

**MINUTES**  
**SOLID WASTE MANAGEMENT ADVISORY COUNCIL**  
**September 11, 2008 Regular Meeting**  
**Department of Environmental Quality**  
**Multipurpose Room 707 N. Robinson**  
**Oklahoma City Oklahoma**

**APPROVED by SWMAC**  
**July 16, 2009**

**Notice of Public Meeting** The Solid Waste Management Advisory Council convened for its regular meeting at 9:00 a.m. September 11, 2008, in accordance with the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice of regular meeting was filed at the Office of the Secretary of State on November 2, 2007. 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. Jay Stout, Chair, called the meeting to order and roll call confirmed that a quorum was present.

**MEMBERS PRESENT**

Donald Fletcher  
Steve Landers  
Patrick Riley  
Jeff Shepherd  
Jay Stout  
Bryan Taylor  
Ralph Triplett

**DEQ STAFF PRESENT**

Scott Thompson  
Fenton Rood  
Mike Stickney  
Sonny Johnson  
Jon Roberts  
Sherry Combs  
Myrna Bruce

**MEMBERS ABSENT**

T. J. McCullough  
Bill Torneten

**OTHERS PRESENT**

Christy Myers, Court Reporter

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

**Approval of Minutes of the 1/10/08 regular meeting** Mr. Jay Stout called for a motion to approve the minutes. Mr. Sonny Johnson noted that a correction should reflect that Mr. Taylor abstained as it was his first meeting. Mr. Taylor made the motion to approve with that correction. Mr. Fletcher made the second.

See transcript pages 4-5

<b>Roll Call</b>			
Donald Fletcher	Yes	Jeff Shepherd	Yes
Steve Landers	Yes	Bryan Taylor	Yes
Patrick Riley	Yes	Ralph Triplett	Yes
		Jay Stout	Yes

**Public Forum** - No issues raised.

**Discussion of the Oklahoma Computer Recovery Act SB 1631** Mr. Fenton Rood advised that legislation had passed in April 2008 requiring computer manufacturers to file a recycling plan to be approved by the DEQ. He mentioned that in future meetings, Council would be asked to consider rulemaking to implement the plan.

See transcript pages 6 - 10

**Discussion of Solid Waste Program Fees/Expenditures** Mr. Fenton Rood reminded that approval of program expenditures is an annual exercise presented for Council's

approval. Following discussion, Mr. Triplett made the motion to approve the budget for 2009. Mr. Shepherd made the second.

See transcript pages 10 - 13

<b>Roll Call</b>		Jeff Shepherd	Yes
Donald Fletcher	Yes	Bryan Taylor	Yes
Steve Landers	Yes	Ralph Triplett	Yes
Patrick Riley	Yes	Jay Stout	Yes

Mr. Johnson added that Council's is statutorily required to comment on the budget/fees with a Resolution to be forwarded to the Executive Director, Governor, Speaker of the House, and President Pro Tempore before November 1. Mr. Triplett made the motion to forward the Resolution as presented with second made by Mr. Taylor. A copy of the Resolution is attached as an official part of these Minutes.

See transcript pages 13 - 15

<b>Roll Call</b>		Jeff Shepherd	Yes
Donald Fletcher	Yes	Bryan Taylor	Yes
Steve Landers	Yes	Ralph Triplett	Yes
Patrick Riley	Yes	Jay Stout	Yes

**Public Forum Continued** – No issues raised.

**Election of Officers** Mr. Triplett moved that the current officers (Jay Stout, Chair and Jeff Shepherd, Vice Chair) stay in their positions for another year by acclamation. Mr. Fletcher made the second.

See transcript pages 16 - 17

<b>Roll Call</b>		Jeff Shepherd	Yes
Donald Fletcher	Yes	Bryan Taylor	Yes
Steve Landers	Yes	Ralph Triplett	Yes
Patrick Riley	Yes	Jay Stout	Yes

**Setting of Dates and Times for 2009 Council Meetings** Mr. Fletcher made motion to approve selected dates for 2009 – January 15; April 16; July 16; and October 15. Mr. Shepherd made the second.

NOTE: Staff later realized that the Budget Report must be available for the DEQ Annual Report; therefore, the October meeting was rescheduled for September 17, 2009.

See transcript pages 4-5

<b>Roll Call</b>		Jeff Shepherd	Yes
Donald Fletcher	Yes	Bryan Taylor	Yes
Steve Landers	Yes	Ralph Triplett	Yes
Patrick Riley	Yes	Jay Stout	Yes

**Adjournment** Mr. Stout adjourned the meeting with full agreement.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF THE ENVIRONMENTAL  
SOLID WASTE MANAGEMENT  
ADVISORY COUNCIL MEETING  
HELD ON SEPTEMBER 11, 2008, AT 9:00 A.M.  
IN OKLAHOMA CITY, OKLAHOMA  
\* \* \* \* \*

MYERS REPORTING SERVICE  
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COUNCIL MEMBERS

JAY STOUT - CHAIR

JEFF SHEPHERD - VICE-CHAIR

STEVE LANDERS - MEMBER

T.J. MCCULLOUGH - MEMBER

DONALD FLETCHER - MEMBER

PATRICK RILEY - MEMBER

BILL TORNETON - MEMBER, ABSENT

RALPH TRIPLETT - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY

FENTON ROOD - STAFF

SONNY JOHNSON - LEGAL STAFF

Christy A. Myers

Certified Shorthand Reporter

PROCEEDINGS

MR. STOUT: Okay, I'll call the meeting to order. Roll call please.

MS. BRUCE: Don Fletcher.

MR. FLETCHER: Here.

MS. BRUCE: Steve Landers.

MR. LANDERS: Here.

MS. BRUCE: T. J. McCullough.

MS. BROWN: He is not here yet, at least.

MS. BRUCE: Patrick Riley.

MR. RILEY: Here.

MS. BRUCE: Jeff Shepherd.

MR. SHEPHERD: Here.

MS. BRUCE: Bryan Taylor.

MR. TAYLOR: Here.

MS. BRUCE: Bill Torneten.

MS. BROWN: Not here yet.

MS BRUCE: Ralph Triplett.

MR. TRIPLETT: Here.

MS. BRUCE: Jay Stout.

MR. STOUT: Here.

MS. BRUCE: We do have a quorum.

MR. STOUT: Today is September

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the 11th if you're unaware. And it's the time for our Solid Waste Management Advisory Council meeting. It was posted in accordance to the Open Meeting Act and it was also filed with the Secretary of State November 2, '07. Only matters appearing on the agenda may be considered at this meeting. In the event that this meeting is continued or reconvened, public notice of the date, time, and place with continued meeting will be given by announcement at this meeting. Only matters appearing on the agenda of the meeting which is continued, may be discussed at the continued meeting.

All right, approval of the minutes of January 10, '08.

MR. TAYLOR: Make a motion to be approved.

MR. STOUT: A motion has been

made, is there a second?

MR. FLETCHER: I second it.

MR. STOUT: The second, all in favor.

MR. JOHNSON: I have -- before you vote -- the study. My copy still shows

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that Bryan voted yes and I think he had changed --that is his first name -- so you might need to make that correction before.

MR. TAYLOR: It actually shows in

the minutes my comment was abstained.

MR. ??: Correct.

MR. ??: Wow, that's significant.

MS. BRUCE: With that voted, roll

call. Don Fletcher.

MR. FLETCHER: Yeah.

MS. BRUCE: Steve Landers.

MR. LANDERS: Yes.

MS. BRUCE: Patrick Riley.

MR. RILEY: Yes.

MS. BRUCE: Jeff Shepherd.

MR. SHEPHERD: Yes.

MS. BRUCE: Bryan Taylor.

MR. TAYLOR: Yes

MS BRUCE: Ralph Triplett.

MR. TRIPLETT: Yes.

MS. BRUCE: Jay Stout.

MR. STOUT: Yes.

MS. BRUCE: Motion approved.

MR. STOUT: Thank you. Public

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Forum. Seeing none. Next item on the Agenda is discussion of the Oklahoma Computer Equipment Recovery Act SB 1631.

Fenton.

MR. ROOD: Thank you, Mr. Chairman. And in towards the back of your packet today --

MS. BRUCE: Carl, Fenton's need to be switched or something. There we go.

MR. ???: How about this, no?

MS. BRUCE: Mine works, Im going to bring it to you. Our 25 foot signal only went eight feet today.

MR. ROOD: Okay.

MS. BRUCE: Sorry.

MR. ROOD: Towards the back of your agenda packet today, you will find a summary of the recently passed Oklahoma Computer Equipment Recovery Act and you will also find a complete copy of the new statute. This is a law that takes effect January 1st. You will be hearing about this again because we will be coming to you to consider rules to implement this. Fundamental requirements is that as of

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January 1st, computer manufacturers must, in order to do business in Oklahoma, file a recycling plan that we are required to approve at DEQ. Now, one issue that you need to be aware of -- because we are continually telling the Legislature about this particular issue -- this legislation creates new responsibilities for DEQ. It creates a funding mechanism to meet those responsibilities, but the Legislature chose not to give us any employees to carry out those responsibilities. So we are trying to figure out right now what that all means and what direction we need to head. But at this stage I just wanted you to be aware of the passage of the legislation and the fact that we will all be involved as we implement it. I'll be glad to answer any questions that I can at this stage.

MR. STOUT: Any questions?

MR. TRIPLETT: What is this going to mean for landfills?

MR. ROOD: For landfills, what it should mean is that you won't be seeing electronic waste, because the computer

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manufacturers will establish recycling programs. And Ralph, for particularly remote areas, one of the things that the legislation talks about is convenience from the point of view of the consumer.

MR. TRIPLETT: Does there have to be any -- if they set up a convenience area, does there have to be any permitting associated with that storage -- long-term storage of these electronic waste?

MR. ROOD: No regulatory permitting in that respect. The regulatory issue is that the computer manufacturer has to come to DEQ and present us with an approvable recycling plan.

MR. RILEY: Fenton, there's no obligation then to exclude electronic or computer waste from landfills; is that correct?

MR. ROOD: There is no Oklahoma prohibition on landfill disposal of electronic waste.

MR. SHEPHERD: What happens if somebody shows up with a truck load of e-waste?

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MR. ROOD: Well let me turn that around, we've got some landfill operators on the Council and that won't be the policy at your individual landfill. Mr. Fletcher would probably send them to the other end of his company to process -- to process the e-waste.

MR. FLETCHER: That's what we do, we actually do have a recycling program at a recycling facility and we discourage people from coming in there. And we do try to identify it, then we aptly send them to a recycling facility.

MR. SHEPHERD: I mean, I think that's one of the big concerns is the diaphragm chlorine -- is that what it's called -- contamination that comes from the LCD monitors and things of that nature?

MR. ROOD: The biggest issue that I am aware of, particularly with monitors, is lead. Each monitor contains three to five pounds of lead. And none of our landfills wants to knowingly take toxic materials like lead.

MR. SHEPHERD: No.

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MR. STOUT: Anymore questions by Council? Public? Hearing none. This is an action item and the fact that it's already been passed in April of '08 by the legislators. It's really academic that we move forward on approval -- and then as Fenton said we have the opportunity of maybe having two meetings next year. And we'll discuss implementation at that time. So if there are no more questions, I need a motion of the quorum.

MR. ???: For what?

MR. STOUT: To approve what is already been put into law. We don't need to do that?

MR. JOHNSON: We don't need to do that.

MR. STOUT: Okay. Good. And now we can go to the next item, Item 6; Solid Waste Program Fees and Expenditures, which is something we deal with each year.

And Fenton, is there anything you wish to comment on this. Other than the fact that your getting no money for the computers.

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MR. ROOD: Well in terms of the computer law, they gave us a funding mechanism. They allow us to charge fee's -- which is one of the issues we're going to have to bring to you in terms of how to set the fee's. They just don't give us any way to spend it.

For this discussion, I would call your attention to the last two pages in your agenda packet. One page presents to you how we spent our money the physical year 08. The physical year that ended June 29th. And the last page presents to you how we have budgeted our expenditures for this current physical year. And as the Chairman indicated this is an annual exercise where you have a statutory duty to review our performance in terms of the budget and make recommendations for the legislature.

MR. STOUT: Council comments, questions.

MR. SHEPHERD: I see we still have some money down there for the North Tulsa land fill.

MR. ROOD: We do have a budgetary

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item to implement closure if that becomes necessary.

MR. SHEPHERD: I understand that they've got the new owner of the permit and they posted financial assurance. Is that correct?

MR. ROOD: That is correct.

MR. SHEPHERD: So you're just keeping that in as a --as why --if we have a new owner, new financial assurance?

MR. FENTON: We are being cautious.

MR. SHEPHERD: Okay.

MR. STOUT: Haven't you ever heard of a new business failing? Any other Council comments, questions -- if not, public? I thank the public for being so active this morning, it should speed up the process some. If there are no other questions -- this will have a roll call. Im going to need a motion.

MR. TRIPLETT: Chairman I approve that we approve the project for 2009.

MR. SHEPHERD: Second.

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MR. STOUT: Motion been made and seconded. Roll call vote please.

MS. BRUCE: Don Fletcher.

MR. FLETCHER: Yes.

MS. BRUCE: Steve Landers.

MR. LANDERS: Yes.

MS. BRUCE: Patrick Riley.

MR. RILEY: Yes.

MS. BRUCE: Jeff Shepherd.

MR. SHEPHERD: Yes.

MS. BRUCE: Bryan Taylor.

MR. TAYLOR: Yes

MS BRUCE: Ralph Triplett.

MR. TRIPLETT: Yes.

MS. BRUCE: Jay Stout.

MR. STOUT: Yes.

MS. BRUCE: Motion approved.

MR. STOUT: All right. Next item on the agenda is the Election of Officers for '09. If we, at this time would do so --

yes?

MR. TRIPLETT: Can we go back to that last item for just a moment? We had historically passed a resolution that was a little bit more specific, yet seemingly

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never changing from year to year -- and I just want to ask if you want to make your resolution more specific?

MR. STOUT: Personally, I see no reason. We've hit our heads against the wall for a hundred years now and it's doing no good -- so it's up the council. Let's surprise them this year and not have resolution.

MR. TAYLOR: If something happens to the resolution, does it go to the Speaker of the House and disappear?

MR. ??: Yeah, by statute, by November 1st the Council shall submit to the Executive Director to the Governor. The Speaker of the House of President ?? it's written comments of the comparison of income with program expenditures. So, motion to defy.

MR. STOUT: So it's not a letter of complaint, it's acknowledging that we better not.

MR. ??: And it's a practical matter we publish it in our annual reporter.

MR. STOUT: Oh, okay. Then how

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about we approve that.  
MR. ???: (inaudible)  
MR. STOUT: And that was the

motion?  
MR. TRIPLETT: I'll make a

motion.  
MR. STOUT: Thank you. Second?  
MR. FLETCHER: I'll second.  
MR. STOUT: Motion's been made

and seconded -- and further discussion? All

in favor? Oh, roll call.  
MS. BRUCE: Don Fletcher.  
MR. FLETCHER: Yes.  
MS. BRUCE: Steve Landers.  
MR. LANDERS: Yes.  
MS. BRUCE: Patrick Riley.  
MR. RILEY: Yes.  
MS. BRUCE: Jeff Shepherd.  
MR. SHEPHERD: Yes.  
MS. BRUCE: Bryan Taylor.  
MR. TAYLOR: Yes  
MS BRUCE: Ralph Triplett.  
MR. TRIPLETT: Yes.  
MS. BRUCE: Jay Stout.  
MR. STOUT: Yes.

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MS. BRUCE: That motion approved.

MR. STOUT: This is the only meeting that I conduct the requires roll call vote. I apologize for trying to act like the rest of the world, and that we just say yes or no.

Okay, now, anything else on that subject?

Election of officers for '09. The door is open for Vice Chair.

MR. FLETCHER: Mr. Chairman, in light of the fact that we have only had one meeting a year, I request that the current officers remain in office for another year by acclamation.

MR. STOUT: Has a motion been made for acclamation of both the VP and the Chair? Is there a second?

MR. TAYLOR: I second that motion.

MR. STOUT: Let's have a roll call vote, okay?

MR. ??: This is on track to be the fastest meeting yet.

MS. BRUCE: Don Fletcher.

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MR. FLETCHER: Absolutely.  
MS. BRUCE: Steve Landers.  
MR. LANDERS: Yes.  
MS. BRUCE: Patrick Riley.  
MR. RILEY: Yes.  
MS. BRUCE: Jeff Shepherd.  
MR. SHEPHERD: Yes.  
MS. BRUCE: Bryan Taylor.  
MR. TAYLOR: Yes  
MS. BRUCE: Bill Torneten --

whoops, he's not here. Ralph Triplett.  
MR. TRIPLETT: Yes.  
MS. BRUCE: Jay Stout.  
MR. STOUT: Yes.  
MS. BRUCE: I'm like Jay, I put

everything in alphabetical order and if you  
guys move around and somebody doesn't come,  
I call your name anyway.

MR. STOUT: Setting of the dates  
of the Council Meeting for '09. Do we --  
our track record has been only one. Now we  
know we are going to have another one. We  
didn't have two last year.

MR. JOHNSON: We had to this  
year. We had one in January. We always

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have two.

MR. STOUT: Just one.

(Discussion about meetings)

MR. STOUT: Do you want to go ahead and pick four dates and then cancel if we don't meet, or do you just want to do two?

MR. RILEY: I guess I got a question for Fenton, when do you think they will be ready to review 1631?

MR. ROOD: The statute becomes effective January 1st, but I am certain that the Executive Director is not going to allow us to propose anything until we've got the implementation issue with employee's resolved. So I think we've got some time. And I can tell you that we've only begun research. We haven't begun drafting in terms of recolation proposals yet.

MR. RILEY: So your recommendation is later than sooner.

MR. JOHNSON: I think you'd be fine to do that.

MR. STOUT: So what did that amount to? Four meetings or two meetings that we schedule.

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MR. TRIPLETT: Fenton, are you thinking after the Legislature returns in March or is it May?

MR. JOHNSON: May.

MR. STOUT: I tell you what, to prevent the confusion or lengthy debate. Let's pick four dates.

MR. : How about one in April? I don't have a calendar here so I'll just have to update you on what you guys want to do.

MS. BRUCE: Typically you guys have done January, and April, and October, and December. That's just one every three months to get four in. You're the first on my calendar so you can pick wherever you want. Typically, I think you pick Thursday's.

MR. STOUT: Yes. The third Thursday.

MS. BRUCE: The third Thursday.

MR. STOUT: But that doesn't mean we have to always do that.

MS. BRUCE: You want me to throw out those dates by the quarter?

MR. STOUT: Yeah.

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MS. BRUCE: Third Thursday in

January is January 16th. Third Thursday in April is April 16th. June is the 18th, June 18th. And then December is December 17th.

(Discussion)

MS. BRUCE: Okay, January. Third Thursday is the 15th.

MR. STOUT: All right.

MS. BRUCE: April, third Thursday is the 16th.

MR. STOUT: Got it.

MS. BRUCE: July is the next one.

MR. STOUT: You said June 18th.

MS. BRUCE: I know but we're going to scratch June. That was just a figment of my imagination. July 16th. June is a Board Meeting time and I'm just reconnecting. Scratch June, scratch June. July 16th is the third Thursday.

MR. TRIPLETT: Okay.

MS. BRUCE: October 15th is the third Thursday.

MR. TRIPLETT: Gotcha. That sounds good to me.

MS. BRUCE: And no one else has

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those dates. I have all these people so I have to keep you all on a different date. But your first. You can do whatever. If I haven't read my calendar right, you can do whatever.

MR. FLETCHER: Mr. Chairman, I make a motion that we pick January 15th of 2009, April 16th 2009, July 16th 2009, October the 15th, that those be our scheduled meeting dates.

MR. TAYLOR: Second.

MR. STOUT: Motion's been made and seconded. Any further discussion? If not, roll call vote.

MS. BRUCE: Don Fletcher.

MR. FLETCHER: Yes.

MS. BRUCE: Steve Landers.

MR. LANDERS: Yes.

MS. BRUCE: Patrick Riley.

MR. RILEY: Yes.

MS. BRUCE: Jeff Shepherd.

MR. SHEPHERD: Yes.

MS. BRUCE: Bryan Taylor.

MR. TAYLOR: Yes

MS. BRUCE: Ralph Triplett.

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MR. TRIPLETT: Yes.  
MS. BRUCE: Jay Stout.  
MR. STOUT: Yes.

I don't have my next appointment  
until 11 o'clock this morning, so debate  
adjournment or do you just want to go ahead  
and adjourn? Meeting is adjourned.

(Meeting Concluded)

(End of recording)

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C E R T I F I C A T E

STATE OF OKLAHOMA )  
 ) ss:  
COUNTY OF OKLAHOMA )

I, CHRISTY A. MYERS, Certified  
Shorthand Reporter in and for the State of  
Oklahoma, do hereby certify that the above  
proceeding is the truth, the whole truth,  
and nothing but the truth; that the  
foregoing meeting was taken down in  
shorthand and on September 20th, 2007, and  
thereafter transcribed under my direction;  
that said meeting was taken in Oklahoma  
City, Oklahoma; and that I am neither  
attorney for nor relative of any of said  
parties, nor otherwise interested in said  
action.

IN WITNESS WHEREOF, I have hereunto  
set my hand and official seal on this, the  
20th day of September, 2008.

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

Christy A. Myers  
Certified Shorthand Reporter