

**DRAFT MINUTES**  
**HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL**  
**July 18, 2002**  
**Department of Environmental Quality**  
**Oklahoma City Oklahoma**

Draft for September 10 EQ Board  
For HWMAC approval October 2

**Notice of Public Meeting** The Hazardous Waste Advisory Council convened for a regular meeting at 10:00 a.m., July 18 at the Tulsa Community College, Southeast Campus Student Center, Room 9211, 10300 East 81<sup>st</sup> Street South, Tulsa, Oklahoma. The meeting was held in accordance with the requirements for regularly scheduled meetings of the Open Meetings Act, Section 303 of Title 25 of the Oklahoma Statutes and notice of the meeting was given to the Secretary of State. The agenda was posted at the meeting facility and at the Department of Environmental Quality a minimum of 24 hours prior to the meeting. Jody Reinhart, Chairperson, called the meeting to order and roll call was taken.

**MEMBERS PRESENT**

Jody Reinhart  
Wesley Anderson (absent for roll call)  
David Bradshaw  
Bruce Elwell  
Michael Graves  
Gerald Ihler  
Bob Kennedy

**MEMBERS ABSENT**

Douglas Hawkins  
Steve Tomberlin

**DEQ STAFF PRESENT**

Catherine Sharp  
Sonny Johnson  
Tammi Johnson  
Mary Johnson  
Myrna Bruce

**OTHERS PRESENT**

The sign-in sheet is attached as an official part of these Minutes.

**Approval of Minutes** Ms. Reinhart called agenda item number 3, Approval of Minutes of the January 24, 2002 Regular Meeting. Hearing no discussion, Ms. Reinhart called for a motion to approve these Minutes. Mr. Graves made motion to approve Minutes as submitted. Second was made by Mr. Elwell.

<b>Roll call.</b>	<b>Motion carried.</b>	Michael Graves	Yes
Wesley Anderson (absent for vote)		Gerald Ihler	Yes
David Bradshaw	Yes	Bob Kennedy	Yes
Bruce Elwell	Yes	Jody Reinhart	Yes

**Chair Person's Report** – Ms. Jody Reinhart reported that there were no problems or questions with the rules taken to the March 1, 2002 Environmental Quality Board meeting. No rules from the Hazardous Waste Management Advisory Council were taken to the June 25 Board meeting.

**Division Director's Report** – Ms. Catherine Sharp, Assistant Director for the Land Protection Division, thanked Ms. Reinhart for hosting a tour of the Lone Mountain facility for the Board members following its June 25 meeting in Woodward. Ms. Sharp continued with information regarding Mark Coleman's retirement and that Steve Thompson is his successor. She updated the Council on issues related to her involvement with the Board of Association of State and Territorial and Solid Waste Management Officials; advised that the

Land Protection Division is still looking at a number of remediation issues; updated issues regarding Legislative funding; and advised of trial issues involving the Central Interstate Compact Commission dealing with low level radioactive waste. Ms. Sharp added that the individual programs within the Divisions are doing fine. (Note – Mr. Anderson arrived)

**Rulemaking – OAC 252:205-3-3 Incorporation by Reference Amendment [AMENDED]**

Ms. Catherine Sharp stated that the proposed amendment would incorporate by reference new or superseding amendments to: 1) 66 FR 58258-58300, published November 20, 2001 regarding three newly listed hazardous wastes generated from inorganic chemical manufacturing processes; 2) 67 FR 2962-3029, published January 22, 2002 regarding amendments to the Corrective Action Management Unit Rule; 3) 67 FR 11251-11254, published March 13, 2002 regarding the classification of mineral processing characteristic sludges and by-products being reclaimed as solid wastes under RCRA’s hazardous waste management regulations; and the decision that the Toxicity Characteristic Leaching Procedure may not be used for determining whether manufactured gas plant waste is hazardous under RCRA; and 4) 67 FR 17119-17120 published April 9, 2002 regarding corrections to 66 FR 58258-58300 published November 20, 2001. Ms. Sharp added that the language currently found at 3-3 should be revoked as the rules currently adopted in 3-3 are also adopted by OAC 252:205-3-2.

Ms. Sharp indicated that the four changes were not unusual nor would they have a heavy impact on Oklahoma industries. She advised that the proposed rule amendment was for emergency approval only. Ms. Sharp fielded questions from Council and audience. Following discussion, Ms. Reinhart called for a motion to adopt the rule changes as proposed. Mr. Graves made the motion and second was made by Mr. Kennedy.

<b>Roll call.</b>	<b>Motion carried.</b>		
Wesley Anderson	Yes	Michael Graves	Yes
David Bradshaw	Yes	Gerald Ihler	Yes
Bruce Elwell	Yes	Bob Kennedy	Yes
		Jody Reinhart	Yes

**Rulemaking – OAC 252:205-17, Part 3, Waste Reduction Incentives [REVOKED]**

Ms. Reinhart called for agenda item #6. Ms. Catherine Sharp stated that the original statute that allowed this rule to exist was an idea to try to give companies a break in their fees if they did waste reduction. She added that to her knowledge, the rule wasn't utilized; therefore, during the legislative session, that statutory language was deleted. Since that authorization no longer existed, this proposal was a clean-up action to delete the rule.

With no questions from Council or audience, Ms. Reinhart called for a motion to adopt the proposal as presented. Mr. Bradshaw moved to recommend to the Environmental Quality Board to revoke the rule. Mr. Graves made the second.

<b>Roll call.</b>	<b>Motion carried.</b>	Michael Graves	Yes
Wesley Anderson	Yes	Gerald Ihler	Yes
David Bradshaw	Yes	Bob Kennedy	Yes
Bruce Elwell	Yes	Jody Reinhart	Yes

**New Business** Ms. Sharp reported that there is no upcoming rulemaking activity pending for Council's October meeting, but it would be necessary for the Council to set their 2003 meeting dates to be published with Secretary of State before December 15, 2002. Ms. Reinhart suggested that the January 2003 meeting be held in Fairview, Oklahoma with a possible tour of the Lone Mountain facility in Waynoka. She also suggested May in Tulsa and the October meeting in Oklahoma City. If a fourth meeting were scheduled, it could be in Oklahoma City. Dates for these meetings would be discussed and finalized as soon as possible.

The meeting adjourned at 10:45 a.m.

**A copy of the hearing transcripts are attached and made an official part of these minutes.**

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

HAZARDOUS WASTE MANAGEMENT

ADVISORY COUNCIL MEETING

JULY 18, 2002, 10:00 A.M.

TULSA COMMUNITY COLLEGE

SOUTHEAST CAMPUS

10300 EAST 81ST STREET SOUTH

TULSA, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

MYERS REPORTING SERVICE  
(405) 721-2882

1 COUNCIL MEMBERS

2 DAVID BRADSHAW

3 WESLEY ANDERSON

4 BRUCE ELWELL

5 MICHAEL GRAVES

6 DOUGLAS HAWKINS

7 JERRY IHLER

8 BOB KENNEDY

9 JODY REINHART, CHAIR

10 STEVE TOMBERLIN

11

12 STAFF MEMBERS

13 MARY JOHNSON

14 TAMMI JOHNSON

15 CATHERINE SHARP

16 SONNY JOHNSON

17 MYRNA BRUCE

18

19

20

21

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23

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25

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## PROCEEDINGS

3

MS. REINHART: Let's get started.

4

Mary, if you would do a roll call of

5

Council Members.

6

MS. JOHNSON: Mr. Anderson.

7

MR. ANDERSON: (Absent).

8

MS. JOHNSON: Mr. Bradshaw.

9

MR. BRADSHAW: Present, really.

10

MS. JOHNSON: Mr. Elwell.

11

MR. ELWELL: Here.

12

MS. JOHNSON: Mr. Graves.

13

MR. GRAVES: Here.

14

MS. JOHNSON: Mr. Hawkins.

15

MR. HAWKINS: (Absent).

16

MS. JOHNSON: Mr. Ihler.

17

MR. IHLER: Present.

18

MS. JOHNSON: Mr. Kennedy.

19

MR. KENNEDY: Present.

20

MS. JOHNSON: Ms. Reinhart.

21

MS. REINHART: Here.

22

MS. JOHNSON: Mr. Tomberlin.

23

MR. TOMBERLIN: (Absent).

24

MS. REINHART: Okay. Item Number

25

3 on our agenda is the discussion,

1 amendment and roll call to approve the  
2 official Minutes from our January 24, 2002  
3 Hazardous Waste Management Advisory Council  
4 Meeting.

5           So, you guys -- that was sent out in  
6 the packet and are there any changes to be  
7 made to the Minutes as prepared?

8           Can you hear me?

9           THE REPORTER: If you'll speak up  
10 just a little bit.

11           MS. REINHART: I'll talk a little  
12 louder. I know I talk real soft.

13           THE REPORTER: Thank you, very  
14 much.

15           MS. REINHART: Okay.

16           MR. GRAVES: I move that the  
17 Minutes be adopted as moved.

18           MR. ELWELL: Second.

19           MS. REINHART: Okay. Mr. Graves  
20 makes a motion, Mr. Elwell makes second.  
21 Mary, if you would do a roll call.

22           MS. JOHNSON: Mr. Anderson,  
23 absent. Mr. Bradshaw.

24           MR. BRADSHAW: Yes.

25           MS. JOHNSON: Mr. Elwell.

1 MR. ELWELL: Yes.

2 MS. JOHNSON: Mr. Graves.

3 MR. GRAVES: Yes.

4 MS. JOHNSON: Mr. Hawkins,  
5 absent. Mr. Ihler.

6 MR. IHLER: Yes.

7 MS. JOHNSON: Mr. Kennedy.

8 MR. KENNEDY: Yes.

9 MS. JOHNSON: Ms. Reinhart.

10 MS. REINHART: Yes.

11 MS. JOHNSON: And Mr. Tomberlin,  
12 absent.

13 MS. REINHART: Item Number 4 is  
14 the Chair Person's report and I don't have  
15 much.

16 Back in, I believe it was March, we  
17 went before the Council and we presented  
18 the amendment, the rules that we had done  
19 at the January meeting and everything went  
20 fine. There was no problems, no questions,  
21 and that was in March.

22 They subsequently had another Board  
23 Meeting in June in Woodward, but we didn't  
24 have anything to present there. So I just  
25 kind of showed up to say "hi" to people.

1 We -- I don't know that we'll be needing  
2 another meeting this year.

3 Catherine, do you see a need for  
4 that?

5 MS. SHARP: Assuming things are  
6 going to pass today, I don't think there's  
7 any questions today, but there is nothing  
8 on my radar screen --

9 MS. REINHART: Okay.

10 MS. SHARP: -- that would  
11 necessitate another meeting this year.

12 MS. REINHART: Okay.

13 MS. SHARP: We'd have to, towards  
14 the end of the year, canvas you all about a  
15 schedule for next year and locations and  
16 that sort of thing, and we can talk about  
17 locations later today if you want.

18 MS. REINHART: Right.

19 MS. SHARP: But I don't see  
20 anything, unless you all do.

21 MS. REINHART: Okay. As you guys  
22 see on the agenda today, we're just going  
23 to do some adoption of some rules that have  
24 been passed since late last fall, and they  
25 are just going to be an emergency ruling.

1                   And then we'll just remove some  
2 rules out of the rules that no longer have  
3 some statutory authority. And I think that  
4 is all.

5                   Catherine, you needed to say  
6 something.

7                   MS. SHARP: I just want to  
8 mention a couple of things, because when  
9 this group is together, I just like to  
10 mention what's going on at the DEQ.

11                   And let's see, the work done today,  
12 if it goes to the next Board Meeting, it  
13 looks like it's September 10th in Cushing.

14                   MS. REINHART: Right.

15                   MS. SHARP: So somebody would  
16 need to present on that, and we'll talk  
17 about that, but that's the next pending  
18 Board Meeting.

19                   With respect to that last Board  
20 Meeting in June out in your part of the  
21 world, we would like to thank you and your  
22 facility. Jody didn't mention that she  
23 hosted a tour of the Lone Mountain facility  
24 for the Board Members. And I would guess  
25 that -- I don't know how many of them were

1 able to go, but it was the first time they  
2 probably had seen something like that.

3 MS. REINHART: True. There was  
4 approximately, between the Board and DEQ  
5 staff, there was probably about twenty-  
6 four. And I guess most memorable to me was  
7 Jimmy Givens used to be on staff with the  
8 Haz Waste Division.

9 MS. SHARP: Right.

10 MS. REINHART: And had never been  
11 there before. So --

12 MS. SHARP: He finally got to see  
13 what he used to regulate.

14 MS. REINHART: That's right. So  
15 we're going to take an opportunity, you  
16 know, later in the meeting to discuss an  
17 opportunity for this Council to also go to  
18 the Lone Mountain facility and tour that  
19 place, as well.

20 MS. SHARP: Yeah. It's something  
21 to see for people who haven't seen it, I  
22 think. I haven't been out there in a  
23 number of years, but I think for the Board  
24 Members that was good for them.

25 MS. REINHART: Yes, it was.

1                   MS. SHARP:    So we appreciate you  
2 all hosting that.

3                   As far as recent activities at the  
4 DEQ, I guess everybody probably knows the  
5 most significant change in our lives was  
6 that Mark Coleman retired as of the end of  
7 June.    And most of the people at the DEQ,  
8 even though we have pretty good longevity,  
9 I think, in our management ranks, had only  
10 worked for Mark because he had been there  
11 so long and he had done so much to shape  
12 environmental policy.

13                  And, frankly, he was pretty  
14 supportive of our waste programs, including  
15 hazardous waste.    He was involved in it,  
16 you know, he helped with legislation at the  
17 state level that impacted it.

18                  So his successor is in place, who is  
19 Steve Thompson, who I'm assuming everybody  
20 has at least met.    And we're fortunate that  
21 we still have quite a bit of stability in  
22 that Steve was around, obviously, before  
23 Mark left and Steve comes out of a water  
24 background and Department of Pollution  
25 Control background, and somewhat of an

1 agriculture background. He knows people at  
2 the Department of Ag, because many years  
3 ago he worked there. And we interface with  
4 them quite a bit, not so much in haz waste,  
5 but in water.

6           So we're all adjusting to that, but  
7 there is not a great deal of adjustment. I  
8 mean, it seems like there is not any major  
9 shifts in policy of anything like that,  
10 that we can see.

11           Steve is very, very active in  
12 working with EPA through their Commissioner  
13 of Organization, as Mark was, just to kind  
14 of -- sometimes you do that, just to ensure  
15 that you're, number one, aware of what EPA  
16 is doing and then should you need to do  
17 anything on defense, you know, to kind of  
18 make sure that EPA policies aren't  
19 impacting either us or the regulated  
20 community in a way that would be  
21 undesirable, we kind of have a handle on  
22 that. So Steve is encouraging us to  
23 continue to do that.

24           I'm on the Board for the Association  
25 of State and Territorial and Solid Waste

1 Management Officials for Region 6 and we're  
2 involved in Superfund policy at the  
3 national level and stuff like that. So  
4 anyway, that will all continue, I don't see  
5 any major changes in that.

6 As far as the Land Protection  
7 Division itself, I can't think of any major  
8 changes. We're still looking a lot at  
9 remediation issues. The Hazardous Waste  
10 Program is stable, I don't think there has  
11 been any changes.

12 I would like to introduce -- did  
13 everybody get a chance to meet Tammy  
14 Johnson? She's somewhat new. Tammy,  
15 you've got to waive so we know who you are.  
16 Some of you may know her. She's the  
17 Director of the RECRA Enforcement Program.  
18 Pam Green, who used to help with this  
19 Committee, worked for Tammy and has taken  
20 kind of a -- I started to say she took a  
21 new job, she's actually going to go to  
22 seminary, she's taking a new sort of life.

23 But anyway, Tammy is going to be  
24 support on rules for the time being and she  
25 knows the rules very well and has been with

1 the waste program for many years.

2 MS. REINHART: I think he's  
3 locked out, Mr. Anderson.

4 MS. SHARP: At any rate, there  
5 has been a lot of environmental stuff in  
6 the news lately in Oklahoma and,  
7 fortunately, very little of it has to do  
8 with our division. That's a good thing.

9 I don't know if you all -- I don't  
10 know how much you keep up with it. I  
11 thought I might mention today that during  
12 this last legislative session, the big news  
13 was a lack of money and a lack of funding  
14 for agencies and I don't know if -- if you  
15 don't work for an agency, it doesn't catch  
16 your attention, but like for successive  
17 days in the Oklahoman, on the front page,  
18 was how much the budget was going to have  
19 to be cut, and there was a different  
20 percentage each day.

21 And I just thought I might mention  
22 here that because of our funding, I think  
23 really we were not hit as hard as some  
24 agencies. I think you all are probably  
25 aware that most of our funding for the

1 waste programs comes from fees and that's  
2 given us a level of stability that's kind  
3 of nice that we enjoy, between the solid  
4 waste fees and hazardous waste fees, and we  
5 get a pretty stable federal grant from EPA  
6 for RECRA, and then we get some federal  
7 grants for SuperFund.

8           When they would cut the state  
9 budget, we were able to argue that just the  
10 state portion of our budget is what should  
11 take that hit. Now, I don't know how  
12 successful we were at winning that, we did  
13 have to carry some vacancies that we  
14 couldn't fill, you know, you save money by  
15 doing that.

16           But by and large, I think we made it  
17 through that, kind of navigated through  
18 that tough financial period pretty well.  
19 You know, there was one day or a couple of  
20 days when the paper discussed furloughs and  
21 that sort of thing for other agencies and  
22 we just never were close to that. So we  
23 got through that okay. There was no major  
24 legislation impacting hazardous waste  
25 program. So there is no news there.

1                   I would be happy to answer any  
2 questions, if anybody has any.

3                   MR. KENNEDY:    What about the norm  
4 issue with the trial in Lincoln?   Is that -  
5 -

6                   MS. SHARP:    Okay.    Yeah.

7                   MR. KENNEDY:    That was in June, I  
8 thought I read a June --

9                   MS. SHARP:    That is -- I'll be  
10 happy to send you emails on that to keep  
11 you up on that.    As some of you all know, I  
12 -- one thing that H.A. left me that I'm  
13 forever grateful for is I'm the  
14 Commissioner for the Central Interstate  
15 Compact Commission dealing with low level  
16 radioactive waste.

17                   And that group -- the trial is going  
18 on as we speak, the trial started the first  
19 of June.    And the trial revolves around the  
20 Compact Commission in partnership with the  
21 major generators, the people who funded all  
22 the work to site the facility in Nebraska,  
23 suing the state of Nebraska for two things.

24                   Number one, saying that the review  
25 of the application was in bad faith, they

1 should have granted a license.

2           And number two, we want all that  
3 money back. And it's a significant amount,  
4 over ninety million dollars is at stake.

5           And so while the states, as the  
6 regulators, don't feel as strongly about  
7 the money, we do feel strongly that there  
8 was a bad faith review of that application.  
9 And I've been up there for two weeks during  
10 two different weeks to get glimpses of the  
11 trial. I was up there for the opening  
12 arguments and then another week -- and then  
13 I'm going back in about a week.

14           Our law firm, I think, is doing very  
15 well. They retained a law firm out of  
16 Lincoln to represent the Compact. The  
17 State of Nebraska has retained a law firm  
18 out of Washington, D.C. They've outspent  
19 out efforts by several million dollars.  
20 There is some strategic reasons that people  
21 theorize about why they would pick a  
22 Washington, D.C. law firm, like where this  
23 case is ultimately going to wind up.

24           MS. REINHART: Right.

25           MS. SHARP: But the arguments

1 that I saw, and I don't want to give you a  
2 blow-by-blow, you don't have time for that  
3 here, it was very interesting in they  
4 called back -- I didn't hear him testify,  
5 but they called back the former Governor  
6 Ben Nelson, now Senator Ben Nelson, because  
7 it was under his watch that the decision or  
8 the support for the site by the state  
9 changed.

10           And the allegation that we brought  
11 was that he campaigned on the idea that he  
12 wasn't going to have a facility in  
13 Nebraska, his staff was actively opposing  
14 the facility, these are what we brought out  
15 in court, and they brought back -- I did  
16 hear testimony by some of his staff when  
17 they came back.

18           And I don't know how to characterize  
19 it exactly, other than they happened to  
20 have a large body of evidence in this case  
21 where one particular individual who worked  
22 for the Governor, who was actively working  
23 with an opposition group, a citizens group  
24 in Boyd County, she was terminated from her  
25 position in the midst of this and saved

1 roughly twenty boxes of documents and took  
2 them to her home.

3           And it's not clear why, under oath,  
4 it was not clear why, she couldn't explain  
5 why she did it, but these were all brought  
6 out under discovery and there are things  
7 like emails back and forth, memos from  
8 meetings, who was at meetings, who said  
9 what at meetings, that sort of thing. And  
10 so this became a pivotal part of him being  
11 the focus of the trial.

12           And so that brought out a lot of  
13 issues that you can't really refute if it's  
14 in an email and, you know, it's got certain  
15 people's name on it, you assume they read  
16 it and that that was what was going on. So  
17 during that phase, it was very interesting.

18           Our law firm, our lawyers, are quite  
19 confident about how the thing is going,  
20 they think it's going well. I will say  
21 that this Judge, and I'm not in the  
22 courtroom nearly as much as some of you  
23 all, but this Judge is very, very good.  
24 He's astute, he asks questions, he went out  
25 and visited the site one Saturday with both

1 sides with him. He decided -- because he's  
2 one of the -- one of the arguments has to  
3 do with whether the site, with respect to  
4 how the groundwater and the rainfall out  
5 there behaves, whether it's a suitable  
6 site. That was one reason why they  
7 ultimately said they didn't want to approve  
8 the application, where prior documents  
9 showed that they thought it was fine. So  
10 there was a change, there was a shift in  
11 the Department's view and that's what  
12 they're -- they're really scrambling  
13 around, trying to explain.

14           But anyway, I will say that this  
15 Judge, I think, understands the issues very  
16 well, he's asked some questions that show  
17 that he's following exactly what is going  
18 on.

19           And so right now, we think it will  
20 maybe go into the first week in August, but  
21 no longer. And we've already rested our  
22 case, they are now bringing their case. So  
23 it's interesting.

24           And if any of you want updates on  
25 the case, I get them from the Compact

1 Commission periodically. The press was  
2 covering it and I can get those articles.  
3 You can get the articles online on Omaha or  
4 Lincoln newspapers. But if you want me to  
5 forward any of that to you, just leave me  
6 your email address after this meeting and  
7 I'd be happy to.

8 MS. REINHART: The only question  
9 I had, Catherine, is going back to what you  
10 were talking about earlier, was about state  
11 finances. What are you guys seeing -- I'm  
12 on a school board, as well.

13 MS. SHARP: Yeah.

14 MS. REINHART: So, you know,  
15 fortunately the school district I'm in  
16 wasn't impacted greatly. I mean, we did,  
17 you know, lose some money, but how is it --  
18 what is DEQ predicting for this next year?

19 MS. SHARP: You know, I haven't  
20 asked. I don't know and I have been a  
21 little bit distant from our finance people.

22 What we're doing right now in our  
23 budget cycle is budgeting for not the year  
24 we just started on.

25 MS. REINHART: Right.

1                   MS. SHARP:    But the year -- our  
2   fiscal year just started, and we look  
3   pretty stable in terms of the waste  
4   programs.

5                   MS. REINHART:   Right.

6                   MS. SHARP:    The fees are  
7   adequate, EPA grants are not going to  
8   decline.    The one thing that caught my  
9   attention was, and it doesn't really affect  
10   this Council, is nationally the Superfund  
11   program is influx.

12                   You know, the tax that supports  
13   Superfund went away at sunset like three or  
14   four years ago and they were still putting  
15   monies into the program from the general  
16   fund, back when the federal government had  
17   a lot of money, remember?   Which wasn't too  
18   long ago.

19                   There is no tax being assessed now  
20   to support clean ups and we have some big  
21   clean ups.   Where Oklahoma is, is we had  
22   completed the remedy, we've got about  
23   twelve NPO sites.   We have completed the  
24   remedy on a number of them.   We have a  
25   couple that are ongoing, Tar Creek being

1 the most obvious, where if funding isn't  
2 continued -- the other one that was  
3 mentioned that's kind of in a window where  
4 it might be impacted is the Hudson Refinery  
5 in Cushing, where if something doesn't  
6 improve, what happens is the clean-ups just  
7 slow way down. You know, if you don't get  
8 the federal money for those clean-ups where  
9 you don't have a PR fee, things just slow  
10 down and then EPA just goes into this mode  
11 where they are evaluating what are really  
12 the worst of the worst sites and they might  
13 fund those.

14 Tar Creek is unique, because now  
15 what we're doing on that site, it's  
16 considered -- I don't know if you all keep  
17 up with the Superfund, but it's considered  
18 what they call a megasite. It's a site  
19 that is so large and it has so many  
20 different ramifications, you know, it  
21 affects multiple communities, it's forty  
22 square miles. You've got Native American  
23 issues, you've got a lot of health issues  
24 with the kids with high blood lead, that's  
25 not really our deal, it's the Health

1 Department's deal, but we work with them  
2 and the Indian Health Service to deal with  
3 that.

4 EPA is beginning to look at sites  
5 like that and say, as the money shrinks,  
6 they don't want to fund -- you know, one  
7 site could, you know, take out the whole  
8 budget.

9 So their willingness to work on  
10 megasites is really, really -- they're  
11 taking a -- they're stepping back from  
12 them. And so that's got us a little  
13 concerned.

14 What we've done with that is tried  
15 to raise EPA's awareness that sites like  
16 that need a bigger solution. Department of  
17 Interior is a player in it, the White House  
18 is a player in it, we had a group go to the  
19 -- there is a group out of the White House  
20 called the Council on Environmental Quality  
21 that deals with special large environmental  
22 issues and we had a meeting with them to  
23 call this to their attention, that EPA  
24 can't solve a problem this big.

25 And so that's the biggest concern I

1 have right now with respect to money, is  
2 that at the federal level, the Superfund  
3 program is going to -- it's kind of  
4 stumbling a little bit.

5 MS. REINHART: Okay.

6 MS. SHARP: The Solid Waste  
7 Program and the Tire Program are both fine  
8 for our Division, because they are fee  
9 supported and that's pretty stable.

10 The Underground Injection Control  
11 Program is small, but it's stable.

12 And then the Radiation Control  
13 Program, because they got agreement state  
14 status in the last two years, they now have  
15 a fee system, they are pretty stable.

16 So I don't have any in dire  
17 predictions, really, about that.

18 MS. REINHART: Okay. I just know  
19 that all of the state agencies are dire  
20 predictions.

21 MS. SHARP: They are looking real  
22 close at their budgets for that year, I  
23 mean, they really are. You better have the  
24 money and a way to say you have the money  
25 before you turn that budget in.

1 MS. REINHART: Okay.

2 MS. SHARP: But we're not feeling  
3 unconfident.

4 MS. REINHART: Okay. Does  
5 Council Members have any further questions  
6 to direct to DEQ? Okay.

7 Seeing none, we'll just go on to  
8 Item Number 5, the Formal Rulemaking  
9 Hearing and Voting on Proposed Amendment  
10 OAC 252:205-3-3, the Incorporation by  
11 Reference.

12 We have four things to discuss here,  
13 so I'll let Catherine discuss those, as  
14 well.

15 MS. SHARP: Okay. The four rules  
16 we're looking at today, from what I could  
17 gather from the Federal Registers and the  
18 summaries, there is nothing that I would  
19 consider really terribly unusual or that  
20 would have any heavy impact that I can see  
21 on Oklahoma industries.

22 Real briefly, the first one is  
23 rather standard, EPA, in their process of  
24 figuring out what wastes need to be listed  
25 and they are doing that as a result of a

1 lawsuit from the Environmental Defense  
2 Fund, but they are doing it under a court  
3 order. They are slowly moving through all  
4 these wastes. They picked three from the  
5 inorganic chemical manufacturing process  
6 and they decided those warranted listing  
7 and so those are added.

8           The second rule has to do with  
9 tightening up -- it's really a remediation  
10 rule. The Corrective Action Management  
11 Unit Rule, which was passed some time ago,  
12 was considered one of the most -- I don't  
13 want to say permissive, but it was a  
14 relaxation of clean-up standards, it  
15 allowed remediation to take place with  
16 fewer standards.

17           The whole problem of imposing LDRs  
18 or remediation waste and that sort of  
19 thing, that was -- I don't want to say set  
20 aside, but there were mechanisms in the  
21 CAMU rule where you didn't have to clean up  
22 to as high a standard, you can still get a  
23 large scale remediation to happen.

24           What this rule appears to do is put  
25 some standards back. They were sued over

1 that, there were people who objected to the  
2 CAMU rule that it didn't have enough  
3 standards. So they've redefined some  
4 wastes in there and put some standards in  
5 there and so we'd be adopting that.

6 We haven't utilized the CAMU rule a  
7 lot, but we have used it a couple of times.  
8 We were big supporters of that rule because  
9 of the flexibility allowed in certain  
10 clean-ups.

11 MS. REINHART: Right.

12 MS. SHARP: We've been over that  
13 with this group before, so I think you all  
14 remember that. So that would be the second  
15 rule.

16 This reclassification, the third  
17 rule, the March 13th Federal Register, has  
18 to do with what classification of mineral  
19 processing wastes, which as near as I can  
20 tell, are those large -- if somebody knows  
21 more about mineral processing wastes,  
22 please tell me, but I think they are  
23 associated with mining and they tend to be  
24 high volume waste that have to exhibit a  
25 characteristic.

1           The mineral processing industry  
2   wants those to be characterized as  
3   something which when reclaimed is not a  
4   solid waste.   And so that's what this rule  
5   does.   And that's that gray area of when is  
6   something recycled and when is something a  
7   waste.   And I don't know that we have  
8   anybody in this state, I couldn't think of  
9   anyone that is affected by that, the  
10  mineral processing wastes.

11                   MS. REINHART:   The only thing I  
12  can think of is that chat that's associated  
13  with Tar Creek.

14                   MS. SHARP:   And we talked about  
15  that.   And most of the chat -- this is the  
16  good thing about Tar Creek, most of the  
17  chat doesn't fail the TC.

18                   MS. REINHART:   Okay.

19                   MS. SHARP:   So we deal with this  
20  -- it's highly toxic, it's got enough lead  
21  that it's a source of contamination,  
22  obviously, for those communities, but when  
23  they run the TCLP on it, it seldom fails.  
24  And so -- but it's not an always or never  
25  thing.

1 MS. REINHART: Right.

2 MS. SHARP: So we deal with it as  
3 an industrial waste, you know, that we are  
4 actively trying to control the reuse of  
5 that stuff. If it were a hazardous waste,  
6 you could control it much more, how it's  
7 reclaimed and how it's used.

8 One of the problems with Tar Creek  
9 is that stuff isn't in the referenced C  
10 realm and so we're trying to exert controls  
11 over the reuse of it, with solid waste  
12 that's very foggy. It's somewhat foggy in  
13 hazardous waste, but it doesn't say what  
14 rules do about it.

15 So anyway, that's what that rule  
16 does. It also has a minor point in that  
17 EPA went ahead and said that the TCLP is  
18 not appropriate when you're doing clean-up  
19 sites, clean-up at manufactured gas plant  
20 sites, and they agreed with somebody who  
21 argued that that is an inappropriate  
22 characterization for that particular kind  
23 of remediation waste. So that rule does  
24 that.

25 And the fourth rule is just

1 corrections to the Federal Register. So  
2 what the rule -- what we would be doing on  
3 this rule is striking -- let me get a copy  
4 of the rule. If you look at 3-3, in  
5 Subchapter (c), we're striking that first  
6 bit of language, because that's already  
7 been --

8 MS. REINHART: That's a permanent  
9 adoption already?

10 MS. SHARP: Right, right. And  
11 then it picks up specifically the four  
12 Federal Registers that we're thinking about  
13 today.

14 MS. REINHART: Okay. Does  
15 Council have any questions in regard to  
16 these rules? Okay. Seeing none, do we  
17 have any questions from the public? Okay.  
18 I guess we're down to the roll call vote.  
19 Mary, if you would do -- well, I need a  
20 motion, first. You can't do a roll call  
21 yet, okay. do I hear a motion from a  
22 Council Member?

23 MR. GRAVES: I move that we adopt  
24 the proposal as presented.

25 MR. KENNEDY: I'll second that.

1

2 MS. REINHART: Mr. Graves makes a  
3 motion, Mr. Kennedy makes a second. Mary,  
4 now you can make that roll call vote.

5 MS. JOHNSON: Mr. Anderson.

6 MR. ANDERSON: Yes.

7 MS. JOHNSON: Mr. Bradshaw.

8 MR. BRADSHAW: Yes.

9 MS. JOHNSON: Mr. Elwell.

10 MR. ELWELL: Yes.

11 MS. JOHNSON: Mr. Graves.

12 MR. GRAVES: Yes.

13 MS. JOHNSON: Mr. Hawkins,  
14 absent. Mr. Ihler.

15 MR. IHLER: Yes.

16 MS. JOHNSON: Mr. Kennedy.

17 MR. KENNEDY: Yes.

18 MS. JOHNSON: Ms. Reinhart.

19 MS. REINHART: Yes.

20 MS. JOHNSON: Mr. Tomberlin,  
21 absent.

22 (End of Proceedings)

23

24

25



DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

OAC252:205-17, PART 3 WASTE REDUCTION

INCENTIVES HAZARDOUS WASTE MANAGEMENT ADVISORY

COUNCIL MEETING

JULY 18, 2002, 10:00 A.M. TULSA COMMUNITY

COLLEGE

10300 EAST 81ST STREET SOUTH TULSA, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

MYERS REPORTING SERVICE (405) 721-  
2882

1

2

## PROCEEDINGS

3

MS. REINHART: Item Number 6

is a

4

Formal Rulemaking Hearing and Vote on

5

Proposed Permanent Changes to OAC 252:205-

6

17, Part 3, the Waste Reduction Incentives.

7

Catherine.

8

MS. SHARP: Yeah. This is

pretty

9

much housekeeping. The statute that

10

allowed this rule to exist came out several

11

years ago was an idea to try to get

12

companies a break in their fees if they did

13

waste reduction.

14

It wasn't utilized that I know of

15

and the statute was recently, not during

16

this session, but I think it

was the prior

17

session, that statutory

language was

18

deleted, so the authorization

for this no

19

longer exists anyway. So it's

really sort

20

of a clean-up action here to

get this off

21 of the books.

22 MS. REINHART: So we never had

23 any generators that really utilized --

24 MS. SHARP: We had some that

25 asked about it, but it was one of these

1 things that was a good idea, a good  
2 concept, but people really couldn't utilize  
3 it.

4 This fee only impacts in a big way  
5 the really big places anyway, so they just  
6 couldn't find a way to avail  
themselves of  
7 it and make it useful.

8 MS. REINHART: Well,  
in the last  
9 couple of years you got waste  
reduction and  
10 waste activities going on.

11 MS. SHARP: So even  
less money at  
12 stake to be working on, anyway.

13 MS. REINHART: Right.

14 MS. SHARP: So, I  
don't think it  
15 was a bad idea, I think at the time  
it was  
16 a good idea, it just didn't work  
out to be  
17 used that much.

18 MS. REINHART:  
Okay. Is there

19 any questions or discussion by  
Council?

20 Seeing none, is there any questions or  
21 discussion by the public? Okay. Do I hear  
22 a motion to adopt Item Number 6?

23 MR. BRADSHAW: I move that we  
24 recommend to the Board that this rule be  
25 revoked as proposed.

1 MS. REINHART: Okay. Do I hear a  
2 second?

3 MR. GRAVES: Second.

4 MS. REINHART: Okay. Mr.  
5 Bradshaw makes a motion, Mr. Graves makes a  
6 second. Mary, if you'll do a roll call.

7 MS. JOHNSON: Mr. Anderson.

8 MR. ANDERSON: Yes.

9 MS. JOHNSON: Mr. Bradshaw.

10 MR. BRADSHAW: Yes.

11 MS. JOHNSON: Mr. Elwell.

12 MR. ELWELL: Yes.

13 MS. JOHNSON: Mr. Graves.

14 MR. GRAVES: Yes.

15 MS. JOHNSON: Mr. Hawkins,  
16 absent. Mr. Ihler.

17 MR. IHLER: Yes.

18 MS. JOHNSON: Mr. Kennedy.

19 MR. KENNEDY: Yes.

20 MS. JOHNSON: Ms. Reinhart.

21 MS. REINHART: Yes.

22 MS. JOHNSON: Mr. Tomberlin,  
23 absent.

24 MR. GRAVES: Do we need to go  
25 back to the first one, (inaudible)

1 emergency, don't we have to do that as a  
2 separate matter?

3 MS. SHARP: I noticed that we  
4 didn't have that set aside. I think it  
5 would be cleaner. Sonny, that first  
one  
6 was going to be emergency only and  
the  
7 second one permanent. Do we need a  
8 separate motion to say that we're  
9 recommending that one be emergency?

10 MR. SONNY JOHNSON: I  
think the  
11 motion said as recommended.

12 MS. SHARP: It's  
mentioned in the  
13 body of the thing.

14 MR. GRAVES: I  
thought the  
15 procedure was we had to do that by a  
16 separate vote.

17 MS. SHARP: Yeah, we  
used to do  
18 that, and I can't remember who  
directed us  
19 to do it that way.

20

MS. REINHART: Item

Number 7, any

21 New Business for the Council to

consider

22 today? Just for the 2003

meeting places,

23 that's all I can think of.

Catherine, is

24 there anything further that

you know of?

25

MS. SHARP: I should mention

1 something. As you know, we have a court  
2 reporter here today and there have been  
3 some changes. I neglected to  
introduce  
4 Myrna Bruce. Myrna used to be  
with the Air  
5 Quality Division and has done a  
lot of work  
6 there. And one of the things  
that was  
7 starting, and I guess we're in  
the midst of  
8 is why I neglected to mention  
it, we're  
9 trying to do a little bit of  
10 standardization about the  
procedures and  
11 Councils and the Boards. I  
think it makes  
12 it easier to manage in our legal  
group when  
13 they interact with the Office of  
14 Administrative Rules. And  
Myrna has a lot  
15 of experience in that area, so  
she will be

16 attending. I can't believe she  
took this  
17 on, but she's going to attend  
all the  
18 Council Meetings, is that right,  
and the  
19 Board Meetings. She'll be  
doing some of  
20 the prep for these meetings  
in terms of  
21 logistics.  
22 I think our staff will  
still do the  
23 rule, sorting out the rules and  
getting  
24 that material together, but if you get  
25 emails or phone calls from Myrna, that way

1 you'll know who she is. She's a good point  
2 of contact for rules and any kind of  
3 questions about that at the Agency. And so  
4 we're shifting that a little bit out of  
5 Jimmy Givens office, so that some of that  
6 will be standardized. And as far as how we  
7 handle the court reporter, this is Christy  
8 --

9 THE REPORTER: Myers.

10 MS. SHARP: -- Myers. And I  
11 wasn't sure how the Agency did that,  
12 whether we always have the same --

13 THE REPORTER: By  
contract.

14 MS. SHARP: So are  
you generally  
15 the one?

16 THE REPORTER: Yes,  
contracted.

17 MS. SHARP: So it  
also makes the  
18 minutes a little less laborious.  
You can  
19 take the court reporter's  
transcript and  
20 just condense it down, so in

some ways it's

21 more efficient and accurate and  
defensible,

22 so if anybody ever had a  
question, you

23 know. So that will be  
probably happening

24 that way at all our future  
meetings.

25 THE REPORTER: That is if I can

1 hear them.

2 MS. SHARP: That's right.

3 They're accurate if she can hear them.

4 MS. REINHART: We're going to get  
5 microphones for our meetings, as well. We  
6 can standardize that part. Okay.

7 2003 meeting places. I would like  
8 to suggest that we do the January Council  
9 Meeting in Fairview, Oklahoma.

And I do

10 have a couple of places that

have been

11 recommended to me because the

Lone Mountain

12 facility obviously has to do a

lot of

13 public meetings in conjunction

with some

14 permit mods and the Fairview --

Town of

15 Fairview has some excellent

meeting places

16 that they have just recently

built --

17 MS. SHARP: Good.

18 MS. REINHART: --

and Council

19 room and there is actually a  
meeting room

20 there, as well. And it was  
highly

21 recommended to me from that. If  
that's not

22 available, then there is a vo-  
tech there

23 and there are some other places there in

24 Fairview. Do you agree, since you're from

25 Fairview.

1 MR. ELWELL: That's fine.

2 MS. REINHART: He's all in favor  
3 of that meeting.

4 MR. ELWELL: I thought we would  
5 have the meeting at the site, though.

6 MS. REINHART: Well, that might  
7 be a little bit -- we can do it at the  
8 site.

9 MR. ELWELL: It doesn't matter to  
10 me.

11 MS. REINHART: The facility now  
12 has an excellent, you know, training room  
13 and it's just -- it's the original  
14 office  
15 of the facility.

16 MS. SHARP: Really?

17 MS. REINHART: They

-- when they

18 had done some remodeling and stuff,

they

19 took that and they actually just totally  
20 rebuilt the building on the original, you  
21 know, foundation and things like that, but  
22 that's where they do their training classes  
23 and have meetings. And that's where the  
DEQ and the Board met to, you know, do

24 their tour of the facility and stuff.

25 So if the Council would rather do

1 the meeting at Wanoka, at the Lone Mountain  
2 Facility, that's up, as well.

3 MS. SHARP: We might think about  
4 that. Your first place you mentioned was  
5 that city office, you say?

6 MS. REINHART: In Fairview,  
7 Oklahoma.

8 MS. SHARP: So it would be the  
9 City facilities?

10 MS. REINHART: Right.

11 MS. SHARP: And they would let us  
12 meet there free of charge, would they let  
13 us do that?

14 MS. REINHART: He could probably  
15 swing that deal.

16 MS. SHARP: He could probably get  
17 that done? That might be seen as a little  
18 more of an unbiased area.

19 MS. REINHART: That's what I was  
20 thinking --

21 MS. SHARP: That's just for  
22 appearances, but I like the idea of a tour  
23 of the facility, as well.

24 MS. REINHART: Exactly, right.  
25 And Doug McClain has extended an offer for

1 the Council Members, as well as the DEQ to  
2 come tour the facility. Now,  
it will be  
3 kind of cold in February -- or  
in January.

4 MS. SHARP: It  
will be.

5 MS. REINHART: It  
will be, but it  
6 beats the heat we had the other time.

That  
7 was pretty hot.

8 MS. SHARP: I know,  
everybody in

9 their dress clothes.

10 MS. REINHART: Dress  
clothes.

11 MS. SHARP: We might  
explore how  
12 to set up to do that meeting.

13 MS. REINHART: Okay.

Anyway, we

14 know that we're going to be able to  
do the

15 January meeting, because we do

16 reorganization of Council, as well as

we do

17 the annual adoption of the rules and

so

18 forth.

19 But we also have to set

three other

20 places throughout the year.

And typically

21 the last year or two we've been

trying to

22 juggle in between Oklahoma City

and Tulsa,

23 and typically we've only been

able to do

24 one other meeting, you know, during the

25 year because there has not been enough

1 business to conduct. So, if you guys have  
2 some suggestions we need to let  
Myrna know

3 about that and Catherine, to  
give them some  
4 ideas as to where to meet and  
so forth.

5 MS. SHARP: Yeah, and  
as far as  
6 actual dates -- well, let's wait to set  
7 that until late in the year. We owe  
that  
8 to the Office of the Secretary of State  
9 December 15th or something of every  
year.

10 MS. REINHART: Okay.  
Right. And  
11 we usually -- typically we wait until  
the  
12 Board sets their meeting dates  
and times so  
13 that we can adjust ours to make  
certain we  
14 meet the time frames for public  
notice and  
15 so forth.

16 MS. SHARP: Every now  
and then we  
17 can't pull that off, but, yeah, we  
try to  
18 cycle that together.

19 MS. REINHART: Right.

20 MS. SHARP: We might  
go ahead and  
21 schedule -- I guess you might think  
about  
22 this. We've been scheduling  
four just in  
23 case there were issues that  
were timely.

24 MS. REINHART: Right.

25 MS. SHARP: And then if there is

1 not enough material for a meeting, we  
2 don't. Do you still want to schedule four?

3 MS. REINHART: I think we need to  
4 schedule four.

5 MS. SHARP: And then just watch?

6 MS. REINHART: And then watch.

7 MS. SHARP: Okay.

8 MS. REINHART: Because I'm not  
9 certain there is going to be enough  
10 information for us to do  
the October  
11 meeting.

12 MS.  
SHARP: Right.

13 MS.  
REINHART: So --

14 MS. SHARP: But now  
there is an  
15 October meeting scheduled.

16 MS. REINHART: And  
by the law,  
17 we're required to have at least two  
18 meetings a year.

19 MS. SHARP: Right.

That's my  
20 understanding. And for that

October

21 meeting, we should be getting close

to the

22 date to get rules over to the

Office of

23 Administrative Rules, and I haven't heard

24 of any. So we'll let you know if we don't

25 hear of anything by then.

1

2 MS. REINHART: Okay. All right. Is  
3 there any other new business to discuss?  
4 Anything? Catherine.

5 MS. SHARP: Do you want to tell  
6 us ideas where for the future meetings now  
7 or do you want to think about it

and just

8 get back to --

9 MS. REINHART: What  
do you guys  
10 want to do?

11 MS. SHARP: --  
Myrna or?

12 MS. REINHART:  
Well, this year  
13 it's -- yeah, we can predict, say  
to do  
14 that.

15 MS. SHARP: That's  
right.

16 MS. REINHART: And  
typically we  
17 do but what the situation is there  
is that  
18 they have even had to move

their meeting

19 back a whole month because  
of -- I guess

20 the Cox Center didn't have  
any time

21 available for them to have  
their meeting

22 there.

23 MS. SHARP: That's actually kind  
24 of a good thing, that means they're getting  
25 a lot of business downtown.

1 MS. REINHART: Well, that's true.

2 MS. SHARP: So that EFO meeting  
3 will be in November?

4 MS. REINHART: This year it's in  
5 November and then -- but, you know, they  
6 wait until after each annual  
event to see

7 what time frame and we can try  
to tie it to

8 that, but I think we need to  
stick to

9 whatever we can possibly do.

We can't  
10 predict what they're going to  
do.

11 MS. SHARP: Okay.

12 MS. REINHART: I  
mean, we can

13 shoot for October.

14 MS. SHARP: We can  
name that one

15 to be in Oklahoma City and then if  
we can

16 build around their schedule, do it.

17 MS. REINHART: Right.

18 MS. SHARP: We can

designate that

19 as the location first.

20 MS. REINHART: Right.

Because I

21 know there are several people here

that

22 typically attend some of those meetings.

23 MS. SHARP: Several of us do,

24 too.

25 MS. REINHART: Right. So it just

1 kind of makes it easy to just get it all  
2 together at one time. Okay.

3 MS. SHARP: So maybe October in  
4 Oklahoma City.

5 MS. REINHART: Right.

6 MS. SHARP: And then --

7 MS. REINHART: And then if we  
8 have any other date, other places for two  
9 other meetings. Any suggestions?

10 MR. GRAVES: One of them needs to  
11 be here.

12 MS. REINHART: One of them needs  
13 to be in Tulsa.

14 MS. SHARP: Let's do the April or  
15 May one, or whatever the one is between  
16 January and October in Tulsa,

how about

17 that? And I like this  
18 facility, I don't

19 know if you all do, but  
everybody had an

20 easy time getting here, we  
can get back

here.

21 MS. REINHART: It's fine.

22 MS. SHARP: I think it's very

23 good. Then you have one more, like, in

24 December if you needed it maybe?

25 MS. REINHART: I think it's May.

1 MS. SHARP: Okay. So we do,  
2 like, January.

3 MS. REINHART: Okay. January in  
4 Fairview.

5 MS. SHARP: So do you want May or  
6 July up here?

7 MS. REINHART: What would you  
8 like, May or July?

9 MR. GRAVES: Why don't we do May.

10 MS. REINHART: Okay.

11 MS. SHARP: May up here.

12 MR. GRAVES: Because we're pretty  
13 sure we'll meet then.

14 MS. REINHART: No. No, you never  
15 can predict. This year we didn't do it,  
16 but I think last year we did.

Yeah, we

17 did. So you just can't ever  
predict

18 whether May will make it or  
not, May or

19 July. The only guaranteed one  
is actually

20 January at this point. Yeah.

21 MS. SHARP: We can just designate  
22 the other one at DEQ and then if one of you

23 all feel strongly that it should be

24 somewhere else --

25 MS. REINHART: Okay. That sounds

1 good.

2 MS. SHARP: -- let us know, we're  
3 flexible. Okay. Mary will get the dates  
4 suggested, late in the year

though. That

5 will happen late, we'll  
canvass you all by

6 the calendars.

7 MS. REINHART: Okay. All right.

8 Well, is there any further new business?

9 Okay. Seeing none, do I hear a motion for  
10 adjournment?

11 MR. ELWELL: I move we adjourn.

12 MS. REINHART: Okay. He's ready.

13 Do I hear a second.

14 MR. GRAVES: Second.

15 MS. REINHART: Okay. I think  
16 we're done.

17 (End of Proceedings)

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C E R T I F I C A T E

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STATE OF OKLAHOMA )

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ss:

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COUNTY OF OKLAHOMA )

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I, CHRISTY A. MYERS, Certified

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Shorthand Reporter in and for the State of

7

Oklahoma, do hereby certify

that the above

8

proceedings are the truth, the

whole truth,

9

and nothing but the truth, in

the case

10

aforsaid; that the foregoing

proceedings

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were taken by me in shorthand

and

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thereafter transcribed under my

direction;

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that said proceedings were

taken on the

14

18th day of July, 2002, at

Tulsa, Oklahoma;

15

and that I am neither attorney

for nor

16

relative of any of said

parties, nor

17 otherwise interested in  
said action.



