. And it's for
 3 discussion purposes only today. We'll be voting on them
 4 in January, rules from today and in July.
 5 So if you turn to the fifth tab, you'll find the full
 6 rule underlined strike-out and a table of a summary of
 7 what want to change and the rules we want to change and
 8 why.
 9 CHAIRMAN SHEPHERD: So is this in addition to
 10 the ones you presented in July --
 11 MS. SHIPLET: Yes.
 12 CHAIRMAN SHEPHERD: -- or are these the same?
 13 MS. SHIPLET: These are different.
 14 CHAIRMAN SHEPHERD: Okay.
 15 MS. SHIPLET: Yeah.
 16 CHAIRMAN SHEPHERD: When we vote in January,
 17 are you going to bring everything together?
 18 MS. SHIPLET: Yes.
 19 CHAIRMAN SHEPHERD: Okay.
 20 MS. MERCHANT: You did say yes, this is in
 21 addition to what we --
 22 MS. SHIPLET: Yes. Correct.
 23 And so starting off with Subchapter 9, the first
 24 change we have suggested is removing 931-A. It is
 25 outdated and no longer necessary. It refers to facilities

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1 permitted prior to 1994, so it's no longer necessary.
 2 And then the next change is 931-B. We are also
 3 proposing to remove "permitted on or after April 9, 1994."
 4 Once we remove 931-A, that will no longer be necessary.
 5 And we are also proposing to change "sampled
 6 quarterly for one year" to require eight independent
 7 samples over one year. And the purpose of that is because
 8 EPA recommends eight samples to have a good set of data
 9 for statistical analysis.
 10 I would also like to point out it says that you must
 11 sample for a full year before waste may be deposited. So
 12 that's the purpose of doing eight independent samples over
 13 one year. We don't want to delay the use of the cell and
 14 change that to quarterly sampling for two years.
 15 And then the next change we have proposed is 931-C.
 16 We are also proposing to change four samples quarterly to
 17 eight samples over a year for consistency across the board
 18 with what is proposed in B-1, and to have a good dataset
 19 for statistical analysis.
 20 Many facilities already do eight samples quarterly
 21 instead of four, but if we only require four background
 22 samples and then people monitor semi-annually after that,
 23 it's three years before we have a full dataset, and so
 24 that's the purpose of that.
 25 And we think that this improves the rule by being

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1 protection standards for any pending CE constituents
 2 detected.
 3 So a little bit of context here. This particular
 4 citation comes from a part of our rules that addresses
 5 assessment monitoring. And under -- when assessment
 6 monitoring is triggered, the first thing you do is go out
 7 and sample all the wells for the same parameters as in
 8 detection monitoring.
 9 And then -- but you also include some parameters at
 10 Appendix C in the rules, which are composed of herbicides,
 11 pesticides, semi-volatile organic compounds.
 12 So we don't have any background information on that.
 13 So once the results of that sampling event come back, and
 14 if there is a detection, then that's when this particular
 15 rule comes into play, because we'd want to establish the
 16 background for that particular sample.
 17 And then that would lead to the establishment of
 18 groundwater protection standard for that particular
 19 constituent. So kind of the basics on that.
 20 MS. SHIPLET: And then the next change we have
 21 after that is under 996, Groundwater Protection Standard
 22 C-1. The EPA reference here is outdated, so we're
 23 proposing to remove that.
 24 And then the next change we have is under Leachate
 25 Collection and Management, 1352 A-4. We're proposing to

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1 more protective of the environment and allows us to
 2 determine if there is a release more quickly.
 3 And then the next rule we are proposing to change is
 4 994, minimum number of samples. And I would like to point
 5 out that the changes here are different than the changes
 6 that were submitted in the email, I believe, on the 1st of
 7 September. So this is what we would be voting on in
 8 January.
 9 And I'm going to kick that off to David to talk more
 10 about that one.
 11 MR. CATES: Okay. Thanks, Kaylee.
 12 Yeah. As she mentioned, these are a little bit
 13 different from -- or this particular citation is a little
 14 bit different from what you received earlier because I've
 15 made some last-minute changes, so that's why I'm getting
 16 to talk about it.
 17 But, basically, we kept the -- for consistency, we
 18 kept the change from four to eight independent samples
 19 over one full year, and then we changed the wording a
 20 little bit to make it a little bit clearer that in A-1,
 21 that we just moved the "during each sampling event" down
 22 from A to A-1, and then tried to clarify that, in A-2,
 23 that the sample -- or minimum of eight independent samples
 24 over one full year from each upgradient and downgradient
 25 well to establish a background and determine groundwater

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1 add a double-walled tank with leak detection. We're
 2 proposing to add this because this is something that we
 3 proposed -- or we have allowed in the past, so we're just
 4 clarifying this rule.
 5 And then under B, we are proposing to remove that
 6 reference. It is outdated, and I don't think that section
 7 exists anymore.
 8 Under Subchapter 21, Used Tire Processing, 2172 B-2,
 9 we're just proposing to change that reference. We're
 10 fixing it.
 11 And then 2174, we're proposing to remove this section
 12 because part 9 no longer exists, and this section refers
 13 to what's identified in part 9.
 14 And then that's all of them. So we can discuss any
 15 rules/potential changes further.
 16 CHAIRMAN SHEPHERD: So you're still requiring
 17 the eight sampling, you just pushed them to one year.
 18 Instead of one per quarter for two years, they can get
 19 them all done in one year?
 20 MS. SHIPLET: Yes.
 21 CHAIRMAN SHEPHERD: You think that's sufficient
 22 for establishing background?
 23 MR. CATES: (Nods head.)
 24 MR. SCHAEFER: I would question that you would
 25 want to possibly do quarterly, because at some landfills,

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1 conditions are such that about every month and a half,
 2 you know, the groundwater still might not be an
 3 independent sample.
 4 CHAIRMAN SHEPHERD: Okay.
 5 MS. REINHART: So, from what I understand, you
 6 only require the background for one year through the
 7 eight samples. Is that correct?
 8 MS. SHIPLET: Correct.
 9 MS. REINHART: They would not have to do
 10 background again in the future?
 11 MS. SHIPLET: No.
 12 MS. REINHART: Okay. And then they would just
 13 do -- how often do they do their regular sampling?
 14 MS. SHIPLET: Detection monitoring is
 15 semi-annual.
 16 MS. REINHART: Semi-annual.
 17 MS. SHIPLET: Yeah.
 18 MR. CATES: So the initial eight samples is --
 19 those values are used statistically to come up with
 20 background, but that background concentration is updated
 21 basically every two years -- or, actually, four years for
 22 the semi -- semi-annual sampling events.
 23 MS. REINHART: Okay.
 24 CHAIRMAN SHEPHERD: What's to stop somebody
 25 from doing eight independent samples over a month?

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1 MR. CATES: Or evenly throughout the year.
 2 MR. RILEY: If there's agreement that a year is
 3 sufficient time and it's not two years.
 4 CHAIRMAN SHEPHERD: There may be some
 5 disagreement on the year, Chris? Is that what you're --
 6 MR. SCHAEFER: I would put quarterly over two
 7 years, but I don't want to pull that placement away. I
 8 think you would get a more appropriate reading or an idea
 9 if you were doing quarterly over a two-year period.
 10 CHAIRMAN SHEPHERD: Yeah. I mean, that's --
 11 you're right, you would.
 12 Maybe look into that a little bit more?
 13 MR. RILEY: Sure. I mean, I -- I'm thinking --
 14 I'm wondering if it might be beneficial to add something
 15 else that says site-specific geology may require a
 16 different schedule, something like that.
 17 CHAIRMAN SHEPHERD: Come on, Patrick. That's
 18 an endless argument that you guys are just setting
 19 yourselves up for there.
 20 MR. RILEY: Okay.
 21 MR. SCHAEFER: I was just trying --
 22 CHAIRMAN SHEPHERD: You always --
 23 (Multiple speakers interjecting simultaneously.)
 24 CHAIRMAN SHEPHERD: You always --
 25 MR. RILEY: -- regulated community. But if you

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1 That's a -- you know, that's a year, right?
 2 MR. CATES: Well, that kind of gets to what I
 3 think Chris was alluding to, that are they actually
 4 independent samples if it's that close together.
 5 CHAIRMAN SHEPHERD: Well, yeah. I mean, it's
 6 -- you're proposing to change the rules. Either you got
 7 to change the rules so that the eight independent samples
 8 and -- and give that a time frame or --
 9 MR. LINN: Like two per quarter or something,
 10 right?
 11 CHAIRMAN SHEPHERD: Something. It's got to be
 12 something. I don't think you can just say eight
 13 independent samples over one full year.
 14 MS. MERCHANT: They could do them all in the
 15 same day.
 16 CHAIRMAN SHEPHERD: You know, landfill
 17 operators like to save money, right?
 18 MS. MERCHANT: As long as you're here, can you
 19 do seven more?
 20 MS. REINHART: Yeah.
 21 MS. MERCHANT: Got to be -- there's a lot of
 22 errors sometimes, so...
 23 MR. RILEY: So we can say something like evenly
 24 spaced across the year to reflect seasonal variation,
 25 something like that maybe.

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1 don't want flexibility --
 2 CHAIRMAN SHEPHERD: Oh, come on.
 3 MS. REINHART: You can add a number three to
 4 them to give them flexibility, but they'd have to
 5 agree -- agreed upon by the DEQ, you know, but --
 6 MR. RILEY: And so, I mean, we like "as
 7 otherwise approved by DEQ" for its flexibility. But
 8 you're absolutely right that that opens up arguments,
 9 because as soon as we allow that room, if there's -- if
 10 someone disagrees with the schedule that's prescribed,
 11 then they'll argue for something else.
 12 CHAIRMAN SHEPHERD: I mean, I don't think you
 13 want to bring anything related to site-specific geology
 14 into this rule -- into this rule.
 15 I mean, we don't -- when somebody tries to develop a
 16 new landfill, you know, they're really -- you know, yeah,
 17 we go out and we drill some borings and we do some
 18 piezometer, but we're not necessarily investigating the
 19 geology of the facility.
 20 All we're doing is measuring the groundwater levels
 21 over 12 months to establish the highest groundwater level,
 22 which I think is a bit flawed, in my opinion, but that's
 23 for a discussion for a different day.
 24 But there really isn't any development or any real
 25 investigation into the exact geology of the facility.

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1 It's just drill some borings at a spacing that you guys
 2 prescribed, monitor for 12 months, establish the water
 3 level, boom, done.
 4 MS. SACHA: So does the facility allow to
 5 reestablish background if they want to? Or can the DEQ
 6 require the facility to reestablish background if, after
 7 one year, they don't feel those values are representative
 8 for the one year of monitoring?
 9 MR. RILEY: You want to speak to that, David?
 10 MR. CATES: So, I guess, you know, with four
 11 samples collected in one year, you could establish a --
 12 statistically establish a background value. But,
 13 statistically speaking, eight samples are really what
 14 would be a minimum to do that.
 15 Does that answer your question?
 16 MS. SACHA: I guess, let me rephrase that.
 17 So if somehow it's determined by the DEQ or by the
 18 facility owner that they don't think the one year of eight
 19 samples gave them a representative water quality
 20 background, do they have the flexibility to sample again
 21 another year or can DEQ ask them to sample again another
 22 year to get representative samples?
 23 MR. CATES: I think the answer to that is yes.
 24 And as I mentioned earlier, that that initial background
 25 is continually updated with the semi-annual detection

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1 That's a good dataset for statistical analysis.
 2 So I think as long as we're in agreement with the
 3 eight samples, we can work on the timeline and the wording
 4 about how we want this rule to read.
 5 MS. MERCHANT: Is there a timeline with EPA on
 6 those eight samples?
 7 MS. REINHART: And that's what I was wondering.
 8 Does it have to be done within a year, two years, four
 9 years? I mean, what is the EPA standard?
 10 MS. SHIPLET: I'm not sure.
 11 CHAIRMAN SHEPHERD: Well, it used to be one
 12 sample per quarter for eight quarters. That's what it
 13 used to be, right?
 14 MR. CATES: (Nods head.)
 15 CHAIRMAN SHEPHERD: To establish background.
 16 And now we're saying that you can still do those eight
 17 samples in just over one year.
 18 MS. REINHART: A compressed timeline.
 19 CHAIRMAN SHEPHERD: Right.
 20 MR. RILEY: You know, there was some
 21 inconsistency with some of those -- some of these rules,
 22 whether they were taking about developing background for
 23 landfills that were permitted before '94, and then there
 24 were different requirements for new wells at existing
 25 facilities and then for wells at new facilities.

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1 monitoring every two to four years.
 2 CHAIRMAN SHEPHERD: Well, I think we need to
 3 work on that particular section a little more maybe.
 4 MR. CATES: Would the definition of
 5 "independent samples" be helpful?
 6 CHAIRMAN SHEPHERD: What is an independent
 7 sample?
 8 MR. CATES: Well, we'll have to come up with a
 9 definition that would -- it wouldn't be -- you know, it
 10 would probably be site-specific.
 11 MS. MERCHANT: Well, then it would -- that
 12 would be like a definition for geology of the landfill.
 13 MR. SCHAEFER: I would think -- this was
 14 brought up before -- at least say evenly spaced over the
 15 year or something like that, or every 90 days
 16 approximately or something.
 17 CHAIRMAN SHEPHERD: Yeah. I mean, I think
 18 there's got to be something. I think you can't just say
 19 eight samples over one full year. I think that you've
 20 got to define a time; like Chris said, once every 90
 21 days, so you're actually getting the seasonal changes of
 22 your groundwater as it moves through on a yearly basis.
 23 MS. SHIPLET: So our goal here with these
 24 changes was to increase the requirement from four samples
 25 to eight, because that's what's recommended by EPA.

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1 So this is, in part, an attempt to, one, get rid of
 2 the outdated permitted before '94, because everybody has
 3 got monitoring wells now.
 4 CHAIRMAN SHEPHERD: Uh-huh.
 5 MR. RILEY: So that's -- I think we agree that
 6 that's no longer needed. So now it's a matter of
 7 deciding do we want to make it consistent across the
 8 different rules for wells that eight samples are
 9 necessary.
 10 Because what was happening, the confusing part
 11 the rule, and the reason why we jumped into this, is
 12 because someone would put in a well and the rule says do
 13 four quarterly samples for background, and that's not
 14 adequate to run statistics. You need at least eight.
 15 There's a general agreement you need eight data
 16 points for valid statistics. So that's the first thing.
 17 The year comes into play in that if we're
 18 talking about brand-new -- a brand-new facility or a well
 19 at a new -- at a new facility, then we don't want to limit
 20 waste placement. We don't want to extend the time that
 21 you would have to wait to place waste for another year.
 22 So the idea is that a request then to re -- for
 23 all of us to come to consensus on is, we know we want
 24 eight samples, so is a year -- do we want to do that over
 25 one year or do we want to do it over two years?

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1 So is the preference for eight quarters for two
 2 years or compress it and get eight done within a year?
 3 And that's something we can talk about.
 4 CHAIRMAN SHEPHERD: Okay.
 5 MR. RILEY: And so we drafted it as eight in
 6 one year.
 7 CHAIRMAN SHEPHERD: Yeah. Well, it needs some
 8 work. You guys need to work on that a little more.
 9 MS. REINHART: Totally good, yeah.
 10 MR. RILEY: On the next --
 11 MS. REINHART: Yeah, that's good.
 12 MR. RILEY: We can do that.
 13 MS. REINHART: Thank you. Appreciate it.
 14 MR. SCHAEFER: Can it be clarified in there
 15 with the understanding that background will be
 16 reevaluated? Essentially for new landfill, that you
 17 could reevaluate your background after another year or
 18 two? Could that be clarified in the rules?
 19 MR. RILEY: I think that makes sense. Again,
 20 our geologists can work on it.
 21 MR. JOYCE: So would that be something that
 22 would need to be requested by the landfill owner if he
 23 wanted it, or could that request come from DEQ or --
 24 MR. SCHAEFER: I was thinking for the landfill
 25 owner.

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1 the background is contained in the EPA guidelines, but I
 2 think we could include something about that in the rule,
 3 updating backgrounds.
 4 CHAIRMAN SHEPHERD: Okay. Double-walled tank,
 5 are we specific on what kind of tank that can be? Do we
 6 care what kind of tank that could be?
 7 Are you anticipating it being a steel tank or poly
 8 tank? Or as long as it's double-walled and has leak
 9 detention, you're okay with that?
 10 MR. RILEY: Well, that's how it's drafted.
 11 We've not been -- not specified tank material.
 12 Do you have a suggestion or concerns?
 13 CHAIRMAN SHEPHERD: No. I like how you've
 14 snuck that in.
 15 MR. RILEY: It seemed like there was some
 16 confusion about what would be allowable.
 17 CHAIRMAN SHEPHERD: Wasn't on my end.
 18 MR. RILEY: So this clarifies it for the rest
 19 of us.
 20 CHAIRMAN SHEPHERD: Okay.
 21 MR. RILEY: Is there an industry practice, a
 22 standard tank material that we --
 23 CHAIRMAN SHEPHERD: Well, I think steel is
 24 probably the standard tank material. But you're going to
 25 find facilities, maybe transfer stations, that would go

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1 MR. JOYCE: Yeah, that makes sense to me.
 2 MR. RILEY: Chris, let me ask you: Over --
 3 over time, is it -- do landfills that are running
 4 statistics on groundwater monitoring, do they grow their
 5 data pool over time? Is that fairly typical?
 6 MR. SCHAEFER: Correct.
 7 MR. RILEY: So the background would be updated.
 8 And that's kind of a standard practice now?
 9 MR. SCHAEFER: Yes. Every two or four years,
 10 we'll grow the background. Typically, again, I'd like to
 11 have another eight events or so before growing the
 12 background. But, yes, we grow the background, assuming
 13 there's no trends or anything else that would become of
 14 interest.
 15 MR. RILEY: So do you think that should be
 16 reflected in the rule in some manner? And if so, what do
 17 you have?
 18 MR. SCHAEFER: I think it should be reflected
 19 that -- that the landfills would be allowed to request --
 20 or would be allowed to grow background as additional data
 21 becomes available, but to reflect that they're not stuck
 22 with the initial eight sampling events that they have
 23 collected as their permanent background.
 24 MR. RILEY: Okay. Thank you.
 25 MR. CATES: I think currently the updating of

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1 to a -- maybe a more cost-effective tank, like a poly
 2 tank.
 3 MR. RILEY: Right.
 4 CHAIRMAN SHEPHERD: They don't generate a lot
 5 of leachate at transfer stations. I mean, there is some
 6 amount, but you could probably get a 5,000-gallon
 7 double-walled poly tank, put it somewhere, and that would
 8 be sufficient for your leachate.
 9 MS. REINHART: So is that what it's being used
 10 for is the leachate or being used for other purposes as
 11 well?
 12 CHAIRMAN SHEPHERD: For landfills and transfer
 13 stations, it's leachate.
 14 MS. REINHART: Okay. So now on hazardous
 15 waste, it has to be completely certified, so I -- you
 16 know --
 17 MR. RILEY: It would be, too, yeah. It would
 18 be -- the entire construction of the facility would have
 19 to be designed and certified.
 20 MS. REINHART: So that might be something you
 21 might want to clarify in there to say be certified? I
 22 know that sometimes, while the whole facility is, it
 23 might be kind of lost in the detail.
 24 MR. RILEY: Something to consider.
 25 MS. REINHART: Yeah.

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1 MS. MERCHANT: Where did this idea come from?
2 MR. RILEY: The idea of using a double-walled
3 tank?
4 MS. MERCHANT: Uh-huh.
5 MR. RILEY: We've seen it proposed a few times,
6 and the -- we've approved it in the past. We've -- but
7 there was not -- looking at the rules, there was not
8 clarity that it was allowed, so when a proposal came in
9 and it was reviewed in the context of the rules, it was
10 hard to justify.
11 So, I mean, we think that it's a valid approach,
12 accepted by industry and used many places, so it made
13 sense, as a means to clarify the rule, to add that as a
14 leachate storage option.
15 MS. MERCHANT: So are there specifications
16 somewhere where it's currently being used as far as the
17 specifications of that type of tank?
18 MR. RILEY: We would have -- so, say, someone
19 was going to put in a transfer station or propose this at
20 a landfill, they would -- we would ask them to provide
21 details about the tank that we could review; make sure it
22 was adequate volume, make sure it was appropriate for
23 that situation. And that would be part of the permitting
24 process. I don't --
25 MS. MERCHANT: So in use -- in use currently,

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1 experience has worked well and you've had no problems
2 with it.
3 MR. ADCOCK: None.
4 CHAIRMAN SHEPHERD: I think leachate ponds are
5 not -- I mean, they're great for storing leachate, but,
6 you know, if you're on the east side of the state, you
7 don't get a lot of evaporation, so you're basically just
8 building a storage pond. And the cost could be much,
9 much greater than just buying a couple 10,000-gallon
10 tanks.
11 MR. RILEY: So you're okay with the rule is
12 what I'm hearing?
13 CHAIRMAN SHEPHERD: Yes. I guess.
14 MR. RILEY: Okay.
15 CHAIRMAN SHEPHERD: I've dealt with it when it
16 was a little bit more nebulous. That's where I work.
17 Any other questions from the council on these
18 proposed changes?
19 (No response.)
20 CHAIRMAN SHEPHERD: Any comments from the
21 public?
22 (No response.)
23 CHAIRMAN SHEPHERD: All right.
24 Kaylee, we'll look forward to your next submittal in
25 January. Will we vote in January?

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1 is there an example?
2 CHAIRMAN SHEPHERD: Yes.
3 MR. RILEY: Yeah. Off the top of my head, I
4 can't -- I don't know a specific facility, but I think
5 there are some.
6 MR. ADCOCK: Yes.
7 MR. RILEY: Sounds like that we have knowledge
8 on the council.
9 MR. ADCOCK: Yeah. We've got two double-walled
10 steel tanks for 10,000-gallon leachate and then
11 5,000-gallon --
12 CHAIRMAN SHEPHERD: Yes.
13 MR. ADCOCK: -- double-wall plastic stuff. The
14 word I'm -- what's the --
15 CHAIRMAN SHEPHERD: Poly tank.
16 MR. ADCOCK: Thank you.
17 CHAIRMAN SHEPHERD: Poly tank.
18 MR. ADCOCK: Which is for cells that produce
19 very little leachate, so it was -- it was cost-effective.
20 It's reliable. We -- I like it.
21 But, like, everything was -- designs were sent to
22 Cindy, and DEQ reviewed specs. I think that as long as
23 everything is sent in and is reviewed, I think there are
24 really good options.
25 MR. RILEY: And there's experience too. Your

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1 MS. SHIPLET: I think so, yeah.
2 CHAIRMAN SHEPHERD: Okay.
3 MR. RILEY: Yes. If you're comfortable with us
4 bringing -- I mean, so let's step back just a minute.
5 The rules that we presented in July for revision were
6 mostly revoking things that were outdated --
7 CHAIRMAN SHEPHERD: Right.
8 MR. RILEY: -- so there was not much discussion
9 about that. So I feel very confident in bringing those
10 to you as a formal rule making effort in January.
11 CHAIRMAN SHEPHERD: Okay.
12 MR. RILEY: These, certainly there's a
13 consensus around majority of them. We can work on the
14 other, the -- the eight cores over a year, that -- we'll
15 work on that some more.
16 I would suggest that we bring those to you for formal
17 rule making, and then you can vote to approve all or part
18 in January. And if we've gotten to a point that you feel
19 confident that the rule is workable and you vote for it,
20 then we're ready to go.
21 CHAIRMAN SHEPHERD: Okay. So is there a
22 specific deadline with these rule changes?
23 MR. RILEY: So they will be -- we'll go through
24 the formal process and we'll have to publish notice and
25 prepare all the formal documents that are associated with

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1 that.

2 So there'll notices at least 30 days before the

3 council meeting for public comment. Once they are

4 presented to you for a vote in January, it'll go -- after

5 that, if they're approved, they go to the Environmental

6 Quality Board for further review and then ultimately to

7 the legislature and the governor.

8 So they would be -- if we propose them then under

9 normal rule making procedures, then they would be

10 effective sometime in the fall, September-ish.

11 CHAIRMAN SHEPHERD: But the governor's

12 executive order didn't establish a timeline to have this

13 stuff done by?

14 MR. RILEY: No. We've already provided a

15 report with some recommendations to the governor. All

16 agencies had to do that.

17 CHAIRMAN SHEPHERD: Okay.

18 MR. RILEY: And so we've undertaken that

19 effort. We've met our obligation to do a review, and now

20 this -- we're following through on some of that.

21 CHAIRMAN SHEPHERD: Gotcha.

22 MR. RILEY: I'd also point out that part of

23 that executive order was a two-for-one -- two-for-one,

24 you rid two rules if you're going to put in one new rule.

25 So, you know, by eliminating some of these rules, we open

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1 couldn't have the entire council involved because we

2 wanted to avoid convening a quorum, but it was beneficial

3 to have your representation there and your input as we

4 talked about the rules that have been drafted and were

5 presented last July for consideration.

6 Before I -- there's a summary from our meeting that

7 Kaylee wrote up that's in here, that's in your notebooks.

8 And we can go through that if you want.

9 Before we do that, I would invite the councilmembers

10 that participated to share their observations about the

11 meeting, any comments that you had, if it -- I would ask

12 if it met your expectations, and you -- it was a -- a

13 workshop that was requested by council that we held to

14 work on those rules.

15 So I would invite comment before we get into the

16 details of actual recommended rule changes.

17 MR. ADCOCK: I'll go ahead.

18 I thought it was a good meeting. As I had stated,

19 that was my third PFAS meeting that I have been a part of,

20 and I learned the most out of that meeting, particularly

21 the gentleman -- the professor from OSU, and I'm

22 forgetting his name.

23 MR. RILEY: Dr. Ede.

24 MR. ADCOCK: That guys needs to be a part of

25 whatever rule making we're going to do because he knows

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1 up the ability to add new rules as necessary to be

2 consistent with that.

3 CHAIRMAN SHEPHERD: All rightly. Well, we don't

4 have to vote on anything, so we'll move on to -- unless

5 there's any other comments. Last chance.

6 (No response.)

7 CHAIRMAN SHEPHERD: All right. Let's move on

8 to item number 9, Discussion of Proposed Changes to

9 Chapter 515 Management of Solid Waste to include new

10 regulations specific to the disposal of Per- and

11 polyfluoroalkyl substances.

12 Continued discussion on the Department's proposal to

13 amend OAC 252:515 to include new rules applicable to the

14 disposal of certain types of PFAS waste. A verbal report

15 will be provided summarizing the August 24, 2021, PFAS

16 work group meeting.

17 MR. RILEY: Yeah. So that's a -- just when we

18 thought we were coming to the end of the meeting, right?

19 We saved this for the last because it's the most fun.

20 First of all, let me thank Brenda Merchant and Bob

21 Joyce and Todd Adcock for volunteering as a -- to be a

22 subcommittee of the council and attend the workshop

23 meeting that we had in August. I appreciate that

24 participation.

25 As you know, as we've talked about before, we

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1 more than anybody that I've come across.

2 So I really enjoyed having him on the phone, and he

3 kind of brought the knowledge -- the industry knowledge

4 and the science and was able to explain it on a layman's

5 terms. So, whoever brought him on, thank you, because

6 that was very helpful.

7 I walked away thinking that there's a lot of work to

8 be done, but I -- coming at this for -- with smaller steps

9 is probably the best way to do it and -- instead of trying

10 to wrap your arms around the whole thing and try to tackle

11 it.

12 So I think we're -- we're going in the right

13 direction, and it's a long -- it's going to be a long

14 process, but I thought the meeting was great and I got a

15 lot out of it, so I was glad to be a part of it.

16 MR. RILEY: Thank you.

17 MR. JOYCE: Well, I have to confess that I was

18 only able to attend for, like, the first 15 minutes

19 because I had a tear in my retina that had been to

20 addressed that day, so I was listening from the doctor's

21 office.

22 But I do agree that Dr. Ede is an expert on all this.

23 And I've worked closely with him on a number of different

24 matters. His background in chemistry and laboratory

25 testing and all that is just impeccable, and he devotes a

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1 lot of attention to this.

2 So I do agree that it's going to be a bit of a slog

3 to get through it with probably several -- you know, or at

4 least a couple more of those types of meetings with

5 stakeholders to really fully line this out, but --

6 So that's about all I can add at this point, so...

7 MS. MERCHANT: I'd just like to say that I

8 think tackling this task matters, and I appreciate us all

9 getting together, because I did learn a lot. I learned a

10 lot of things that could -- you know, that just a word

11 here and there matters. And there can be unintended

12 consequences when it's not fully vetted with everyone.

13 And the gentleman from OSU, I thought, was

14 invaluable, and I hope he continues to be a part of any

15 process we have going forward just for, if nothing else,

16 clarification of different things and just his science

17 that he brings to the whole process, so...

18 MR. RILEY: Good. So I think what I'm hearing

19 is that it might be beneficial to hold additional

20 meetings or workshops. You know, as much talent and

21 expertise as there is on this council, and in this room

22 with DEQ staff, there's always room to bring more to the

23 table, especially outside perspectives of waste

24 generators and industry, so -- and college professors,

25 obviously.

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1 about.

2 Coming out of that meeting, one of the things that we

3 were able to do was to refine that definition to some

4 degree, that's reflected in the printout of the draft

5 rules in your notebooks.

6 We decided to refine the definition in C, waste

7 containing PFAS that's generated at facilities using PFAS

8 and the production of products other than PFAS.

9 You may or may not be surprised that we were able to

10 improve upon that beautiful statement, that "Waste

11 containing PFAS is generated in large quantities at

12 facilities using PFAS in the production of products other

13 than PFAS" is what we arrived at.

14 The other change was in F. And what we did was,

15 rather than just say any other waste that typically

16 contains high concentrations of PFAS, we defined it as any

17 other NHIW, nonhazardous industrial waste, that would

18 typically contain or is expected to contain PFAS.

19 The idea being that waste that we're concerned about

20 is not household waste, it's not waste that's generated

21 residentially, but it's industrial-type quantities. So

22 that including NHIW helps clarify that, that we're not

23 trying to regulate the residential waste.

24 The other major change that we arrived at was

25 relating to monitoring groundwater for PFAS. And we had a

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1 So is it the council's desire for DEQ to schedule

2 another meeting?

3 MS. MERCHANT: I would ask that we do that.

4 MR. RILEY: Okay.

5 MR. JOYCE: Yeah, that makes sense.

6 MR. RILEY: Okay. We can do that. And I

7 think -- so I can share some of my impressions from that

8 meeting. And so it -- from some of your comments, I

9 would echo as well that -- that it's a bit of a slog.

10 It's a big undertaking. It's going to take some time.

11 It is something that probably will benefit from careful,

12 deliberative effort, so -- and I think we have that time.

13 You know, I've said before that this is a -- this is

14 something that I feel we have an obligation, as a council,

15 to address. PFAS is, obviously, an emerging contaminate

16 certain. And maybe that's an understatement. But it's

17 a -- it's been called a forever chemical.

18 It cycles through the environment. Disposal

19 facilities are part of that cycle, so we would be remiss

20 in our obligation of managing solid waste if we didn't

21 consider it. So, yeah, we're -- I think we're -- it's

22 appropriate for us to tackle this.

23 So when we looked at a draft rule, one of the

24 challenges that we had was to define what PFAS waste was,

25 and the -- at least the PFAS waste that we were concerned

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1 lot of discussion about this. I think it was a general

2 consensus that routinely monitoring for PFAS and detection

3 monitoring was not recommended; that there is -- it would

4 be more appropriate to wait for the science and sampling

5 technique to develop further before we -- or if we would

6 ever require detection monitoring.

7 There was room left in some of the discussion that,

8 in the event of a suspected release, that in assessment

9 monitoring perhaps that might be the more appropriate time

10 to monitor for specific things, but not a routine

11 detection monitoring appropriate for PFAS, which I think

12 makes a lot more sense.

13 One of the things that we were going to talk about

14 that we didn't, that was on the agenda for the meeting,

15 was to figure out what should be included in a PFAS waste

16 management plan.

17 You know, from the beginning, DEQ said, We are not

18 going to prohibit you from accepting -- we're not going to

19 prohibit a landfill from accepting PFAS waste as long as

20 they can determine and demonstrate through a plan that

21 they can appropriately and safely manage it.

22 So the next challenge is for us to figure out how

23 that demonstration can be made and what would be included

24 in the plan. So if you-all are proposing to do another

25 meeting, then perhaps we can focus on that for the next

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1 time around.
2 MS. MERCHANT: Yeah.
3 MR. ADCOCK: Yeah. Oh, I'm sorry.
4 If we -- looking at a waste management plan and cost
5 estimates and stuff like that, I would -- it would be
6 helpful, not only to me, but people who don't even work in
7 the land -- handle landfill operations to see -- you know,
8 bring to the table some real-world examples of high
9 concentration PFAS coming in and then how -- what is
10 appropriate measures to handle that and manage that
11 disposal.
12 Because that would only -- the financial assurance
13 and the management would only apply to landfills that
14 knowingly accept that waste from a generator.
15 So a landfill could say, Listen, I don't even want
16 to -- I don't want to go there. I don't -- you know, that
17 needs to go somewhere else, so that, you know, down the
18 road, that's not -- background monitoring for groundwater,
19 if they've never accepted it, that wouldn't even be
20 triggered.
21 So just, you know, how is it being handled today,
22 and -- so that we can see and try to make some
23 determinations going forward of proper management
24 protocols and what financial assurance does to an existing
25 financial assurance package.

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1 that as part of a waste exclusion plan and if that's a
2 sufficient mechanism for doing that, because the other --
3 and I think that waste exclusion plans will have to be
4 modified anyway because it's -- and considering if --
5 In Todd's example, if the landfill decides, no, I
6 don't want to take this type of waste because it creates
7 an additional burden that I don't want to deal with, then
8 what measures is that landfill going to take to keep that
9 type of waste out?
10 And whether that be review of generative profile
11 sheets or information or whatever, but -- so there will
12 have to be some modification of a waste exclusion plan to
13 incorporate that thought.
14 And then the other part of that is that we should
15 probably then look at what kind of information we're
16 requiring from NHIW generators. One of the things -- and
17 there's a thought to that that we haven't -- we haven't
18 fleshed out very much yet.
19 But in this draft rule, we talk about generator waste
20 profile sheets and if we need a specific PFAS generator
21 sheet, all right, additional information for that type of
22 waste stream.
23 Because I think that, you know, one of the -- one of
24 the things that we heard from initial discussions with the
25 disposal facilities before we even started down this road,

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1 How much of an increase is that? Because that would
2 be huge determination if a landfill is going to decide to
3 accept high concentration of PFAS. What's that do to a
4 financial assurance mechanism?
5 MR. RILEY: Use that as part of your business
6 plan, business case for accepting or not accepting.
7 MR. ADCOCK: Because it all comes down to money
8 in the end.
9 MR. RILEY: Right.
10 MR. ADCOCK: And, you know, everybody knows
11 that financial assurance is just money sitting there that
12 you're never -- hopefully, never going to use, but it
13 still costs money to have that mechanism in place, so...
14 CHAIRMAN SHEPHERD: Are you proposing that
15 there be a separate PFAS waste acceptance plan, or is it
16 just part of the overall non -- waste exclusion plan or
17 the --
18 MR. RILEY: So right now, the way the rule is
19 drafted, it calls for a specific PFAS waste management
20 plan --
21 CHAIRMAN SHEPHERD: Okay.
22 MR. RILEY: -- for those facilities that are
23 accepting PFAS waste, however we decide to define it, or
24 attempt to define it.
25 There has been some discussion about incorporating

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1 is that, you know, we don't want to be the ones --
2 landfills don't -- or disposal facilities don't want to be
3 the ones held responsible for what ultimately is generator
4 responsibility, so we want the generators to bear some
5 responsibility for the disposal of this waste.
6 And so, hearing that, then I think it makes sense for
7 us to consider additional generator rules, at least to
8 ensure that the waste is properly characterized and
9 identified, so that disposal facilities can make informed
10 decisions about whether or not they're going to take the
11 waste.
12 MS. MERCHANT: And as far as accepting
13 out-of-state waste, I think we were going to work a
14 little more on that to determine, I guess -- I don't know
15 if we need an attorney's opinion or --
16 MR. RILEY: Yeah, yeah.
17 MS. MERCHANT: -- what we need to make sure
18 that, you know, there's somewhat some accountability --
19 MR. RILEY: Right.
20 MS. MERCHANT: -- or, you know, someone
21 bringing us large amounts of PFAS because their state
22 does not accept it.
23 MR. RILEY: Right. Thank you for bringing that
24 up. That is a very important part of this whole process.
25 As much as we want to properly dispose of PFAS waste

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1 generated in Oklahoma, we certainly don't want to become
2 the country's dumping ground.
3 As this issue is moving so fast and gaining momentum
4 nationally, it -- we want to be in a position where we can
5 appropriately manage waste coming in or control waste
6 coming in from other states so that we're not the
7 least-stringent opportunity around in the region.
8 We don't want to be the dumping ground for the
9 country, so we need to look at out-of-state waste.
10 And it is an issue that -- that probably requires
11 some legal scrutiny because of interstate commerce clause
12 and that kind of thing, but we -- it makes sense to look
13 at that, and that's an important consideration.
14 CHAIRMAN SHEPHERD: Well, if a landfill is
15 taking waste from out of state, they're supposed to have
16 an out-of-state waste acceptance plan.
17 MR. RILEY: Under certain -- yeah, certain
18 volumes of waste.
19 CHAIRMAN SHEPHERD: Three hundred tons, 200?
20 MS. MERCHANT: Right.
21 MR. RILEY: Two hundred tons a day. I mean,
22 it's a high -- it's a pretty high number.
23 MS. MERCHANT: It's a high number.
24 CHAIRMAN SHEPHERD: Yeah.
25 MR. RILEY: But we can -- and that

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1 a good example.
2 MS. REINHART: I think Missouri used to do the
3 cycling of -- they had things they declared hazardous
4 waste that Oklahoma did not, so...
5 MR. RILEY: I mean, on our NHIW certification
6 forms that we use right now, there's a box to check about
7 the waste. "Is this waste hazardous in the state --"
8 MS. REINHART: Right.
9 MR. RILEY: "-- where it was generated?"
10 So we're collecting that information right now, but
11 we're not acting on it.
12 MS. REINHART: Well, but PFAS is going to be a
13 totally different animal than hazardous waste.
14 MR. RILEY: Yeah.
15 MS. REINHART: I completely agree that the
16 waste acceptance/waste management plan needs to be
17 fleshed out more to make certain the landfills know what
18 their game plan has to include, you know, because they
19 may look at that and say, we're out of it and we can't
20 comply with all that.
21 One thing that I saw in here, transporters used.
22 Does municipal landfills monitor transporters? Because I
23 know on haz waste they do, because they have to have an
24 EPA number.
25 But from what I understand, any transporter can bring

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1 consideration is in this draft that we modified those
2 out-of-state waste acceptance rules to include -- I mean,
3 it says 200 tons a day or any amount of PFAS waste that's
4 been defined -- as defined. So we can include that.
5 That makes sense.
6 We've also considered the thought of adding a waste
7 considered hazardous in the state generated -- where it's
8 generated.
9 So, for instance, if California declares something a
10 hazardous waste, you know, how do we want to handle that
11 if it comes into Oklahoma?
12 MS. REINHART: Well, if it's hazardous waste in
13 that state, then it's going to be considered hazardous
14 waste here.
15 MR. ADCOCK: Is that where the legality comes
16 into play?
17 CHAIRMAN SHEPHERD: That doesn't exist.
18 MR. RILEY: So that will -- that will take
19 some --
20 CHAIRMAN SHEPHERD: California designates a lot
21 of waste as hazardous --
22 MS. MERCHANT: Yeah, I was going to say --
23 CHAIRMAN SHEPHERD: -- and once it leaves the
24 state, it's not hazardous waste.
25 MS. MERCHANT: I don't know that California is

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1 it in. So how do they monitor a transporter and a waste
2 management plan? That's my -- that's what I saw on
3 that...
4 MR. RILEY: So under a waste exclusion plan for
5 a facility that accepts nonhazardous industrial waste,
6 they would collect information on the transporter.
7 Especially for out-of-state waste, there's a
8 requirement for rejected loads that are brought from out
9 of state to be removed by the transporter that brought it
10 in. So there's some language in there now, but we can
11 certain review that and make sure it's adequate and
12 appropriate for what we're doing with PFAS.
13 CHAIRMAN SHEPHERD: Any other questions or
14 comments on this subject?
15 MR. SCHAEFER: I've got a comment on the --
16 back to the definitions, I still -- I find item C still
17 confusing. "Waste containing PFAS generated in large
18 quantities at facilities using PFAS reduction in products
19 other than PFAS."
20 When I read that, I read myself around in circles.
21 And "large" is quite a vague word for something like that.
22 And then items D and E in there, is there a way to
23 just combine those? "Waste containing PFAS from
24 remediation projects" seems fairly open-ended, too. And
25 it seems very similar to what E is, which mentions removal

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1 of PFAS and aerosol of water.
2 So those are my two comments on the definition.
3 MR. RILEY: Chris, did I hear that you're
4 volunteering to rewrite that for us?
5 MS. MERCHANT: Well, I think on the remediation
6 portion in D, where it says "Waste containing PFAS from
7 remediation projects," I think we were looking along the
8 lines of -- like, for instance, airports and where fire
9 suppression foam was being used.
10 Was that not going to --
11 MR. RILEY: We did have a lot of discussion
12 about that. And we had discussion about if it's
13 appropriate or if it makes sense to include specific
14 examples.
15 And, Chris, your point is well taken that "large" is
16 not well defined.
17 MR. SCHAEFER: Yeah.
18 MR. RILEY: It could mean a lot of things. So,
19 you know, the -- if we could include specific types of
20 waste -- like, AFFF is something we hear again and again
21 as being problematic. I think airport remediation
22 projects that you would suspect may contain AFFF.
23 We may, in further refining this definition, find
24 that it's helpful to use specific examples like that. So
25 let us think about that some more and maybe talk about it

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1 CHAIRMAN SHEPHERD: Well, that's the question.
2 MS. MERCHANT: As with any of this.
3 CHAIRMAN SHEPHERD: Most of it's going into
4 railcars and going to places other than where it was
5 generated.
6 MR. RILEY: Like Oklahoma.
7 CHAIRMAN SHEPHERD: Not that I'm aware of.
8 MS. MERCHANT: Just that if it's banned, where
9 does it go?
10 MR. RILEY: Right. Right. We don't want to
11 create rules without options. And we -- and that's --
12 you know, we -- that's why bans have not been something
13 that we've implemented or been ideas that have been
14 accepted, because if you -- if you ban disposal of
15 something, you've got to have a solution for it, a
16 disposal some other way.
17 So I would propose then -- clearly, we won't be
18 bringing you rules for a formal vote on PFAS in January,
19 at January's council meeting, unless you disagree. I
20 think that we can schedule another workshop or work group
21 meeting to occur between now and January's meeting to
22 further refine these rules, talk about some of the issues
23 that were brought up.
24 We can certainly look at some of the suggestions that
25 we've heard today and start from there in the meeting if

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1 in the next meeting.
2 CHAIRMAN SHEPHERD: So is E the one where
3 you're going to pick it up from wastewater treatment
4 sludges? Because that's where it's going to be, a lot of
5 it, it's going to be in wastewater treatment sludges.
6 MR. RILEY: It may. And I think that would
7 fall into that category of activated carbon that's used
8 for filtration. If that's a --
9 CHAIRMAN SHEPHERD: Yeah.
10 MR. RILEY: -- a means of doing that, then that
11 might fall into this category.
12 CHAIRMAN SHEPHERD: Yeah. And that's going to
13 be the biggest issue moving forward with this PFAS waste
14 is wastewater treatment sludges and, to some extent,
15 regular freshwater treatment sludges that come out of
16 that process.
17 Because everybody's moving to a more stringent-type
18 treatment systems where they're going to be pulling out
19 more and more solids, and those solids contain the PFAS,
20 and those will ultimately end up either in sludge ponds or
21 landfills.
22 There are states out there that are banning the
23 disposal of wastewater treatment sludges in landfill now.
24 I think. I've heard several states talking about that.
25 MR. RILEY: So what do they do with it instead?

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1 that's acceptable with council.
2 CHAIRMAN SHEPHERD: Yeah, I think that's what
3 the council is saying is continue the workshop meetings.
4 We'll rediscuss in January based on that meeting and move
5 forward from there.
6 MR. RILEY: Okay. Will the representatives --
7 Brenda, Bob, and Todd, do you want to continue your --
8 MR. JOYCE: Absolutely.
9 MS. MERCHANT: Yes.
10 MS. REINHART: Okay. Are there any formatting
11 changes or approaches that you would like to change from
12 the previous meeting to the next meeting?
13 MS. MERCHANT: Did you say -- I think in the
14 last meeting did you say that the meeting would be
15 recorded in some manner so those who -- maybe by phone --
16 that were not able to attend can get caught up a little
17 bit, or are we going off of -- which is excellent, by the
18 way. Our handout here on -- basically, the summary of
19 the workshop --
20 MR. RILEY: Right.
21 MS. MERCHANT: -- I find that extremely
22 helpful.
23 MR. RILEY: Good. We did not record that
24 meeting. That's something that we might be able to do
25 if -- and as we are now forced with continuing to worry

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1 about exposure to COVID, we may want to do a virtual
2 meeting or explore that option rather than an in-person
3 meeting. I don't know what you guys think about that.
4 We could do a ZOOM meeting, and then that could be
5 recorded, I think.
6 CHAIRMAN SHEPHERD: Yeah.
7 MR. JOYCE: That would probably be okay,
8 because I -- you know, I was on the phone for the first
9 part of the meeting and it was really difficult to
10 understand what's going on.
11 MR. RILEY: Yeah.
12 MR. JOYCE: So we're on --
13 MR. RILEY: Conference tools.
14 MR. JOYCE: -- ZOOM or something where
15 everybody has got their own microphone and speakers
16 and --
17 CHAIRMAN SHEPHERD: Conference calls are so
18 2019.
19 MR. RILEY: The government is not typically an
20 early adapter of technology.
21 No, I think that that's definitely an option that we
22 can explore. And we did a council meeting that way,
23 right?
24 CHAIRMAN SHEPHERD: We did. I thought it was
25 pretty good.

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1 originally can attend a ZOOM or any virtual meeting
2 moving forward.
3 MR. ADCOCK: To avoid a quorum.
4 CHAIRMAN SHEPHERD: Yes. Because virtual
5 meeting makes it easy for everybody to jump on in the
6 meeting.
7 MR. ADCOCK: Right.
8 CHAIRMAN SHEPHERD: But only the three people
9 that have agreed to do the meetings can only attend the
10 meetings going forward. I just want to make sure that
11 everyone on the council understand that.
12 MS. MERCHANT: So if we can --
13 CHAIRMAN SHEPHERD: If we add more people, then
14 it becomes an issue with a quorum.
15 MS. MERCHANT: If we have -- did anybody have a
16 conference call other than --
17 MR. RILEY: No. I mean, it -- we, as people
18 chimed in, we took roll and asked who was there. And so,
19 to my knowledge -- I mean, someone could have been
20 sitting in the room. If council members had nefarious
21 intent, I'm sure they could circumvent our security
22 measures, but I don't think so.
23 MS. REINHART: Now, if you take this by ZOOM,
24 then it could be provided to council members --
25 MR. RILEY: Correct.

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1 MS. MERCHANT: I think that's, you know, an
2 excellent idea to go that way. I think participation
3 would be greater and certainly be a lot easier to
4 understand than on the phone.
5 I've never gotten much out of a conference call in a
6 very long time because of everybody -- they don't want to
7 speak up or something, and so there's sidebar conversation
8 happening over here and you're lost.
9 MR. RILEY: Right.
10 CHAIRMAN SHEPHERD: But if it is a virtual
11 meeting, only the three people that have agreed to attend
12 the meeting from the council can only attend the meeting,
13 okay? Nobody else can do that.
14 MS. MERCHANT: Oh, really?
15 MS. REINHART: Yeah.
16 CHAIRMAN SHEPHERD: It's set -- yeah, it's set
17 for those three people to attend the meeting. Nobody
18 else from the council can attend.
19 MS. MERCHANT: So maybe between now and then we
20 could do maybe a hybrid ZOOM meeting? Can we do that, or
21 no? Or if it's Zoom it all --
22 CHAIRMAN SHEPHERD: No. What I'm saying is if
23 you have a ZOOM meeting, the other people of the council
24 cannot attend the ZOOM meeting. Only the three people
25 that the council has designated to attend the meeting

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1 MS. REINHART: -- subsequent to that where we
2 could hear the conversations. But we can't participate.
3 MR. RILEY: Yes. I think so. I'd ask for
4 concurrence from our attorney, but I think that makes
5 sense to me.
6 All right. Okay. We will work towards scheduling
7 another meeting.
8 CHAIRMAN SHEPHERD: Perfect.
9 Anything else?
10 MS. MERCHANT: When that meeting gets sent out,
11 who all gets the dates for that?
12 MR. RILEY: So that's something we can talk
13 about, too. We --
14 MS. MERCHANT: There are some folks that have
15 asked when the next one is and ---
16 MR. RILEY: How broadly do you want to
17 broadcast this invitation?
18 MS. MERCHANT: Not real broad, but...
19 MR. ADCOCK: Yeah.
20 MR. RILEY: So "large" PFAS.
21 MR. ADCOCK: Yeah. You're going to need to
22 define that broad number, so, you know --
23 MR. RILEY: Right, right.
24 MS. MERCHANT: Yeah, it could get out of hand.
25 MR. RILEY: So, I mean, as we're working

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1 with -- the original idea was -- evolved from our work on
2 closure and post-disclosure costs with a subset of
3 council members. We had a very small group and it was
4 very -- lended a lot of agility to the process. We were
5 able to craft the rules and move forward very quickly.
6 This is a much bigger issue, and it involves more
7 stakeholders. You know, on the opposite ends of the
8 spectrum, we did invite just council and a couple of
9 people and/or we did post the invitation on our website
10 and make it open to everybody, but I think that if the
11 group becomes too large, then you begin to lose focus and
12 you may not make much progress.
13 MS. MERCHANT: Right.
14 MR. RILEY: Especially if we're trying to
15 refine text of the rules. And, you know, we certainly
16 don't want to exclude anyone from sitting at the table.
17 And the way that we make sure that that happens is that,
18 you know, everything -- any formal decisions that we make
19 will occur in a public forum in a public meeting.
20 If we have -- you know, we put our draft rules --
21 even as these are, in nonformal rule making, we put them
22 on our website. We announce that we're having a
23 regularly-scheduled Solid Waste Management Advisory
24 council meetings and anyone can attend. Formal rule
25 making takes that a step further.

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1 someone from the lab and someone from Water Quality on
2 the phone.
3 MS. MERCHANT: Yeah, she was really helpful.
4 MR. RILEY: And I think they'd be willing to
5 continue participating.
6 CHAIRMAN SHEPHERD: Anything else?
7 (No response.)
8 CHAIRMAN SHEPHERD: All right. So you'll set
9 up a meeting, and we'll keep moving forward on this
10 particular subject.
11 MR. RILEY: Very good.
12 CHAIRMAN SHEPHERD: Thank you.
13 All right. Item number 10, Election of Officers.
14 Each year at the September council meeting, the Council
15 elects officers for the next calendar year.
16 Do I hear any nominations for chairman?
17 MS. MERCHANT: I make the motion to nominate
18 Jeff Shepherd.
19 MR. LINN: Second.
20 CHAIRMAN SHEPHERD: This will be my last year.
21 Just saying.
22 Do we need a vote? We need a vote on that one.
23 MS. FIELDS: Mr. Adcock.
24 MR. ADCOCK: Yes.
25 MS. FIELDS: Mr. Cleveland has left the

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1 So everyone will have an opportunity to weigh in
2 that's interested. So that -- all that's said to -- I
3 guess I would advocate for the group to remain confined to
4 those that have a core interest in what we're doing here
5 and have expressed interest by showing up at the council
6 meeting or otherwise talking to you.
7 I mean, if there are people that have not been able
8 to attend these meetings but want to weigh in on our
9 discussion, then I certainly don't want to exclude
10 anybody.
11 MS. MERCHANT: So, basically, we can look at
12 maybe the folks that have attended the first one.
13 And I'd love to see somebody from a wastewater treatment
14 facility be part of that process.
15 MR. RILEY: I bet Jim can recommend somebody.
16 MR. LINN: I can.
17 MS. MERCHANT: In that that is a -- you know,
18 it's a big weight that --
19 MR. RILEY: Absolutely.
20 MS. MERCHANT: -- can very much affect the
21 guidance rules.
22 MR. LINN: Would someone from Water Quality
23 also -- would that be beneficial to have them?
24 MS. MERCHANT: I think we could.
25 MR. RILEY: From DEQ Water Quality. We had

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1 meeting.
2 Mr. Joyce.
3 MR. JOYCE: Yes.
4 MS. FIELDS: Mr. Linn.
5 MR. LINN: Yes.
6 MS. FIELDS: Ms. Merchant.
7 MS. MERCHANT: Yes.
8 MS. FIELDS: Ms. Reinhart.
9 MS. REINHART: Yes.
10 MS. FIELDS: Ms. Săcha.
11 MS. SĂCHA: Yes.
12 MS. FIELDS: Mr. Schaefer.
13 MR. SCHAEFER: Yes.
14 MS. FIELDS: Mr. Shepherd.
15 CHAIRMAN SHEPHERD: Yes.
16 MS. FIELDS: Motion passed.
17 CHAIRMAN SHEPHERD: It's my last year.
18 Am I still -- am I still a Council member?
19 MR. RILEY: You are until you're replaced or
20 otherwise removed.
21 CHAIRMAN SHEPHERD: Okay.
22 MR. RILEY: But as far as --
23 MS. MERCHANT: Otherwise removed.
24 MR. RILEY: Not to say that you're on thin ice
25 or anything like that. That's not what I'm trying to

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1 say. The Council members serve a three-year term and
 2 will continue to serve until a replacement -- or until
 3 reappointed or a replacement has been appointment.
 4 CHAIRMAN SHEPHERD: Okay.
 5 MR. RILEY: I think that -- so, yeah.
 6 CHAIRMAN SHEPHERD: Okay. I don't know when my
 7 term started.
 8 MR. RILEY: Three-year --
 9 MS. MERCHANT: 1974.
 10 MR. RILEY: Your three-year term may have
 11 expired.
 12 CHAIRMAN SHEPHERD: It has.
 13 MR. RILEY: We can certainly check and see what
 14 the status is. And it may be -- you know, if you're
 15 interested to continue, it makes sense for you to reach
 16 out to the person that appointed you, whether that be the
 17 Governor or the speaker --
 18 CHAIRMAN SHEPHERD: The speaker.
 19 MR. RILEY: -- and indicate that you would like
 20 to continue to serving.
 21 CHAIRMAN SHEPHERD: Who is the speaker?
 22 MR. RILEY: Karen, who's the speaker?
 23 MS. MICHELLE WYNN: Charles McCall.
 24 CHAIRMAN SHEPHERD: Where's he from?
 25 MS. MICHELLE WYNN: Atoka.

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1 MR. RILEY: April.
 2 CHAIRMAN SHEPHERD: April.
 3 MR. RILEY: July and September. And I have
 4 some dates here if you want.
 5 CHAIRMAN SHEPHERD: Sure.
 6 MR. RILEY: So, typically, we meet on Thursday,
 7 so January 13 or January 20. If you select January 20,
 8 that gives us a little bit more time to work on formal
 9 rule making.
 10 CHAIRMAN SHEPHERD: Okay.
 11 MR. RILEY: So I might suggest that one.
 12 CHAIRMAN SHEPHERD: Okay.
 13 MR. RILEY: April 14th.
 14 CHAIRMAN SHEPHERD: Okay.
 15 MR. RILEY: July 14, I think, is what this
 16 says, and then September 8th, suggested dates.
 17 MS. REINHART: I make a motion that we have our
 18 meetings for 2021 [sic] on January 20th, April 14,
 19 July 14th, and September 8th.
 20 MS. MERCHANT: I second.
 21 MS. FIELDS: Mr. Adcock.
 22 MR. ADCOCK: Yes.
 23 MS. FIELDS: Mr. Joyce.
 24 MR. JOYCE: Yes.
 25 MS. FIELDS: Mr. Linn.

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1 CHAIRMAN SHEPHERD: Okay. Now we need
 2 nominations for vice chairman.
 3 MR. LINN: I'll nominate Brenda Merchant as
 4 vice chair.
 5 MS. REINHART: Second.
 6 MS. FIELDS: Mr. Adcock.
 7 MR. ADCOCK: Yes.
 8 MS. FIELDS: Mr. Joyce.
 9 MR. JOYCE: Yes.
 10 MS. FIELDS: Mr. Linn.
 11 MR. LINN: Yes.
 12 MS. FIELDS: Ms. Merchant.
 13 MS. MERCHANT: Yes.
 14 MS. FIELDS: Ms. Reinhart.
 15 MS. REINHART: Yes.
 16 MS. FIELDS: Ms. Sächä?
 17 MS. SÄCHA: Yes.
 18 MS. FIELDS: Mr. Schaefer.
 19 MR. SCHAEFER: Yes.
 20 MS. FIELDS: Mr. Shepherd.
 21 CHAIRMAN SHEPHERD: Yes.
 22 MS. FIELDS: Motion passed.
 23 CHAIRMAN SHEPHERD: All righty. Item number
 24 11, meeting dates for 2022. Let's see. We meet in
 25 January. First quarter is January, second quarter --

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1 MR. LINN: Yes.
 2 MS. FIELDS: Ms. Merchant.
 3 MS. MERCHANT: Yes.
 4 MS. FIELDS: Ms. Reinhart.
 5 MS. REINHART: Yes.
 6 MS. FIELDS: Ms. Sächä.
 7 MS. SÄCHA: Yes.
 8 MS. FIELDS: Mr. Schaefer.
 9 MR. SCHAEFER: Yes.
 10 MS. FIELDS: Mr. Shepherd.
 11 CHAIRMAN SHEPHERD: Yes.
 12 MS. FIELDS: Motion passed.
 13 MR. LINN: Mr. Chairman, I believe she said
 14 2021. I think she meant 2022, for the record.
 15 MS. REINHART: Yes. Sorry, for the record.
 16 Thank you.
 17 MR. LINN: You're welcome.
 18 CHAIRMAN SHEPHERD: Public forum. Open
 19 discussion. Anybody have any thoughts or issues that
 20 they want to discuss?
 21 MS. MERCHANT: Yeah.
 22 CHAIRMAN SHEPHERD: All right. Here we go.
 23 MS. MERCHANT: It's been a whole year I've been
 24 waiting to get my patio finished, so the supply chain is
 25 not well and doing good.

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1 CHAIRMAN SHEPHERD: I guess we're going to have
 2 a supply chain discussion.
 3 Anything else?
 4 MR. LINN: Mr. Chairman, I just want to say it
 5 was -- it was sad to here from Ms. Dixon that Ferrella
 6 retired. We had multiple encounters with her and her
 7 enforcement team relative to tire dumps all over Oklahoma
 8 City, and I found her to be not only knowledgeable but
 9 professional and offering us options that we hadn't
 10 considered. So that's going to be a loss.
 11 And so, hopefully, the DEQ will replace her with a
 12 like --
 13 CHAIRMAN SHEPHERD: Kennedy.
 14 MR. LINN: -- person of -- right over there?
 15 Is it Kaylee?
 16 CHAIRMAN SHEPHERD: No, it's Mr. Kennedy.
 17 Kole Kennedy.
 18 MR. LINN: Oh, Kole. Okay. Fantastic.
 19 But I just wanted to publicly say she was a pleasure
 20 with whom to work and an incredibly, incredibly talented
 21 person. We'll miss her. Thank you.
 22 MR. RILEY: I appreciate those comments, and
 23 we'll pass those along to her. I'm sure she'll be happy
 24 to hear that.
 25 And rest assured that there's no -- while no formal


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1 there would never be a used -- I mean, they would just be
 2 used once and thrown and burned for fuel.
 3 And, you know, a pound of coal -- a pound of crumb
 4 rubber has, you know, about 15,000 BTUs in it versus a
 5 pound of coal only has about 9- or 10,000, maybe 11,000.
 6 So it's a good source for fuel. It's just that people are
 7 afraid to take on that challenge.
 8 So, Kole, good luck.
 9 All right. Anything else?
 10 (No response.)
 11 CHAIRMAN SHEPHERD: Then I think we are
 12 adjourned.
 13 Thank you for coming.
 14 (End of proceedings at 11:25 a.m.)
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1 decision has been made on her replacement, we'll make sure
 2 that that attitude of critical thinking and offering
 3 options and being creative and collaborative remain as
 4 goals for the program.
 5 MR. LINN: Thank you. That's great.
 6 CHAIRMAN SHEPHERD: Yeah. I mean, it's just --
 7 there's a lot of tires out there, as we all know, and
 8 we've got to find available opportunities to reuse them
 9 in different -- because we can't -- even if you paved
 10 every mile of every road in Oklahoma once a year, you
 11 would barely make a dent into the used tires that are
 12 generated in this state.
 13 So, I mean, that's not -- that's -- that's certainly
 14 a viable option for getting rid of some of them, but it's
 15 not the end-all be-all. There has to be a multiple avenue
 16 to get rid of them.
 17 MR. RILEY: Right. And that's what -- part of
 18 the goal of the market development program that we have
 19 is that we'll come up with some creative uses.
 20 There's some entrepreneurial people out there, very
 21 creative people, and hopefully environmentally-sound
 22 thinking people that can develop ways to use tires in an
 23 appropriate way.
 24 CHAIRMAN SHEPHERD: I mean, if we could replace
 25 10 percent of the coal that we burn with used tires, then

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1 STATE OF OKLAHOMA)
 2) SS:
 3 COUNTY OF OKLAHOMA)
 4
 5 C E R T I F I C A T E
 6 I, DEBRA GARVER, a certified shorthand reporter
 7 within and for the State of Oklahoma, certify that the
 8 foregoing transcription of the Department of Environmental
 9 Quality Solid Waste Management Advisory Council Public
 10 Meeting, SEPTEMBER 9, 2021, at 9:00 a.m., at the Oklahoma
 11 Department of Environmental Quality, 707 North Robinson,
 12 1st floor, Multi-Purpose Room, in Oklahoma City, Oklahoma,
 13 was taken by me in stenotype and simultaneously
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 15 correct transcript of said proceedings, and that I am not
 16 an attorney for or a relative of any party, or otherwise
 17 interested in this action.
 18 Witness my hand and seal of office, October 7, 2021.
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 21 State of Oklahoma CSR# 1370
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**SOLID WASTE MANAGEMENT
ADVISORY COUNCIL**
Attendance Record
September 9, 2021
Oklahoma City, Oklahoma

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