

**MINUTES**  
**SOLID WASTE MANAGEMENT ADVISORY COUNCIL**  
**SEPTEMBER 18, 2003**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City Oklahoma**

Approved by SWMAC  
September 16, 2004

**Notice of Public Meeting** The Solid Waste Management Advisory Council convened for its regular meeting at 9:00 a.m., September 18, 2003, in accordance with the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice of regularly scheduled Council meetings were filed at the Office of the Secretary of State and Agendas were posted on the entrance doors at the DEQ Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Ken Purdy called the meeting to order. A quorum was confirmed.

**MEMBERS PRESENT**

Casey Elliott  
David Griesel (arrived @ 9:20)  
Ken Purdy  
Jay Stout  
Bill Torneten  
Ralph Triplett

**DEQ STAFF PRESENT**

Scott Thompson  
Fenton Rood  
Jon Roberts  
Sonny Johnson  
Greg Garber  
Dave Smit  
Amber Brawdy  
Myrna Bruce

**MEMBERS ABSENT**

Guy Hylton  
Steve Landers  
Jeff Shepherd

**OTHERS PRESENT**

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

**Approval of Minutes** Mr. Purdy called motion to approve the minutes from the April 17, 2003 Regular Meeting. Mr. Stout made the motion and second was made by Mr. Triplett.

**Roll call.**

Casey Elliott	Yes	Bill Torneten	Yes
David Griesel	Yes	Ralph Triplett	Yes
Jay Stout	Yes	Ken Purdy	Yes

**Motion carried.**

**Public Forum** - No issues raised.

**Discussion of Fees/Expenditures** – Mr. Fenton Rood provided an update on the budget and expenditures. Comments and questions from the Council and public were received and acknowledged. Mr. Rood provided an annual Resolution from the Council for the Legislature and requested approval. Mr. Purdy signed the Resolution to be filed at Legislature before November 1, 2003. Mr. Stout moved to approve the resolution and Mr. Triplett made the second.

**Roll call.**

Casey Elliott	Yes	Bill Torneten	Yes
David Griesel	Yes	Ralph Triplett	Yes
Jay Stout	Yes	Ken Purdy	Yes

**Motion carried.**

**Guidance Document Leachate collection system protective cover** – Mr. Purdy called agenda item #6 for discussion and called upon staff member, Mr. Greg Garber. As requested by Council at its April meeting, Mr. Garber provided staff’s findings on a guidance document received from the State of Indiana regarding protective cover requirements for landfill leachate collection systems. Those findings had been forwarded to Council in the agenda packet. Mr. Garber pointed out that its use is strictly as a guidance document and not intended as rulemaking. It was felt that the document would be of great assistance and staff was commended. Mr. Purdy pointed out that while it would not be procedurally necessary for a Council vote, he did feel it appropriate for Council to grant blessing on the work done. Mr. Sonny Johnson, DEQ Legal, advised that a vote of the Council would not be necessary.

**New Business** None

**Public Forum** There was discussion regarding response to the new requirements associated with the new 515 rules. Mr. Purdy recognized Environmental Quality Board member, Jerry Johnston, and expressed Council’s appreciation for his attendance at all the meetings.

**Election of Officers** Mr. Purdy commented that it had been a great honor to serve but that he would be stepping down as chairman. He called for nominations for that position. Mr. Griesel nominated Bill Torneten and Mr. Stout made the second.

**Roll call.**

Casey Elliott	Yes	Bill Torneten	Abstain
David Griesel	Yes	Ralph Triplett	Yes
Jay Stout	Yes	Ken Purdy	Yes

**Motion carried.**

Mr. Torneten called for nominations for Vice-Chair. Mr. Triplett nominated Jay Stout and Mr. Purdy made that second.

**Roll call.**

Casey Elliott	Yes	Bill Torneten	Yes
David Griesel	Yes	Ralph Triplett	Yes
Jay Stout	Abstain	Ken Purdy	Yes

**Motion carried.**

**Setting of Dates and Times for 2004 Council Meetings** Mr. Torneten then called for discussion for CY 2004 meeting dates and locations. Mr. Roberts advised that there were no anticipated rule changes and that the two meetings during the legislative session should suffice. Mr. Stout made motion to approved May 20 and September 16 for the 2004 meetings to be held at the DEQ, Oklahoma City. Mr. Purdy made the second.

**Roll call.**

Casey Elliott	Yes	Bill Torneten	Yes
David Griesel	Yes	Ralph Triplett	Yes
Jay Stout	Yes	Ken Purdy	Yes

**Motion carried.**

With no further discussions, meeting adjourned at 10:45 a.m.

**Transcript and Attendance Sheet are attached and made an official part of these minutes.**

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DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE ADVISORY COUNCIL  
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS  
HELD ON SEPTEMBER 18, 2003, AT 9:00 A.M.  
IN OKLAHOMA CITY, OKLAHOMA

\* \* \* \* \*

REPORTED BY: Christy A. Myers, CSR

MYERS REPORTING SERVICE  
(405) 721-2882

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MEMBERS OF THE COUNCIL

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1. MR. CASEY ELLIOT - MEMBER
  2. MR. DAVID GRIESEL - MEMBER
  3. MR. GUY HYLTON - MEMBER
  4. MR. STEVE LANDERS - MEMBER
  5. MR. JEFF SHEPHERD - MEMBER
  6. MR. JAY STOUT - MEMBER
  7. MR. BILL TORNETEN - VICE-CHAIR
  8. MR. RALPH TRIPLETT - MEMBER
  9. MR. KEN PURDY - CHAIR

STAFF MEMBERS

- MS. SHIRLEY BROWN - SECRETARY
- MS. MYRNA BRUCE - RECORDING SECRETARY
- MR. FENTON ROOD - DEQ
- MS. GREG GARBER - DEQ
- MS. JON ROBERTS - DEQ
- MR. SONNY JOHNSON - STAFF ATTORNEY

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PROCEEDINGS

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MR. PURDY: Let's go ahead and call  
our meeting to order, and I'll begin with  
our Protocol Statement. This regularly  
scheduled meeting of the Solid Waste

8 Management Advisory Council was called in  
9 accordance with the Open Meeting Act.

10 Notice was filed with the Secretary  
11 of State on December 5, 2002 and amended on  
12 May 9 and May 20, 2003. The Agenda was  
13 duly posted on the doors of the DEQ, 707  
14 North Robinson, Oklahoma City, Oklahoma, 24  
15 hours prior to the meeting.

16 Only matters appearing on the posted  
17 Agenda may be considered at this regular  
18 meeting. In the event that this meeting is  
19 continued or reconvened, public notice of  
20 the date, time, and place of the continued  
21 meeting will be given by announcement at  
22 the meeting. Only matters appearing on the  
23 Agenda of a meeting which is continued may  
24 be discussed at the continued or reconvened  
25 meeting.

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4

1 Myrna, would you please call the  
2 roll.

3 MS. BRUCE: Casey Elliott.

4 MR. ELLIOTT: Here.

5 MS. BRUCE: David Griesel,

6 absent. Guy Hylton, absent. Steve

7 Landers, absent. Jeff Shepherd, absent.

8 Jay Stout.

9 MR. STOUT: Here.

10 MS. BRUCE: Bill Torneten

11 MR. TORNETEN: Here.

12 MS. BRUCE: Ralph Triplett

13 MR. TRIPLETT: Here.

14 MS. BRUCE: Ken Purdy.

15 MR. PURDY: Present.

16 Item No. 3 is approval of the

17 minutes of the April 17, 2003 regular

18 meeting. These were distributed with your

19 material packets.

20 MR. STOUT: I move to approve,

21 but I used to could read them without

22 glasses but now it does require glasses.

23 MR. TORNETEN: You have a

24 complaint about the type size?

25 MR. PURDY: Motion to approve

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5

1 with a recommendation for Courier 12 point.

2 MR. TRIPLETT: I'll second that.

3 MS. BRUCE: Do I need to write

4 anything else down. Casey Elliot.

5 MR. ELLIOTT: Yes.

6 MS. BRUCE: Jay Stout.

7 MR. STOUT: Yes.

8 MS. BRUCE: Bill Torneten.

9 MR. TORNETEN: Yes.

10 MS. BRUCE: Ralph Triplett.

11 MR. TRIPLETT: Yes.

12 MS. BRUCE: Ken Purdy.

13 MR. PURDY: Yes.

14 Public forum. Any issues for our  
15 public forum? Seeing none, let's go to No.  
16 5.

17 Discussion of the Solid Waste Program Fees  
18 and Expenditures. Fenton, I believe this  
19 is your show.

20 MR. ROOD: There is an  
21 information sheet in your packets that give  
22 you the details. And I would say that as  
23 you review it, the one observation I would  
24 offer is that the budget and expenditures  
25 from last year

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1 is relatively typical compared to what  
2 we've experienced in the past. The  
3 interesting comparison is with the budget  
4 for this year, because, once again, as the  
5 Legislature scrambled for money and cut  
6 appropriations they looked to make up  
7 appropriated dollars out of DEQ fee  
8 programs.

9 And for this current fiscal year  
10 they cut local projects like the programs

11 that we've had with the Association of  
12 County Commissioners and like the Solid  
13 Waste Institute and then put those same fee  
14 monies into appropriated fund programs in  
15 DEQ, principally, in the local offices.

16           So for this year, that we are  
17 currently operating under, you will see  
18 some substantial cuts.

19           MR. PURDY:   Being terribly biased  
20 about that whole issue, given that I  
21 receive a paycheck in that process from  
22 that, but it is also -- it is real  
23 important that a lot of those dollars are  
24 the dollars that get down to local  
25 programs, local assistance and that's a

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1 deprivation of that assistance when -- and  
2 the answer ultimately is additional  
3 appropriated dollars into other programs or  
4 --

5           MR. ROOD:   We're taking a new  
6 strategy this year.   Historically, our  
7 strategy has been righteous and indignation  
8 -- it's the immorality of using fee money  
9 for a purpose other than which it was  
10 originally intended.

11           This year we're putting together a

12 laundry list of legitimate local projects  
13 and asking for appropriated dollars for the  
14 local projects. So if you've got some  
15 ideas from your parts of the State that is  
16 a legitimate need, let's visit about that  
17 and we'll try to bring that a little bit  
18 closer to home.

19 MR. PURDY: I encourage the  
20 Council Members to do that. The more  
21 recognition that we have from our  
22 Legislators about the value of those  
23 dollars going into local programs, I think,  
24 the more support we receive from them in  
25 the long run.

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1 MR. ROOD: And Ralph, is our  
2 County Commissioner representative. And I  
3 think one of the things that we need to do  
4 with the Association of County  
5 Commissioners is work more vigorously this  
6 year and better tell our story about what's  
7 good that we're getting accomplished with  
8 these investments.

9 Those County Commissioners in  
10 particular, I think, have some great  
11 stories to tell about the improvements in  
12 their areas.

13 MR. TRIPLETT: Do you meet,  
14 Fenton, with our Legislative Committee at  
15 any time?

16 MR. ROOD: I've scheduled that for  
17 the next session.

18 MR. TRIPLETT: That's good.  
19 Okay.

20 MR. ROOD: Any questions or areas  
21 that --

22 MR. ELLIOTT: I've got one -- two  
23 really. You talk about the local projects,  
24 is that tied in with what you have here as  
25 community-based environmental protection or

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1 what's the --

2 MR. ROOD: That's a good example.  
3 Programs like the trash cops and cleaning  
4 up dumps.

5 MR. ELLIOTT: Okay. My other  
6 question is, at the present time, what land  
7 restoration projects do we have going on?

8 MR. ROOD: Land restoration? Our  
9 activities are through the Okmulgee County  
10 Conservation District and through the  
11 Association of South Central Oklahoma  
12 Governments (ASCOG). Both are conservation  
13 district based. The ASCOG projects have

14 really ranged all over the State. They're  
15 based in south central Oklahoma but they've  
16 even gone in to northeastern Oklahoma on  
17 some projects.

18           The Okmulgee County projects have  
19 typically been in that part of the State.

20           MR. PURDY: Are there other  
21 questions?     Ralph.

22           MR. TRIPLETT: Fenton, at one  
23 time I heard discussion of possibly raising  
24 the fees that DEQ collects from landfills.  
25 Is that a Legislative issue or -- are these

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1 --

2           MR. ROOD: That is a Legislative  
3 issue because the fees are set by Statute.  
4 While I think we've all heard various  
5 discussions over the years, that has never  
6 advanced to a formal Legislative proposal  
7 in recent times.

8           MR. TRIPLETT: Good.

9           MR. PURDY: Thank you, Fenton.  
10           Fenton, has the resolution that is  
11 basically identical to last year's.

12           MR. ROOD: Same wording as last  
13 year's.

14           MR. PURDY: Quite similar to

15 previous year's. Comments or questions on  
16 that?

17 MR. STOUT: I give up.

18 MR. PURDY: I think I approve it  
19 bust is it an appropriate motion?

20 MR. STOUT: How many years now.

21 MR. PURDY: Can we turn that into  
22 the form of a motion?

23 MR. STOUT: Sure. I move to  
24 approve.

25 MR. PURDY: Mr. Stout moves to

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1 approve the resolution. Is there a second?

2 MR. TRIPLETT: I second.

3 MR. PURDY: Mr. Triplett seconds  
4 the motion. Any further discussion,  
5 comments, questions? Myrna, please call  
6 the roll.

7 MS. BRUCE: Casey Elliott.

8 MR. ELLIOTT: Yes.

9 MS. BRUCE: Jay Stout.

10 MR. STOUT: Yes.

11 MS. BRUCE: Bill Torenten.

12 MR. TORNETEN: Yes.

13 MS. BRUCE: Ralph Triplett.

14 MR. TRIPLETT: Yes.

15 MS. BRUCE: Ken Purdy.

16 MR. PURDY: Yes.  
17 Our next item is the Leachate  
18 Collection System Guidance. Mr. Garber.  
19 MR. GARBER: Good morning. I  
20 don't have a lot that I'm going to try to  
21 elaborate on what we've provided in  
22 writing. Probably the best way to do this  
23 would be to -- I guess, I could provide a  
24 couple of comments, and that is when we  
25 were here the last time, the Council asked

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1 us to look into what the Indiana document  
2 meant. What -- if there was anything  
3 valuable, in terms of advice or guidance  
4 that we could use in resolving the question  
5 about protective cover in Oklahoma. At  
6 least, that's the way I interpreted the  
7 general inquiry and that's the way I've  
8 written up the materials that I've  
9 provided.

10 When we contacted the State of  
11 Indiana to find out what they had to say  
12 about their own materials, they weren't  
13 available. We must have contacted them at  
14 least five or six times or more. And they  
15 didn't want to answer questions on it, they  
16 didn't want to try to explain it, so on and

17 so forth. And looking at the document,  
18 itself, as the Council -- or as I think,  
19 Bill and Jay and Jeff Shepherd did, you get  
20 kind of confused by it. It's sort of a  
21 technical piece of work and I don't think  
22 the people in Indiana wanted to explain it  
23 over the phone or any other place.

24 I guess from that, Dave and I sat  
25 down, put our heads together, and discussed

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1 it and concluded pretty much that what they  
2 had as a guidance document was a little too  
3 complex to be effective. What's really  
4 needed is something that can be understood  
5 and implemented in a plain and simple  
6 manner.

7 So what we tried to derive for  
8 Oklahoma is something that's effective and  
9 basically accomplishes the same mission and  
10 there was information in there that was of  
11 benefit to us.

12 I think the first thing I can say  
13 that we learned by studying the Indiana  
14 document was basically that it was  
15 implementing the concept of filter design  
16 in soils materials. Filtering in two ways.  
17 Filtering by using a natural material to

18 hold back fine particles to keep them from  
19 clogging the drainage layer of the cell, as  
20 it would be designed basically to convey  
21 leachate to the collection system below.  
22 So the ideal is that if you're going to  
23 choose a protective coverage, have a  
24 minimum of fines in it so that the fines  
25 don't drop down and clog your drainage

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1 layer.

2           The other point was that it did seem  
3 that they felt the hydraulic conductivity  
4 of the drainage layer should be attempted  
5 to be maintained in the protective layer  
6 which was the 10 to the minus 3 -- that  
7 they seem to agree with us -- that we have  
8 previously discussed as a goal of the  
9 overall leachate collection system should  
10 be 10 to the minus 3 roughly to collect  
11 leachate effectively.

12           So the bottom line here is the  
13 guidance document we came up with is a  
14 whole lot simpler than the one Indiana had.  
15 Indiana's is complicated by what they had -  
16 - like I said the influence or the design  
17 criteria in their guidance document for  
18 selecting geotextile materials to hold back

19 certain particle sizes. So that isn't  
20 something that will be normally use in our  
21 protective coverings design. We basically  
22 have a two-layer system. Basically you  
23 have the protective cover material and you  
24 have that laid on top of the drainage  
25 collective system or the drainage layer.

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1 In Indiana, they have the geotextile in  
2 between the two and so the items 2 --  
3 actually it's item 4, is involved with the  
4 selection of -- I'm looking at the Indiana  
5 document on page 1 and page 2, where at the  
6 bottom of the page it says "in the event  
7 that a filter fabric is placed on top of  
8 the drainage layer you'll do the following  
9 things."

10 Those criteria are either select the  
11 effective opening size of the geotextile to  
12 hold back fines and not pass them through  
13 and also not to be plugged by fines that  
14 are above them.

15 We don't have that in Oklahoma so we  
16 aren't including that in our guidance  
17 document. We did, however, take a lesson  
18 from this and that is something that we  
19 probably should be paying more attention to

20 when we are evaluating designs in Oklahoma  
21 that involve the selection of geotextile  
22 fabrics. One of the things -- this is  
23 aside from the issue of drainage layer --  
24 we discovered that we probably should be  
25 asking the cell design people to be a

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1 little more specific as to the particle  
2 sizes in the selection of materials  
3 (inaudible) geotextiles. That's aside from  
4 the drainage layer issue here.

5 The bottom line is, I thought I  
6 would give that explanation. Dave is here  
7 as well. He was my -- kind of internal  
8 consultant. I tried to draft this thing  
9 myself so it was as practical as possible  
10 without being burdened down with  
11 mathematics that was being effected.

12 So we are open to questions I don't  
13 know whether you folks have or need or  
14 whatever, but if you like, we can discuss  
15 the various aspects of what the Indiana  
16 document was about. It took me back all  
17 the way to my original soils course back in  
18 my undergraduate work to figure out what  
19 some of these formulas were talking about.  
20 So we had to dig out Mr. Carter's works on

21 the application of geotextile materials to  
22 find out the (inaudible). And again, I  
23 think that's why Indiana didn't want to  
24 explain it, they weren't quite sure  
25 themselves.

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1 Are there any questions?

2 MR. TORNETEN: Yeah, Greg, I  
3 think as far as establishing a general  
4 criteria, what you've got looks all right.  
5 I'd still like to see you leave the door  
6 open for an alternative design, could be  
7 demonstrated, not to create greater than 12  
8 inches of head on the leachate collection  
9 system.

10 In effect, what -- when you put a  
11 hard limit of one times 10 to the minus 3  
12 on your material, essentially that's going  
13 to eliminate most on-site soils for use in  
14 the protective layer. There are not going  
15 to be very many instances, very many sites  
16 where you're going to be able to meet that  
17 permeability standard. So in effect,  
18 you're telling them you're going to have to  
19 import materials for your protective layer.  
20 And that was the issue, you know, when we  
21 first brought this up was there's a lot of

22 cost associated with having to import sand  
23 or rock or gravel or whatever kind of  
24 material to meet this standard.

25 I think ideally, this is great. I

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1 just wonder if by doing this we're going to  
2 have to eliminate the possibility of sites  
3 demonstrating. They have material that  
4 says is  $1 \times 10$  to the minus fifth, but  
5 they'll do this and they'll do that and  
6 they can demonstrate that it's not going to  
7 cause build up in the leachate collection  
8 system.

9 MR. GARBER: Well, this is only  
10 guidance, this is not a rule. We're not  
11 going to implement this as if it were a  
12 rule. But --

13 MR. TORNETEN: So in effect --

14 MR. GARBER: I want want to make  
15 that absolutely clear what we aren't  
16 talking about is some sort of clandestine  
17 rulemaking here. That's not the point. We  
18 were, number one, trying to respond to the  
19 Council's inquiries as to what this all  
20 means and find anything that is helpful to  
21 Oklahoma. And I agree with you. I mean,  
22 if people want to make an alternative

23 demonstration, I think we do have even in  
24 the guidance document here under the  
25 materials section -- I don't have these

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1 pages numbered -- but it's the third page  
2 in. It says alternative materials: the  
3 foundry sand may be evaluated on a case-by-  
4 case basis.

5 MR. TORNETEN: So as a practical  
6 matter you're not saying you're going to  
7 apply this strictly on any application that  
8 comes in? This is just simply a guidance.

9 MR. GARBER: Yeah. We aren't  
10 going to have any more authority than we  
11 presently have in the rules. And if an  
12 applicant says to us that the rule doesn't  
13 require it, we'll have to honor that  
14 because it doesn't.

15 So, again, this is more kind of  
16 setting into writing the ground rules of  
17 what staff will follow in the job building  
18 process that we've always gone through  
19 because we still don't have any rules, or  
20 any more requirements than there has been.

21 MR. DAVID SMIT: Greg, the  
22 interesting aspect of this, Bill, relative  
23 to your comments -- I actually did a

24 construction change order about a month ago  
25 for a landfill that had been excavated in

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1 the Byer area -- came across a sand deposit  
2 that met these standards and wanted to  
3 change it out to an on-site material from  
4 instead of an off-site material that they  
5 had originally contracted for, saving  
6 themselves money.

7           So there's an element of discovery  
8 from your source area if it's on site, that  
9 none of us have any control over until they  
10 start removing and looking at the material  
11 they've got. And so I don't think that the  
12 ideal that enforces people off site -- at  
13 least in my experience with landfills I've  
14 worked with it's not -- I wouldn't  
15 subscribe to that --

16           MR. TORNETEN: Well, not in every  
17 case.

18           MR. DAVID SMIT: No. Every case  
19 is different. That's why, as Greg said,  
20 this is just things that are going to  
21 control how we look at things, they aren't  
22 rules on the book.

23           MR. GARBER: In the time since we  
24 met last, and present, we've had one of the

25 landfills attempt to use select waste --

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1 five feet to be placed in one layer as a  
2 protective layer and their experience with  
3 using that was unsatisfactory. And they  
4 decided it was too difficult for them and  
5 actually replaced the material. And so  
6 they're going back to using sand, a more  
7 selective type material.

8 Another feature in this, by the way,  
9 is by having the five percent fines limit  
10 on passing 200 sieve, the concept there is,  
11 basically, we think that should be  
12 achievable, number one, by most any sand  
13 and gravel operation -- they can do the  
14 screenings themselves and find out whether  
15 or not they can meet that standard. And  
16 it's probably something that could be met  
17 by simply dredging river sand. It's called  
18 washed river sand and it's probably not  
19 that choice. It's not processed -- an  
20 extra process of selecting (inaudible) if  
21 that material.

22 What we're trying to do is keep the  
23 clays, the real fine clay, out of the  
24 drainage collection system.

25 And that was why Dave and I sat

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1 around and thought this thing was just too  
2 darn complicated the way Indiana's got it  
3 written and what construction guy is going  
4 to be able to figure out what's meant  
5 there. So, this is why we thought we would  
6 be more practical about it.

7 Any other questions or any  
8 discussion you'd like to have about it? I  
9 can stand here and answer questions or  
10 whatever.

11 It's really -- I think the point of  
12 what we've done here is basically answer  
13 the questions that the Council asked, which  
14 was "What does this mean?" "What's it  
15 about?" "Is it any help to us?"

16 And I think it is. I think it has  
17 certainly been beneficial for us to think  
18 our way through this whole problem. And we  
19 found that Ohio has a similar type of  
20 guidance document. Let's put it this way,  
21 Ohio has similar standards for protective  
22 layers. I cited some of their -- the  
23 materials that we used in theirs are in  
24 here. But basically it's just guidance  
25 document, it's not a rule.

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1                   MR. TORNETEN:    Yes, this really  
2 reads more like a specification -- more  
3 like a design specification, you know, a  
4 guidance document.   That's probably where  
5 they got a lot of this.

6                   MR. GARBER:    Yes.    That's right.  
7 It's highly technical.   To me that's part  
8 of its problem.   You have to be a design  
9 engineer to implement the whole thing and  
10 if you do that its useability in the hands  
11 of anybody with a limited view, is  
12 hampered.

13                  MR. STOUT:    One of the frequent  
14 comments made in the beginning of this  
15 process by the industry was what currently  
16 we were following was guidance and they  
17 said you -- they accused or inferred that  
18 the DEQ said you do it my way or not at  
19 all.   Now, are we still in the same  
20 situation now that we have this?   While you  
21 keep saying it's merely a guidance  
22 document, you didn't spend all your time on  
23 this for nothing.   What has been the  
24 industries comments about this.

25                  MR. GARBER:    Industry wasn't

1 involved in what we have here today.

2 MR. STOUT: I'm sure.

3 MR. GARBER: People that were  
4 provided this information on the Agenda  
5 were just the Council, itself. We didn't  
6 have a mailing list that we use like we did  
7 the rule process or, you know, a committee.  
8 Actually the committee was the ones who  
9 referred it to the staff for the difference  
10 between, say, technical and (inaudible).

11 What -- I want to call it the  
12 Executive Committee -- the Council should  
13 do more -- what does this mean to the  
14 public? Talk to us. This is our  
15 recommendation to that committee.

16 As far as industry goes -- to get  
17 back to your point -- the bottom line here  
18 is that's what we call jawboning. We're  
19 kind of like Greenspan trying to jawbone  
20 the economy in the right places. We're  
21 trying to jawbone the design for landfills  
22 into getting the best leachate collection  
23 system -- we're not calling it functional  
24 leachate collection system. We still don't  
25 -- we can't insist -- if somebody simply

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1 cannot provide a 10 to the minus 3 drainage  
2 layer, we can't insist that they provide a  
3 10 to the minus minus 3 drainage layer.  
4 It's not in the rules.

5           Yeah, we may have been a little  
6 heavy handed with some of our applicants  
7 but the bottom line is if somebody presses  
8 us, we'll not insist on something that  
9 isn't in the rules? We never have.

10           MR. ELLIOTT: I think one good  
11 thing that's come out of this process--  
12 and you touched on it just a few minutes  
13 ago -- as long as we leave this as a  
14 guidance document, it's a place to start  
15 the design around -- as long as we have  
16 that alternative to come up with new  
17 concepts -- which who knows what we'll  
18 learn in the next three or four years. And  
19 your example, just like you said, they  
20 tried five foot of selective trash and  
21 weren't successful. Without trying it, we  
22 wouldn't know.

23           I'm sure we've got the engineering  
24 community here in Oklahoma to come up with  
25 new concepts and someone may come up with

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1 one better than this. Or all (inaudible)  
2 that will serve as well.

3 MR. GARBER: If you'll look at  
4 the Indiana document they have a number of  
5 what I'm going to call pre-approved  
6 materials that -- well, I won't say pre-  
7 approved, I'm sure they have to be  
8 evaluated. Specifically, on page three,  
9 they have under item 8, there's a little  
10 table there. What they're talking about is  
11 different types of protective covers and  
12 actually in some cases entire cover  
13 combinations with thirty inches of soil,  
14 meaning one of these classifications.  
15 Those classifications are the ones that  
16 have a grainier content to them. But if  
17 you look at foundry sand, boiler slag,  
18 bottom ash, they're specifically saying  
19 that they'll consider those. In those  
20 northern areas they have more power plants  
21 generating that kind of material than  
22 probably we do down here. We felt it was  
23 necessary to allow for alternative  
24 materials to be proposed. That's why we  
25 included that one sentence in the section

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27

1 on materials. We probably don't have the

2 quantity of boiler slag, foundry sand  
3 that's sufficient to cover the bottom of a  
4 cell, you know, quantity-wise in any one  
5 particular generators pile. But, if so, we  
6 would look at it as being a potential.

7 MR. PURDY: Any further questions  
8 by the Council at this time? Any questions  
9 by the public? Mr. Kellogg.

10 MR. KELLOGG: Thank you, Mr.  
11 Chairman, Council, ladies and gentlemen. I  
12 don't have a question for Greg. I would  
13 like to commend the permit staff for this  
14 guidance document. It is precisely within  
15 the spirit of what we had talked about as  
16 we went through the 515 process.

17 I recall that this was an issue of  
18 contention, there was a lot of disparate  
19 opinions as to how you construct this  
20 protective layer and there wasn't any  
21 consensus. And what the agency, in a very  
22 forward thinking way of going about its  
23 business did, was to say, well, we don't  
24 want to stifle innovation. Let's set a  
25 standard and provide guidance documents as

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28

1 suggested ways that one might achieve it.  
2 That is precisely what they have done.

3 They've offered a way that they think might  
4 work, they've done it in a very simplified  
5 manner. As I went back and looked at the  
6 Indiana guidance document, Indiana doesn't  
7 have a guidance document. Its title is  
8 Design Standards for Protective Layer. And  
9 it reads, as Bill suggested, like a  
10 problem.

11 And Mr. Stout, I think your comment  
12 and your concern will not be a problem  
13 because the way the rules are structured  
14 and the way they have been developing the  
15 guidance, it will allow landfills to go  
16 forward in innovative ways, yet still be  
17 protective of the environment. So I  
18 commend the permit staff for this job.  
19 Thank you.

20 MR. PURDY: Thank you. And I  
21 appreciate that bit of history, I was  
22 wanting to also bring that back up. We got  
23 to where we are today because we struggled  
24 with this many months ago -- couldn't  
25 resolve it at that point in time and

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29

1 suggested this concept that was worth  
2 looking into. And I think it has born some  
3 fruits.

4 I suspect then that, while it is not  
5 absolutely necessary from a procedural  
6 standpoint, it would be entirely  
7 appropriate for this Council to grant  
8 blessing to the document that is put before  
9 us. Mr. Johnson?

10 MR. JOHNSON: I don't think you  
11 need to take an up or down vote approving  
12 or disapproving the document. I think if  
13 you want to give a sense of the Council  
14 that adoption of this by the DEQ staff  
15 meets your criteria, then that would be  
16 fine. But not an approval or disapproval  
17 per se. You can do nothing if you choose.

18 MR. PURDY: Seems to me then  
19 probably the appropriate action or lack of  
20 action then, as the case may be. But  
21 barring any other comments by the Council  
22 here today, I think that while there may be  
23 some minor concerns still left that overall  
24 I think that they would feel that this is a  
25 document that will be of great assistance.

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30

1 Let's go then to item No. 7. Any  
2 new business? Does anyone want to bring  
3 any new business today before the Council?

4 Item No. 8, Public Forum -- back to

5 public forum. I'll bet there's nothing  
6 there.

7 MR. TORNETEN: I have a question.  
8 Jon, I think at our last meeting you  
9 indicated that you would issue letters  
10 about the 515 rules being approved.

11 MR. ROBERTS: Those went out --  
12 yeah. Toward the end of May -- June is  
13 when the letter went out.

14 MR. TORNETEN: Have you had any  
15 response to the new requirements that are  
16 associated with the new rules?

17 MR. ROBERTS: No, not really.  
18 We're implementing the rules. We're  
19 finding some little tweaks that we need to  
20 make here and there but we want to get a  
21 pretty good slew of them and there's  
22 nothing earth-shattering, so we're going to  
23 wait and get a whole bunch of them together  
24 before we start contemplating -- but so  
25 far, no real comments on those.

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31

1 MR. TORNETEN: Do you recall when  
2 those deadlines were when they had to come  
3 into compliance with 515's?

4 MR. ROBERTS: Any permit  
5 modifications that were required by the

6 515's have to be submitted to us by -- I  
7 think November 28th is the 180 days after  
8 the rules went into effect and they have to  
9 be implemented within a year after the  
10 rules went into effect, which will be June  
11 the first of next year.

12 MR. TORNETEN: So, in essence,  
13 every operating landfill should be  
14 submitting a permit mod to comply with  
15 these new rule.

16 MR. ROBERTS: If there's any  
17 necessary, yes.

18 MR. PURDY: Okay. Let's get on  
19 then to Item No. 9. Election of officers  
20 for 2004.

21 As I indicated last year, it is time  
22 to pass the gavel and I appreciate -- it's  
23 been a fun time but somebody else gets to  
24 go to Guymon every once in a while now.

25 MR. STOUT: No, you just cancel

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32

1 all the meetings.

2 (Multiple conversations)

3 MR. PURDY: That's been my motto.

4 The floor is open to nominations for  
5 Chairman and secondly for Vice-Chairman.

6 MR. GRIESEL: I'll nominate Bill

7 Torneten for Chairman.  
8 MR. STOUT: Second.  
9 MR. PURDY: We have a motion and  
10 a second for Bill Torneten for Chairman.  
11 Any discussion. Hearing none. Myrna,  
12 please call the roll.  
13 MS. BRUCE: Casey Elliott.  
14 MR. ELLIOTT: Yes.  
15 MS. BRUCE: Guy Hylton.  
16 MR. PURDY: That's David Griesel.  
17 MS. BRUCE: Oh, well, why did he  
18 sit behind Guy Hylton's name.  
19 David Griesel.  
20 MR. GRIESEL: Yes.  
21 MS. BRUCE: Jay Stout.  
22 MR. STOUT: Yes.  
23 MS. BRUCE: Bill Torneten.  
24 MR. TORNETEN: Abstain.  
25 MS. BRUCE: Ralph Triplett.

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33

1 MR. TRIPLETT: Yes.  
2 MS. BRUCE: Ken Purdy.  
3 MR. PURDY: Yes.  
4 Very good. Congratulations, Mr.  
5 Torneten.  
6 MR. TORNETEN: You didn't make it  
7 sound like it was anything to be

8 congratulated about.

9 MR. PURDY: It's been a great  
10 honor. It's been a lot of fun. And it's  
11 been a responsibility that's absolutely  
12 painless, made painless by an extremely  
13 competent staff. So the gavel is yours.  
14 You get to carry this next item on the  
15 Agenda.

16 MR. TORNETEN: Voting for the  
17 Vice-Chair?

18 MR. PURDY: Correct.

19 MR. TORNETEN: Do we have any  
20 nominations?

21 MR. TRIPLETT: Mr. Chairman, I  
22 nominate Jay Stout.

23 MR. PURDY: I'll second that  
24 motion.

25 MR. STOUT: You better always be

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34

1 here.

2 MR. TORNETEN: I'll just call the  
3 Vice-Chairman and make sure he's here.

4 MR. STOUT: Oh, I will be.

5 MS. BRUCE: Casey Elliott

6 MR. ELLIOTT: Yes.

7 MS. BRUCE: David Griesel.

8 MR. GRIESEL: Yes.

9 MS. BRUCE: Jay Stout.  
10 MR. STOUT: I guess I'll abstain.  
11 MS. BRUCE: Bill Torneten.  
12 MR. TORNETEN: Yes.  
13 MS. BRUCE: Ralph Triplett.  
14 MR. TRIPLETT: Yes.  
15 MS. BRUCE: Ken Purdy.  
16 MR. PURDY: Yes.  
17 MR. TORNETEN: Dates and times  
18 for the next meeting. October is out.  
19 MR. ROBERTS: We don't anticipate  
20 any rule changes next year that would be so  
21 earth-shattering that we'd need to have  
22 quick action on by the Council or something  
23 unless, of course, the Legislature does  
24 whatever they do the next time they're in  
25 session. So I was thinking that probably

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35

1 all we'd need next year would be two  
2 meetings, maybe one like in May towards the  
3 end of the Legislative session so we can  
4 let you guys know what the Legislature has  
5 been up to as far as solid waste goes. And  
6 then the second meeting about this same  
7 time next year so that we can do our annual  
8 statutory-required resolution that we have  
9 to do. That would be my suggestion.

10                   MR. TORNETEN:    I think that makes  
11   sense to me.    And if in May there's some  
12   hot new issue that comes up and we need to  
13   schedule a meeting before September we  
14   could probably do it at that time.

15                   MR. ROBERTS:    Or if something  
16   comes up before then.

17                   MR. PURDY:     Say again, May and  
18   approximately September.

19                   MR. ROBERTS:    May, some time and  
20   then around mid-September.

21                   MR. PURDY:     Mr. Chairman, may I  
22   make a comment.   I'd like to say as a  
23   member, and to extend apologies as the  
24   outgoing Chairman, I neglected to introduce  
25   today Mr. Jerry Johnston, from the

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36

1   Environmental Quality Board, here.    As  
2   always, Jerry, our hat is off to you for  
3   your diligence and perseverance in being at  
4   all these meetings and we appreciate seeing  
5   you today.

6                   MR. JERRY JOHNSTON:    I have a  
7   good time.    I appreciate it.

8                   MR. STOUT:     I move to approve May  
9   20 and September 16, '04 for the official  
10   meetings of this Council with location to

11 be set for Oklahoma City.

12 MR. PURDY: I second.

13 MS. BRUCE: Are we ready for a

14 roll call. Casey Elliott.

15 MR. ELLIOTT: Yes.

16 MS. BRUCE: Guy Hylton. No wait

17 a minute, David Griesel.

18 MR. GRIESEL: Yes.

19 MS. BRUCE: Jay Stout.

20 MR. STOUT: Yes.

21 MS. BRUCE: Bill Torneten.

22 MR. TORNETEN: Yes.

23 MS. BRUCE: Ralph Triplett.

24 MR. TRIPLETT: Yes.

25 MS. BRUCE: Ken Purdy.

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37

1 MR. PURDY: Yes.

2 MR. TORNETEN: I guess that

3 unless anybody else has any comments, we're

4 adjourned.

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6 (End of Proceedings)

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38

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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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COUNTY OF OKLAHOMA )

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I, CHRISTY A. MYERS, Certified

6

Shorthand Reporter in and for the State of

7

Oklahoma, do hereby certify that the above

8

proceedings is the truth, the whole truth,

9

and nothing but the truth; that the

10

foregoing proceedings were tape recorded by

11

me and thereafter transcribed under my

12

direction; that said proceedings were taken

13 on the 18th day of September, 2003, at  
14 Oklahoma City, Oklahoma; and that I am  
15 neither attorney for nor relative of any of  
16 said parties, nor otherwise interested in  
17 said action.

18 IN WITNESS WHEREOF, I have hereunto  
19 set my hand and official seal on this, the  
20 19th day of November, 2003.

21

22 CHRISTY A. MYERS, C.S.R.  
23 Certificate No. 00310

24

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