

MINUTES
REGULAR SCHEDULED MEETING
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
9:00 A.M., February 3, 2000
Oklahoma Department of Environmental Quality
707 North Robinson
Oklahoma City, Oklahoma

These minutes are a summary of the meeting held February 3, 2000, as required by the Open Meeting Act. The meeting was recorded and the tapes are available for inspection and copying at the Solid Waste Management Office located in Oklahoma City, Oklahoma, 405-702-5213.

This meeting was convened in accordance with the notice of regularly scheduled council meetings on file at the Office of the Secretary of State as required by the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. This notice was filed with the Secretary of State by December 15, 1999. The agenda for this meeting was posted on the entrance door of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 24 hours prior to the meeting in accordance with Section 311 of the Open Meeting Act.

Agenda Items 1 and 2

The meeting was called to order by Chairman Steve Mason, at approximately 9:15 am. Roll call was taken and the following council members were present: Steve Mason, Ken Purdy, Jay Stout, Bill Torneten, Steve Landers, and Casey Elliott. David Griesel and Ralph Triplett, Jr., arrived shortly after roll call was taken. Mr. Mason announced the resignation of council member Wayne Hill, and welcomed Jerry Johnston, representing the Environmental Quality Board.

Agenda Item 3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2000

Mr. Mason announced that he would not accept nomination for Chairman this year. Motion was made by Steve Landers and seconded by Jay Stout to elect Ken Purdy as Chairman. A roll call vote was taken and the motion passed unanimously. A motion was made by Ralph Triplett and seconded by Bill Torneten to elect Jay Stout as the Vice-Chairman. A roll call vote was taken and the motion passed unanimously. The new Chairman, Ken Purdy acknowledged the distinctive service by Mr. Mason and presented him with a plaque recognizing him as Chair of the Solid Waste Management Advisory Council from 1993 to 1999. The following inscription was read aloud for those present: "Your dedication, inspiration and commitment to environmental excellence has made Oklahoma a better place for all of us." Chairman Purdy then continued presiding.

Agenda Item 4. MINUTES OF October 21, 1999 MEETING

Motion was made by Jay Stout and seconded by Ralph Triplett to approve the minutes of the October 21, 1999 meeting. A roll call vote was taken and the motion passed unanimously.

Agenda Item 5. SOLID WASTE PROGRAM REPORT

Fenton Rood stated one of the activities by the Department the past year has been a study identifying closure costs for landfills. The portion of the study to obtain site-specific data from each of our operating landfills has been completed and the information is being compiled.

Observations regarding legislation were then presented. Mr. Rood stated that a number of bills were introduced that relate to solid waste management, but it is too soon to know what the major issues are going to be. A number of proposals to refine the tire program, a proposal to eliminate landfills from karst topography areas, and proposals to eliminate certificate of need requirements for biomedical waste facilities are contemplated to be part of this legislative session. Another possible issue before the Legislature may be a resolution that would echo the position the Council has taken with respect to use of fee monies--the Legislature should not be using money for purposes other than for which the fees were originally created.

Jon Roberts then explained the regulation changes underway. Based on public comment received in response to the 530 rules presented at the last Council meeting, Mr. Roberts noted the DEQ is currently proposing a limited rewrite/dewrong on the current set of rules (510s & 520s). The Council could then initiate a more in-depth study in order to develop rules that are easier to understand, more user friendly, and hopefully result in reduced costs to the regulating community, while maintaining environmental protection.

The Council and members of the public were presented with copies of the current rules with proposed modifications identified. These proposed changes include correction of spelling errors, correction of statutory citation references, addition of new rules to implement new statutory requirements, and deletion of rules that are no longer needed or no longer applicable. Mr. Roberts also stated that the DEQ is interested in having the Council's input, as well as the public's, on how to proceed further with the in-depth revisions to the current rules, and help determine what format those rules should take.

Agenda Item 6. PUBLIC FORUM

No comments were offered.

Agenda Item 7. DISCUSSION TO TAKE NO ACTION AT THIS TIME ON OAC 252:530

No comments were offered by council or public. Mr. Purdy then opened for a motion to take no action at this time on the 530s. A motion was made by Mr. Mason and seconded by Casey Elliott. A roll call vote was taken and the motion passed unanimously.

Agenda Item 8. DISCUSSION OF PROPOSED CHANGES TO OAC 252:510 AND 252:520

Several questions regarding the proposed revisions to the 510s and 520s were asked by members of the Council, most concerning clarification of the impacts of specific changes to the rules.

Mr. Purdy asked if anyone in the audience would like to comment. Several members of the public then offered questions and comments regarding general waste issues and statutory requirements. No questions were received from the public regarding the proposed rule revisions.

Mr. Purdy then directed the DEQ to place the proposed revisions to the 510s and 520s on the agenda for rulemaking at the next Council meeting, and stated that he and the other council members want to thank the staff for their willingness to fall back and reevaluate this particular situation given that the 530s were problematic.

Mr. Rood stated that since it is the Council's desire to move ahead with rulemaking on this package, everyone interested should contact DEQ with their comments.

Agenda Item 9. DISCUSSION OF HOW TO PROCEED WITH FURTHER MODIFICATIONS OF CURRENT SOLID WASTE RULES

Mr. Roberts stated that because comments on the 530s indicated the regulated community did not have the opportunity to provide input regarding what changes should be made, a committee composed of staff and members of the regulated community should be formed to initiate the process of reviewing and revising the current rules in order to achieve a general consensus of what should be in the rules.

Mr. Roberts further clarified that agenda item 9 is completely separate from agenda item 8. The more extensive revisions to the 510s and 520s will not affect the modifications currently proposed. Mr. Roberts further noted there will be no time limit within which to have the more extensive revisions completed.

Mr. Rood noted there were a number of larger issues that people want to address in the more extensive rewrite. For example, groundwater monitoring requirements, gas monitoring, and leachate management are possible subject areas. He suggested that each meeting with the regulated community and members of the public could be devoted to one of those topics. Mr. Rood also recommended sending a letter to everyone on the Council mailing list, describing our intent and soliciting recommendations for issues that should be considered in the process. Mr. Purdy noted this would be the preference of the council.

Agenda Item 10. DISCUSSION OF APRIL 13, 2000 MEETING AND LOGISTICS

Bill Torneten suggested the April meeting be held at the Norman Public Library and the City of Norman be our host. He will verify arrangements.

It was also noted that the July 13, 2000 meeting would be in Grove, OK. Location to be announced.

Also, the October 13, 2000 meeting will be at the High Plains VoTech in Woodward, OK

Agenda Item 11. NEW BUSINESS

There was no new business.

Steve Mason announced that a luncheon of BBQ would be provided for anyone wishing to stay.

Agenda Item 12. PUBLIC FORUM ISSUES (continued)

Mark Radzinsky, Public Service Company of Oklahoma, spoke to address the issue of waste tires. He noted that everyone pays money to the State of Oklahoma when new tires are

purchased, and the intent of the fee is to cover the cost of disposal of these tires. He wanted to know what is being done to clean up the waste tires with these fees that are collected. He had heard that the money collected for waste tire disposal is now being used other places, and believes the state has collected this money under false pretenses. He referred to tire dumps that are still out there and are 10-20 years old.

In response, Mr. Purdy noted that the council is directed under statute to comment on the use of solid waste fee monies assessed on quantities of waste disposed of in Oklahoma and used for a variety of purposes in the solid waste management arena. He noted the Council is sensitive to this issue as well and that the Council has passed on to the Legislature their comments that fee monies be used for purposes established under statute and prescribed for certain purposes be used for that purpose. Within the authorization that the Council has, this is probably about the strongest action they could take to communicate to the Legislature their interest in seeing those funds used for those purposes.

Mr. Purdy then asked Mr. Rood for current information on resolutions that may be presented in the Legislature. Mr. Rood stated that he was aware of at least two concurrent resolutions that have been entered dealing with that topic.

Mr. Purdy asked Sonny Johnson about the Attorney General's opinion in terms of the legislature's ability to make such decisions. Mr. Johnson noted the Attorney General's opinion was it was a legal transfer of funds when the legislature transferred \$4.6 million from the tire fund and put it into the general fund.

The statement was made that everyone should report tire dumps to their county commissioners or call the DEQ when these dumps are spotted.

Sarah Kimble, OSU, announced that they are offering waste management workshops and seminars. The first two will be on Trash Cop programs and training, and the third workshop will be about recycling programs. The fourth workshop will be on special waste, including household hazardous waste, tires and batteries.

With no further comments from the public, Mr. Purdy entertained a motion for adjournment. Motion was made by Jay Stout and seconded by Ralph Triplett for meeting to adjourn. A roll call vote was taken and the motion passed unanimously.

Agenda Item 13. ADJOURNMENT

Meeting adjourned at 10:35 AM.