

MINUTES
SOLID WASTE MANAGEMENT ADVISORY COUNCIL
July 16, 2009 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City Oklahoma

Approved by SWMAC
September 17, 2009

Notice of Public Meeting The Solid Waste Management Advisory Council convened for its regular meeting at 9:00 a.m. July 16, 2009, 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 October 24, 2008. 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
T. J. McCullough
Bill Torneten
Jeff Shepherd
Jay Stout
Bryan Taylor
Ralph Triplett

DEQ STAFF PRESENT

Scott Thompson
Fenton Rood
Mike Stickney
Barbara Rauch
Jon Roberts
Sherry Combs
Myrna Bruce

MEMBERS ABSENT

Vacancy

OTHERS PRESENT

Christy Myers, Court Reporter

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

Approval of Minutes of the 9/22/08 regular meeting Mr. Jay Stout called for a motion to approve the minutes. Mr. Taylor made the motion to approve. Mr. Fletcher made the second.

See transcript pages 4 – 5

Roll Call

Donald Fletcher	Yes	Bryan Taylor	Yes
Steve Landers	Yes	Bill Torneten	Yes
T.J. McCullough	Yes	Ralph Triplett	Yes
Jeff Shepherd	Yes	Jay Stout	Yes

Oklahoma Computer Equipment Recovery Act Mr. Fenton Room explained that the Act authorizes the Agency to charge fees and that process is rulemaking. He advised that staff will prepare specific language for Council's consideration at Council's next meeting. No Council action was required.

See transcript pages 5 - 15

Establishment of waste screening standards for transfer stations and construction/demolition landfills. Mr. Fenton Rood led discussion as to whether parallel requirements for transfer stations like we have for landfills should be considered. Council directed staff to draft language for future consideration.

See transcript pages 16 - 23

Review of composting rules Mr. Fenton Rood and staff felt that these rules should be reviewed because of a growing interest in using composting as a processing operation. Council consensus was that staff should continue with rule review.

See transcript pages 23 - 33

Collection of household hazardous waste at solid waste management facilities Mr. Fenton Rood led discussion regarding the development of standards for solid waste facilities to store and manage household hazardous waste and diverting them from disposal in landfills. Consensus of Council was that staff review for guidance regarding storage standards on how to keep incompatibles separate and what constitutes incompatibles.

See transcript 33 - 42

Discussion of adding requirements for gas monitoring at construction/demolition landfills Mr. Rood expressed public health concerns with gas at construction/demolition landfills. Council consensus was that staff continue to look into the possibility of adding requirements for gas monitoring to existing rules.

See transcript pages 43 - 52

Discussion on the possible creation of regulations requirement Annual Engineering Inspection Reports (AEIR) to be submitted for all municipal solid waste landfills.

Mr. Jeff Shepherd presented this topic for the agenda and led the discussion. It was decided that staff would think about this issue and have a recommendation at Council's next meeting.

See transcript pages 52 - 56

Public Forum - No issues raised.

Adjournment At 10:25 a.m. Mr. Stout adjourned the meeting with full agreement.

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

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**TRANSCRIPT OF THE ENVIRONMENTAL
SOLID WASTE MANAGEMENT
ADVISORY COUNCIL MEETING
HELD ON JULY 16, 2009, AT 9:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA**

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MEMBERS OF THE COUNCIL

JAY STOUT - CHAIR

JEFF SHEPHERD - VICE-CHAIR

STEVE LANDERS - MEMBER

T.J. MCCULLOUGH - MEMBER

DONALD FLETCHER - MEMBER

PATRICK RILEY - MEMBER

BILL TORNETEN - MEMBER

RALPH TRIPLETT - MEMBER

BRIAN TAYLOR - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY

FENTON ROOD - PROGRAMS MANAGER

MIKE STICKNEY

PROCEEDINGS

MR. STOUT: We have a heavy agenda today so we need to
move right along.

This is the July 16th regularly scheduled meeting of the Solid Waste Management Advisory Council and it was called to order in accordance with the Open Meeting Act.

Notice was filed with the Secretary of State on October 24th, 2008. The Agenda was duly posted on the doors of the DEQ, at 707 North Robinson, Oklahoma City, Oklahoma, at least 24 hours prior to the meeting.

The only matters appearing on the posted Agenda may be considered at this regular meeting. In the event that this meeting is continued or reconvened, public notice of the date, time and place of the 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 or reconvened meeting.

May we please have the roll call.

MS. BRUCE: Good morning. Donald Fletcher.

MR. FLETCHER: Here.

MS. BRUCE: Steve Landers.

MR. LANDERS: Here.

MS. BRUCE: T.J. McCullough.

MR. MCCULLOUGH: Here.

MS. BRUCE: Jeff Shepherd.

MR. SHEPHERD: Here.

MS. BRUCE: Brian Taylor.

MR. TAYLOR: Here.

MS. BRUCE: Bill Torneten.

MR. TORNETEN: Here.

MS. BRUCE: Ralph Triplett.

MR. TRIPLETT: Here.

MS. BRUCE: Jay Stout.

MR. STOUT: Here.

MS. BRUCE: We do have a vacancy and we do have a quorum.

MR. STOUT: Thank you. The first item on the Agenda is the Approval of the Minutes of September 11, 2008 meeting.

Is there a motion?

MR. TAYLOR: Motion for approval.

MR. STOUT: And a second.

MR. FLETCHER: Second.

MR. STOUT: Motion has been made and seconded. We need a roll call vote to approve.

MS. BRUCE: Donald Fletcher.

MR. FLETCHER: I approve.

MS. BRUCE: Steve Landers.

MR. LANDERS: Yes.

MS. BRUCE: T.J. McCullough.

MR. MCCULLOUGH: Aye.

MS. BRUCE: Jeff Shepherd.

MR. SHEPHERD: Yes.

MS. BRUCE: Brian Taylor.

MR. TAYLOR: Yes.

MS. BRUCE: Bill Torneten.

MR. TORNETEN: Yes.

MS. BRUCE: Ralph Triplett.

MR. TRIPLETT: Yes.

MS. BRUCE: Jay Stout.

MR. STOUT: Yes.

MS. BRUCE: Motion approved.

MR. STOUT: Public Forum is open for discussion. Thank you for being here. Now we'll move on to the next item on the Agenda. It is a heavy Agenda so if you have something that you would like to say you're welcome to come forward. Please identify yourself when you do come forward for anything on the Agenda.

Number 5, Oklahoma Computer Equipment Recovery Act; the Agency's authority to charge a fee on recovery plans and the operations for establishing a fee structure will be presented. And DEQ will bring us up to date.

Are you the man on the spot?

MR. ROOD: I would be glad to address that.

MR. STOUT: Okay, thank you.

MR. ROOD: Last session of the Legislature we had the first change in total waste statutes in quite some time with the addition of the Computer Equipment Recycling Act that we provided a copy for you.

One of the items in the Act is that it authorizes the Agency to charge fees, and our process for levying fees like that is rulemaking. So we wanted you to be aware that we would be expecting to come back to you with more specific language. At this time we're presenting this just so that you will be aware and seek any directions that you may want to give us in terms of how we draft proposals for you.

MR. STOUT: Thank you. Questions and discussion by Council?

MR. FLETCHER: Fenton, do you know what kind of time table you're looking at for the language?

MR. ROOD: I would expect that we would have draft language to share with you for your next meeting.

MR. SHEPHERD: Who is going to be responsible for collecting all of these used computers? Is it going to be the dealers -- like the stores, or is the manufacturer going to set up a location somewhere?

MR. ROOD: The statute says that manufacturers have to have recycling systems. And the plan that they submit to us is their mechanism for informing us of what their recycling system is going to be.

MR. SHEPHERD: Have you had any plans submitted?

MR. ROOD: We have.

MR. STOUT: Bill, did you have a question?

MR. TORNETEN: Yes. What's the thinking of the fee structures? Is it going to be rolled into the price of whatever the electronics are or is that up to the manufacturer?

MR. ROOD: Well it would be up to the manufacturer how they handled any fee that was levied. We have, as part of our research, looked at the way this issue is being handled in other states. And we have a couple of examples with states that have statutes similar to ours.

MR. SHEPHERD: Where is it going to be -- how are we going to know that they are actually recycling the equipment?

MR. ROOD: I'm not sure that we can totally know that, other than to say that the infrastructure for that type of recycling is developing rapidly. And as a reflection of that the statute -- passage of the statute was driven by the computer industry.

MR. SHEPHERD: Okay. So they -- so what kind of storage facility are we talking about? Are we talking about some type of permitted

recycling facility or are people just going to be able to bring them by and drop them off?

MR. ROOD: Well remember that for materials that are source separated and processed as industrial raw materials, our statute exempts those items from the definition of solid waste. Therefore, it's not necessarily happening in a permitted facility.

Now what this particular statute directs the computer manufacturers to do is to create systems for their customers. So some are choosing drop-off opportunities and some are choosing mail back opportunities, there are a variety of different approaches within the industry.

MR. SHEPHERD: Okay.

MR. TRIPLETT: Fenton, we've got three states, as an example. How many more are there, do we know that are doing this?

MR. ROOD: My recollection is that the number of states with programs like this is now approaching 20. Mike, do you remember more details?

MR. STICKNEY: That's correct, about 20.

MR. TORNETEN: Is there any thought about adding electronic waste to the screen protocols that take place at the landfills? Obviously it would be hard to spot a cell phone but something as large as a computer monitor is pretty conspicuous.

MR. ROOD: Or a related issue would be a television set. And I don't know if any of the landfill operators on the committee if you have incorporated any of those screening procedures yet in your operations?

MR. TORNETEN: Is there any requirements (inaudible)?

MR. ROOD: No.

MR. TRIPLETT: Most of our trash comes in, in compactors. I don't know how you screen -- I don't know how you look in there and see what's in there.

MR. ROOD: It's a challenge.

MR. TRIPLETT: We don't know until it's on the bailer floor or in the site.

MR. TORNETEN: Certainly a transfer station would be a lot easier. That might be an enforcement mechanism, you know, if the Department is looking for some way to approach enforcement that might be one avenue.

MR. ROOD: The problem with that concept is that it penalizes the wrong person because the statute is set up to require computer manufacturers to address the responsibility.

MR. TORNETEN: But hopefully would be able to trace it back to the manufacturer and they might be the person that you would seek.

MR. STOUT: If the responsibility of monitoring is by the computer industry, why is this even before us?

MR. ROOD: Fundamentally, because this is the process that we use to pursue fees.

MR. FLETCHER: Fenton, would these fees be used for advertising to educate the public on why they shouldn't be putting things in the landfill because -- I mean, basically what you're trying to do is target a bunch of individuals that aren't going to want to act to separate this out but they make one trip or throw it out on their curb and it's going to put the responsibilities back on the cities or the trash haulers to try to separate it before it even gets back to the landfill.

MR. ROOD: You do make a good point and we do have responsibilities for public education.

MR. FLETCHER: And the fees that you are going to require, do you have any idea of what kind of monies you're trying to recoup to try to do the education?

MR. ROOD: At this stage with no or very little experience, no, we don't.

MR. FLETCHER: Do other states advertise and do they have any idea of what it would cost to try to educate the public and try to get the e-waste out of here?

MR. ROOD: I just got back from a national meeting of our state counterparts and I'm certain that we can get some good information from some of the other programs.

MR. TORNETEN: Have any of the states implemented the procedures similar to what they do for batteries where when you go to buy a new battery you take your old one and get a credit; if you don't, there's an extra charge?

MR. ROOD: Recognizing that that's the theory behind the legislation that if you're a customer of Company X, that as part of the transaction they're providing a recycling system to you. And what we're seeing in terms of assistance that they are providing are basically based on the business plans of the particular companies.

MR. TORNETEN: It just seems like if you don't give the consumers some motivation to bring his old PC in when he buys a new one, there's a good chance he won't.

MR. FLETCHER: But, Fenton, wouldn't it be better to target the people that are selling them, like a Walmart. Somebody like that that actually has the batteries brought back or the tires that -- there instead of the computer manufacturer, which I know Dell is here. They've got one location but they're actually selling from many locations to where it's maybe there is a buy back at every

store like a Best Buy or (inaudible) -- to where they could actually bring their TV back. It looks like that would be something that they could do. I know it would make it a little bit cumbersome as far as where they put them when they give them back to the store. But I just wondered if that might be a possibility?

MR. ROOD: Well, first of all we're required to follow what the statutes tells us to do. And the statutes places the responsibility on computer manufacturers and a responsibility on us to review their plans and ensure that they are in compliance.

Now from an administrative point of view I would rather pursue the program outlined in the statutes simply because there are fewer manufacturers than there are retailers, so our job would be easier.

MR. TAYLOR: Did I read correctly that the manufacturer would also be just any individual who builds computers for sale; is that correct?

MR. ROOD: It looks to me like it could include that, yes.

MR. FLETCHER: I think that's what is going to be the difficult part is these small -- small-time operators that build a few computers, you know, having to register -- you know some of these states require five or ten thousand dollars, that looks to me that's going to drive some small businesses out of business.

MR. ROOD: We don't have any experience with that so I really can't comment.

MR. STOUT: Anymore questions from the Council before we turn this over to the public?

Open discussion by the public on this Agenda item.

All right. I guess we're to the action by the Council.

What is it you're wanting us to do? Because it's not rulemaking, is it?

MR. ROOD: We have not yet proposed any language for you. In fact all the items that we're considering today are preliminary discussions to mutually agree, hopefully, on a direction you would like for us to pursue.

MR. STOUT: So Council or public is there anything in the rulemaking that you want to offer at this point?

MR. FLETCHER: I guess in the rulemaking you're wanting to try to get some kind of a cost for the manufacturers that can payback to the state. I guess what you're struggling with is how much you think that cost should be.

MR. ROOD: That is an issue. A related issue is that the statute authorizes us to charge the fees but it didn't authorize us to hire anyone to administer the program.

MR. TORNETEN: Wouldn't the fees fund that? Not necessarily.

MR. ROOD: I think that was the intent but we cannot hire without the explicit approval and that was not in the statute or our budget bills.

MR. FLETCHER: How many manufacturers do we have in Oklahoma?

MR. ROOD: Domiciled in Oklahoma or doing business in Oklahoma?

MR. FLETCHER: For doing business in Oklahoma. Would the fees -- would they have to be domiciled here or would they just be -- have to do business here?

MR. STICKNEY: Anybody that does business in Oklahoma, the cutoff point is 50 units. Currently we have 18 manufacturers registered directly or through a third party. And for comparison, Texas has approximately 90 manufacturers registered there. I think several of those are local manufacturers but I should also point out Texas doesn't have any fees so it would be less onerous for

the manufacturer to register there than it would potentially in the state that doesn't have fees. But we're not seeing the registrations that we think we should.

MR. FLETCHER: I guess the object of the fees is to try to recoup the cost to administer the program? But we're not sure how much the program is going to cost to administer.

MR. ROOD: That's part of our challenge.

MR. TORNETEN: What does the program consist of?

MR. ROOD: Well, again part of our challenge is that we've got responsibilities thrust upon us by the statute but the obstacle is not being able to hire anybody to administer those responsibilities. So we're going to have to work through all this together.

MR. SHEPHERD: Would there be inspections and -- or is it just sort of an administrative type of program management?

MR. ROOD: The way I read our responsibilities is if a manufacturer has to have a plan to recycle to do business in the state then there should be some inspection and some follow-through.

MR. TORNETEN: Is there any guidance on what constitutes a plan? I mean (inaudible).

MR. ROOD: The statute sets out some criteria.

MR. TORNETEN: Oh, okay. The criteria of what a plan --

MR. ROOD: Yes.

MR. TORNETEN: -- would include?

MR. ROOD: And the criteria are sufficiently robust that we don't perceive an immediate need to come to you with clarifying rulemaking language.

MR. TORNETEN: Then each manufacturer can have their own plan and --

MR. ROOD: That's the way it's setup.

MR. LANDERS: But once the plan is written and approved, I assume, by the Department -- I mean once that's done, the majority of the work is done, right? I mean there is going to be a periodic inspection, you know, 18 facilities --

MR. ROOD: The statute requires an annual report on their performance and once the initial approvals were done, like Mr. Fletcher was saying, I believe a big part of our effort would shift to public education.

MR. STOUT: We really don't require any action. You were just updating us, correct?

MR. ROOD: Yes, sir.

MR. STOUT: Okay. Are we ready to go to Item 6? Not hearing anything, Item 6 on the Agenda, again, Fenton Rood.

MR. ROOD: It's interesting that this issue has been raised in our conversation this morning. Because of the requirements of Subtitle D, we have rules that require landfills to have an active waste screening and waste exclusion plan; but we have no parallel requirements for any of the other facilities, including transfer stations.

And in our conversation this morning, one of the points that I heard was that when waste arrives at a landfill in the transfer trailers the volume is so large and in such a state, you can't get a good look at what you're disposing of.

And another point that I heard raised this morning was that we have an opportunity at transfer stations to take a better look at the material than at any other point in the handling process. And so I wanted to bring it to your attention and just raise the notion that perhaps we should consider parallel requirements for transfer stations like we have for landfills.

MR. STOUT: Council?

MR. FLETCHER: Due to that, would the transfer trailers be exempt from inspections when they get to the landfill then?

MR. ROOD: The way I read our rules, as a landfill operator, you're never exempt from that. You have a continuing responsibility.

MR. FLETCHER: So we're talking double inspections.

MR. ROOD: Or a better inspection that would protect you, if your transfer customer was having to look at it as well.

MR. FLETCHER: I guess it's a good idea though to -- you're right, we can look better at the transfer stations although we do screen at the one we're running. But we just train all our people the same.

But it really surprises me, you know, that the C and D's never had that happen because they get so much potential there for things that we actually look for.

MR. TORNETEN: Don't the C and D's already have a responsibility to -- I mean they're only permitted to receive certain wastes and aren't they already -- don't they already have a responsibility not to take any other wastes? It wouldn't necessarily just be, you know, radioactive or medical waste or it could be a whole list of wastes that they can't accept.

MR. ROOD: Certainly.

MR. TORNETEN: So this would be -- if we were to impose screening on them, I guess they would be looking at all unpermitted wastes. They would be screened to make sure they are not receiving any non-permitted waste.

MR. ROOD: Which they currently have a responsibility to do.

MR. TORNETEN: But it's not a formal requirement in that they don't have to put anything in writing that says we do screening on this basis.

MR. ROOD: Well, and recognize too, one of our landfill requirements, just like Mr. Fletcher alluded to, is ongoing training for the operators.

MR. FLETCHER: And you're required to do inspections every month on certain amount of loads that you bring in and -- when C and D sites are -- do not have to do that.

MR. TRIPLETT: How many C and D sites do we have?

MR. ROOD: I'm thinking the number is two construction/demolition landfills.

MR. TRIPLETT: And they are manned all the time, I assume.

23:08 ****cm****

MR. FLETCHER: I mean if they are permitted, they should be. They should be under the same regulations as far as the time period and have somebody there at all times. There is that -- our landfills are getting filled but if you do not have a permit for that then --

MR. TRIPLETT: Then what happens in a, say an ice storm or disaster like that where a city says I need to do an emergency C and D site and we take our limbs and our cleanup material to a C and D site, is that still the same as what we're talking about here?

MR. ROOD: No. That type of activity would not be covered here. We cover that through an emergency approval process that has been held up as a national model.

MR. TRIPLETT: Okay.

MR. STOUT: Questions from the public, or comments?

MR. SHEPHERD: I have one more question. Sorry.

MR. STOUT: Oh, I'm sorry.

MR. SHEPHERD: What about out-of-state waste that comes from a transfer station that doesn't -- I guess it falls back on the landfill then to screen it, I guess, doesn't it?

MR. ROOD: The requirements right now are levied on the landfill operator.

MR. SHEPHERD: That's right. Okay.

MR. STOUT: As you know, I don't waste time, so are there anymore questions?

MR. FLETCHER: So what are you looking for from us? Are you just looking for guidance so you can actually start writing these?

MR. ROOD: Well, it -- for example, on this topic if you think it's a reasonable idea we will begin to develop drafts for your consideration.

MR. TRIPLETT: Does this kind of draft have some major problem or something that we've run across or somebody reported a problem?

MR. ROOD: No. I'm not aware of any specific problem. This is basically my personal observation of a potential hole in our system.

MR. SHEPHERD: Can we separate this out and make it two different items; one for transfer stations and then one for C and D? That way we're not trying to lump -- because they are really two different vehicles, so we probably need to separate them and talk about one and then talk about the other.

MR. ROOD: That would be fine.

MR. SHEPHERD: So would that be a motion then?

MR. FLETCHER: I guess I've got a question?

MR. SHEPHERD: Okay.

MR. FLETCHER: Why would you want to separate them?

MR. SHEPHERD: Because they are two completely different activities. One is a transfer station that handles solid waste and the other one is a C

and D site that handles C and D debris. So you can't really lump them together -- I mean you can still come up with screening activities for both but I just don't think you can talk about them together and establish the same screening procedures for both. So it might be easier if we separate them; talk about transfer stations, establish the requirements for that and then also establish the requirements for C and D sites, because they will be slightly different because of the way the places are operated.

MR. STOUT: And your question about a motion, I don't see that that's necessary, we just direct staff to do so.

MR. ROOD: We'll be glad to proceed.

MR. TORNETEN: Don't we need to make some kind of recommendation or just -- are you looking for some kind of recommendation or guidance from us?

MR. ROOD: It's up to you.

MR. STOUT: I think we gave it.

MR. LANDERS: We got one from Jeff, right?

MR. STOUT: Well, there is three of you that seem to sit there and shake your head yes with the separation.

MR. TRIPLETT: Well, Jeff's got a good point.

MR. LANDERS: Yeah, it makes sense. One is a true landfill, right? And the other is not a landfill. A transfer station is not a landfill, right?

MR. SHEPHERD: No. I mean it's operated completely different.

MR. LANDERS: It makes sense.

MR. TORNETEN: I think when staff puts together the language, they can take care of that. Obviously the screening requirements of the C and D landfill you'd be looking for something different or in addition to what

you'd be looking for in a transfer station, so they would have to address that in the language. I think it could all be in the same set of rules though.

MR. FLETCHER: Fenton, do you see any difference between this screening process at a transfer station versus a C and D site?

MR. ROOD: Well, I can certainly understand Mr. Shepherd's point that the operations are fundamentally different. Frankly, to begin drafting, I would look to the model that we currently require for landfills and to see what -- to what extent that same language was applicable to the other facilities.

MR. TORNATEN: Yeah. The frequency of which you are required to monitor might not make sense at a transfer station versus at a landfill. I guess you would have to look at all of that to see what makes sense; what's reasonable.

MR. STOUT: What triggered this mindset? Because I think I heard you say that this was something you thought would be necessary? Why do you think it's necessary? And you also, I think you said, there's been no problems.

MR. ROOD: The reason that I brought it to your attention is years of observation of actual operations and we have survey data from one study of transfer stations that documented that operators are not providing any waste screening. And landfill operators are required to. And if you're a landfill operator receiving large transfer trailer loads, I don't see how you can meet your responsibilities.

MR. STOUT: Okay. Thank you.

MR. TORNATEN: Do any of the other states have this requirement, do you know off-hand?

MR. ROOD: I don't.

MR. STOUT: If there is no objection from Council, would you proceed with the separation.

MR. ROOD: We would be glad to.

MR. STOUT: All right, thank you.

Item 7. A Review Of Composting Rules. Again, Fenton.

MR. ROOD: There seems to be growing interest in the various types of composting activities. It has been quite sometime since we worked together to look at our compost rules and it's simply occurred to me that perhaps it was time to take a fresh look at those together.

My recommendation again is not because of any problems that we've experienced, but basically because of the growing interest in using composting as a processing operation.

MR. SHEPHERD: Well, I think everybody can see that I'm sort of in favor of a statewide ban on green waste. I think that it works. It certainly works in other states. I do quite a bit of work in Arkansas and they have a very successful green waste ban and composting -- basically, a composting industry now. So it is something that, I think, has come a long way since the early days. So I would be certainly in favor of having something of that type of requirement. And I know in Texas it may not be a statewide ban, but it certainly is a community based ban. I know of several communities that ban green waste into their landfills.

MR. FLETCHER: I'm not against bans but as long as it makes sense, why would you want to ban that from the landfills?

MR. SHEPHERD: It's preserving your airspace.

MR. FLETCHER: I'll have to think about that.

I know in Arkansas, too, they do have the bans and in this last year that they actually passed a bill that lets the grass go back into landfills that are using the gas for some kind of recovery system where there is a beneficial reuse or something like that, because they know that the green waste going back in there is going to make the better methane quality and stuff like that. So this last year they

just reversed that on any landfill that's actually doing any kind of recovery or beneficial reuse, you can now go back and put it back in the landfill.

MR. SHEPHERD: Yeah. I mean I read that and there is probably four landfills in Arkansas that are using their gas as a renewable energy. So you know, it is something that I would think would be okay. I mean I agree with that as long as they are using -- I mean as long as the gas is being used as a renewable energy.

MR. TORNETEN: Are we talking about some kind of prohibition of households not being allowed to put their grass clipping or their cuttings or whatever into the dumpster?

MR. FLETCHER: Yes, you're talking about that and you're also talking about regulations on the cities that would probably have to put more trucks on the road to actually separate this waste. So if it's banned from the landfills, cities, counties, and residential people would have to separate this and not be allowed to come through the landfill gates.

MR. STOUT: Any question of that won't happen in all instances.

MR. FLETCHER: And I think mostly where it does make sense, you're going to get some people that do it. I think it is in Arkansas, you get that a little bit more. I think there is (inaudible) percentage and -- because it doesn't make sense that there is yard waste and then you go separate it in certain areas. So if it's like 80 percent or 70 percent trash or only 30 percent, there's not a requirement that you have to go out there and separate this. It'd be a nightmare at the landfills just to try to get it bagged and things like that.

Plus I think it's a good idea, as far as if there is a place that you can actually take this green waste and if there's a use at the end of it -- I know everybody's probably seen the news reports lately about the possible contamination

of a -- right up here by the river. I think that if (inaudible) some type of requirement, we don't want another tire issue on them, where they have to be bonded or something like, to where a lot of people get these things started up and the next thing you know it doesn't make money and the state is left with going out there and cleaning it up -- fifty acres of yard waste just sitting out there and it's not a cheap operation to actually go in there and clean these things up afterwards. Getting the trucks and with (inaudible) things the way it is. That's one thing that I would like to see is that it would have to be some type of plan that -- when they put these plans together it there has to be some kind of an end use to where they know they can do something else with it. And then I know the cities are going to probably want to get involved with this quite a bit because it's going to put a few more trucks on the road.

MR. TORNETEN: Yeah. That's my thought. Aren't we going to necessarily impose an expense on a city that does their own collection service? So now they've got another separated waste that they've got to handle.

MR. ROOD: To clarify most of what you're talking about would take separate statutory authority, in my opinion. What I think we ought to be directing out attention to are issues like the language in our current rules that prohibit composting of putrescible materials. Now that seems to me that that is the definition of composting. So I'm not sure that language is wise.

MR. SHEPHERD: Well, you -- I mean, there are opportunities I think to compost putrescible waste that -- and I think there are certainly some decent pilot programs that could be used to see if it actually works. But the hindrance is the requirements for the permitting. You know. A lot of the communities now days are composting their sewage -- I mean not their sewage but their sludge from their wastewater operations.

MR. ROOD: Under permits through our Water Quality Division.

MR. SHEPHERD: So --

MR. ROOD: And remember, as well, that any yard waste only composting operations do not require a permit, simply approval of a plan.

MR. SHEPHERD: And we all -- you know those are probably just people that are just stacking it up and not doing much of anything with it. I think if you have a very good composting setup where you are doing it right and you're able to produce a Class A compost and bag it, then you would probably be able to sell it. I think that there are people that -- I know in Arkansas there is a company that does that exact thing. They bag it and they turnaround and Walmart buys it from them and puts it in the stores. But putrescible waste, that would be something that would be, you know, very cutting edge. I don't know if Oklahoma is ready for something like that.

MR. FLETCHER: Is Shepherd Engineering going to start composting?

MR. SHEPHERD: I would like to. I would like to compost putrescible waste, but I can't get past the law that says I can't.

MR. ROOD: So that's simply my point that we -- it struck me as a reasonable idea that we work together to review issues like that in our rules.

MR. TAYLOR: Did DEQ change something that's required for lab testing on composting this year?

MR. ROOD: That issue is related to testing requirements for composting municipal sewage sludge.

MR. TAYLOR: Right.

MR. ROOD: And the issue originated out of the requirement that laboratories be certified by DEQ. And in the beginning some of the Oklahoma

composters had difficulty finding those laboratories. I think those issues have now been resolved.

MR. STOUT: Now tell me again why you think it's necessary to review, because to me if you review, you're wanting to put these changes in place and I'm totally against costing cities more money for anything, especially with the way the economy is.

MR. ROOD: Well, I don't think we have the authority to pursue anything that would cost cities more money in this context.

MR. STOUT: Good.

MR. ROOD: But as Mr. Shepherd noted, it sounded to me like some of the projects he can conceive, he thought there were perhaps some issues in our rules.

MR. TRIPLETT: We talked about simply changing the rules and the language to accommodate to --

MR. ROOD: We're working together to look at them to see if that's necessary.

**** cm stopped *** sat 3:30 am**

MR. TORNETEN: I mean I don't have a problem with looking at the rules to see if there is anything in there that is inhibiting, under our waste compositing there might be some language that would encourage it, that's probably just about as far as we could go with it. I see no problem with that.

MR. SHEPHERD: What about the putrescible waste?

MR. TORNETEN: Again we can encourage it.

MR. SHEPHERD: I mean, there are opportunities out there, it's just a question of getting the approval on a small scale on a pilot project and seeing if it works.

MR. TRIPLETT: How do you get it from the household loading it for here?

MR. SHEPHERD: I'm not talking about that.

MR. TRIPLETT: (Inaudible).

MR. SHEPHERD: I'm not talking about that. I'm talking about a grocery store that throws away a container full of used -- of unpurchased food products.

MR. TRIPLETT: What do we do with all of this stuff that's recalled, like meat?

MR. FLETCHER: That's where the landfills come in.

MR. ROOD: We could also be talking about restaurants.

MR. SHEPHERD: Well I think again a restaurant, you're putting a burden on the restaurant to try to collect it, and sort it, and things of that nature. The grocery stores, and again I'm talking about only a few of the larger chains that have the ability to do that -- separating them and there are a couple of chains that are talking a lot about recycling and green waste and, you know, all those fancy words that people use.

But it's not a situation where I don't think that you can go for a large scale putrescible waste composting operation. Like, say, you're going to serve the entire city of Oklahoma City with a composting putrescible waste; I just don't think that you can do that. But I certainly think that in some of the smaller communities where there's a big grocery store that they can maybe do something to alleviate some of the cost that they may have in transferring this waste to another bigger landfill or something like that. As long as it was permitted and they had, you know, they had certain requirements, storm water requirements and things of that nature. You know, there has to be some level of permitting requirements to prevent people from just kind of stacking it up and hoping it composts over time. That -- if you are

composting correctly, you really don't have any odor issues. So, that's just my personal opinion.

MR. STOUT: Public? Any last thoughts from Council?

I would like an unofficial consensus of what we want staff to do, so that they have a clear set in mind. There is no motion that needs to be made but a general consensus is important. Do we want this review to take place? And I know there are two or three of you that would like to see it.

MR. MCCULLOUGH: Yeah, I think if there is an opportunity for somebody to be able to recycle or to reuse that then we ought to revisit our rules to see if we can allow that.

MR. STOUT: Okay. Steve.

MR. LANDERS: I guess I don't really have an opinion one way or the other. It seems to me that we would want to make sure that there is not an opportunity for someone to abuse a composting opportunity. It would be a lot cheaper to let somebody come pick it up and set it in a compost versus basically, someone come and haul it off. It would be easy to throw things in there that may not need to -- you know, that may not be compostable, would be the only concern I would have, I think.

MR. STOUT: Just so that I'm --

MR. LANDERS: I don't really -- having said that, you know, I guess I would leave it up to the staff if they felt strongly enough that this needs to be reviewed then, I'm all for it.

MR. ROOD: Mr. Chairman, I think one of the objectives that I would have in a review is considering material like is generated by Mr. Landers employer. I would hate for our rules to be a barrier to the ability to compost or protect over use items like papermill sludge.

MR. LANDERS: In that case I'm really for it.

MR. TORNETEN: I think it's a good idea. I think most of us are onboard with encouraging recycling and getting as much unnecessary waste out of the landfills makes sense. I can't image there's a reason to be -- we wouldn't be in favor of this.

MR. STOUT: Sounds like a consensus to me.

MR. FLETCHER: It is. I think -- I'm for recycling. Anytime you can take something and recycle it for beneficial reuse, I'm for. But the only potential I see is that sometimes we can get cases for abuse or something like that and if there is something out there that they can do for it, I think it's a good idea.

MR. STOUT: Brian, do you have any comments?

MR. TAYLOR: I agree. I think some rule review isn't out of order.

MR. STOUT: All right. Then we have another task to go to work on.

MR. SHEPHERD: Have you been bored lately, Fenton?

MR. ROOD: Not a bit.

MR. STOUT: Item 8. Collection of household hazardous waste at solid waste management facilities. Fenton.

MR. ROOD: Well, this issue was actually brought to us by the Guymon transfer station. They do business with a landfill in Kansas, and under Kansas statutes the landfills have a much more aggressive responsibility than we have in Oklahoma for pursuing household hazardous waste management.

And, in fact, if we looked at Kansas they actually had some storage standards that I think we might be able to take advantage of if we wanted to pursue this.

But another example of a community that might want to pursue something like this would be the City of Norman where they operate a transfer station and one household hazardous waste collection event a year.

There are a number of materials that they take in that collection event that could, in my opinion, be continually collected at the transfer station and still manage this household hazardous waste. It just strikes me that if we want to pursue something like that then we should have some guidance on how they handle the material.

MR. SHEPHERD: So if somebody brings what we consider a household hazardous waste to the transfer station, the transfer station can't store it? Is that the rule?

MR. ROOD: We currently don't have any standards.

MR. SHEPHERD: So they just basically have to throw it away?

MR. FLETCHER: I guess if it's a hazardous waste they have to reject it and it goes back to their house.

MR. ROOD: Absolutely.

MR. FLETCHER: Which usually it ends up in the creek where the pond is. (Inaudible).

MR. STOUT: I've got a good creek you can come over and use.

MR. FLETCHER: I just discussed this with Fenton earlier. There is a whole new set of circumstances, and things that get thrown into this that when you actually take household hazardous waste then some of it is considered hazardous, especially when you start putting in large quantities, is it that we're going to be under a lot of -- just different criteria as far as HAZCOM and things like that and OSHA, that if we have anything like that; one, is we have to keep a list

of the hazardous waste that we have on there; two is, you have to have a MSDS sheet; three is that you actually have to know what's in the container whenever it shows up there.

And as you know in households it's a little bit different because a lot of people pour things in different jugs and you're not sure exactly what's in there or you may get something that's not labeled there at all.

And that was my only concern is, one, what you've got on there; two is who are you going to have to report to; and three is how long can you store it; and four, how do you get rid of it once you get it in that big container?

But the state probably has a program where we can go ahead and take it to (inaudible).

MR. ROOD: Frankly, I'd be very surprised if large landfill operations like your company operates would be interested in something like this; but I think some of the smaller community oriented programs like some of you represent, might find these programs attractive.

And I can't imagine that we would do anything that would be mandatory.

MR. SHEPHERD: It's interesting that a community the size of Norman only has a once per year household hazardous waste collection program. That's interesting, I find.

MR. ROOD: Well recognize that the development of household hazardous waste management programs has been driven more prominently by the development of storm water management programs than by sophisticated solid waste management programs.

MR. TORNETEN: Well, how frequently does Oklahoma City have their programs such as these?

MR. ROOD: Oklahoma City has a permanent collection center. So as a customer of Oklahoma City, if I have my water bill, I can take material to that center six days a week.

MR. TORNETEN: How is that permitted? Is that -- are they permitted as a small quantity generator or --

MR. ROOD: Well, recognize that household hazardous waste is not regulated as hazardous waste. The Oklahoma City facility is permitted and the solid waste permit is much more akin to a transfer station permit.

MR. TORNETEN: Even though they composite the household hazardous waste?

MR. ROOD: That's part of their handling procedure.

MR. TRIPLETT: Is it going into the landfill?

MR. ROOD: No. No. No. It is not landfilled. It is managed properly depending on the type of material.

MR. TRIPLETT: Goes to Lone Mountain or somewhere (inaudible).

MR. ROOD: A hazardous waste facility might be the ultimate disposition. Again, depending on the kind of material that they receive.

MR. SHEPHERD: The Oklahoma City facility is very nice. It's a very nice setup.

MR. ROOD: I think it's a national model.

MR. SHEPHERD: It is. It really is. It is really good. You just drive through and they take everything out of your car or truck.

MR. ROOD: Yeah.

MR. SHEPHERD: It is really nice.

MR. ROOD: And the facility was designed and built just for this purpose.

MR. SHEPHERD: Uh-huh. Is there a way to debate -- require a community of a certain size to have more than one annual household hazardous waste program -- collection event? Is that -- I would assume that that would take legislation and that would be a tough road to go.

MR. ROOD: Well I will certainly seek the guidance of our Council but in my opinion that would take legislation.

MR. SHEPHERD: Probably.

MR. TAYLOR: The City of Bethany, we contracted with Oklahoma City and our residents take their stuff there.

MR. SHEPHERD: Yeah. And I think most of the cities in the metro area have that. I mean I live in Nichols Hills and we have that ability too. But for people in Norman it's a pretty long drive to get up there to do that. But like I said Norman is a large community, you would think that they would have more than just a once a year program.

MR. TORNETEN: Does Tulsa have a permanent facility also? Do you know?

MR. ROOD: Oklahoma City has the only permanent facility in the state. Tulsa has a twice a year collection programs.

MR. THOMPSON: (Inaudible).

MR. STOUT: We can't hear you up here.

MR. THOMPSON: I think COMEA has a facility in Midwest City.

MR. ROOD: Operated through the Midwest City transfer station.

MR. TAYLOR: Is that still in operation?

MR. ROOD: It is from the point of view of Midwest City. If COMEA is still intact, I don't know the answer to that, as an organization, but I know Midwest City continues to operate.

MR. THOMPSON: One thing they did do was acquire a vehicle and a trailer so they could use in their other communities, COMEA. (Inaudible). Now whether they've made that (inaudible). Everybody has to operate their own facilities.

MR. SHEPHERD: What is COMEA? What is COMEA?

MR. ROOD: COMEA stands for the Central Oklahoma Environmental Association. There was a public trust of area communities who were gathering together to try to address this issue.

MR. FLETCHER: I guess I was just concerned with the way you worded it on Number 8 that it says develop the standards of solid waste facilities to store and manage household hazardous waste and diverting them from disposal in landfills will be discussed.

So I thought you were trying to maybe make it a permanent thing.

MR. ROOD: That would not be my personal attempt.

MR. STOUT: Any comments -- additional comments from public?

Well, Council again we need guidance. Do you think this is something that we want the Department to work on or store it?

MR. TRIPLETT: The only problem right now is in Guymon?

MR. STOUT: Ralph, be sure and use your --

MR. TRIPLETT: The only problem we have right now is with the Guymon facility? Is that what you're saying?

MR. ROOD: I would by no means characterize Guymon as having problems.

MR. TRIPLETT: Okay.

MR. ROOD: If they ask us for guidance, we have nothing in our rules that sets a standard for what proper storage is for them.

MR. TORNETEN: I think it would be a great idea to have some guidance. Maybe it would make it easier for transfer stations in various municipalities to implement a program if they had something to point to that kind of said, you know, give them a road map, how do we set something up like this? I don't see a downside to that at all.

Ultimately, it's going to come back to the municipalities to implement it but anything we can do to help them, sounds like a good idea to me.

MR. SHEPHERD: I would agree with that. I would think that if you were collecting it all year long and just getting rid of it on a quarterly basis, versus a once a year type of flat out pile everything up in a parking lot and try to get rid of it, would be easier to me, I guess.

MR. TORNETEN: Absolutely. People, you know, make regular trips to transfer stations anyway. It would make logical sense that would be a good place to have a hazardous waste setup.

MR. LANDERS: And this would not require the landfill to take household waste, right? It just would provide standards if they do.

MR. ROOD: And remember that in Oklahoma we have a statutory prohibition against landfills taking hazardous waste in any form.

MR. LANDERS: You said this wasn't -- okay. I get it. You said this wasn't a haz-waste like in an EPA haz-waste.

MR. ROOD: No. Here we're talking about household hazardous waste. The kinds of chemicals that all of us have in our homes.

MR. STOUT: Well, I've seen four here on the Council kind of nod their heads yes. What about the other three of you? T.J., are you awake?

MR. MCCULLOUGH: Yeah. I'm awake. I don't have a problem with -- you know, I think that probably it wouldn't hurt to review the guidelines. I just wouldn't want to go so far as we start regulating it to the point to where we have to start establishing the administrators and the rest of it.

MR. STOUT: I agree. Well, I guess --

MR. JOHNSTON: As a Board Member and a Mayor, I hate to see these things -- these suggestions turn into rules.

MR. TORNETEN: I think the direction that Fenton is talking about here is really guidance to -- ultimately it's going to be up to the cities. I don't think we have any authority or power to impose a requirement on them. I think basically we're talking about guidance.

MR. JOHNSTON: Cities are pretty paranoid anyway, and broke.

MR. ROOD: But again in terms of our rules, my thought was really regarding storage standards so that we would have some guidance on how do you keep incompatible separates and what constitutes incompatibles.

MR. STOUT: Okay. You're going to be staying after work a lot. I don't see how you can possibly have all this ready for the next meeting. But that will be something for your department.

Okay. Number 9. Discussion of adding requirements for gas monitoring at construction/demolition landfills. Fenton.

MR. ROOD: If you look at our standards for construction/demolition landfills compared to municipal solid waste landfills, in virtually every area we expect a more benign waste and therefore have a much more lax standard.

I bring this to your attention after our experience at a national meeting of our counterparts where we had case studies from Ohio and Florida on

construction/demolition landfills where the environmental problems were so severe that the Agency for Toxic Substances and Disease Control had to get involved because of direct public health concerns. And given their experience, it seemed rational to me to at least ask the question if we wanted to consider adding gas monitoring at our current construction/demolition landfill operations.

MR. LANDERS: If we do a better job at screening that we're proposing on Agenda Item 6, would that help? Would that resolve the situation or not?

MR. ROOD: Well, recognize what creates methane gas in a landfill environment. It's the anaerobic decomposition of anything organic. And so by definition a lot of the debris from a construction/demolition operation is ultimately going to create gas.

MR. LANDERS: Is that the problem they had at the -- with some of the -- with one of the sites you were talking about a minute ago? Because you were talking about a toxic substance.

MR. ROOD: The public health issues were traced back to primarily problems with wallboard and creation of H₂S.

MR. FLETCHER: Really it was just dealing with construction/demolition debris, I imagine. They didn't really look at any household hazardous waste or screening processes. It was actually what they were permitted to take and they were taking that in the correct way, but they knew that the potential was and it is producing methane gas.

MR. ROOD: I think that's a fair assessment.

MR. FLETCHER: And with methane gas, it's usually the biggest contributor towards groundwater contamination. Would you agree?

MR. ROOD: We've certainly seen examples of that in Oklahoma.

MR. FLETCHER: Great. So if you're going to look at methane gas and the period for closure on construction/demolitions, would you also look at expanding the parameters for testing other groundwater wells.

MR. ROOD: If you want to direct us to do that, we'd be glad to do that.

MR. FLETCHER: Or do you think there is just a potential for gas?

MR. ROOD: I think there is clearly the potential for a construction/demolition landfill to generate gas. And we currently have no requirements to look for it.

MR. FLETCHER: Is there potential for hazards for people that live within 200 feet of the C and D site that's not monitoring for gas?

MR. ROOD: Well, remember in the landfill industry we discovered this issue by blowing people up. We tend to learn from the school of hard knocks.

MR. FLETCHER: I think it's a good idea to actually have some kind of monitoring for gas at anyplace where you're actually going to put refuse, that's going to have the deteriorating that's going to -- because it's going to produce something. And most of the time the C and D landfills aren't under the same restrictions that we are as far as liners, as far as groundwater testing, as far as -- I'm not sure that they have to do that much background testing but I know that the parameters on the water wells are not even close to what they do on a MSW landfill.

MR. TORNETEN: I mean if a C and D landfill takes, for example, only brick and soil and if they are not taking wallboard, is there anything else of concern?

MR. ROOD: I think your biggest load in terms of organics that can create gas would be woody material.

MR. SHEPHERD: I mean in a landfill -- if you're only taking bricks and dirt, I don't even think you have to be permitted.

MR. ROOD: Not under our rules.

MR. SHEPHERD: Because a C and D facility you're taking roofs, roofing wood waste, wallboard, construction -- construction debris.

I'm sorry, Don.

What about, you know, it takes liquid to, obviously to get the thing to -- to get the products to decompose. Would it not be something to look at to require the sites to have some sort of leachate collection system? If we're pulling the water out, maybe then that prevents that gas migration. Because if you start to have gas migration then the next thing is the gas extraction system and then -- and what's the post-closure period for a C and D landfill? It's not 30 years, is it?

MR. ROOD: Eight.

MR. SHEPHERD: Eight? Is that right? Eight?

MR. ROOD: It is only eight.

MR. SHEPHERD: So what do you do at eight years and the flare is still making gas? You know what I'm saying. So I don't know. You know -- I don't know. It's a tricky slope. So there are certainly other ways to do something other than just putting some probes around the facility.

MR. STOUT: Yes.

MR. JOHNSTON: Where are the two that's in the state originated from? And one other question was if there is only two in the state, where are they?

MR. ROOD: Board Member Johnston is asking where the existing construction/demolition landfills are in Oklahoma.

There is one permitted that serves the Oklahoma City market and there is one permitted that serves the Tulsa market.

UNIDENTIFIED: Fredrick has one.

MR. ROOD: That's right. Fredrick has one.

MR. TORNETEN: Is the Midwest landfill still permitted?

MR. ROOD: It is not. They are not in operation.

MR. FLETCHER: Fenton, I think Ohio did that study back in -- didn't they do those rules in '95 and didn't -- it was prompted by the EPA doing their study in '95. Is that correct?

MR. ROOD: I don't know the history on that, but I know that they presented to us a case study where they had some direct public health concerns.

MR. TORNETEN: The expense of gas monitoring, are you talking about rules similar to what's required in the municipal landfills? Putting in perimeter wells on a -- is that what you were thinking in terms of rules?

MR. ROOD: Personally I hadn't even thought at that level of detail yet, but isn't that how you would approach a project like that?

MR. TORNETEN: Yeah. I think so. I don't know of another way.

It's not a huge expense. Gas monitoring wells are not terribly expensive, so on the surface it doesn't look like we'd be imposing a particularly large cost on the C and D landfills. They might disagree with that.

Is there anybody here that represents the C and D landfills?

MR. JOHNSTON: There will be next time.

MR. FLETCHER: I guess, Fenton, what are you proposing here, exactly?

MR. ROOD: After we heard the reports from the other states we began visiting among ourselves about what our standards were or are not. And

it seemed reasonable to at least broach the notion with the Council of do we want to consider reviewing our standards for construction/demolition landfills in light of these other experiences.

MR. FLETCHER: I have had a little bit of dealings with the gas, but I think it would be a very good idea to actually monitor for the gas. Especially it seems like at some of these C and D sites there's very -- they're built in residential areas, there's housing right close to them and I would hate to think we would learn again by hard knocks by blowing somebody up. But I think it's a good idea. I think it's also through that, that you would probably also have to look at maybe spending the water testing. If you're really going to look at the gas or if they are going to -- and how do they have the potential for it and maybe even in your closure, post-closure period. Because -- would you only want them to test for the gas eight years after they were closed up or do you think it might be a continuous thing for maybe up to -- I think we're seeing in most of the landfills if you do start detecting gas it maybe produced for 20-25 years.

MR. ROOD: Well, again recognize that regardless of anyone's personal or professional opinion here, most of what we do is directed by statutes. And what you're talking about would take statutory change.

MR. FLETCHER: Correct. But as far as the gas part, I think that that would just be the start of it.

MR. ROOD: That's certainly been our experience with municipal solid waste landfills, hasn't it?

MR. TORNETEN: Do the smaller municipal solid waste landfills are -- is there evidence in their gas monitoring that they are generating much gas that's being seen in the monitoring wells?

MR. TRIPLETT: We don't have any in our territory (inaudible) out there.

MR. ROOD: I was just about to ask Mr. Triplett about his experiences.

I can tell you that we've had more than one situation where gas concern manifested itself first in groundwater as opposed to being an explosive concern.

MR. SHEPHERD: And that greatly depends on what you're doing. I mean my experience has always been that if you have a situation where you have a portion of your landfill that's not lined and you don't have a final cover on it, most of the gas is coming up through the top. But once you come across with the vinyl cover and then that starts to push it out towards the perimeter. So if you're in a facility -- if you have an existing landfill where you don't have any vinyl covering or anything like that, it may be that you don't detect it in your groundwater levels.

MR. FLETCHER: And they are only required to cover once a week. So once they start doing their covering on this then that's when I think you'll start seeing the potential for these to crop up. Don't you?

MR. ROOD: Again given our experience in municipal solid waste landfills, I think that conclusion is logical.

MR. TORNETEN: Well, if that's true maybe we don't need to require them to put in the monitoring wells at closure. So long as they're open there may not be an issue. If they are going to close either the whole facility or a part of it, you know, if they are going to do a phased closure, that would be a closure requirement.

It's just a thought.

MR. LANDERS: Were the sites in the case study, were they closed or are they still open? Do you know?

MR. ROOD: Both of the examples that were presented to us were no longer in operation.

MR. LANDERS: Looks to me like you have a good point there.

MR. FLETCHER: I think the ones in Ohio were still in operation, but they saw that and they were also seeing some problems with their groundwater and that was due to no leachate collection system.

Because what you see at the C and D sites is that if you get the residents bringing in their yard wastes, things like that, then they will throw their household trash and stuff in there. And they don't have any requirements to actually to separate this. And even if we do put requirements like that on the landfills it would be a limited inspection that you would have to see and it would probably take a lot more training at the C and D sites.

MR. STOUT: Do we like the idea of what you suggested at the time of closure versus now?

MR. FLETCHER: I don't know how many you have been around, like Fenton says if you're going to start generating gas as soon as it's put in there and you start getting some moisture in it, typically in Oklahoma you're going to see after the first rainfall you're going to get something in there then you're going to start getting that degradation. In C and D sites right now there is no requirement for any leachate collection system. You only have a clay liner and there's no synthetics at all. So you're going to see some kind of a degradation, and then I think as they cover you would have part of the landfill -- a lot of the landfill covered up way before it even closes up especially with the small (inaudible) we see here. I think that at closing time it would probably be way too late. And that would be my opinion.

MR. STOUT: Any other comments from the public? Please add this to the list of things to do.

MR. ROOD: Yes, sir.

MR. STOUT: Number 10. Discussion on the possible creation of regulations requiring Annual Engineering Inspection Reports to be submitted for all municipal solid waste landfills.

MR. ROOD: Mr. Chairman, this is actually an idea presented to the Council by Mr. Shepherd, so I would ask him to address that.

MR. SHEPHERD: Yes, it was.

MR. STOUT: You have three minutes.

MR. SHEPHERD: Three minutes. I brought this to the attention for a couple of reasons. I think it's a good way of monitoring the progress of a landfill as far as the DEQ is concerned, making sure that the operations are proceeding in the approved way; making sure waste hasn't been placed outside of the permitted area; making sure the leachate is collected and disposed of properly. It's just a general report. I used the one in Arkansas, again, as a guide. It doesn't have to be exactly that way but I just feel like there is something that needs -- we just need a little bit more on monitoring the landfill other than the once annual submittal of licensed sites. Which is my personal opinion again.

MR. TORNETEN: Does the Department not do regular visits at the landfills? I know the ones that I work at they do. They show up with a check list and they're looking at this and they're looking at that, you know, if they've got blowing litter or if they're not doing something that they should be doing with their leachate collection system, it gets noted on the inspections.

MR. ROOD: We certainly inspect ever permitted facility.

MR. TORNETEN: Now I don't think it's necessarily a bad idea, although, it's imposing a cost on small landfills that they're not going to be too fond of. You know, I don't think at the larger landfills that this is going to be a problem or anything that they are probably not even keeping track of all of this, for the most part. But for a small independent landfill, they're going to have to pay

their consultant and their engineer to pretty much put something like this together for them.

I guess I'd ask the Department, do they feel like there is a shortcoming here, a need for this?

MR. ROOD: Again this was a proposal from Mr. Shepherd.

MR. SHEPHERD: As a guide, Bill, the charges for this type of work are, you know, five or six thousand dollars a year. You know, airspace -- airspace is obviously the commodity that you're selling at a landfill. And I would think that every landfill operator would be knowing how much airspace he has consumed on a yearly basis or knows how much is remaining to be consumed on a yearly basis. I would just assume that every landfill is doing that.

MR. TRIPLETT: We do that and it costs me quite a bit for my engineer to do that every two years -- to go out and survey plus having inspected it, you know, all the time by DEQ. I just see it as another expense that I don't need to pay.

MR. SHEPHERD: It's just a suggestion.

MR. TORNETEN: We do have a site requirement that goes into the closure, post-closure cost estimates which doesn't necessarily require you to do a survey every year, but there is at least some estimate of remaining airspace involved in that.

I know that in some cases it's based on volumes received and compaction and (inaudible), but it's a pretty good gauge.

MR. STOUT: Public comments?

Jeff, I respect your knowledge tremendously, so if you think this is something that needs to be worked on you'd better lobby for it.

MR. SHEPHERD: I just brought it up. If the Council doesn't think that it's required, then they can show their displeasure at that.

MR. TORNETEN: I would kind of defer to the Department, whether or not they feel like there is a need for it. I think they are going to be the best judge of whether or not they feel like there's a shortcoming there or if this would be a tool that would really improve their monitoring and enforcement at landfills.

That would be my only thought. I would suggest the Department look at it and see if it is something that they feel like would be a really useful tool or whether they've really already got procedures in place to take care of this and kind of leave it up to them.

MR. ROOD: We haven't spent anytime considering this but we will be glad to think about it and come back to your next meeting with a recommendation.

MR. SHEPHERD: Great.

MR. STOUT: I think that's our answer.

MR. SHEPHERD: Thank you.

MR. STOUT: Well, we're down to Number 11, the public forum again. Hearing none the meeting is adjourned.

(Council Meeting Concluded)

C E R T I F I C A T E

STATE OF OKLAHOMA

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COUNTY OF OKLAHOMA

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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 proceeding was and taken down in stenography by me and thereafter transcribed under my direction; that said proceedings were taken on the 16th day of July 2009, at 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 10th day of August, 2009.

CHRISTY A. MYERS, C.S.R.

Certificate No. 00310