

MINUTES
Solid Waste Management Advisory Council
September 15, 2016 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at January 12, 2017 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on September 15, 2016, in accordance with the Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice of Regular Meeting was filed to the Office of the Secretary of State on October 20, 2015. Agendas were posted on the entrance doors at the Department of Environmental Quality (DEQ) Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Mr. Jeff Shepherd, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Todd Adcock
Ilda Hershey
Jim Linn
Brenda Merchant
Matthew Newman
Bill Torneten
Jeff Shepherd

DEQ STAFF PRESENT

Kelly Dixon
Tad Alford
Kole Kennedy
Patrick Riley
Hillary Young
Jeff Biddick
Rachel Hangan
Ferrella March
Cindy Hailes
Amber Edwards
David Cates
Michele Wynn
Quiana Fields

MEMBERS ABSENT

Rodney Cleveland
Steve Landers
Traci Phillips

OTHERS PRESENT

Lynette Wrang, Court Reporter

Approval of the Minutes for the January 14, 2016 Solid Waste Management Advisory Council Meeting – Mr. Linn moved approval of the January 14, 2016 Minutes and Mr. Adcock made the second.

See transcript pages 4 – 5

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Abstain		

Discussion of Solid Waste Program Fees/Expenditures – Mr. Shepherd called on Mr. Patrick Riley, Environmental Programs Manager of the LPD to speak on the solid waste program fees and expenditures; which has to be submitted to the Executive Director, Governor, and Legislature by November 1, 2016. Following questions and comments concerning program fees and expenditures, Mr. Linn moved to approve and Mr. Newman made the second.

See transcript pages 5 – 23

Roll Call

Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Yes		

Discussion of Composting Rules – Mr. Riley stated the Department is proposing, for discussion purposes only, to create a new Subchapter, OAC 252:515-43, allowing for a tiered permitting and regulatory structure for different classes of composting facilities.

See transcript pages 23 – 46

Discussion of Results from the Closure Costs Work Group – Mr. David Cates, Engineering Manager of the LPD, stated the Work group is presenting information regarding the five year update of unit costs required by OAC 252:515-27-4(a), closure / post-closure cost tasks, and unit costs. Following questions by the Council and none by the public, Mr. Linn moved to approve and Ms. Merchant made the second.

See transcript pages 46 – 59

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Yes		

Discussion of Potential changes to OAC 252:517 Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments – Mr. Riley stated the Department is presenting, for discussion purposes only, potential changes to OAC 252:517, pending changes to the Federal rules.

See transcript pages 59 – 62

Election of Officers for 2017 – Mr. Linn moved that Mr. Shepherd be nominated to remain as Chair and Ms. Merchant made the second.

See transcript pages 63 – 64

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Yes		

Mr. Linn moved that Ms. Merchant be nominated to remain as Vice-Chair and Ms. Hershey made the second.

See transcript pages 64 – 65

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Yes		

Suggested Meeting Dates for 2017 Council Meeting – Staff suggested 2017 dates to be January 12, April 13, July 13 and September 14. Mr. Linn moved to approve and Mr. Newman made the second.

See transcript pages 65 – 66

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Ilda Hershey	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes
Brenda Merchant	Yes		

Mr. Riley introduced Ms. Amber Edwards, Environmental Programs Manager of Solid Waste Compliance and Enforcement of the LPD to the Council.

See transcript page 66

Public Forum – No public issues were raised.

Council and staff reopened item #4, Discussion of Solid Waste Program Fees/Expenditures.
See transcript pages 69 – 76

New Business – None

Adjournment – Mr. Shepherd adjourned the meeting at 10:40 a.m.

Transcript and Attendance Sheet are attached as an official part of these Minutes.

<p>1 DEPARTMENT OF ENVIRONMENTAL QUALITY PUBLIC MEETING 2 SOLID WASTE MANAGEMENT ADVISORY COUNCIL 3 4 5 6 7 8 9 10 11 SEPTEMBER 15, 2016 - 9:00 A.M. 12 13 14 15 Multi-Purpose Room, 1st Floor DEQ Building 16 707 N. Robinson Oklahoma City, OK 17 18 19 20 21 22 23 24 Reported by Lynette H. Wrany, C.S.R. #1167 25</p>	<p>1 3 1 CALL TO ORDER - 9:00 A.M. 2 CHAIRMAN JEFF SHEPHERD: This September 15th, 3 2016 meeting of the Solid Waste Management Advisory 4 Council was called in accordance with the Open Meeting 5 Act. 6 Notice was filed with the Secretary of State 7 on October the 20th, 2015. The Agenda was duly posted 8 on the doors of the DEQ, 707 North Robinson, Oklahoma 9 City, Oklahoma, at least 24 hours prior to the 10 meeting. 11 Only matters appearing on the posted Agenda 12 may be considered at this regular meeting. In the 13 event that this meeting is continued or reconvened, 14 public notice of the date, time and place of the 15 continued meeting will be given by announcement at 16 this meeting. Only matters appearing on the Agenda of 17 a meeting which is continued may be discussed at the 18 continued or reconvened meeting. 19 MS. QUIANA FIELDS: Mr. Adcock? 20 MR. TODD ADCOCK: Here. 21 MS. QUIANA FIELDS: Mr. Cleveland is absent. 22 Ms. Hershey? 23 MS. ILDA HERSHEY: Here. 24 MS. QUIANA FIELDS: Mr. Landers is absent. 25 Mr. Linn?</p>
<p>1 COUNCIL MEMBERS PRESENT: 2 Todd Adcock Ilda Hershey 3 Jim Linn Brenda Merchant - Vice-Chairman 4 Matthew Newman Bill Torneten 5 Jeff Shepherd - Chairman 6 7 COUNCIL MEMBERS ABSENT: 8 Rodney Cleveland Steve Landers 9 Traci Phillips 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 4 1 MR. JIM LINN: Here. 2 MS. QUIANA FIELDS: Ms. Merchant? 3 VICE-CHAIRMAN BRENDA MERCHANT: Here. 4 MS. QUIANA FIELDS: Mr. Newman? 5 MR. MATTHEW NEWMAN: Here. 6 MS. QUIANA FIELDS: Ms. Phillips is absent. 7 Mr. Torneten? 8 MR. BILL TORNETEN: Here. 9 MS. QUIANA FIELDS: Mr. Shepherd? 10 CHAIRMAN JEFF SHEPHERD: Here. 11 MS. QUIANA FIELDS: We have a quorum. 12 CHAIRMAN JEFF SHEPHERD: Okay. Item Number 13 3. Approval of the Minutes for January 14th, 2016, 14 Solid Waste Management Advisory Council meeting. 15 Do I have a motion? 16 MR. JIM LINN: I'll move that. 17 MR. TODD ADCOCK: Second. 18 MS. QUIANA FIELDS: Mr. Adcock? 19 MR. TODD ADCOCK: Yes. 20 MS. QUIANA FIELDS: Ms. Hershey? 21 MS. ILDA HERSHEY: Yes. 22 MS. QUIANA FIELDS: Mr. Linn? 23 MR. JIM LINN: Yes. 24 MS. QUIANA FIELDS: Ms. Merchant? 25 VICE CHAIRMAN BRENDA MERCHANT: I will need</p>

<p style="text-align: right;">5</p> <p>1 to abstain, as I was not present at that meeting.</p> <p>2 MS. QUIANA FIELDS: Mr. Newman?</p> <p>3 MR. MATTHEW NEWMAN: Yes.</p> <p>4 MS. QUIANA FIELDS: Mr. Tometen?</p> <p>5 MR. BILL TORNETEN: Yes.</p> <p>6 MS. QUIANA FIELDS: Mr. Shepherd?</p> <p>7 CHAIRMAN JEFF SHEPHERD: Yes.</p> <p>8 MS. QUIANA FIELDS: Motion passed.</p> <p>9 CHAIRMAN JEFF SHEPHERD: Okay. All right.</p> <p>10 Discussion of Solid Waste Program Fees and</p> <p>11 Expenditures. The Council's comments concerning</p> <p>12 program fees and program expenditures are to be</p> <p>13 submitted to the Executive Director, Governor, and</p> <p>14 Legislature by November 1st of each year.</p> <p>15 Patrick?</p> <p>16 MR. PATRICK RILEY: Thank you. So as you've</p> <p>17 mentioned, each year at our September meeting, our</p> <p>18 statutory obligation is to share with you some</p> <p>19 information about revenue and expenditures incurred</p> <p>20 during the last fiscal year. It's your obligation to</p> <p>21 provide comments to our Executive Director and the</p> <p>22 Governor and the Legislature regarding those</p> <p>23 expenditures and revenues.</p> <p>24 It's also been our practice to share</p> <p>25 anticipated spending for the next fiscal year. So our</p>	<p style="text-align: right;">7</p> <p>1 awhile.</p> <p>2 Recently there have been some activities by</p> <p>3 the Legislature that have made that not quite as</p> <p>4 effective as it used to be. Agencies that have fund</p> <p>5 balances at the end of the fiscal year, the</p> <p>6 Legislature has been taking those balances,</p> <p>7 recognizing them or seeing them as unneeded, and</p> <p>8 taking them to spend for other purposes. So that's</p> <p>9 changed our approach somewhat in that our goal has</p> <p>10 shifted to an approach in which we try to spend all</p> <p>11 our money by the end of the year and have no money</p> <p>12 left to take.</p> <p>13 And I think we talked about this a little bit</p> <p>14 at our last September meeting. And Chairman, I think</p> <p>15 you mentioned that it was kind of a use-or-lose</p> <p>16 situation. And there is some truth to that. So this</p> <p>17 year we were -- we tried to be very deliberate and</p> <p>18 intentional in our approach to projects and spending.</p> <p>19 And it worked well, but was not without challenges.</p> <p>20 One of the things that we've had to do in our</p> <p>21 contracts that we enter into is to provide specific</p> <p>22 language that says, in the event that DEQ loses</p> <p>23 funding, the contract can be cancelled. And that has</p> <p>24 a couple of effects.</p> <p>25 One, it resulted in some projects where we</p>
<p style="text-align: right;">6</p> <p>1 finance folks have put together reports about the</p> <p>2 Solid Waste Program and those are included in your</p> <p>3 binder behind Tab 3.</p> <p>4 But before we get into a lot of the details,</p> <p>5 and you can certainly look over those reports and I'd</p> <p>6 be happy to answer any questions that I can about</p> <p>7 those, I want to share some general observations with</p> <p>8 how we spent our money and how things look financially</p> <p>9 for the Solid Waste Program.</p> <p>10 As you know, some of you are long-standing</p> <p>11 Council Members and are familiar with our spending</p> <p>12 practices. And as you know, we've been historically</p> <p>13 very conservative in how we spend our money. We do</p> <p>14 that for a couple of reasons.</p> <p>15 One is that our revenue is based on fees. We</p> <p>16 don't start the year with a pool of money and then</p> <p>17 spend it as we go. We are dependent on the fees</p> <p>18 coming in and we never know how much revenue we're</p> <p>19 going to have.</p> <p>20 The other reason that we're conservative in</p> <p>21 our spending is that we like to have some money left</p> <p>22 over at the end of the year to carry over to the next</p> <p>23 fiscal year to pay bills that are -- that come in at</p> <p>24 the end of the year and to fund projects that may span</p> <p>25 more than one fiscal year. And that worked well for</p>	<p style="text-align: right;">8</p> <p>1 offer contracts to be refused because, since we</p> <p>2 function on a reimbursement basis, that our</p> <p>3 contractors have to spend the money first and then</p> <p>4 seek reimbursement from the DEQ. Even if they're</p> <p>5 entered into a contract with us and we lose our</p> <p>6 funding, we can't reimburse them for the expenses they</p> <p>7 have, then that's the risk they have to bear. And</p> <p>8 it's a risk that some are uncomfortable taking.</p> <p>9 There were some projects -- a project that we</p> <p>10 had in place to establish a recycling program for a</p> <p>11 secondary school system district in the metro area and</p> <p>12 things were progressing nicely and we had some</p> <p>13 partnerships set up and we were ready to go, but the</p> <p>14 fact that that contract could be cancelled and there</p> <p>15 was no guarantee the money would be there, then they</p> <p>16 backed out, the risk was unacceptable. So that's</p> <p>17 unfortunate.</p> <p>18 The other downside and the more prominent</p> <p>19 example is a tire program that we had. A</p> <p>20 demonstration project was in place to pave a county</p> <p>21 road using rubber-modified asphalt. And we had a</p> <p>22 project in place to study the effect of that, how the</p> <p>23 road would wear, the viability of using that type of</p> <p>24 material for paving and that project was cancelled on</p> <p>25 the day of the preconstruction meeting because of the</p>

<p style="text-align: right;">9</p> <p>1 loss of funding. So a lot of work, a lot of effort 2 went into that, but the money went away and the 3 project was cancelled. So that's the kind of 4 situation that we're in and the kind of challenges 5 that we're facing. 6 All that being said, I'm very proud of the 7 work that we have accomplished and the money that 8 we've spent, accomplished some great things. A lot of 9 clean-up programs, increased environmental enforcement 10 in areas that needed help through trash cops and 11 enforcement officers. We've cleaned up a major site 12 in Oklahoma City – in the City of – or Choctaw where 13 we had abandoned tire chips for years and we were able 14 to clean that up. We cleaned up 10 acres of brush in 15 the City of Guymon. 16 So through the Solid Waste funds and the 17 expenditure of that, despite the challenges, I'm proud 18 of the work that we've accomplished with our partners 19 and other government agencies and municipalities and 20 non-profits. So we've done a lot of good things. 21 The reports that you have behind Tab 3, again 22 prepared by our finance group, for you non-accountant 23 types like me, the first page is a list of accounts 24 that we maintain at DEQ and a description of what goes 25 into those that you will see listed on the balance</p>	<p style="text-align: right;">11</p> <p>1 with the County Commissioners, Association of County 2 Commissioners. And the list of their projects is 3 provided. 4 CHAIRMAN JEFF SHEPHERD: So we lost a million 5 dollars out of our Tire Fund? 6 MR. PATRICK RILEY: Yeah. There was money 7 held at the Oklahoma Tax Commission for those projects 8 and it was swept before we could use it. 9 CHAIRMAN JEFF SHEPHERD: How much more money 10 did we lose on top of that in any of the other funds 11 that we have? 12 MR. PATRICK RILEY: There was some money that 13 went with the E-Waste Program. Any balance remaining 14 at the end of the year went to the funds that was 15 taken. Luckily Solid Waste, if you look at that, we 16 didn't have money left over. We spent everything we 17 had. E-Waste, we lost some funding, and then in the 18 Tire program. 19 CHAIRMAN JEFF SHEPHERD: That's ridiculous. 20 What is the status of the North Tulsa 21 Landfill permit revocation? Is that ongoing still? 22 MR. PATRICK RILEY: It's – yes. 23 CHAIRMAN JEFF SHEPHERD: Is that shown in 24 here somewhere in 2017 as far as the legal or anything 25 else?</p>
<p style="text-align: right;">10</p> <p>1 sheets that follow. 2 Revenue comes in to DEQ for the Solid Waste 3 Program for a few different areas. One is through the 4 E-Waste Program. Manufacturers pay fees to sell 5 computers in the State of Oklahoma and provide a 6 recycling program to take back those devices when they 7 have met the end of their useful life. So there is 8 money that comes in there. 9 There is money that goes into the Tire 10 Recycling Fund. If you buy new tires, you pay a fee 11 to recycle your old tires. 12 But primarily the most money that we get in 13 Solid Waste comes from disposal fees at landfills, and 14 waste energy facilities, and commercial recycling 15 facilities. And that's where the majority of our 16 funding comes from. You'll see separate reports for 17 each one of those programs. 18 Following those reports, there's a report 19 from the county, from the Association of County 20 Commissioners who contracts with the DEQ to spend 21 Solid Waste funds for county projects. We have a 22 statutory obligation to provide at least 10 percent of 23 our Solid Waste funds to implement plans in support of 24 county Solid Waste Management plans. And 25 traditionally we've done that through an agreement</p>	<p style="text-align: right;">12</p> <p>1 MR. PATRICK RILEY: We haven't set aside 2 money specifically for remediation or closure of 3 specific sites. We have some discretionary funds 4 available. There is funds that we have allocated 5 money to called Community-based Environmental 6 Protection. And there is a fair amount of money in 7 there that could be used for discretionary purposes. 8 CHAIRMAN JEFF SHEPHERD: Five hundred 9 thousand. Okay. 10 What is the – where do we stand on that? I 11 mean, is it years from being revoked? 12 MR. PATRICK RILEY: Yeah. I mean I hate to 13 speculate too much or to describe a particular site, 14 because it is in a status that's – it's in a hearing 15 right now. 16 CHAIRMAN JEFF SHEPHERD: Okay. 17 MR. PATRICK RILEY: So I don't know that 18 it's -- 19 CHAIRMAN JEFF SHEPHERD: And that will have a 20 significant impact on your budget at some point in the 21 future, I would suppose? 22 MR. PATRICK RILEY: I mean, you're right. 23 You're right that any site that is not adequately 24 funded for closure or post-closure is a significant 25 liability. And that's why we pay so much attention to</p>

<p style="text-align: right;">13</p> <p>1 adequate funding of closure/post-closure costs. 2 One of the agenda items today is the work 3 that the work group – one the Council work groups did 4 to evaluate if the costs were adequate. 5 CHAIRMAN JEFF SHEPHERD: Uh-huh. 6 MR. PATRICK RILEY: So we pay attention to 7 that. I mean, example of a site that was not 8 properly – did not have enough money in closure and 9 financial assurance was the Safe Tire site in Choctaw 10 that we spent a lot of money this year closing. We 11 were able to get the money that was set aside for 12 financial assistance or for financial assurance, but 13 it wasn't enough. 14 So we're continually looking at how we assess 15 closure costs for facilities and it is a significant 16 liability and can be a significant burden to the 17 state, yes. 18 CHAIRMAN JEFF SHEPHERD: Because then the 19 neighbor to the east, they are closing a site, the DEQ 20 is closing a site, that is going to cost probably 21 between 16 and \$19 million to close. 22 MR. PATRICK RILEY: Cleaning up historic 23 sites is a significant burden. 24 CHAIRMAN JEFF SHEPHERD: So and I think that 25 that ultimately is going to impact how they are going</p>	<p style="text-align: right;">15</p> <p>1 previous FY-16 budget. Can you comment a little bit 2 about the idea there? 3 MR. PATRICK RILEY: Sure. 4 MR. JIM LINN: Thank you. 5 MR. PATRICK RILEY: When we set aside -- when 6 we start the year, we go through an allocation process 7 and we have these different accounts set up and 8 estimates on the amount of money that we might spend. 9 The past few years, the recycling projects haven't 10 been as popular as other projects, so we haven't spent 11 that money. We do have the ability to move money 12 around between funds. So if we don't spend it in one, 13 we can spend it in the other. 14 It just made sense that it was a more 15 realistic outlook to have money set aside or allocated 16 to the community-based projects rather than recycling. 17 With the markets down the way they are, we don't see a 18 lot of new interest in that. We hope that the markets 19 come back and that there is continued interest in 20 recycling, but we don't anticipate that, that kind of 21 spending. 22 So just playing around with the numbers and 23 trying to reflect a more accurate way of how we might 24 spend that money. 25 MR. JIM LINN: Thank you.</p>
<p style="text-align: right;">14</p> <p>1 to calculate their financial assurance, which I think 2 is contrary to what the industry wants. But I don't 3 think that's going to help. So it's going to be 4 significant. 5 MR. PATRICK RILEY: And I think that just 6 points out the value of doing regular reviews of how 7 we calculate closure/post-closure costs. We can -- 8 it's always a guess or an estimate. And we can 9 benefit from real-world experiences and we value the 10 Council's input, which is why we assembled a work 11 group and look at these things. 12 If you recall, in our rules we have an 13 obligation to review those closure cost estimates for 14 disposal facilities every five years. 15 CHAIRMAN JEFF SHEPHERD: Right. 16 MR. PATRICK RILEY: Not just update for 17 inflation, but to do a comprehensive review. And I 18 think that it's prudent that we continue to do that. 19 CHAIRMAN JEFF SHEPHERD: Yeah. I agree. 20 Does anybody else have any questions or 21 comments on the budgets? 22 MR. JIM LINN: Patrick, I note the 23 Community-based Environmental Protection Budget for 24 Fiscal '17 went up about two-thirds and the Recycling 25 Equipment went down by half, roughly, from the</p>	<p style="text-align: right;">16</p> <p>1 CHAIRMAN JEFF SHEPHERD: Anybody else? Any 2 Council? Any other Council? Comments, questions? 3 MS. ILDA HERSHEY: I have a question. So at 4 the end of the fiscal year any monies that are not 5 spent have been taken by -- back by the state? What 6 if some of those monies have been encumbered to be 7 spent early in the next fiscal year? If the funds are 8 encumbered, does it still -- 9 MR. PATRICK RILEY: It doesn't -- it doesn't 10 seem to matter. That's not something that they have 11 looked at. We've had contracts in place, the tire 12 project that I mentioned, the money was encumbered. 13 It was contracted to be spent. Everything was ready 14 to go. But what was -- what the Legislators looked at 15 was the amount of money left in the pot. So until 16 it's spent, it's not protected. 17 MS. ILDA HERSHEY: Thanks for clarifying 18 that. 19 VICE CHAIRMAN BRENDA MERCHANT: Patrick, 20 would that change if the project had begun? Like, 21 say, we're in the first day of a project? 22 MR. PATRICK RILEY: No. 23 VICE CHAIRMAN BRENDA MERCHANT: No? 24 MR. PATRICK RILEY: Which points out the 25 risk. So if the project had started and the money was</p>

17	<p>1 spent, until an invoice was submitted and paid, then 2 that, the money that we have in the account, is still 3 at risk. 4 VICE CHAIRMAN BRENDA MERCHANT: I can't 5 imagine that you are going to have the ability 6 whatsoever to hire a contractor. 7 MR. PATRICK RILEY: And that's a scary 8 thought. And there -- it's not that -- it's not that 9 we don't fight for that funding, it's not that we 10 don't try and protect the money that's set aside, 11 especially if it's contracted. And a lot of those 12 discussions occur at the highest levels here at DEQ, 13 especially for prominent projects that are worth a lot 14 of money. And it's an ongoing discussion and dialogue 15 and it's concerning to everyone. 16 CHAIRMAN JEFF SHEPHERD: You just need to do 17 all your projects right after the start of the fiscal 18 year. 19 MR. PATRICK RILEY: There is really a lot of 20 strategy to it, yeah. And they'll start looking at 21 our fund balances in February. 22 CHAIRMAN JEFF SHEPHERD: Yeah, you have got 23 to get everything done by February, by the time the 24 Legislature starts. 25 MR. PATRICK RILEY: Which is problematic when</p>	19
18	<p>1 you have long-term, major projects that span fiscal 2 years. It really becomes difficult. 3 VICE CHAIRMAN BRENDA MERCHANT: Well, short 4 of a non-profit organization doing the work, I guess I 5 don't know how you're going to get anything done. 6 CHAIRMAN JEFF SHEPHERD: Well, that would 7 lead to the -- if you had to close a particular 8 landfill, if you couldn't compress all of that work 9 into three months or four months, it would be -- 10 MR. PATRICK RILEY: Especially considering a 11 post-closure period of 30 years. 12 CHAIRMAN JEFF SHEPHERD: Thirty years. And 13 the contractor -- 14 MR. PATRICK RILEY: So we have to -- we have 15 to do a new contract every year. 16 CHAIRMAN JEFF SHEPHERD: That's crazy. 17 MR. JIM LINN: I'm flabbergasted that a 18 million dollars was taken from the Tire Fund, given 19 the health risks to the state that -- to our people 20 that that represents from -- not so much Zika virus 21 yet, but all the rest of it. That's -- that's just a 22 messed up deal. 23 CHAIRMAN JEFF SHEPHERD: It's the state we're 24 in, I guess. 25 MR. BILL TORNETEN: Are your contracts net</p>	20
17	<p>1 30, pay 30 days? 2 MR. PATRICK RILEY: I think it's 45. 3 MR. BILL TORNETEN: So you're at risk 45 4 days. 5 MR. PATRICK RILEY: Yeah. 6 MR. BILL TORNETEN: Basically you could lose 7 45-days' worth of services, invoices. 8 CHAIRMAN JEFF SHEPHERD: If you're a 9 construction company, that could be a lot. 10 MR. BILL TORNETEN: That's significant, yeah. 11 It could be a lot. 12 MR. JIM LINN: And to Brenda's point, 13 ultimately if the contractors can't be assured that 14 they'll finish the job, you'll ultimately pay more for 15 the services up front likely, due to the fact that 16 that financial risk to the contractor will have to be 17 reflected in their pricing. 18 MR. PATRICK RILEY: Oh, I agree. 19 MR. JIM LINN: So it's a double-edged 20 sword. 21 VICE CHAIRMAN BRENDA MERCHANT: I think you 22 just have to pay it in advance. I mean, seriously. 23 CHAIRMAN JEFF SHEPHERD: Well, we're not 24 supposed to pay in advance, are you? 25 VICE CHAIRMAN BRENDA MERCHANT: It's got to</p>	19
18	<p>1 be solved. 2 CHAIRMAN JEFF SHEPHERD: Well, I agree. But, 3 you know, it's -- 4 MR. PATRICK RILEY: It's challenging. 5 MR. BILL TORNETEN: You could put it into a 6 mobilization, an up-front fee as a contractor. 7 CHAIRMAN JEFF SHEPHERD: You could. 8 MR. BILL TORNETEN: I don't know. If I were 9 competitive in bidding it, that might offset some of 10 the risk. 11 CHAIRMAN JEFF SHEPHERD: Yeah. I mean it 12 is -- it is challenging. And, you know, to lose a 13 million dollars out of the Tire Fund is just -- it's 14 literally just idiotic, to be honest. 15 Questions? Comments? More? All right. 16 I think any questions or comments from the 17 public? Come on up. 18 MR. BUD GROUND: Okay. My name is Bud 19 Ground. I'm the President of Environmental Federation 20 of Oklahoma, which is a non-profit trade group of 21 companies across the state. And we work mainly on 22 education of legislative/regulatory issues. 23 I attended the DEQ Board Meeting this week 24 and got up and spoke to them as well. I didn't really 25 plan on talking today, but with this discussion I</p>	20

21	<p>1 think that I should say something.</p> <p>2 EFO has worked very closely with the DEQ and</p> <p>3 it's been a very good relationship. And as industry,</p> <p>4 we do not like to pay fees for a service and that fee</p> <p>5 be taken and used for another purpose that is not</p> <p>6 intended.</p> <p>7 And like I told the DEQ Board on, I believe</p> <p>8 it was, Tuesday -- the week goes by fast -- that we</p> <p>9 are willing to help with -- the agency do whatever we</p> <p>10 have to do to keep that money in the accounts and used</p> <p>11 for what it's used for.</p> <p>12 We think it's wrong. It's absolutely wrong</p> <p>13 to take these funds. But that is the way the</p> <p>14 Legislature has been operating the last three years.</p> <p>15 There is not any indication that they will do anything</p> <p>16 otherwise, unless something is done.</p> <p>17 And it's very hard for the agency to go in</p> <p>18 and make the -- you know, to actually oppose this.</p> <p>19 That's just not their role. They pretty much do what</p> <p>20 the Legislature tells them to do. But as a citizen's</p> <p>21 board, what you can do is, you can take action. And</p> <p>22 you've got to write your Legislators. You've got to</p> <p>23 get involved in this to have this practice stopped.</p> <p>24 And there is actually an agency that in</p> <p>25 legislation this year that the Legislature put in</p>	23
22	<p>1 there basically, right in the legislation, that if</p> <p>2 there's anything left in the account it goes straight</p> <p>3 into the general fund.</p> <p>4 So that's what they're working towards,</p> <p>5 because they don't really look at things like the way</p> <p>6 it's encumbered or what it's going to be used for or</p> <p>7 that there's 30 years post-closure monitoring. They</p> <p>8 don't look at that at all.</p> <p>9 They look at what is left in the fund. And</p> <p>10 if there's something left, they feel like they have</p> <p>11 the -- that they had the right to take it, which we,</p> <p>12 as industry, do not.</p> <p>13 So, I just wanted to say that, that this is a</p> <p>14 huge issue. I think it's an issue that needs to be</p> <p>15 addressed. But the only way that you can address it</p> <p>16 as a Board is to do it individually and talk to and</p> <p>17 write your legislators about this issue. Thank you.</p> <p>18 CHAIRMAN JEFF SHEPHERD: Thanks.</p> <p>19 Any other comments? All right.</p> <p>20 Do we need a vote to approve the budgets?</p> <p>21 Budget? Budgets?</p> <p>22 MR. JIM LINN: I'll move that.</p> <p>23 MR. MATTHEW NEWMAN: Second.</p> <p>24 MS. QUIANA FIELDS: Mr. Adcock?</p> <p>25 MR. TODD ADCOCK: Yes.</p>	24
	<p>1 MS. QUIANA FIELDS: Ms. Hershey?</p> <p>2 MS. ILDA HERSHEY: Yes.</p> <p>3 MS. QUIANA FIELDS: Mr. Linn?</p> <p>4 MR. JIM LINN: Yes.</p> <p>5 MS. QUIANA FIELDS: Ms. Merchant?</p> <p>6 VICE CHAIRMAN BRENDA MERCHANT: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Newman?</p> <p>8 MR. MATTHEW NEWMAN: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Torneten?</p> <p>10 MR. BILL TORNETEN: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Shepherd?</p> <p>12 CHAIRMAN JEFF SHEPHERD: Yes.</p> <p>13 MS. QUIANA FIELDS: Motion passed.</p> <p>14 CHAIRMAN JEFF SHEPHERD: All right. Moving</p> <p>15 on to Number 5. Discussion of the Composting Rules.</p> <p>16 The Department is proposing, for discussion purposes</p> <p>17 only, to create a new Subchapter, OAC 252 515-43,</p> <p>18 allowing for a tiered permitting and regulatory</p> <p>19 structure for different classes of composting</p> <p>20 facilities.</p> <p>21 MR. PATRICK RILEY: So if you remember, we've</p> <p>22 talked about this at a couple of meetings. I think it</p> <p>23 originated a couple -- maybe a year or so ago for a</p> <p>24 couple of different reasons.</p> <p>25 Mr. Chairman, I think that you had spoken</p>	

<p style="text-align: right;">25</p> <p>1 finalize the process and enter into formal rulemaking 2 to come back in January with proposed rules for action 3 by the Council. 4 If we look through these, just to give you a 5 little bit of background on what we have, so the 515s, 6 the rules for Solid Waste, have been around for about 7 15 years or so. They're kind of entering into their 8 awkward teenage years. It very much represents a 9 mansion built one room at a time with no architectural 10 plan. So as they're getting older and as we add 11 things to it, like the Roofing Material Recycling 12 Rules and we're expanding the Composting Rules, then 13 it becomes somewhat of a challenge to fit it all 14 together. So I'll walk you through what we have. 15 We've decided to create a new subchapter 16 within the 515s called the Subchapter 43. And we've 17 taken operating requirements out of Subchapter 19, 18 which includes operating requirements for all Solid 19 Waste disposal facilities, and put them into this 20 subchapter and expanded it. 21 The thing that makes these unique, compared 22 to the previous approach, is that we defined feed 23 stock types and facility classes based on the feed 24 stock types that would be composted. 25 We have sign and permitting criteria specific</p>	<p style="text-align: right;">27</p> <p>1 commercial composting facility and brings in 2 additional requirements associated with that. 3 CHAIRMAN JEFF SHEPHERD: I see. 4 MR. PATRICK RILEY: So the Class I and II are 5 facilities that are less than that threshold. 6 CHAIRMAN JEFF SHEPHERD: Okay. 7 VICE CHAIRMAN BRENDA MERCHANT: Patrick, a 8 couple of things. 9 Under Financial assurance, Section (b), just 10 out of concern for adequate financial assurance, I 11 propose that we replace "capable of storing" with 12 language tying financial assurance to "the maximum 13 permitted storage capacity of all materials on site." 14 And then I had one other one, just kind of a 15 question, more or less, or a comment. And that's on 16 the operating requirements under (c). I'm just kind 17 of surprised that -- by the 50 foot buffer, you know, 18 due to odor, nuisance from outdoor composting 19 operations. It's kind of a big issue nationwide with 20 strong ammonia sulfide and in some cases just plain 21 earthy smells that are not, you know, uncommon. I'd 22 just recommend a similar buffer and neighbor 23 notification requirements as a landfill, as a 24 commercial composting facility. 25 MR. PATRICK RILEY: So recommend a 100 foot</p>
<p style="text-align: right;">26</p> <p>1 to those different classes of facilities. And what 2 that does is it gets us beyond the one-size-fits-all 3 approach of having a yard waste-only composting 4 facility and then everything else is a landfill, which 5 is basically what we had before. If you wanted to 6 compost anything beyond yard waste, you had to comply 7 with design and permitting criteria that were 8 analogous to or synonymous with what you would do for 9 a landfill. 10 So what we have here is a scaled, tiered 11 approach based on feed stock. As we add more 12 organics, as we add things that may represent a 13 greater concern from an environmental and health 14 standpoint, if it's how it's managed, we've increased 15 the design criteria, we've increased the permitting 16 burden. So that's what we have in place here and I'm 17 anxious to hear your comments. 18 CHAIRMAN JEFF SHEPHERD: Okay. I think my 19 first comment was on the -- on 43-4, Composting 20 facility classes, where we seem to be limiting the 21 Class I and Class II to like 100 tons per year. 22 Is there a specific reason for that? 23 MR. PATRICK RILEY: That 100 tons a year is 24 something that comes out of the statute. Anything 25 greater than 100 tons a year is considered a</p>	<p style="text-align: right;">28</p> <p>1 buffer and landowner notifications? 2 VICE CHAIRMAN BRENDA MERCHANT: Yeah. 3 MR. PATRICK RILEY: Same as a landfill. 4 VICE CHAIRMAN BRENDA MERCHANT: Because 5 you're going to get those. You know, you're going to 6 get those odors. And we've seen -- we've seen quite a 7 few cases nationwide about that very issue. 8 CHAIRMAN JEFF SHEPHERD: Well, if you're 9 going for a Class III or IV permit, you're going to 10 have to go through the notification process and public 11 participation process anyway. 12 VICE CHAIRMAN BRENDA MERCHANT: Right. 13 CHAIRMAN JEFF SHEPHERD: But I don't 14 necessarily agree that we have to have a 100 foot 15 buffer. 16 VICE CHAIRMAN BRENDA MERCHANT: And because 17 this smells better than a landfill? 18 CHAIRMAN JEFF SHEPHERD: If you do it right, 19 it's not supposed to smell, right? 20 VICE CHAIRMAN BRENDA MERCHANT: If you do it 21 right, it's not supposed to smell. 22 CHAIRMAN JEFF SHEPHERD: Same as a landfill, 23 right? 24 VICE CHAIRMAN BRENDA MERCHANT: Right. But 25 --</p>

<p style="text-align: right;">29</p> <p>1 CHAIRMAN JEFF SHEPHERD: Why put -- why put 2 that -- why put that odor -- why put that onerous of 3 100 foot buffer on a composting facility just because 4 you -- it may smell bad? 5 VICE CHAIRMAN BRENDA MERCHANT: For the same 6 reason you do a landfill. 7 CHAIRMAN JEFF SHEPHERD: I don't know if the 8 odor is the reason why there is a 100 foot buffer. 9 VICE CHAIRMAN BRENDA MERCHANT: That's just 10 my -- just my thoughts. 11 MR. PATRICK RILEY: We can look at it and 12 give it some thought. 13 CHAIRMAN JEFF SHEPHERD: Okay. 14 MR. BILL TORNETEN: Where do some of these 15 operational standards come from? Like when you're 16 composting, curing times and all of that. What was 17 kind of the main source of that? 18 MR. PATRICK RILEY: A lot of those are 19 carried over from existing rules and our operating 20 requirements in Subchapter 19. Some of them came from 21 review of the US Composting Council's input and review 22 of other states. 23 MR. JIM LINN: Patrick, are you aware of how 24 many commercial composting operations exist presently 25 in any of these four classes?</p>	<p style="text-align: right;">31</p> <p>1 agricultural in nature, which makes sense, but they 2 recognize the value of composting in general, so they 3 don't want to turn people away. So it puts them in an 4 awkward position. 5 But because there's a lot of overlap, because 6 they're a stakeholder, then we want to run these 7 through them as well. 8 MR. BILL TORNETEN: Would a municipal 9 composting facility that's owned and operated by the 10 city, would that be commercial? 11 MR. PATRICK RILEY: There is a distinction 12 made in the statute about ownership. And 13 municipalities or government-owned, and I'm not sure 14 exactly the words, but government facilities are 15 exempted and not considered commercial. 16 MR. BILL TORNETEN: So a facility, such as 17 the one in Norman, wouldn't be commercial? 18 MR. PATRICK RILEY: It wouldn't be 19 commercial, because it's owned by a government. Also 20 because it's -- it only takes yard waste at this time, 21 which is another distinction made, I believe. 22 MR. JIM LINN: Patrick, in the definition of 23 Industrial byproduct it references the PFLT test. Is 24 that the paint test? 25 MR. PATRICK RILEY: Yes.</p>
<p style="text-align: right;">30</p> <p>1 MR. PATRICK RILEY: As far as commercial 2 composting facilities, there aren't any that I'm aware 3 of. 4 MR. JIM LINN: Okay. 5 MR. PATRICK RILEY: Yard waste facility in 6 Norman, yard waste only. The City of Enid has a yard 7 waste recycle or composting program. But beyond that, 8 I'm not familiar with other commercial compost 9 facilities. 10 VICE CHAIRMAN BRENDA MERCHANT: Would the 11 facility in the stockyards not be considered that? 12 MR. PATRICK RILEY: It's permitted through 13 the Department of Agriculture. And one of the things 14 that we need to do with these rules, if the Council 15 is -- is happy, and I hate to use the word happy, but 16 if they accept the approach that we have so far in 17 these draft rules, we're going to vet them through the 18 Department of Agriculture and sit down with them as a 19 stakeholder, because they have been -- they have been 20 approached by most folks that want to compost that are 21 dissuaded by our rules. They'll go talk to the 22 Department of Agriculture and seek a permit through 23 them. 24 The Department of Agriculture is somewhat 25 reticent to permit facilities that aren't primarily</p>	<p style="text-align: right;">32</p> <p>1 MR. JIM LINN: Okay. 2 MR. TODD ADCKOCK: Patrick, on fees for 3 commercial, have you set up a fee structure or are you 4 going to model that off of -- like solid waste is 5 \$1.25 a ton. Or is it -- can you expand on that? Do 6 you know? 7 MR. PATRICK RILEY: Our attorney is looking 8 up the commercial composting statute. And I think he 9 will have that information. As I recall, it's the 10 same. 11 MR. TAD ALFORD: Right. So whenever the 12 Legislature included the statutes on commercial 13 composting facilities, they also included a section or 14 a subsection in 2-10-802 that establishes fees for all 15 landfills and established the fees for a commercial 16 composting facility at \$1.25 also. 17 But again, commercial composting facility is 18 defined in the statute. And so, if it's 19 government-owned, they would be exempt from that fee 20 structure. So the fee structure only applies to 21 commercial composting facilities. 22 MR. TODD ADCKOCK: And is the weight coming 23 into a commercial facility, I mean, is that -- is it 24 usually coming in more than a ton, less than a ton? 25 Do you know? Would you even be able to define how</p>

33	<p>1 much fees you're going to get from a commercial for 2 budgeting purposes? 3 MR. TAD ALFORD: I'm not sure if that's been 4 looked into. One other point though that I'll 5 highlight is commercial composting facilities are not 6 required to have scales, so they're able to calculate 7 tonnage based on volume. That doesn't preclude them 8 from constructing with scales. But in regard to the 9 volume that may be coming in and how many fees may be 10 generated, I'm not sure if we could speculate. 11 CHAIRMAN JEFF SHEPHERD: Maybe we should 12 require them to have scales. 13 VICE CHAIRMAN BRENDA MERCHANT: How is it 14 now? 15 CHAIRMAN JEFF SHEPHERD: You can convert. 16 But, I mean, the conversion is not great. 17 MR. PATRICK RILEY: Yeah, you're right, in 18 that the variability of the feed stock is going to -- 19 the density of the feed stock is going to vary 20 greatly. So it's difficult to estimate tonnage based 21 on volume. 22 One of the things that we want to accomplish 23 with this rule change is to make composting or 24 creating a composting facility less burdensome. I 25 don't know if the inclusion of a scale, if the expense</p>	35	<p>1 CHAIRMAN JEFF SHEPHERD: That's good. Well, 2 then they can do that. We should put it in there and 3 make sure that -- and then say that it's available 4 through the capital fee program. 5 MR. TODD ADCOCK: Based on today's cost, I 6 mean, you could recover two-thirds. 7 VICE CHAIRMAN BRENDA MERCHANT: Patrick, I 8 have one other question. If a municipal or state or 9 government-owned composting facility is not considered 10 commercial, if they take outside waste in, outside of 11 their municipality or their, you know, their -- what 12 they're taking care of, you know, when they build this 13 thing, would they then not be considered commercial? 14 MR. TAD ALFORD: No. Based on the definition 15 it's if it's owned or operated by a governmental 16 entity. So it doesn't really get into specifics on 17 the sources of the composting material or solid waste. 18 So by definition, they could never be 19 considered a commercial composting facility. And so, 20 they wouldn't be subject to the fee requirements and 21 some of the additional requirements that go along with 22 the commercial facilities. 23 If it is a municipal facility that is 24 accepting Type 3 and 4 waste, they are still going to 25 be subject to the permitting and construction and</p>
34	<p>1 is such, that it would dissuade facilities. It's 2 something to think about. 3 CHAIRMAN JEFF SHEPHERD: Was there -- wasn't 4 there at one time the scale reimbursement program? 5 Has that expired? 6 MR. PATRICK RILEY: I don't recall if that's 7 expired. You're right in that there was a program 8 that you could divert a certain percentage of the 9 tonnage fee into a fund that could be used for 10 reimbursement for a scale, installation of scales. 11 VICE CHAIRMAN BRENDA MERCHANT: Why could you 12 not do that again with this for composting? 13 MR. PATRICK RILEY: We might be able to do 14 that. 15 MR. TODD ADCOCK: Well, isn't it a capital 16 improvement that up to \$40,000? 17 MR. TAD ALFORD: Right. So it's built into 18 the fee statute. And so -- 19 CHAIRMAN JEFF SHEPHERD: You could do it. 20 MR. TAD ALFORD: That is good. It's still -- 21 It's still there. It's just a matter if those funds 22 are available. 23 CHAIRMAN JEFF SHEPHERD: You did it, didn't 24 you? 25 MR. TODD ADCOCK: (Nods.)</p>	36	<p>1 operation standards as a commercial facility would, 2 they just don't have to pay the fees by statute. And 3 our legislature may look into that at some point and 4 realize that there is this void. But that's something 5 that we couldn't take up. 6 CHAIRMAN JEFF SHEPHERD: Yowers. 7 MR. BILL TORNATEN: The comment on the design 8 standard of the all-weather pad where you say under 3 9 there if it's less than five feet from groundwater, 10 more permeable soils above, and then it says a 11 constructed lower permeability surface is required. 12 That's pretty vague. What was that? Lower than 1 13 times 10 to the minus fifth? You might want to be 14 more specific there and make it maybe 1 times 10 to 15 the minus 7. 16 MR. PATRICK RILEY: Okay. 17 CHAIRMAN JEFF SHEPHERD: Is there -- do we 18 need to include anything in the ability to store feed 19 stocks, especially if you're in the Type 3 or Type 4 20 feed stock type of facility where you're accepting a 21 liquid? 22 Again, you know, I don't know. I'm trying 23 not to make it too burdensome, but, at the same time, 24 I don't want to end up with something that's going to 25 be a huge burden for us to clean up at some point.</p>

37	<p>1 MR. PATRICK RILEY: Right. That's the 2 challenge. We're trying to -- we're trying to be -- 3 trying to walk that line between not being overly 4 burdensome, promoting it, allowing it to progress, but 5 yet being protected. 6 CHAIRMAN JEFF SHEPHERD: What are the AG 7 rules like? Do they have any provision for that? 8 MR. PATRICK RILEY: The AG rules are very 9 limited. To obtain a permit from the Department of 10 Agriculture for composting is basically a one-page 11 form to fill out, from my understanding. So there 12 aren't a whole lot of requirements associated with it. 13 CHAIRMAN JEFF SHEPHERD: But they're not 14 necessarily -- are they turning away somebody that 15 might come to them and say I want to compost something 16 outside of the agricultural realm, so to speak? 17 MR. PATRICK RILEY: I think that's happened. 18 CHAIRMAN JEFF SHEPHERD: Okay. 19 MR. PATRICK RILEY: They don't like to turn 20 people away. They don't like to stifle composting. 21 But they recognize that there are limits. So we've 22 heard from them a time or two. 23 CHAIRMAN JEFF SHEPHERD: Okay. 24 MR. PATRICK RILEY: That -- that that's 25 happened.</p>	39
38	<p>1 CHAIRMAN JEFF SHEPHERD: Because I know 2 they've got several agricultural composting 3 facilities. There is quite a bit of them out there. 4 MR. PATRICK RILEY: And we're deliberately 5 trying to maintain a separation between what we have 6 jurisdiction over and we clearly want to leave 7 composting of agricultural materials to them, which is 8 their jurisdiction. We're trying to not operate in 9 their world or change how they manage their regulated 10 facilities. But there is a gray area there, sometimes 11 some overlap, that we're trying to find that correct 12 point. 13 VICE CHAIRMAN BRENDA MERCHANT: Do they have 14 any rules? 15 CHAIRMAN JEFF SHEPHERD: No, they don't 16 really. We've permitted a pig -- a dead pig 17 composting facility for a company up in -- near Enid 18 that composts roughly 10,000 dead pigs a week. 19 MR. PATRICK RILEY: And Mr. Chairman, I'm 20 happy to say that we have no interested in regulating 21 that type of facility. 22 CHAIRMAN JEFF SHEPHERD: So there's -- and it 23 was literally a one-page deal. This is what we're 24 going to do, and they said okay. Put together a 25 little operations plan which is refined. I mean, they</p>	40

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42	<p>1 they're big, you would grind them up because you need 2 the feed stock. 3 MR. BILL TORNETEN: I would hope. I would 4 hope a reputable composting facility would have a cut 5 grinder and cut to make it recyclable. 6 MS. ILDA HERSHEY: Yeah. I would think it 7 would be in the best interest of the compost facility 8 to do that. I don't think that is something we need 9 to regulate. 10 MR. BILL TORNETEN: I would hope so. 11 MR. TAD ALFORD: The only rule that may touch 12 on this is 515-43-59, Processing time. Facilities are 13 required to process the feed stock within 48 hours. 14 And so, in theory, they should be grinding, chipping 15 within that time frame. There may be a period of time 16 before then that they're storing the larger material, 17 but -- 18 CHAIRMAN JEFF SHEPHERD: Any other questions 19 or comments? 20 VICE CHAIRMAN BRENDA MERCHANT: When do you 21 expect to have the final? 22 MR. PATRICK RILEY: If we want to come back 23 in January with final rules for action by the Council, 24 then we would finish this draft and have it ready to 25 enter formal rulemaking a couple months before that.</p>	44
41	<p>1 about 60 days before we come back. So we open it for 2 public review. Notice of rulemaking requirements are 3 fairly stringent and spelled out. So I would 4 anticipate November. 5 VICE CHAIRMAN BRENDA MERCHANT: Okay. 6 CHAIRMAN JEFF SHEPHERD: Of next year? This 7 year? 8 MR. PATRICK RILEY: It could be this year. 9 If you're sufficiently comfortable with the draft that 10 we have now, then we could finalize it and run it 11 through AG. 12 And the other thing that we haven't talked 13 about, if we incorporate this subchapter, we may have 14 to revise other things in the 517s. We used the 15 phrase, "yard waste composting facility" in the 515s 16 elsewhere. We would have to tweak some of those rules 17 a little bit. We would need to go into Subchapter 4, 18 the permitting requirements, and the tiers that are 19 associated with that. We would want to list the 20 classes of facilities in those tiers so people would 21 understand what permit process to follow. So those 22 are some other things that we would bring to you as 23 well. 24 But we could have that ready for action in 25 January, if that's what the Council wants to do.</p>	43
42	<p>1 CHAIRMAN JEFF SHEPHERD: I'm good with that. 2 MR. BILL TORNETEN: Yeah. Definitely need to 3 spell out the tier permit issues. 4 VICE CHAIRMAN BRENDA MERCHANT: Thank you. 5 CHAIRMAN JEFF SHEPHERD: All right. Do we 6 need to move on? 7 MR. BILL TORNETEN: Do we need any kind of 8 motion to -- 9 CHAIRMAN JEFF SHEPHERD: I think if we're 10 happy with this, then we've kind of instructed them to 11 move forward with the plan that they just discussed. 12 So I don't -- it doesn't say that we have to vote. 13 Or I guess I should say questions from the 14 public. Is there any questions or comments from the 15 public? It does not appear to be. 16 So if we're happy, we just say move forward. 17 If we're not, then we're not. But it doesn't say that 18 we have to take a vote. 19 MR. TAD ALFORD: All right. So no formal 20 action needs to be taken. But I think the discussion 21 is sufficient enough for our purposes of moving 22 forward and going through the formal notice and 23 comment rulemaking. 24 CHAIRMAN JEFF SHEPHERD: Yeah. I would agree 25 with that. Okay.</p>	44

45	<p>1 MR. PATRICK RILEY: One thing I would point 2 out, we haven't talked about this, is that there is a 3 composting conference going on today in the Boathouse 4 District and a lot of knowledgeable speakers. DEQ is 5 supporting this, sponsoring the conference. 6 If members of the Council want to attend 7 after this meeting, there is a discounted rate for the 8 afternoon-only sessions. And we would ask that no 9 more than four Council members attend so we can avoid 10 willfully violating the open records or the Open 11 Meeting Act. I think that would make our attorney 12 happy. 13 CHAIRMAN JEFF SHEPHERD: You're kidding, 14 right? 15 VICE CHAIRMAN BRENDA MERCHANT: No. 16 CHAIRMAN JEFF SHEPHERD: Oh, no? 17 VICE CHAIRMAN BRENDA MERCHANT: Yeah. That's 18 right. 19 MR. TAD ALFORD: If more than a majority are 20 present and the discussion will be going on at the 21 conference this afternoon, it is within the 22 jurisdiction of this Council, it is considered a 23 meeting for the Open Meeting Act purposes. And so, 24 notice -- pre-notice would have been required. 25 CHAIRMAN JEFF SHEPHERD: So if we all go to</p>	47	<p>1 little bit in our previous discussion about closure 2 and post-closure funding. At our last meeting, we 3 presented an update on the progress of the work group. 4 I think maybe one meeting had occurred at that time, 5 but the work hadn't concluded yet. At this time it 6 has concluded. 7 David Cates, the Engineering Manager for 8 Solid Waste, has led this effort, along with several 9 of you Council members. So I'm going to turn it over 10 to him to introduce and provide a summary for the 11 benefit of the public and Council. 12 MR. DAVID CATES: Okay. Thank you, Patrick. 13 So, yeah, as a result of the last Council 14 meeting, essentially the one last fall, the Council 15 recommended forming a work group to look at the five 16 year update of the closure/post-closure costs and 17 our -- on our worksheet on the DEQ website. That work 18 group was formed by volunteers from the Council, no 19 more than four. And so, Council Members Shepherd, 20 Merchant, Adcock and Landers formed the work group. 21 The work group met twice, once in December 22 and once in January. And the December meeting, the 23 closure cost worksheet was evaluated and two items 24 were identified that appeared to be lower cost than 25 current standards, established vegetative cover and</p>
46	<p>1 lunch together, is that -- 2 MR. TAD ALFORD: Well, informal gathering, so 3 long as you're not conducting business of a meeting. 4 But the nature of this conference and your potential 5 involvement would potentially be considered the 6 conduct of business of this Council. So informal 7 gatherings are all right. So lunch is fine, just 8 don't conduct any business. 9 MR. JIM LINN: We could informally gather, 10 Mr. Chairman. 11 CHAIRMAN JEFF SHEPHERD: Sounds like it. 12 VICE CHAIRMAN BRENDA MERCHANT: I will not be 13 able to attend. So -- 14 MR. JIM LINN: Nor will I. 15 VICE CHAIRMAN BRENDA MERCHANT: There is one 16 minus there. So I would just inform you. 17 CHAIRMAN JEFF SHEPHERD: All right. Moving 18 on. 19 Item Number 6, Discussion of Results from the 20 Closure Cost Work Group. 21 The work group is presenting information 22 regarding the five year update of unit costs required 23 by OAC 252 515-27-4(a), closure/post-closure cost 24 tasks, and unit costs. 25 MR. PATRICK RILEY: We touched on this a</p>	48	<p>1 the construct letdown channels. 2 In the second meeting, the post-closure costs 3 worksheet was looked at, but no new unit costs were 4 identified as being either too high or too low 5 compared to current standards. And however, there was 6 a typo in one of the tasks, the rework or replaced 7 monitor wells. Should be the same units costs as on 8 the closure worksheet. 9 And so, in the interim, between those two 10 meetings, the vegetative cover cost and the letdown 11 channels were researched and it was determined that 12 the vegetative cover costs should be more like \$1000 13 an acre and the letdown channel unit cost should be 14 something like \$100 per linear foot. 15 And so, these costs were -- these changes 16 were made. Actually -- proposed changes, actually. 17 However, the -- it was thought that increasing the 18 cost of the vegetative cover to \$1000 per acre, since 19 it shows up on both the closure and post-closure 20 worksheets, was thought to be maybe too burdensome for 21 the landfills in terms of increasing their financial 22 assurance. So their approach was to increase that 23 unit cost 25 percent a year for four years. And 24 that's for the vegetative cover. 25 And then the construct letdown channel was --</p>

49	<p>1 proposed change was just to change it to \$100 per 2 linear foot and then replace the unit cost for the 3 replacement of the monitor well to \$73.43 instead of 4 74.43.</p> <p>5 So, in summary, there were like four unit 6 costs that were identified that needed to be updated, 7 and these are shown on the proposed worksheets behind 8 Tab 5 in the packet. And they're referenced in the 9 footnote (b) in each of the worksheets.</p> <p>10 So, if Council approves these changes, these 11 proposed changes or some variant thereof, DEQ would 12 update the worksheets on the website at some point 13 before the next inflationary adjustment, which is 14 January 31st, 2017. Since there is no requirement for 15 rule change, this could be done.</p> <p>16 CHAIRMAN JEFF SHEPHERD: We don't have to go 17 to the Board?</p> <p>18 MR. TAD ALFORD: That is right.</p> <p>19 MR. BILL TORNETEN: Okay.</p> <p>20 MR. JIM LINN: On behalf of those of us who 21 did not participate, we appreciate -- the rest of the 22 Council, I'm sure, agrees -- appreciate the work of 23 the DEQ and our four Council Members who contributed 24 on this. Thank you.</p> <p>25 MR. DAVID CATES: We appreciate the work</p>	51	<p>1 CHAIRMAN JEFF SHEPHERD: It could be 2 significantly higher than the 8.14.</p> <p>3 MR. BILL TORNETEN: Yeah. If it includes 4 transportation.</p> <p>5 MR. PATRICK RILEY: So, Bill, should we go 6 ahead and double or triple that?</p> <p>7 MR. BILL TORNETEN: I'm not going to 8 recommend that.</p> <p>9 VICE CHAIRMAN BRENDA MERCHANT: I think you 10 just want to hope that you can buy it close to the 11 landfill.</p> <p>12 MR. BILL TORNETEN: Uh-huh. Yeah. I mean, 13 there are a handful of cost items in here that really 14 drive the costs. Certainly closing construction of 15 the cap is right up at the top.</p> <p>16 CHAIRMAN JEFF SHEPHERD: Uh-huh.</p> <p>17 MR. BILL TORNETEN: If you're going to be off 18 by a lot, that's probably where you're looking for 19 problems.</p> <p>20 CHAIRMAN JEFF SHEPHERD: Yeah.</p> <p>21 MR. BILL TORNETEN: And those are hard 22 numbers to nail down, there are so many variables.</p> <p>23 CHAIRMAN JEFF SHEPHERD: Well, I think when 24 we went through it during the work group process, we, 25 you know, considered every line item. We kind of went</p>
50	<p>1 also. Thank you.</p> <p>2 CHAIRMAN JEFF SHEPHERD: Questions or 3 comments from the Council?</p> <p>4 MR. BILL TORNETEN: I was curious why -- why 5 does it cost more to compact clay that comes in from 6 offsite than it does if you're compacting clay that 7 you have onsite? I understand the difference in the 8 cost of material, but I have never quite understood 9 why -- I mean, compaction is compaction. Am I missing 10 something here?</p> <p>11 MR. PATRICK RILEY: I think that unit cost 12 also considers transportation, the cost of bringing it 13 in, obtaining it from offsite and transporting it. So 14 it isn't just the compaction, but it's the -- it's 15 obtaining the material and getting it to the site, is 16 my understanding.</p> <p>17 VICE CHAIRMAN BRENDA MERCHANT: if you've got 18 to truck it in.</p> <p>19 MR. BILL TORNETEN: Isn't that captured in 20 the cost of the material?</p> <p>21 CHAIRMAN JEFF SHEPHERD: We don't have a line 22 item for that.</p> <p>23 MR. BILL TORNETEN: No, we really don't. So 24 that number could be anything. It totally depends on 25 where you get the material.</p>	52	<p>1 through there and felt like that that was still -- 2 8.14 was a reasonable number to put. I think 3 most -- did we not talk about most sites had -- 4 weren't including a cost for offsite, they were all 5 onsite soils? I think didn't we talk about that? I 6 can't remember. I thought we had a discussion that 7 most sites were including onsite soil and not offsite 8 soil. Am I thinking of something else?</p> <p>9 MR. TODD ADCOCK: When we did the 10 calculation, most of them are going to say we're going 11 to find it onsite.</p> <p>12 CHAIRMAN JEFF SHEPHERD: Right.</p> <p>13 MR. BILL TORNETEN: Don't they have to 14 demonstrate that? I mean, you can't just say. They 15 have to have some kind of dedicated borrow area with a 16 demonstration that they have that material in place? 17 It isn't just a case of, oh, we've got it, don't worry 18 about it?</p> <p>19 CHAIRMAN JEFF SHEPHERD: I'm not sure where 20 the demonstration would come from.</p> <p>21 MR. BILL TORNETEN: Calculation of closure 22 and post-closure costs that I prepare, I include this 23 is the borrow source, we've done testing, this is how 24 much material is there and it is adequate. Is that 25 not required in some fashion?</p>

53	<p>1 MR. PATRICK RILEY: You know, one of the</p> <p>2 things that we require is an easement, too, to a</p> <p>3 borrow area. So in the event of closure, DEQ could</p> <p>4 access that soil when needed. So we have an easement</p> <p>5 to the permit boundary and an easement to the borrow</p> <p>6 area. And that way you're claiming availability of</p> <p>7 soil. And if we have an easement for that, then we</p> <p>8 can be assured it's there.</p> <p>9 MR. BILL TORNETEN: Yeah. Yeah. I think we</p> <p>10 have to demonstrate that, I mean, the difference</p> <p>11 between \$17 for material and \$2. There needs to be</p> <p>12 some demonstration, yeah, we've got the material.</p> <p>13 CHAIRMAN JEFF SHEPHERD: Any other questions</p> <p>14 or comments from the Council?</p> <p>15 MR. BILL TORNETEN: Have you had an</p> <p>16 opportunity at some point to compare these numbers to</p> <p>17 actual closures, actual cost of closing a facility?</p> <p>18 MR. PATRICK RILEY: You know, we haven't --</p> <p>19 we haven't -- DEQ hasn't closed a facility, so we</p> <p>20 don't have something to compare it to. But that's</p> <p>21 something that you may. And that's one of the reasons</p> <p>22 why it was valuable to have the Council Members that</p> <p>23 worked in the private sector and do this kind of thing</p> <p>24 to participate in the work group, because you would</p> <p>25 have access to that kind of information that we</p>	55	<p>1 MR. DAVID CATES: I'm going to say some of</p> <p>2 the remediation costs that are done in different</p> <p>3 programs, we don't usually have access to that</p> <p>4 information. But we did at some sites, like several</p> <p>5 where we had the lead.</p> <p>6 CHAIRMAN JEFF SHEPHERD: Yeah. I have been</p> <p>7 involved in a couple of cap construction projects in</p> <p>8 the past two years. And for the most part, some of</p> <p>9 the costs are lower than what's in here, some of the</p> <p>10 costs are higher than what's in here. But I think at</p> <p>11 the end of the day we looked at it as sort of on a</p> <p>12 net-per-acre basis and felt like that we were still</p> <p>13 pretty comfortable with everything.</p> <p>14 And I think ultimately, too, you get down to</p> <p>15 it, there are now other types of closures that you</p> <p>16 could possibly do that might reduce the costs of a</p> <p>17 closure. If you were having to -- if the DEQ was</p> <p>18 having to close a facility and they had two and a half</p> <p>19 million dollars in their financial assurance, they may</p> <p>20 be able to use other types of products in order to</p> <p>21 make the numbers work within that amount, if that was</p> <p>22 possible or something similar.</p> <p>23 I know that the one, like I said, the one in</p> <p>24 Arkansas that's being closed is estimated between 16</p> <p>25 and \$19 million. Well, three and a half million of</p>
54	<p>1 don't.</p> <p>2 MR. BILL TORNETEN: Yeah. There's been a lot</p> <p>3 of remediations undertaken in the last 10 years, five</p> <p>4 years even, that you could look at where you're</p> <p>5 building caps and liners. And those are pretty real</p> <p>6 numbers. It's what contractors bid. It's what it</p> <p>7 costs.</p> <p>8 VICE CHAIRMAN BRENDA MERCHANT: David, you</p> <p>9 might speak to him about, you know, the additional</p> <p>10 references that were used.</p> <p>11 MR. DAVID CATES: Right. So in part of the</p> <p>12 discussions for each one of the tasks, we referred to</p> <p>13 the original report done by Cardinal in year 2000 to</p> <p>14 develop these tasks and unit costs. And in the</p> <p>15 meeting -- or actually in the time between the two</p> <p>16 meetings we all kind of did some research on costs of</p> <p>17 the vegetative cover and leetdown channels, R. S.</p> <p>18 Means, pretty conservative cost estimating.</p> <p>19 VICE CHAIRMAN BRENDA MERCHANT: EPA,</p> <p>20 MR. DAVID CATES: Guidance. You know, EPA</p> <p>21 cost estimate, estimating program, as well as, you</p> <p>22 know, input from the experts in the field.</p> <p>23 MR. BILL TORNETEN: DEQ probably -- you all</p> <p>24 probably have access to remediation costs, you know,</p> <p>25 typically conducted through DEQ.</p>	56	<p>1 that is moving 250,000 yards of trash, which a lot of</p> <p>2 people think is a waste of time and money. But that's</p> <p>3 a big component of that cost. So there are</p> <p>4 significant issues that would impact the closure of a</p> <p>5 facility.</p> <p>6 MR. BILL TORNETEN: Yeah. I agree. I have</p> <p>7 done a number of remediation projects and I've</p> <p>8 compared some of these costs. And, you know, when</p> <p>9 you're talking about averages, I think they are good</p> <p>10 numbers. It is just there is no way of getting around</p> <p>11 the fact that there is so much variability, everything</p> <p>12 is site specific.</p> <p>13 CHAIRMAN JEFF SHEPHERD: Yes.</p> <p>14 MR. BILL TORNETEN: And it is really hard to</p> <p>15 come up with a cost that works at every facility.</p> <p>16 VICE CHAIRMAN BRENDA MERCHANT: Would it be</p> <p>17 accurate to say that if you demonstrate through a</p> <p>18 bidding process and have a contractor in place to do a</p> <p>19 certain piece of work, that that can be presented to</p> <p>20 DEQ?</p> <p>21 MR. PATRICK RILEY: Yeah. That's -- the</p> <p>22 opportunity to deviate from unit costs is spelled out</p> <p>23 in our rules. So one of the mechanisms to do that is</p> <p>24 by presenting bids, a three-bid approach.</p> <p>25 VICE CHAIRMAN BRENDA MERCHANT: Kind of helps</p>

57	<p>1 with those variables.</p> <p>2 MR. BILL TORNETEN: Well, yeah. I mean but,</p> <p>3 by and large, it's kind hard to get contractors to</p> <p>4 give you realistic bids for closure if you tell them,</p> <p>5 well, it's just for budgeting purposes. We're not</p> <p>6 actually going to do this work.</p> <p>7 And then as far as a site owner, if I got</p> <p>8 numbers that were greater than these, I'd throw those</p> <p>9 out. I would only present those numbers if it looked</p> <p>10 like I could reduce my costs, if I got a quote from a</p> <p>11 vendor.</p> <p>12 CHAIRMAN JEFF SHEPHERD: Yeah. And I think</p> <p>13 you were around when we did the program to sort of</p> <p>14 normalize these costs across every site. When people</p> <p>15 were, you know, doing that, they were like, oh, it</p> <p>16 won't take \$50,000 to close my facility. So that's</p> <p>17 where we came up with these. So --</p> <p>18 MR. BILL TORNETEN: Uh-huh.</p> <p>19 CHAIRMAN JEFF SHEPHERD: I mean, is this the</p> <p>20 best? Probably not. Is it the worst? No.</p> <p>21 VICE CHAIRMAN BRENDA MERCHANT: That's why</p> <p>22 there is the review process in place as well, so that</p> <p>23 it can be looked at in real-world scenarios over the</p> <p>24 years and updated to get as close as we can.</p> <p>25 MR. BILL TORNETEN: Yeah. I mean, I'm on</p>	59	
58	<p>1 board with the fact that if you took worst case</p> <p>2 numbers, they would be much higher than this and</p> <p>3 that's probably not fair to the landfill operators.</p> <p>4 So even though that might happen at a particular site,</p> <p>5 you kind of have to balance that against the fact</p> <p>6 that -- but again they do have the opportunity, the</p> <p>7 facility has the opportunity, to get vendor numbers --</p> <p>8 CHAIRMAN JEFF SHEPHERD: Yep.</p> <p>9 MR. BILL TORNETEN: And justify them if they</p> <p>10 think they're out of line.</p> <p>11 CHAIRMAN JEFF SHEPHERD: Yep.</p> <p>12 MR. BILL TORNETEN: So you probably worked on</p> <p>13 the original effort, Patrick, did you not, with</p> <p>14 Cardinal?</p> <p>15 MR. PATRICK RILEY: A little bit.</p> <p>16 MR. BILL TORNETEN: Former life?</p> <p>17 CHAIRMAN JEFF SHEPHERD: Is there any more</p> <p>18 questions or comments from the Council?</p> <p>19 Questions or comments from the public?</p> <p>20 Do we need to vote on this, I assume? Can I</p> <p>21 have a motion, please?</p> <p>22 MR. JIM LINN: You do. So moved.</p> <p>23 VICE CHAIRMAN BRENDA MERCHANT: I'll second.</p> <p>24 MS. QUIANA FIELDS: Mr. Adcock?</p> <p>25 MR. TODD ADCOCK: Yes.</p>	<p>1 MS. QUIANA FIELDS: Ms. Hershey.</p> <p>2 MS. ILDA HERSHEY: Yes.</p> <p>3 MS. QUIANA FIELDS: Mr. Linn?</p> <p>4 MR. JIM LINN: Yes.</p> <p>5 MS. QUIANA FIELDS: Ms. Merchant.</p> <p>6 VICE CHAIRMAN BRENDA MERCHANT: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Newman?</p> <p>8 MR. MATTHEW NEWMAN: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Torneten?</p> <p>10 MR. BILL TORNETEN: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Shepherd?</p> <p>12 CHAIRMAN JEFF SHEPHERD: Yes.</p> <p>13 MS. QUIANA FIELDS: Motion passed.</p> <p>14 CHAIRMAN JEFF SHEPHERD: Item number 7,</p> <p>15 Discussion of potential changes to OAC 252 517,</p> <p>16 Standards for the Disposal of Coal Combustion</p> <p>17 Residuals in Landfills and Surface Impoundments.</p> <p>18 I thought this was done.</p> <p>19 MR. PATRICK RILEY: Yeah, we did, too.</p> <p>20 CHAIRMAN JEFF SHEPHERD: Is it like a</p> <p>21 boomerang, it just keeps coming back?</p> <p>22 MR. PATRICK RILEY: So if you remember back</p> <p>23 in our January Council Meeting, you approved the 517s</p> <p>24 as final rules.</p> <p>25 CHAIRMAN JEFF SHEPHERD: Right.</p>	60

61	<p>1 give EPA a little credit, it was actually the DC 2 Circuit Court of Appeals that struck down part of the 3 rule. And so EPA is only modifying the rule based on 4 that court order. 5 So it just removes an early closure 6 opportunity that inactive surface impoundments had. 7 But I guess it was a little too easy and everybody 8 didn't like it and so challenged it and struck it 9 down. And now those impoundments have to go through 10 the same requirements as if they were existing or in 11 operation today. So -- 12 CHAIRMAN JEFF SHEPHERD: Okay. 13 MR. BILL TORNETEN: Do you know if any of the 14 other states are adopting rules and assuming authority 15 for this in Region 6? I was looking at Texas and I 16 could not find anything. 17 MR. TAD ALFORD: Not sure about Region 6. 18 But Region 7, Kansas has already gone through the 19 process of amending their Solid Waste Management Plan. 20 And so they have rules that, if they're not effective, 21 they will be effective soon. 22 And I know other states are maybe in the 23 process of undergoing it. I don't know if many are as 24 far as we are. But for Region 6, I'm not sure off the 25 top of my head.</p>	63
62	<p>1 MR. BILL TORNETEN: So basically if you don't 2 come up with a program, then it defaults to EPA? They 3 will have authority? 4 MR. TAD ALFORD: Yes. And actually the rules 5 are all self-implementing. And so, they apply across 6 the board, no matter what. 7 If you recall, industry was in favor of DEQ 8 being the oversight authority, rather than having a 9 citizen just enforce the rules or a citizen sue in 10 federal court. If -- it was at least industry's 11 perception that if DEQ is involved in overseeing these 12 facilities, which we're already regulating anyway, it 13 would make it unnecessary for citizen suits and there 14 would be more of a -- more of a compliant atmosphere 15 that DEQ have oversight and, I guess, make it 16 unnecessary for the public to be the watchdogs. 17 MR. BILL TORNETEN: I mean, it doesn't 18 necessarily preclude a suit, but it gives them some 19 protection. 20 MR. TAD ALFORD: Correct. And a comfort in 21 this. 22 CHAIRMAN JEFF SHEPHERD: Any other questions 23 or comments from the Council? 24 Any questions or comments from the public? 25 All right. We will move on.</p>	64
61	<p>1 Number 8, the Election of Officers. Each 2 year at this time the Council elects officers for the 3 next calendar year. Nominations? 4 MR. JIM LINN: What did you say? 5 VICE CHAIRMAN BRENDA MERCHANT: I'm sorry? 6 MR. BILL TORNETEN: I thought we just did 7 that. 8 CHAIRMAN JEFF SHEPHERD: We did it basically 9 the last time we met. We went through this. 10 MR. JIM LINN: I will nominate Jeff Shepherd 11 for Chairperson. 12 VICE CHAIRMAN BRENDA MERCHANT: I'll 13 second. 14 MS. QUIANA FIELDS: Mr. Adcock? 15 MR. TODD ADCOCK: Yes. 16 MS. QUIANA FIELDS: Ms. Hershey? 17 MS. ILDA HERSHEY: Yes. 18 MS. QUIANA FIELDS: Mr. Linn? 19 MR. JIM LINN: Yes. 20 MS. QUIANA FIELDS: Ms. Merchant? 21 VICE CHAIRMAN BRENDA MERCHANT: Yes. 22 MS. QUIANA FIELDS: Mr. Newman? 23 MR. MATTHEW NEWMAN: Yes. 24 MS. QUIANA FIELDS: Mr. Torneten? 25 MR. BILL TORNETEN: Yes.</p>	64

65	<p>1 MS. QUIANA FIELDS: Ms. Merchant? 2 VICE CHAIRMAN BRENDA MERCHANT: I guess. 3 Yes. 4 MS. QUIANA FIELDS: Mr. Newman? 5 MR. MATTHEW NEWMAN: Yes. 6 MS. QUIANA FIELDS: Mr. Tometen? 7 MR. BILL TORNETEN: Yes. 8 MS. QUIANA FIELDS: Mr. Shepherd? 9 CHAIRMAN JEFF SHEPHERD: Yes. 10 MS. QUIANA FIELDS: Motion passed. 11 CHAIRMAN JEFF SHEPHERD: All right. Meeting 12 dates for 2017. Each year at this time the Council 13 sets meeting dates and locations for the next calendar 14 year. 15 Does anybody have any issues with those? I 16 mean, we do this -- again, we do this every year. We 17 only usually meet in January and September. So -- 18 MR. JIM LINN: I'll move them. 19 MR. MATTHEW NEWMAN: I will second. 20 MS. QUIANA FIELDS: Mr. Adcock? 21 MR. TODD ADCOCK: Yes. 22 MS. QUIANA FIELDS: Ms. Hershey? 23 MS. ILDA HERSHEY: Yes. 24 MS. QUIANA FIELDS: Mr. Linn? 25 MR. JIM LINN: Yes.</p>	67	<p>1 Congratulations. 2 MR. JIM LINN: Congratulations, Amber. 3 MR. MATTHEW NEWMAN: Congratulations. 4 MS. AMBER EDWARDS: Thank you. 5 CHAIRMAN JEFF SHEPHERD: The visitor parking, 6 can we not figure out something better than that? 7 MR. PATRICK RILEY: It's an effort to save 8 money. 9 CHAIRMAN JEFF SHEPHERD: Can we not park -- 10 MR. PATRICK RILEY: We talked -- we talked 11 about our budget before. The fleet vehicles that are 12 now parked in the visitor parking lot used to be 13 parked in leased space in the 5th Street Parking 14 Garage across from the YMCA. You know, we're trying 15 to do more with less. So one of the efforts, one of 16 the opportunities that we had, was to play around with 17 visitor parking and move that. Put the fleet vehicles 18 in the visitor -- the old visitor lot and have visitor 19 space across the street. But your feedback is always 20 welcome. 21 CHAIRMAN JEFF SHEPHERD: Is there not space 22 in the parking garage for the fleet cars? 23 MR. PATRICK RILEY: Really, no. It's quite 24 crowded in the employee parking garage. 25 MR. TAD ALFORD: If we can keep the meetings</p>
66	<p>1 MS. QUIANA FIELDS: Ms. Merchant? 2 VICE CHAIRMAN BRENDA MERCHANT: Yes. 3 MS. QUIANA FIELDS: Mr. Newman? 4 MR. MATTHEW NEWMAN: Yes. 5 MS. QUIANA FIELDS: Mr. Tometen? 6 MR. BILL TORNETEN: Yes. 7 MS. QUIANA FIELDS: Mr. Shepherd? 8 CHAIRMAN JEFF SHEPHERD: Yes. 9 MS. QUIANA FIELDS: Motion passed. 10 MR. JEFFREY SHEPHERD: All right. Public 11 forum. Does anybody have anything to say? 12 MR. PATRICK RILEY: I've got one more thing 13 to say. It's not on the formal agenda. It's I want 14 to introduce our new Manager of Environmental 15 Enforcement and Compliance, Solid Waste Compliance and 16 Enforcement. Amber Edwards is taking over that role 17 and has since the end of July. 18 Amber is a 14-year veteran of DEQ, having 19 started her career in Solid Waste as an inspector and 20 spent some time in Hazardous Waste Compliance and 21 Enforcement in Superfund before assuming this role. 22 So we're excited to have her in that 23 position. So if you haven't met her yet, please, 24 introduce yourself after the meeting. 25 CHAIRMAN JEFF SHEPHERD: Okay. Great.</p>	68	<p>1 under two hours, there is free parking north on 2 Robinson. 3 CHAIRMAN JEFF SHEPHERD: We were commenting 4 last night that we were all going to have to run out 5 after two hours, repark our cars and come back. 6 VICE CHAIRMAN BRENDA MERCHANT: We're just 7 going to have to tighten it up. 8 MR. TAD ALFORD: We can build that into 9 future agendas, if it's necessary. 10 CHAIRMAN JEFF SHEPHERD: We're there almost. 11 All right. I guess -- I mean, it makes sense to save 12 money. But I'm going to ask this question and I'm 13 sure it's going to be -- will the Board have to park 14 across the street when they visit? The members of the 15 DEQ Board? Or do they get the parking in the parking 16 lot? 17 MR. PATRICK RILEY: They'll have the same 18 parking opportunities as you do. 19 CHAIRMAN JEFF SHEPHERD: Okay. Good. I feel 20 better now. 21 MR. TODD ADCOCK: We just don't get the good 22 chairs. 23 CHAIRMAN JEFF SHEPHERD: We just don't get 24 the good chairs. We'll work on that next. 25 Public forum. Any other questions, comments,</p>

69	<p>1 concerns? I see none.</p> <p>2 New business? Any new business?</p> <p>3 MR. JIM LINN: Mr. Chairman, would it be -- I</p> <p>4 think -- didn't we in past years resolve as a Council</p> <p>5 to urge the Legislature to spend budgeted funds with</p> <p>6 DEQ in the manner in which they were intended? And</p> <p>7 would it be appropriate for us to consider such a</p> <p>8 resolution?</p> <p>9 CHAIRMAN JEFF SHEPHERD: Have we done that in</p> <p>10 the past? I sign something, don't I, that says</p> <p>11 something about the budget? I think so.</p> <p>12 MR. PATRICK RILEY: And you could certainly</p> <p>13 include that in your comments. If the comment's on --</p> <p>14 that you're obligated to submit to the Executive</p> <p>15 Director and the Governor and the Legislature as a</p> <p>16 part of our budget report, our expenditure report, you</p> <p>17 could certainly include that in your comments.</p> <p>18 But I think you have -- I think you've made</p> <p>19 similar statements as a Council on previous years.</p> <p>20 CHAIRMAN JEFF SHEPHERD: Okay.</p> <p>21 VICE CHAIRMAN BRENDA MERCHANT: We have a lot</p> <p>22 of new Legislators this year, so I would encourage</p> <p>23 that we do something.</p> <p>24 CHAIRMAN JEFF SHEPHERD: How do we go about</p> <p>25 doing that? Don't spent our money?</p>	71
70	<p>1 MR. TAD ALFORD: Just for the record, we're</p> <p>2 going to reopen Item Number 4, earlier discussing fees</p> <p>3 and expenditures. And I think Mr. Ground had a pretty</p> <p>4 good suggestion individually to reach out to the</p> <p>5 Legislators.</p> <p>6 But I think that we could, with the</p> <p>7 statements that we provide to the Governor, President</p> <p>8 Pro Tem and Speaker of the House, include a statement.</p> <p>9 It'd be a non-binding resolution of the Council for</p> <p>10 their position on how those funds should be spent.</p> <p>11 CHAIRMAN JEFF SHEPHERD: Okay. Do we need to</p> <p>12 come up with that resolution or is that just something</p> <p>13 that you guys will put in there?</p> <p>14 MR. TAD ALFORD: Well, if we can get enough</p> <p>15 consensus of what the position is of this Council and</p> <p>16 what message wants to be sent, that may suffice.</p> <p>17 VICE CHAIRMAN BRENDA MERCHANT: We have a</p> <p>18 wordsmith in the audience that might be able to help</p> <p>19 us with that. Don't be looking that way and that way.</p> <p>20 CHAIRMAN JEFF SHEPHERD: You know, I --</p> <p>21 Fenton, do you have something to say?</p> <p>22 MR. FENTON ROOD: If you go back and look at</p> <p>23 the resolutions that you have passed previously, there</p> <p>24 was already language in there. So I think you've got</p> <p>25 a good model.</p>	72
	<p>1 CHAIRMAN JEFF SHEPHERD: Do you have those in</p> <p>2 your binder?</p> <p>3 MR. JIM LINN: I may well.</p> <p>4 CHAIRMAN JEFF SHEPHERD: And I think the</p> <p>5 strongest thing that we can say is, you know, don't --</p> <p>6 you can't take the money that we've got. I don't know</p> <p>7 a nicer way to say that.</p> <p>8 MR. JIM LINN: I mean, I was thinking along</p> <p>9 the lines of for the health, welfare and safety of our</p> <p>10 state's citizens, the Legislature should pause and</p> <p>11 look very carefully at removing funds that affect the</p> <p>12 state, the state's peoples' health, welfare and</p> <p>13 safety.</p> <p>14 CHAIRMAN JEFF SHEPHERD: Right.</p> <p>15 MR. JIM LINN: As I stated earlier, a million</p> <p>16 dollars from the Tire Fund is devastating and puts</p> <p>17 it -- it has an absolutely deleterious effect on the</p> <p>18 health of our people, particularly with all of the</p> <p>19 things that mosquitos carry.</p> <p>20 Tires are hazardous for a reason, as you all</p> <p>21 know. So that alone, I would think, would be enough</p> <p>22 of an impetus for them to pause and look very</p> <p>23 carefully at their taking of those funds for the</p> <p>24 health and safety of our people.</p> <p>25 CHAIRMAN JEFF SHEPHERD: Yeah.</p>	
	<p>1 MR. JIM LINN: That's my thought.</p> <p>2 CHAIRMAN JEFF SHEPHERD: I know for a fact</p> <p>3 that my State Senator is tired of hearing from me and</p> <p>4 he has made it such that. So --</p> <p>5 VICE CHAIRMAN BRENDA MERCHANT: Yeah. Mine,</p> <p>6 too.</p> <p>7 CHAIRMAN JEFF SHEPHERD: You can only say so</p> <p>8 much.</p> <p>9 VICE CHAIRMAN BRENDA MERCHANT: The fees that</p> <p>10 are collected for a specific purpose and are charged</p> <p>11 to industry with -- and there is logic and reasoning</p> <p>12 for why that fee is being charged, it's not arbitrary.</p> <p>13 And we are told what those fees are to be used for.</p> <p>14 And when they're not, it's a tax, it is not a fee.</p> <p>15 CHAIRMAN JEFF SHEPHERD: I mean, you're</p> <p>16 paying -- I don't know how much tires Waste Connection</p> <p>17 buys, and they're truck tires so they pay more for</p> <p>18 truck tires, that's a significant amount of fee.</p> <p>19 VICE CHAIRMAN BRENDA MERCHANT: It's a</p> <p>20 significant amount of money, a significant tax, if</p> <p>21 it's not used for the purpose that it was intended</p> <p>22 for. You can call it what you want, but it's a tax.</p> <p>23 MR. JIM LINN: Mr. Chairman, I'm not finding</p> <p>24 it immediately. I won't waste everyone's time with</p> <p>25 that process, but I'm almost certain that we did, in</p>	

<p style="text-align: right;">73</p> <p>1 fact, resolve one year. I thought it was in 2012. It 2 may have been '13. 3 MR. BILL TORNETEN: We've done it numerous 4 times, haven't we? We did it pretty much every year 5 for a number of years. 6 CHAIRMAN JEFF SHEPHERD: Well, I think that 7 as a Council we can just pull that out somewhere, send 8 it on. I think we all acknowledge that that needs to 9 be done. 10 MR. TAD ALFORD: For formality, there could 11 be a motion to include that statement or resolution 12 with the items that have already been voted upon. I 13 think that's -- 14 CHAIRMAN JEFF SHEPHERD: Can we agree with 15 that? 16 VICE CHAIRMAN BRENDA MERCHANT: I'll make 17 that motion. 18 MS. ILDA HERSHEY: Oh, I have a question. 19 CHAIRMAN JEFF SHEPHERD: Oh, sorry. 20 MS. ILDA HERSHEY: So is this an existing 21 resolution that we're just going to submit again or 22 are we going to change it and add more information to 23 it? 24 CHAIRMAN JEFF SHEPHERD: I think it's an 25 existing resolution that we've made in whatever year.</p>	<p style="text-align: right;">75</p> <p>1 CHAIRMAN JEFF SHEPHERD: Yes, ma'am. Yeah. 2 MS. MICHELLE WYNN: I'm Michelle Wynn. I am 3 the DEQ Legislative Liaison. 4 I appreciate this discussion and would like 5 to see this move forward. My suggestion would be to 6 do it at the January meeting, if you all will be 7 meeting then. Then we could send it as a stand-alone 8 resolution, signed by this Council, to the 9 Appropriations Chair, to the Speaker and the Pro Tem 10 at that point in time, because they all will be 11 announced by then. 12 CHAIRMAN JEFF SHEPHERD: Got it. So why 13 don't, Patrick, you send out what we've written in the 14 past and then I think as a Council each person can add 15 something, if they feel like it. And then we'll have 16 something to put together in January that we can all 17 talk about and agree on and then go from there. Is 18 that reasonable? 19 MS. ILDA HERSHEY: That's good. 20 CHAIRMAN JEFF SHEPHERD: Okay good. 21 Does that work for you? Does that work for 22 you, Brenda? 23 VICE CHAIRMAN BRENDA MERCHANT: Yes. 24 CHAIRMAN JEFF SHEPHERD: Jim? 25 MR. JIM LINN: Yes, sir.</p>
<p style="text-align: right;">74</p> <p>1 MS. ILDA HERSHEY: I would like to propose 2 that we look at the resolution in detail and find out 3 what other items we might want to add to it. 4 CHAIRMAN JEFF SHEPHERD: Okay. 5 MS. ILDA HERSHEY: Like public health and 6 safety and make it more robust, perhaps, this time, 7 instead of submitting something over again. And I 8 would volunteer to help with that effort. 9 CHAIRMAN JEFF SHEPHERD: Okay. 10 VICE CHAIRMAN BRENDA MERCHANT: I agree, 11 because it doesn't sound like it worked the last time. 12 So maybe we need it -- 13 MR. TAD ALFORD: It is something that can be 14 carried over to the January Council meeting. 15 CHAIRMAN JEFF SHEPHERD: Okay. 16 MR. TAD ALFORD: It just wouldn't be 17 accompanying the items that are due November 1st. So 18 it could be a stand-alone resolution that could go to 19 the Legislature, for example. So it may have more of 20 a desired effect if it's not tacked on to the budget 21 and expenditures that are going every November. 22 CHAIRMAN JEFF SHEPHERD: Yes. Can we write 23 it in bold and underlined? That will be fine. 24 VICE CHAIRMAN BRENDA MERCHANT: Can we print 25 it on like neon green paper or --</p>	<p style="text-align: right;">76</p> <p>1 CHAIRMAN JEFF SHEPHERD: Matt? 2 MR. MATTHEW NEWMAN: Yes. 3 CHAIRMAN JEFF SHEPHERD: Okay. Great. So 4 that being said, we don't need a motion, do we? 5 MR. TAD ALFORD: Correct. 6 CHAIRMAN JEFF SHEPHERD: Got you. 7 All right. Any other new business? 8 MR. BILL TORNETEN: Will we necessarily be 9 meeting in January? 10 CHAIRMAN JEFF SHEPHERD: Yes. We will have 11 the composting rules to vote on. 12 VICE CHAIRMAN BRENDA MERCHANT: Yes. 13 CHAIRMAN JEFF SHEPHERD: At least the 14 composting rules to vote on. 15 VICE CHAIRMAN BRENDA MERCHANT: And hopefully 16 the resolution. 17 CHAIRMAN JEFF SHEPHERD: And the resolution. 18 Yeah. I mean, there might be something else that 19 comes up, but we'll at least have the composting 20 rules. So we'll have to meet in January. 21 All right. Anything else? All right. I 22 think we are adjourned. 23 ADJOURNMENT - 10:40 A.M. 24 25</p>

1 ** CERTIFICATE **

2 STATE OF OKLAHOMA)

) SS:

3 COUNTY OF OKLAHOMA)

4

5 I, Lynette Wrany, a Certified Shorthand Reporter
6 within and for the State of Oklahoma, do hereby
7 certify that I reported all of the foregoing meeting,
8 and that I later reduced it to typewritten form, as
9 the same appears herein.

10 I further certify that I am not a relative of,
11 nor attorney for, nor clerk or stenographer for any
12 party to this meeting, and that I am not otherwise
13 interested in the event of the same.

14 I further certify that the above and foregoing
15 typewritten pages contain a full, true and correct
16 transcript of my stenographic notes so taken, during
17 said meeting.

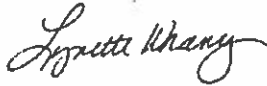
18 WITNESS my hand and seal this the 19th day of
19 September, 2016.

20

21

22

23



LYNETTE WRANY, C.S.R.

24 Oklahoma Certified Shorthand Reporter

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