

MINUTES
REGULAR SCHEDULED MEETING
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
9:00 A.M., April 13, 2000
Norman Public Library
225 N. Webster, Room A-B
Norman, Oklahoma

These Minutes are a summary of the meeting held April 13, 2000, as required by the Open Meeting Act. The meeting was recorded and the tapes are available for inspection and copying at the Waste Management Division 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 and the Norman Public Library, 225 N. Webster, Norman, Oklahoma, 24 hours prior to the meeting in accordance with Section 311 of the Open Meeting Act.

Agenda Items 1 and 2.

Chairman Ken Purdy called the meeting to order at approximately 9:00 am. Roll call was taken and the following council members were present: Steve Mason, Tom Canfield, Ken Purdy, Ralph Triplett, Jr., Jay Stout, Steve Landers, Bill Torneten, and Casey Elliott. David Griesel was absent. A quorum was declared present. Mr. Purdy welcomed new member Tom Canfield, with the City of Midwest City. Mr. Canfield is replacing Wayne Hill who recently resigned his council seat. Mr. Purdy requested a current list of council members, with contact information, for each council member.

Agenda Item 3. APPROVAL OF THE MINUTES OF THE FEBRUARY 3, 2000 REGULAR MEETING

Motion was made by Jay Stout and seconded by Ralph Triplett to approve the minutes of the February 3, 2000 meeting. A roll call vote was taken and the motion passed unanimously.

Agenda Item 4. SOLID WASTE PROGRAM REPORT

Jon Roberts stated that Steve Mason will discuss the financial assurance project and asked if Fenton Rood would give an update on the legislative actions.

Fenton Rood stated that the most significant bill going through the legislature that affects our work is a bill that provides new location restrictions for municipal solid waste landfills. It attempts to exclude MSWLFs from locations with karst topography, which is primarily in Northeastern Oklahoma.

Mr. Purdy referenced DEQ's memorandum to council members on the legislation activities for this year and asked if the Certificate of Need for Biomedical Waste Facilities was a dead issue. Mr. Rood replied that apparently it was. Mr. Purdy asked if there might be a future date when input would be available. It was agreed that discussion should continue on this issue by both the council and DEQ Board.

Steve Mason inquired about the status SB 220 on power plants. No update was available.

Fenton Rood announced that a plaque honoring Wayne Hill's service to the council has been ordered and will be presented at a future meeting.

Mr. Purdy then requested an update on the financial assurance project from Steve Mason.

Mr. Mason replied that the semi-final draft of unit costs should be ready within the next week and will be provided to the committee composed of Jerry Ihler, Casey Elliott and Ralph Triplett. His best estimate is early summer for the document to be ready for distribution.

Agenda Item 5. PUBLIC FORUM

Mr. Purdy then opened discussion for public forum. No comments were made.

Agenda Item 6. PUBLIC HEARING AND DISCUSSION OF PROPOSED CHANGES TO OAC 252:510 AND 252:520

This presentation was made by Jon Roberts of the DEQ staff. Mr. Roberts stated that the DEQ has had a rewrite/dewrong project underway that was mandated by the legislature to review and simplify the rules. The first attempt by Solid Waste to do a rewrite/dewrong was to combine the two sets of rules into one single set. That project has temporarily been placed on hold. A modified rewrite/dewrong has been done on each set of the rules that we currently have. The notice of these proposed changes were mailed to everyone on the council and the DEQ mailing list. All of the requirements were met such as posting the notice of rulemaking, economic impact statements, rule impact statements, etc. Copies of these documents were also provided to all individuals listed on the DEQ mailing list. Also, they have been posted on the DEQ website. Mr. Roberts then opened the floor for discussion of the rules, the comments that were submitted, and responses to those comments. If the proposed rules were found to be acceptable, it was requested that the Council vote to send the modifications to the Environmental Quality Board.

Discussion followed on the 510s and 520s. Questions and comments regarding the proposed 510s and 520s were discussed by the Council and the public. The majority of the discussions were for clarification of the wording and recommendations for specified additions and deletions.

The most significant suggestion was to remove 252:520, Subchapter 27 dealing with landfill gas incentive payments. Members of the Council felt more study was needed to determine the impact of Subchapter 27. Mr. Rood stated that the DEQ is directed to budget 10% of the revenue from solid waste fees each year to the landfill gas subsidy program.

Mr. Purdy asked for a motion from the council relative to the changes that were proposed today. After some discussion of the exact working of the motion, Mr. Purdy restated the motion as follows:

- The Council adopt the proposed rewrite/dewrong revisions in both 510s and 520s as proposed in the documents that were distributed for consideration on February 3rd.
- Include the proposed revisions distributed today, that were developed in response to comments on the proposed modifications to both the 510s and 520s.
- Delete the last sentence in section 520-11-2, dealing with variances and beginning with the word "However."

- Remove subchapter 27 from the 520s regarding landfill gas incentive payments for further research and study and recommendation back to council.

Motion to approve proposed changes to 252:510 and 252:520 with additions and deletions as discussed, was made by Ralph Triplett, Jr. and seconded by Casey Elliott. A roll call vote was taken and the motion passed unanimously.

Agenda Item 7. DISCUSSION OF STATUS OF PROJECT ON IN-DEPTH REVIEW AND REVISION OF CURRENT SOLID WASTE RULES

Jon Roberts stated that a questionnaire was sent to everyone on the DEQ mailing list asking who would be interested in participating in the project and what their areas of interest were. The questionnaire identified the individual subchapters in the rules; permit requirements, groundwater monitoring requirements, operational requirements, etc. and asked persons to identify those areas of interest to them. So far approximately 25 responses have been received from individuals that are interested in participating in at least some part of the process.

A particular format is not set up at this time as to how to proceed with the process. The individuals who expressed an interest in participating have proposed a meeting for May 3rd at the DEQ offices, to discuss what method would be the best to move forward in the rule review process. Copies of the draft Agenda for the May 3rd meeting were provided for anyone interested. Mr. Roberts outlined the topics that would be addressed at this first meeting.

Mr. Roberts pointed out that this meeting is open to anyone interested and that information would be provided on the DEQ web page.

Chairman Purdy thanked Mr. Roberts and expressed appreciation for the amount of work involved in this process, and stated the council would look forward to feedback from the process meeting. He thanked Mr. Torneten for providing the facilities and refreshments for the meeting today.

It was determined that no more than 4 council members should attend these special meetings on the same date in order to avoid a quorum being present. It was unanimous that the presence of Mr. Jerry Johnston of the DEQ Board would be welcomed at each meeting and his support is very much appreciated.

The tentative location for the July 13th council meeting in Grove, OK is at the Civic Center.

Agenda Item 8. NEW BUSINESS

No comments were made.

Agenda Item 9. PUBLIC FORUM ISSUES (continued)

No comments were made.

Agenda Item 10. ADJOURNMENT

Hearing no objections, Chairman Purdy declared the meeting adjourned at 11:20 am.