DRAFT MINUTES
Solid Waste Management Advisory Council
January 12, 2017 Regular Meeting
Department of Environmental Quality
Multipurpose Room 707 N. Robinson
Oklahoma City, Oklahoma

Official SWMAC Approval
at April 13, 2017 meeting

Notice of Public Meeting - The Solid Waste Management Advisory Council convened for its Regular Meeting at 9:00 a.m. on January 12, 2017, 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 13, 2016. 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	DEQ STAFF PRESENT
Todd Adcock	Fenton Rood
Steve Landers	Sarah Penn
Jim Linn	Tad Alford
Brenda Merchant	Martha Penisten
Matthew Newman	Kole Kennedy
Traci Phillips	Michele Woods
Bill Torneten	Patrick Riley
Jeff Shepherd	Amber Edwards
	Cindy Hailes
	Jacklyn Garrett
	Kasie Stambaugh
	David Cates
	Rachel Hanigan
	Martha Grafton
	Michele Wynn
	Malcolm Zachariah
	Hillary Young
	Melanie Foster
	Cheryl Bradley
	Tom Richardson
	Quiana Fields
MEMBERS ABSENT	**OTHERS PRESENT**
Rodney Cleveland	Lynette Wrany, Court Reporter
Ilda Hershey	

Approval of the Minutes for the September 15, 2016 Solid Waste Management Advisory Council Meeting – Mr. Newman moved approval of the September 15, 2016 Minutes and Mr. Linn made the second.

See transcript pages 4 – 5

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Bill Torneten	Yes
Jim Linn	Yes	Jeff Shepherd	Yes

Ms. Traci Phillips entered the meeting.

Director's Report – Mr. Patrick Riley, Environmental Program Manager of the Land Protection Division (LPD) provided an update on division activities.

See transcript pages 5 – 11

Ms. Brenda Merchant entered the meeting.

Presentation Regarding New Federal Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills and Proposed Rules before the Air Quality Advisory Council January 18, 2017 – Mr. Malcolm Zachariah, Environmental Programs Specialist of the Air Quality Division (AQD), gave a presentation regarding proposed revisions to Chapter 100, Subchapter 47, Control of Emissions from existing Municipal Solid Waste Landfills.

See transcript pages 11 – 29

A. Discussion of proposed changes to Chapter 517 Disposal of Coal Combustion Residuals from Electric Utilities – Mr. Riley, stated the Department is proposing to amend OAC 252:517 in response to the United States Environmental Protection Agency (EPA) amendments to 40 CFR Part 257, Subpart D (Federal CCR Rule). Notably, DEQ incorporated the requirements of the Federal CCR Rule in its entirety to ensure the state and federal regulations pertaining to coal combustion residuals (CCR) disposal were uniform. The gist of the rule is to amend OAC 252:517 to remove the early closure provisions for CCR surface impoundments, and references thereto, and extend certain timeframes, all for purposes of ensuring the state CCR rules are consistent with the Federal CCR Rule. Following questions by the Council and none by the public, Mr. Linn moved to approve and Mr. Newman made the second.

See transcript pages 29 – 33

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

B. Discussion of proposed changes to Chapter 515 Management of Solid Waste – Mr. Riley stated the Department is proposing to amend OAC 252:515 and to create a new Subchapter, OAC 252:515-43, to allow for a tiered permitting and regulatory structure for different classes of solid waste composting facilities. The classes of facilities are based on the type and quantity of material to be received and composted at a particular facility. All proposed amendments to OAC 252:515 are associated with the creation of the new Subchapter and are necessary to ensure consistency with the new Subchapter. The gist of the rule is to replace the current regulations pertaining to solid waste composting facilities to allow for a tiered permitting and regulatory structure based on the type and quantity of material to be composted. Following questions by the Council and none by the public, Mr. Newman moved to approve and Mr. Linn made the second.

See transcript pages 33 – 47

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

C. Discussion of proposed changes to Chapter 4 Rules of Practice and Procedure – Mr. Riley stated the Department is proposing amendments to OAC 252:4-7-58 and OAC 252:4-7-59 to modify and clarify the permitting process requirements and associated tiers that apply to solid waste composting facilities. The gist of this proposed rule is to amend the permitting process regulations pertaining to solid waste composting facilities to be consistent with the proposed new Subchapter referenced above, which will allow for a tiered permitting and regulatory structure based on the type and quantity of material to be received composted at a particular facility.

Hearing no questions by the Council or the public, Mr. Newman moved to approve and Mr. Linn made the second.

See transcript pages 47 – 49

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Discussion of Resolution to Legislature – Mr. Riley stated that during the previous SWMAC meeting on September 15, 2016, the Council decided to continue discussion of providing a resolution to the Legislature at the beginning of session regarding the usage of funds for their intended purpose. Following discussion by the Council and the public, Mr. Landers moved to approve the resolution and Ms. Merchant made the second.

See transcript pages 49 - 56

Roll Call			
Todd Adcock	Yes	Matthew Newman	Yes
Steve Landers	Yes	Traci Phillips	Yes
Jim Linn	Yes	Bill Torneten	Yes
Brenda Merchant	Yes	Jeff Shepherd	Yes

Public Forum – No public issues were raised.

New Business – None

Adjournment – Meeting adjourned at 10:30 a.m.

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

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID WASTE MANAGEMENT ADVISORY COUNCIL

PUBLIC MEETING

JANUARY 12, 2017 - 9:00 A.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, OK

Reported by Lynette H. Wrany, C.S.R. #1167

COUNCIL MEMBERS PRESENT:

Todd Adcock
Steve Landers
Jim Linn
Brenda Merchant - Vice-Chair
Matthew Newman
Traci Phillips
Jeff Shepherd - Chair
Bill Torneten

COUNCIL MEMBERS ABSENT:

Rodney Cleveland
Ilda Hershey

CALL TO ORDER - 9:08 A.M.

CHAIR JEFF SHEPHERD: This January 12th, 2017 meeting of the Solid Waste Management Advisory Council was called in accordance with the Open Meeting Act. Notice was filed with the Secretary of State on October the 13th, 2016. The Agenda was duly posted on the doors of the DEQ, 707 North Robinson, Oklahoma City, Oklahoma, at least 24 hours prior to the meeting.

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 a meeting which is continued may be discussed at the continued or reconvened meeting.

Call it?

MS. QUIANA FIELDS: Mr. Adcock?

MR. TODD ADCOCK: Here.

MS. QUIANA FIELDS: Mr. Cleveland is absent. Ms. Hershey is absent. Mr. Landers?

MR. STEVE LANDERS: Here.

MS. QUIANA FIELDS: Mr. Linn?

MR. JIM LINN: Here.

MS. QUIANA FIELDS: Ms. Merchant is absent. Mr. Newman?

MR. MATTHEW NEWMAN: Here.

MS. QUIANA FIELDS: Ms. Phillips is absent. Mr. Torneten?

MR. BILL TORNETEN: Here.

MS. QUIANA FIELDS: Mr. Shepherd?

CHAIR JEFF SHEPHERD: Here.

MS. QUIANA FIELDS: We have a quorum.

CHAIR JEFF SHEPHERD: I'm sure Ms. Phillips will show up eventually.

All right. Approval of the Minutes for the September 15th, 2016 Solid Waste Management Advisory Council meeting. Do I hear a motion?

MR. MATTHEW NEWMAN: So move to approve.

MR. JIM LINN: Second that motion.

MS. QUIANA FIELDS: Mr. Adcock?

MR. TODD ADCOCK: Yes.

MS. QUIANA FIELDS: Mr. Landers?

MR. STEVE LANDERS: Yes.

MS. QUIANA FIELDS: Mr. Linn?

MR. JEFF LINN: Yes.

MS. QUIANA FIELDS: Mr. Newman?

MR. MATTHEW NEWMAN: Yes.

MS. QUIANA FIELDS: Mr. Torneten?

MR. BILL TORNETEN: Yes.
MS. QUIANA FIELDS: Mr. Shepherd?
CHAIR JEFF SHEPHERD: Yes.
MS. QUIANA FIELDS: Motion passed.
CHAIR JEFF SHEPHERD: The Director's Report.
MR. PATRICK RILEY: I have just a few announcements and updates that might benefit the Council that I'll share.
(Whereupon, Traci Phillips entered the meeting.)
MR. PATRICK RILEY: And before we get into the balance of our Agenda, first thing, Waste Exclusion Plan Training. As you know, that disposal facilities are required to prohibit certain types of waste and screen for those kinds of waste. And part of that rule requires the annual training; an initial eight hours training, four hours annual refresher.
The last few years DEQ and SWANA have teamed up to provide training, an annual refresher training at DEQ. So, we're doing that again this year and that's going to be held on the 25th of this month.
I just wanted to point that out. I think there's some fliers up on the table, if you want to take that back with you.
Another update. Had a couple of questions

and comments about DEQ's website. So I wanted to let you know where we are at there.
The website, in its present form, has been in its present form for a number of years and it's due for an update. We have a webmaster who works at DEQ who is working with the Office of Management and Enterprise Services and their development team to redo the whole website. It's been a long and somewhat convoluted process. He's optimistic that that will happen this year and I think it will benefit all of us when it's rolled out.
Also, had some questions about the Solid Waste page in particular and how we track landfill tonnage. And there are some changes that relate to how we're collecting that information. I think Amber is going to share about what she's been working on.
MS. AMBER EDWARDS: Well, we reviewed the process that we use to receive and track the monthly and quarterly reports, because we wanted to make it better. And since -- well, after that review, I decided to update the forms and I made the forms into fillable PDFs that are on our website.
And also, I wanted to have a way for people to submit their forms electronically. So I had IT create an e-mail where they can send them and this

e-mail is accessible by Finance and Solid Waste. So we can receive those forms at the same time. And since we can receive them at the same time, we will be able to track them better and be able to update our website, because we have some annual tonnage on there that isn't really up-to-date right now and we want to improve that.
After I did this, got the e-mail address established, I sent a letter to the solid waste facilities to remind them of the reporting requirements and told them about the updates that we had made.
So we just hope that that stuff will improve our process for receiving and tracking and being able to provide the public information that we need.
MR. PATRICK RILEY: The other thing to update you guys on, the Coal Combustion Residuals, there has been some changes, legislative changes, at the Federal level. Seems like we'll never be finished with this. We have an Agenda item later on to talk about state rules related to CCR.
But just to point out, there have been some changes on the federal level, amendments to RCRA Subtitle D. They give EPA direct permitting and enforcement authority over CCR and grant states the

authority to establish CCR permit programs, which we have done through rulemaking. But we have yet to get that approved by EPA.
EPA will now have oversight of our program. They will have regular reviews. So it changes a little bit how we're going to get approval of our program and how we operate that.
As far as the rules themselves, the federal rules remain self-implementing. So there is no change there. The state rules are in effect and will continue as they are. And we'll talk -- again, we'll talk about CCR, some specific rule changes, later on in the Agenda.
The last thing that I want to share about is the recent Drug Take-Back Pilot Program that you may have heard about. As you are well aware, there are significant health and environmental concerns related to unwanted pharmaceuticals and what people do with pharmaceuticals when they are done with them.
The -- there are some things in place right now, Matt Newman's program. He has shared with us how his facility has converted millions of pounds of pharmaceuticals into energy.
But there is a new program that I want to talk about that allows residents to take

pharmaceuticals back to pharmacies. So we have four pharmacies in Oklahoma -- one in Oklahoma City, one in Moore, one in Pawnee, one in Stillwater -- that have agreed to participate in a six-month pilot program.

This is a program that was designed and implemented by DEQ and the Product Stewardship Institute to allow residents to bring back pharmaceuticals to the pharmacy and then they will be collected by a waste company and then shipped to a waste energy facility. Not yours, Matt, not -- in Tulsa, but --

MR. MATTHEW NEWMAN: One of Covanta's.

MR. PATRICK RILEY: Okay. So we're kind of excited about that. Just another option for people to dispose of these pharmaceuticals and keep them out of the environment and keep them out of the hands of kids that might use them improperly.

(Whereupon, Vice-Chair Brenda Merchant entered the meeting.)

MR. PATRICK RILEY: So we'll keep you updated on how that program works out. Any questions about this information before we move on to the next agenda item?

MR. JEFFREY SHEPHERD: Will the tonnages be updated through 2000-- at least 2015?

MS. AMBER EDWARDS: We're trying to get -- we're gathering all of it right now. We're getting 2016 updated pretty soon. I don't know exactly when, but we're working on it right now.

CHAIR JEFF SHEPHERD: Okay. That would be helpful.

MR. STEVE LANDERS: Hey, Patrick, you mentioned that the EPA has not approved the CCR permitting program in Oklahoma, is that right?

MR. PATRICK RILEY: That's right.

MR. STEVE LANDERS: What is the hold up there?

MR. PATRICK RILEY: Since the process just changed, how they're going to approve or operate a program, we -- they haven't told us yet how they're going to approve it. They're going to come out with a guidance document that explains what they want from us, a document that our program is sufficient.

So we expect that sometime in the near future. And once we figure out what they want from us, then we'll work with them to get approval. I don't anticipate any difficulty in receiving approval from them to operate our state program. So it's just a matter of completing the necessary steps.

MR. STEVE LANDERS: Okay.

CHAIR JEFF SHEPHERD: Does anybody have any more questions concerning the Director's Report?

Okay. Item Number 5, Presentation regarding New Federal Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills and proposed rules before the Air Quality Advisory Council on January 18th, 2017.

MR. PATRICK RILEY: Let me introduce this a little bit and then we have a presentation.

You know, because -- because environmental regulations are sometimes media specific, we have the Clean Water Act, we have the Clean Air Act, we have the Solid Waste Management Act, but sometimes there are crossovers between the regulated or regulatory bodies and our divisions of DEQ.

So there are rules that are proposed right now that will impact disposal facilities, landfills, in particular, that are not going to come before this Council for approval, but will be coming before the Air Quality Council for consideration. But, nevertheless, we feel it's important that you are aware of what's going on and give you an opportunity to learn about what those rules are.

We've got a presentation from some folks from our Rules and Planning Section and Air Quality

Division. And they're going to present information for our benefit, but not for an action.

So listen and ask questions and feel free to discuss it. But we can't take action on it, because it's not a rule that we have authority over.

The proper venue or appropriate venue for commenting will be at the Air Quality Council meeting, which is next week on the 18th.

So if you have comments about the rule that Malcolm is going to talk about in just a minute, then, please, hold on to those and share them with the Air Quality folks either at the Air Quality Council meeting or there is an e-mail address that I will share with you so that you can submit written comments.

A lot of the changes that he's going to talk about will involve things that are already in place. Landfill owners and operators are going to be familiar with some of the things that he's talking about: The initial design capacity estimates, the mechanisms for estimating Non-Methane Organic Compound emissions, those kinds of things. But there are some changes that you need to be aware of. So we're -- I look forward to their presentation.

And please feel -- he's going to use the --

he's going to present a PowerPoint presentation. So if you need to move to be able to see the screen, please, feel free to get up and do that.

MS. CAROL BARTLETT: It is possible you people here will be blinded by this.

MR. STEVE LANDERS: Is that that presentation?

MR. MALCOMB ZACHARIAH: Yes.

CHAIR JEFF SHEPHERD: Is there a possibility that we could go blind?

MR. STEVE LANDERS: Yeah.

CHAIR JEFF SHEPHERD: I don't want to go blind. I'm already deaf. So --

MR. MALCOLM ZACHARIAH: Hello. My name is Malcomb Zachariah, and I'm a member of the Air Quality Rules and Planning Section.

I have been working with the colleagues from Air Quality and Land Protection on new air emission regulations for municipal solid waste landfills.

Now onto Slide two for an overview. On August 29th, 2016, EPA revised the New Source Performance Standards, NSPS, and Emission Guidelines for municipal solid waste landfills. These rules lowered the emission threshold that requires landfills to install a gas collection and a control system, or

GCCS. While the NSPS is a federal standard for new sources, Oklahoma must revise its state plan in order to implement the Emission Guidelines for existing sources. Chapter 100, Subchapter 47 is the enforceable mechanism for the state plan, and a revision -- revised version of the Subchapter 47 is scheduled to be presented at the Air Quality Advisory Council next Thursday, January 18th.

Slide three describes the Federal Clean Air Act framework of these rules. The 1970 Clean Air Act amendments added Section 111, to control emissions from new or modified stationary sources of air pollution. Section 111(d) applies to existing sources, where existing usually means those constructed before the NSPS proposal date. These guidelines are not directly enforceable, so EPA directs states to incorporate them into their rules. States must develop, or in Oklahoma's case revise, a 111(d) state plan, and if they do not, EPA can issue a Federal Plan instead.

Slide four shows our current rules. In 1996, EPA published the first Emissions Guidelines and NSPS, which are subparts Cc and WWW of 40 CFR Part 60. Landfill gas is composed of approximately 50 percent methane, 50 percent CO_2 and less than one percent

NMOCs (Non-Methane Organic Compounds), which include hazardous air pollutants and volatile organic compounds. NMOCs were chosen as the indicator pollutant of landfill gas because they pose the greatest risk to public health and welfare. And so, landfills with a design capacity of 2.5 million megagrams and 2.5 million cubic meters must install a gas collection and control system when NMOC emissions reach 50 megagrams per year.

Slide five describes how we came to the new rules. They stem from the 2013 President's Climate Action Plan, which directed federal agencies to reduce methane emissions. Landfills account for 18 percent of U.S. methane emissions. In 2014 and 2015, EPA proposed the new Emission Guidelines and NSPS, subparts Cf and XXX, to reduce landfill gas emissions by lowering the NMOC threshold to install a GCCS. Cf and XXX were finalized in 2016 with a new threshold of 34 megagrams per year for all landfills, except those which closed by September 27th, 2017. Those closed landfills can retain the 50 megagrams per year threshold.

Slide six gives a graphic comparison of the old and new rules. EPA did not set end dates for the previous Emission Guidelines and NSPS, so the two sets

of rules overlap. 1991 was the first cutoff between what are considered existing and new or modified sources. Note that existing means landfills which were accepting waste after 1987. However, the distinction is minimal because Cc, and by extension our Subchapter 47, points to WWW for detailed requirements. The new rules, Cf and XXX, have a new cutoff at 2014. Because the new rules have a more stringent standard, landfills must comply with them versus the old ones. Overall, landfills will fall into three categories: those which are closed and existing, where Subchapter 47 applies, and those which are new or modified, where XXX applies.

Slide seven describes the new landfills category. New landfills are those which commenced construction, modification, or reconstruction after July 17, 2014. They are subject to XXX, which became effective October 28, 2016. We know at least one landfill has notified DEQ of its compliance with XXX. Like other NSPS, XXX will be incorporated by reference into the air rules Appendix Q.

Slide eight describes existing landfills. As in the old rule, these are landfills which were accepting waste after November 8, 1987 and constructed on or before July 17, 2014. This includes some

landfills previously subject to WWW. We have adapted Cf into our proposed Subchapter 47.

Next on Slide nine, we have the closed subcategory of existing landfills. Again those landfills which closed on or before September 27th, 2017 may keep using the 50 megagrams per year NMOC threshold for installation or removal of a GCCS.

Slide ten shows the Rule requirements. At the least, landfills will have to submit one design capacity report to show if their design capacity is over or under 2.5 million megagrams and 2.5 million cubic meters. Those which are over the size limit will need a Title V permit from the Air Quality Division and begin testing for NMOCs. Testing is done via tiers which go from general formulas to more site-specific methods. The new rules added a Tier 4 surface methane monitoring method. Finally, if the tiers show an exceedence, the landfill owner or operator must submit a GCCS design plan.

Slides 11 through 13 show our preliminary inventory of affected landfills. First, there are 41 existing landfills. Twenty-nine of them are known or estimated to have design capacities above 2.5 million megagrams and 2.5 million cubic meters. As few as one to seven of these landfills may have new GCCS

requirements.

Slide 14 reiterates the fact that the requirements of the old and new rules are very similar. All landfills must report their design capacities at least once. Those with large enough capacities must test and report their NMOC emissions. And those which exceed the NMOC emission threshold must install a gas collection and control system.

Slide 15 shows what's next. We are scheduled to present revisions to Subchapter 47 next Thursday, January 18th, at the Air Quality Advisory Council meeting. The public comment period for that meeting is still open, and we accept comments through e-mail, mail, FAX and at the meeting itself. For further information, please contact either me or Cindy Hailes of Land Protection. Thank you.

MR. BILL TORNETEN: Does the construction of a new disposal cell constitute a modification for purposes of a new landfill designation?

MR. MALCOLM ZACHARIAH: Currently the landfill design capacity is based on the permitted boundary. And so I believe that it should be what the permit boundary already had in place.

MR. BILL TORNETEN: Okay.

MR. MALCOLM ZACHARIAH: So it's a little

strange that the emissions, NMOC emissions, are based on the waste in place but the design capacities are based on the permit boundary. So --

CHAIR JEFF SHEPHERD: How can the -- how can the design capacity be based on the permitted boundary?

MR. MALCOLM ZACHARIAH: I think that's -- I'll have to bring Melanie Foster, my manager. Or if Patrick is --

MR. PATRICK RILEY: That's a good question. I mean, the air rules typically are based on potential to emit. They look at the permit boundary of a landfill as being the total potential to receive waste. So the initial design capacity is based on -- based on the permitted boundary and the capacity that could be provided by that. But when you calculate the non-methane, the actual emissions, it's based on waste in place and closure date. And Melanie can fill it in --

CHAIR JEFF SHEPHERD: It seems to be overreaching to base it on the permitted boundary, if you have not built but a third or less than that of your existing footprint.

MR. PATRICK RILEY: Yes, it does seem counter-intuitive, especially for sites that have a --

may have a huge permit boundary.

CHAIR JEFF SHEPHERD: Right.

MR. PATRICK RILEY: They may have 100 acres permitted, but only 10 acres built for waste.

CHAIR JEFF SHEPHERD: Correct.

MR. PATRICK RILEY: Unfortunately, the way the rule is written, they consider that permit boundary to be the measure of what's used for design capacity, initial design capacity.

CHAIR JEFF SHEPHERD: I disagree. I strongly disagree, with that.

MR. PATRICK RILEY: And I would ask you to take your comments to the Air Quality Council meeting. I mean, it's certainly the most controversial, or troubling, or whatever term you want to use, aspect of these rules relate to permit boundary versus built boundary.

CHAIR JEFF SHEPHERD: We don't have to have financial assurance for the entire permitted boundary.

MR. PATRICK RILEY: Correct. And that's the Solid Waste rules.

CHAIR JEFF SHEPHERD: Right. Which seem logical.

MR. BILL TORNETEN: So does the capacity

anticipate some maximum vertical expansion? What do they use for the vertical height of all the permitted boundary?

MR. PATRICK RILEY: It would go back to your initial permit application and final closure plan for the facility.

MR. BILL TORNETEN: It's based on what the final closure plan calls for?

MR. PATRICK RILEY: Right.

CHAIR JEFF SHEPHERD: What if some of these facilities don't have anything like that?

MR. PATRICK RILEY: They should. They shold have used that to calculate their capacity.

CHAIR JEFF SHEPHERD: But nothing -- some sites -- some sites may have that information, but it's never been submitted to the DEQ.

MR. PATRICK RILEY: I think that Air Quality would ask you to do that.

MR. BILL TORNETEN: I think a closure plan is required.

CHAIR JEFF SHEPHERD: It's not saying everybody does it.

MR. BILL TORNETEN: Because it is required. The closure plan is required.

CHAIR JEFF SHEPHERD: But for the area you

have built.

MR. BILL TORNETEN: Well, the plan, I mean, you can submit a closure plan for the entire permitted area or for something less.

CHAIR JEFF SHEPHERD: Why would you --

MR. BILL TORNETEN: It would depend on facility-by-facility. You know, and that brings up the question, if your closure plan doesn't anticipate a complete build out of all the footprint, is that what prevails or is it in fact some other calculation based on the whole boundary?

MS. MELANIE FOSTER: My name is Melanie Foster. I'm with Rules and Planning of the Air Quality Division.

And this was something that we had discussed with Solid Waste, with Land Protection and our Solid Waste colleagues. The one thing that we talked about is this is not actually a difference or a shift from what was done previously or is currently in place. So we know that at the time when the last rules were passed there were some facilities who looked at that permitted boundary and were concerned that they had no intention to build out cells to the whole capacity. And so they repermitted their boundary. And that got them under, you know, the capacity threshold. So that

was one way in the past that they had dealt with this issue.

And then it is really, you know, kind of like Patrick said, it is potential to emit. There is the option for the facilities, based on the way Solid Waste permits versus the way Air Quality permits, there is the boundary with each cell then getting individual permission to be built out.

CHAIR JEFF SHEPHERD: Realistically, if everybody raises a big stink, is it -- is there a possibility to change that rule? Is there a possibility to change that rule?

MS. MELANIE FOSTER: We are, obviously, just going off of what EPA has promulgated. So --

CHAIR JEFF SHEPHERD: We need to change that. Is there a possibility to change that?

VICE-CHAIR BRENDA MERCHANT: I have been asked, as early as last night from folks on a national level, the waste management in the WRA, SWANA and some other folks, that the state put on hold our plans at this time until the litigation that is currently occurring with the Waste Management suing EPA simply to get them to the table to discuss some of the overlapping and the overreaching elements of this.

MS. MELANIE FOSTER: And that is one of the

reasons that we wanted to bring this before you all today, we wanted to hear what you were hearing from your landfills and your constituents.

And we are going to take everything that we hear today and consider it in what we go back to our Council with next week. So this is one of the things.

Obviously, we're not taking official comments today, but we are, you know, trying to gauge the regulated community through this forum.

VICE-CHAIR BRENDA MERCHANT: Melanie, when does the comment period close?

MS. MELANIE FOSTER: It closes next Wednesday. Our Council meeting is next Wednesday.

VICE-CHAIR BRENDA MERCHANT: Because if I got this so late, I can only imagine. Next Wednesday at what time?

MS. MELANIE FOSTER: So our actual, our hearing -- our Council meeting is at 9:00 A.M., just like yours is. So we take comments through the hearing.

VICE-CHAIR BRENDA MERCHANT: Okay.

MS. MELANIE FOSTER: So we would love to have written comments, obviously, ahead of time, but certainly verbal comments during the hearing are encouraged as well.

VICE-CHAIR BRENDA MERCHANT: Okay.
MR. BILL TORNETEN: Respectively for the purposes of the new rule, if you didn't exceed the capacity threshold previously, you won't exceed it now?
MS. MELANIE FOSTER: Correct. And also some may -- the permit boundary is only one of the two requirements. You know the other is the density calculation. So you have got the volume as well as the million megagrams. So some people may have a large permit boundary but may find that they are taken out of the rule by being under the 2.5 million megagrams.
VICE-CHAIR BRENDA MERCHANT: I think one of the concerns at the state level is just, you know, if they do prevail in this litigation and do sit back down and all of this does change, that all of the work that has been put into this, it's going to have to be redone.
MS. MELANIE FOSTER: Yes. And we appreciate that comment.
MR. PATRICK RILEY: I might also point out that there will be another public forum, apart from the Air Quality Council meeting, subsequent to that meeting. All the rules go before the Environmental

Quality Board, which is on the 17th of February. So if you would like to comment at the Environmental Quality Board meeting, you're welcome to do that as well.
And again, that's the 17th, the 17th of February, I believe.
VICE-CHAIR BRENDA MERCHANT: That will be here?
CHAIR JEFF SHEPHERD: Yeah.
But it's 2.5 million megagrams and 2.5 million cubic meters. So how --
MS. MELANIE FOSTER: You must meet both of those to be pulled in.
CHAIR JEFF SHEPHERD: So if you've got more than 2.5 million cubic meters, but less than 2.5 million megagrams, then you're exempted?
MS. MELANIE FOSTER: Then you're still technically applicable to the rule, but you do not have to go forward with the next step, which is determining your NMOC emission rate.
MR. BILL TORNETEN: Is that by the density?
MS. MELANIE FOSTER: It's site specific. It's in the rules. It's fairly complicated. But, yes, you can submit some site specific information to adjust the density based on what the landfill has

accepted.
MR. BILL TORNETEN: I'm assuming you have to use the same density you used in your life site calculation?
MR. PATRICK RILEY: Well, we'd assume some consistency between the two. But it's not to say that your density couldn't change over time or that you might want to do a study to update your density to be more accurate.
MR. BILL TORNETEN: If you close a portion of your landfill, I guess that would -- I guess that would figure into your capacity calculation then?
MR. PATRICK RILEY: I know that waste-in-place figures into the equation or the calculation.
MR. BILL TORNETEN: But, obviously, if you close part of your footprint, you can't place any more waste there. You shouldn't have to consider that air space as part of your capacity.
MS. MELANIE FOSTER: It would still be generating. My understanding is it would still, obviously, be generating the NMOCs.
MR. BILL TORNETEN: But there wouldn't be any additional capacity for that closed area.
MS. MELANIE FOSTER: Correct.

VICE-CHAIR BRENDA MERCHANT: Melanie, is this going to be an action item on that Agenda?
MS. MELANIE FOSTER: At our Council meeting next week?
VICE-CHAIR BRENDA MERCHANT: Yes.
MR. STEVE LANDERS: What if they don't pass?
MS. MELANIE FOSTER: Okay. If they do not pass, if they determine even not to recommend them for passage, then maybe they would hold them over to the next, you know, Council meeting or we could, you know, postpone them, depending on what the recommendation is from the Council.
From what we've heard, again, through the comment period, stepping through what happens like with EPA, because they do issue a Federal Implementation Plan, if we do not issue a state plan what would happen next is our deadline to submit our state plan is May. And if we don't submit a state plan by May, then EPA is obligated to issue a finding of failure to submit.
Now, whether they do that timely after we don't submit, that's, you know, debatable. And so they might actually then be sued to submit a finding of failure to submit.
So it could be some time before anything

happens with the Federal Implementation Plan being put in place.

An example, from the commercial incinerators and solid waste rules, you all are probably familiar with those as well, because they kind of cross over. Those were promulgated in 2013, amended in 2016. And only this week did EPA issue a proposed federal plan. So there is some time, should we not act.

CHAIR JEFF SHEPHERD: The new EPA Chief, who has been suing the EPA, is Scott Pruitt.

All right. Any more questions from the Council? Okay. It's not an action item on our part, so we appreciate the presentation and we'll go from there.

MS. MELANIE FOSTER: Thank you.

CHAIR JEFF SHEPHERD: Thank you. All right. Moving on.

Number 6, Public Rulemaking. Discussion of proposed changes to Chapter 517, Disposal of Coal Combustion Residuals from Electric Utilities.

The Department is proposing to amend OAC 252:517 in response to the United States Environmental Protection Agency amendment to 40 CFR, Part 257, Subpart D (Federal CCR Rule). Notably, DEQ incorporated the requirements of the Federal CCR Rule

in its entirety to ensure the state and federal regulations pertaining to coal combustion residuals (CCR) were uniform.

The gist of the rule is to amend OAC 252:517 to remove the early closure provisions for CCR surface impoundments, and references thereto, and extend certain time frames, all for purposes of ensuring the state CCR rules are consistent with the Federal CCR Rule.

Patrick.

MR. PATRICK RILEY: So this is a fairly minor change. And as it states, as then as you read, what we're trying to do is just to maintain consistency between the state rule and the federal rule.

So we're proposing to remove certain provisions that were struck from the federal rule from our state rule.

CHAIR JEFF SHEPHERD: All righty. I assume that these still have the support of the regulated community?

MR. PATRICK RILEY: Yeah, they do.

CHAIR JEFF SHEPHERD: Okay.

MR. PATRICK RILEY: I should say it's my understanding that they do. I can't speak for the -- for them.

CHAIR JEFF SHEPHERD: Okay. Questions, discussion by Council?

Is there any questions, comments, discussions by any members of the public?

MR. BILL TORNETEN: I mean, basically we're just incorporating the federal rules by reference, aren't we? Almost by reference verbatim?

MR. PATRICK RILEY: Yeah. The rules are -- there are two separate rules. We're not incorporating the rules, we have our own. But we're making sure that our language in our rules is consistent with what is in the federal rules. As they change their rules, we're changing ours.

MR. BILL TORNETEN: So I'm not sure we really have any ability to change anything, even if we wanted to.

MR. PATRICK RILEY: No. You could -- I mean, you could keep it the same. I don't know what the benefit would be. Then you're going to have two separate sets of rules operating in parallel that are going apply as to regulated facilities. Their facilities have to comply with the federal rule. If ours are in conflict with the federal rule, then it becomes very problematic for them.

CHAIR JEFF SHEPHERD: So every time they

change, we're going to be going through this process?

MR. PATRICK RILEY: It gives us something to talk about at future meetings.

CHAIR JEFF SHEPHERD: Have more than one meeting a year?

Discussion, possible action by the Council? I guess we need to vote to approve these.

MR. JIM LINN: I'll so move.

MR. MATTHEW NEWMAN: I will second.

MS. QUIANA FIELDS: It's not working. For the record, Ms. Phillips and Ms. Merchant are present.

CHAIR JEFF SHEPHERD: Okay.

Mr. Adcock?

MR. TODD ADCOCK: Yes.

MS. QUIANA FIELDS: Mr. Landers?

MR. STEVE LANDERS: Yes.

MS. QUIANA FIELDS: Mr. Linn.

MR. JIM LINN: Yes.

MS. QUIANA FIELDS: Ms. Merchant?

VICE-CHAIR BRENDA MERCHANT: Yes.

MS. QUIANA FIELDS: Mr. Newman?

MR. MATTHEW NEWMAN: Yes.

MS. QUIANA FIELDS: Ms. Phillips?

MS. TRACI PHILLIPS: Yes.

MS. QUIANA FIELDS: Mr. Torneten?

MR. BILL TORNETEN: Yes.
MS. QUIANA FIELDS: Mr. Shepherd?
CHAIR JEFF SHEPHERD: Yes.
MS. QUIANA FIELDS: Motion passed.
CHAIR JEFF SHEPHERD: Item Number B.
Item Number B, Discussion of proposed changes to Chapter 515, Management of Solid Waste.
The Department is proposing to amend OAC: 252:515 and to create a new Subchapter, OAC 252:515-43, to allow for a tiered permitting and regulatory structure for different classes of solid waste composting facilities. The classes of facilities are based on the type and quantity of material to be received and composted at a particular facility. All proposed amendments to OAC 252:515 are associated with the creation of the new Subchapter and are necessary to ensure consistency with the new Subchapter.
The gist of the rule is to replace the current regulations pertaining to solid waste composting facilities to allow for a tiered permitting and regulatory structure based on the type and quantity of material to be composted.
MR. PATRICK RILEY: So it might be beneficial for me to relay some of the history related to this

item.
And we first discussed this back in September of 2015. Mr. Chairman, you had talked to someone that was interested in the composting program and looked at our rules and found them to be somewhat lacking or thought they might benefit from some revision.
So we first started talking about it back then. We mentioned the U.S. Composting Council's Template Rule. And then in January, our January 2016 meeting, we shared the template and talked about it. At that time the Council directed the DEQ staff to draft some rules.
We came back in September of 2016 and presented some draft rules and there was some discussion. From that point on then, it brings us to this meeting where we're presenting those rules for formal action for approval or revision.
Since that time, we published the rules and we continued to look at them. We had just a few changes to those rules from when they were first noticed. There were, I think, four typographical errors, which we're very sorry about, but we've corrected those.
And then the one substantive change in 43-60, where we found a potential conflict in some of the

operating requirements for windrow turning. So if you look at 43-60, the way it's presented in your packets, you know, we took out a sentence that said -- 43-60(a) used to include a sentence that said, "during the period when compost is maintained at 55ºC or higher, there should be a minimum of five turnings of the windrow with a minimum of three days between the turnings."
We thought that might be in conflict with 43-61 that said, "Windrows should be turned a minimum of 5 turnings in 15 days." So we struck that sentence to make it consistent.
And those are the changes that we've made since the rule was published for public review.
Again, it's just -- our intent is to align the operational and engineering controls with the need for protection of human health and the environment based on the type of feed stock to be composted.
We have received some public comments. And after -- after discussion by the Council, then David is going to share some information about the comments.
We could go ahead. It might benefit the Council if you hear those comments up front. So David will share about those now.
MR. DAVID CATES: Okay. The comments we

received were just a few. They're in tab number 10 in your packet. Those are the ones that we received in time to be able to provide written comments or responses to.
We also received a couple that were added -- distributed this morning that came in this morning that we were not able to provide any written comments to.
One of those was from the Oklahoma City Zoo. It is basically an endorsement of the changes to the new compost -- or proposed changes to the composting rules.
And then the other one is a supplement, actually, from the City of Tulsa Mulching Facility. And their first comment was -- we actually provided it. It's the first comment on the sheet that we provided a written response to -- basically saying that that facility, since it's not a -- it doesn't meet the definition of a composting facility, that it doesn't fall under these proposed new rules.
The other comments we just briefly went through and we can address those in writing for the record. But they don't require any -- we don't think they require any changes to -- to the proposed rules.
Then, I guess, the -- the ones that we

provided a written response to, several of those -- the first one was in your original packet. The last several are new. We haven't seen those until this morning. But I can summarize those briefly.

The comment, the second comment, deals with the overlap of jurisdiction on composting facilities between DEQ and the Department of Ag. Those proposed rules only apply to those facilities that are under DEQ jurisdiction, which basically means those facilities that would accept feed stock that's greater than 50 percent non-agricultural material.

We've worked with the Department of Ag in developing these rules. We have also provided them a copy for review. And we intend to develop a fact sheet or a memorandum in the future to better define the boundaries, jurisdictional boundaries.

The other comment was addressing herbicide-contaminated feed stock. And, you know, that's a problem with composting facilities in that it can affect the process. They can be retained into the end product and it could affect the end user or end use.

We basically determined that there wasn't -- or that the existing rules were adequate to protect human health and the environment through operational

and engineering controls. The actually permitted Class III and IV facilities, we do have some sampling requirements that would be as part of the permit application.

And then I think, you know, if we don't -- these rules don't really apply to the end use. But if the compost was used improperly, then other DEQ rules could come into effect and through some kind of enforcement action.

The last comment was the City of Tulsa Mulching Operation, which I already mentioned that they don't actually fit the definition of compost facility and, therefore, these rules don't apply.

The -- and going back to the first one, just for completeness. For yard waste composting facilities under the new -- proposed new rules, they would be considered Class I composting facilities and require a Tier 1 permit. So the existing facilities would be required to upgrade their operational plan to a Tier 1 permit. That's it.

CHAIR JEFF SHEPHERD: I mean, it was a concern of mine about how the interaction between the Agricultural Department and the DEQ would be, because we don't want to make these rules so onerous that they can just go over to the Department of Ag and permit a

composting facility over there. Nor do we need people that are composting, you know, agricultural products to come to the DEQ to try to get a permit.

So I think it would behoove us to have a -- sort of a fact sheet on jurisdictional boundaries and how those exist.

MR. BILL TORNETEN: So for facilities that accept both agricultural and non-agricultural, how do you determine whether or not they meet that 50 percent threshold? Do they have to submit some some kind of a applicability determination or just take their word for it?

MR. PATRICK RILEY: I think that in their application, the permit application, they can include how they're -- why they think that they are subject to DEQ rules, whether it be based on volume or operations.

CHAIR JEFF SHEPHERD: I mean, I think it's -- I mean, it could be -- I don't want to say it's obvious, but, you know, if you're -- I mean, I think most facilities you would have to know what your incoming feed stock is in order to determine how you would compost that material. So you would be keeping track of what you were accepting. And if you were accepting more than 50 percent agricultural, then you

could probably go to the Ag department and get a permit.

MR. BILL TORNETEN: So basically you're going to have to be permitted by one or the other, either the Ag or DEQ. So if they go to the Ag, does the Ag have that same requirement, that they only permit facilities that take more than 50 percent?

MR. PATRICK RILEY: Yeah. I'm not sure what the Ag's rules are or what they require. Yeah. I've talked to their Environmental Director and we share a concern in making sure that the jurisdictional boundaries are clear. They've reviewed our rules and had very little comment and --

MR. MATTHEW NEWMAN: I think if we turn off the podium mic, I think it appears we're limited to two microphones or three microphones.

CHAIR JEFF SHEPHERD: I think I have mine on. Sorry.

MR. PATRICK RILEY: Thank you. So, I mean, I think that we have fairly clear jurisdictional boundaries specified by statute that are set. Sometimes the statutes are difficult to understand when you read through them. So there's -- Jeremy Seiger and I have talked about getting together, if these rules should pass, getting together and writing

out some frequently asked questions or something that -- or a fact sheet that could be easily interpreted by the public that could direct them one way or the other to one agency or the other.

Agriculture -- the Department of Agriculture, Food, and Forestry is very interested in maintaining their jurisdiction over agricultural waste products. Probably the best example is animal mortalities. They have no interest in giving that to the DEQ and we have no interest in taking it. So that boundary is clear.

Some of the other things, where it gets more ambiguous, then it might be helpful to sit down with them and draw out and define, you know, what -- answer some of those questions that you might have. So I think that's the path forward if these rules pass.

CHAIR JEFF SHEPHERD: It is a little easier to get a composting permit with the Department of Ag, because, I mean, we did a huge animal mortality composting permit with them and it was very easy.

MR. PATRICK RILEY: And they -- and they have not wanted to be an obstacle to composting. So when someone would come to them, when they would look at our rules and see that there were significant challenges in permitting a facility to compost different types of feed stock, and the way the rules

are written right now, if you're doing anything other than yard waste, you need, essentially, a landfill type of permit and designed leachate collection system with a liner. Very expensive.

So -- so they would go to Ag and Ag would say, okay, we can't write you a permit. But that's not -- but they are uncomfortable doing that. And again, I shouldn't speak for them, but my understanding is that they don't want to be put in that position where they're the gatekeeper.

So that was something that we talked with them early on and was another reason to pursue some revisions of the rules that we have. And I think that we seek a good balance in allowing some flexibility with more feed stock and to meet the demand of people that want to compost.

MR. TODD ADCOCK: With the City of Norman response, so they would be considered a Class I composting facility and would be required a Tier 1. What's the timeline that they would be required to turn in the permit process? And does a Tier 1, does that require reporting and DEQ fees, same as other facilities?

MR. DAVID CATES: The -- Okay. In terms of -- their requirement would be to upgrade their

plan. I think that is --

MR. TAD ALFORD: Within 180 days of implementation or promulgation of rules. So we assume that it passes and goes into effect in September of this year, it would be 180 days from then.

MR. TODD ADCOCK: To turn in the permit or application?

MR. TAD ALFORD: To submit an application for an upgrade. It's -- the plan that they would have submitted initially would be a Tier 1 application anyway. So it -- I think it's -- it's thought that there -- there's not going to be that much of a burden administratively. It's just ensuring that they, the facility in question, is in compliance with all the Class I submittal requirements. And with the designations of a Class I Yard Waste, composting facilities will be able to accept other class -- or other Type 1 feed stocks. So it's potentially allowing them to accept additional material with this new designation.

Part of the reason, I believe, was just administratively it made a lot more sense to group yard waste composting facilities into Class I type facilities and not create this other special designation that really has no functional purpose now

that we have these four different tiers of facilities.

MR. BILL TORNETEN: So they do this as a permit mod?

MR. TAD ALFORD: Effectively, yes.

MR. BILL TORNETEN: Okay. So they don't have to go through public notice and the whole --

MR. TAD ALFORD: Correct. It's as Tier 1 application, which doesn't require any public participation, the same that they would have done or a new facility would have done today to submit a plan for DEQ approval.

MR. JIM LINN: And so, essentially, the major changes for the City of Tulsa in this regard would be to make the application and then the reporting requirements that are associated therewith. Correct?

MR. TAD ALFORD: The City of Norman. The City of Tulsa --

MR. JIM LINN: I beg your pardon.

MR. TAD ALFORD: Yes.

MR. JIM LINN: The City of Tulsa.

MR. TAD ALFORD: Yes. I just wanted to make that clear.

MR. JIM LINN: I was looking at Norman.

CHAIR JEFF SHEPHERD: The City of Tulsa wouldn't have to do anything. They're not composting.

MR. JIM LINN: Right. They're not composting.
MR. TAD ALFORD: Yes.
MR. JIM LINN: The City of Norman.
MR. TAD ALFORD: I assumed that's what you meant, but I just wanted to make that clear that, yes, they would basically just submit a permit upgrade, which is just a Tier 1 application, just to ensure that their operation is consistent with these new rules for a Class I facility.
MR. JIM LINN: Okay. Thank you.
MR. TODD ADCOCK: And does these -- remind me. Does the facilities -- on the reporting, are they collecting state fees?
MR. TAD ALFORD: The only operations that will be collecting state fees are the commercial composting facilities, and that's a statutory requirement. So these other composting facilities are not going to be collecting fees, unless they fit within the definition of a commercial composting facility. And that's defined in the Solid Waste Management Act.
MR. TODD ADCOCK: And you're already collecting those fees currently. So you don't see any additional --

MR. TAD ALFORD: I don't believe we have any currently permitted commercial composting facilities. But in the event we did, we would already be collecting those fees.
CHAIR JEFF SHEPHERD: Any other questions or comments from the Council?
Questions, comments or discussion by the public?
All right. We need a motion to approve these rules.
MR. MATTHEW NEWMAN: Motion to approve.
MR. JIM LINN: Second.
MS. QUIANA FIELDS: Mr. Adcock?
MR. TODD ADCOCK: Yes.
MS. QUIANA FIELDS: Mr. Landers?
MR. STEVE LANDERS: Yes.
MS. QUIANA FIELDS: Mr. Linn?
MR. JIM LINN: Yes.
MS. QUIANA FIELDS: Ms. Merchant?
VICE-CHAIR BRENDA MERCHANT: Yes.
MS. QUIANA FIELDS: Mr. Newman?
MR. MATTHEW NEWMAN: Yes.
MS. QUIANA FIELDS: Ms. Phillips?
MS. TRACI PHILLIPS: Yes.
MS. QUIANA FIELDS: Mr. Torneten?

MR. BILL TORNETEN: Yes.
MS. QUIANA FIELDS: Mr. Shepherd?
CHAIR JEFF SHEPHERD: Yes.
MS. QUIANA FIELDS: Motion passed.
CHAIR JEFF SHEPHERD: All right. That's good. Very good. It's been a long time in the making and I'm glad that we've created a opportunity for people to compost. That's gonna be a little bit more cost effective, hopefully. I'm glad. Thank you.
Item Number C, Discussion of proposed changes to Chapter 4 Rules of Practice and Procedure.
The Department is proposing amendments to OAC 252:4-7-58 and 252:4-7-59 to modify and clarify the permitting process requirements and associated tiers that apply to solid waste composting facilities.
The gist of this proposed rule is to amend the permitting process regulations pertaining to solid waste composting facilities to be consistent with the proposed new Subchapter referenced above, which will allow for a tiered permitting and regulatory structure based on the type and quantity of material to be received and composted at a particular facility.
MR. PATRICK RILEY: So now that you passed the changes to 515, we need to amend Subchapter 4, the Rules of Practice and Procedure to establish the

tier -- the permitting tier for this, for the rules that we just passed. So that's the changes that are shown in -- or proposed related to establishing the tier for permitting compost facilities.
MR. BILL TORNETEN: Do we act on changes to the Uniform Permitting Rules?
MR. TAD ALFORD: Those within this Council's jurisdiction. So we're talking about solid waste disposal facilities, that first would go through you before it goes to the Board.
CHAIR JEFF SHEPHERD: Questions or comments from the Council?
Questions or comments from the public?
All right. I need a motion.
MR. MATTHEW NEWMAN: Motion to approve.
MR. JIM LINN: Second.
MS. QUIANA FIELDS: Mr. Adcock?
MR. TODD ADCOCK: Yes.
MS. QUIANA FIELDS: Mr. Landers?
MR. STEVE LANDERS: Yes.
MS. QUIANA FIELDS: Mr. Linn?
MR. JIM LINN: Yes.
MS. QUIANA FIELDS: Ms. Merchant?
VICE-CHAIR BRENDA MERCHANT: Yes.
MS. QUIANA FIELDS: Mr. Newman?

MR. MATTHEW NEWMAN: Yes.
MS. QUIANA FIELDS: Ms. Phillips?
MS. TRACI PHILLIPS: Yes.
MS. QUIANA FIELDS: Mr. Torneten?
MR. BILL TORNETEN: Yes.
MS. QUIANA FIELDS: Mr. Shepherd?
CHAIR JEFF SHEPHERD: Yes.
MS. QUIANA FIELDS: Motion passed.
CHAIR JEFF SHEPHERD: All right. Item Number 7, Discussion of Resolution to Legislature.
During the previous Solid Waste Management Advisory Council meeting on September the 15th, 2016, the Council decided to continue discussion of providing a resolution to the Legislature regarding the usage of funds and their intended purpose.
I think everything had an opportunity to comment on that letter that went through.
MR. PATRICK RILEY: Let me point out a couple -- a couple of things, a couple of changes, and a little history, if you'll permit me.
Back in September, you typically review -- you review the budget and you have a routine resolution that goes to the Legislature. That's required by statute.
There was discussion and some concern about

how funding was taken by the Legislature for other purposes. Solid Waste funds were used for purposes other than Solid Waste.
And the discussion that took place at that meeting was that there might be benefit to having a separate resolution later on that was delivered to the Legislature at the beginning of the session, apart from the routine resolution that you always pass that might get lost in all the noise.
And so, we took the resolution that we routinely develop by this Council and sent -- and that was provided to you for consideration.
I'd point out that no action was taken apart from the meeting, that we're reserving action on that resolution to this public meeting. But it was provided for you to review and comment.
We took the resolution that was developed and also circulated it through our finance folks, because any time we talk about money, scientists and engineers can always benefit from the accountant's point of view. So there were some changes to the verbiage in the resolution. So you see in your packet a slightly different version than what you may have seen before.
I'll also point out that at the end of the resolution, we have added the Council members' names

and the constituencies with which they represent.
For instance, if you were appointed to the Council to represent an organization, say an environmental organization or the county commissioners or the general public, each one of you represents a different organization, and that's reflected in here.
And the thought being that that just adds value to this, it adds some weight to the resolution so that someone that would read this would know who is commenting and who has come up with this information. So that is new and you haven't seen that on a resolution before.
CHAIR JEFF SHEPHERD: Can we get -- would you be willing to put your initials on there?
VICE-CHAIR BRENDA MERCHANT: Absolutely.
CHAIR JEFF SHEPHERD: Okay. Is that something you guys would be willing to do?
MR. JIM LINN: Absolute yes.
MR. MATTHEW NEWMAN: Yes.
MS. TRACI PHILLIPS: Yes.
CHAIR JEFF SHEPHERD: Does anybody have any issues with this resolution? I mean, I don't think it's going to get us anywhere. But --
VICE-CHAIR BRENDA MERCHANT: At least we tried.

MR. JIM LINN: We'll be on record.
MR. MATTHEW NEWMAN: We'll be on record as saying that.
VICE-CHAIR BRENDA MERCHANT: Can it be printed on like neon green paper?
MR. STEVE LANDERS: Well, this is the final edited version, right?
VICE-CHAIR BRENDA MERCHANT: Yes.
MR. TODD ADCOCK: Recycled paper, I prefer.
MR. STEVE LANDERS: Because I don't remember the verbiage exactly.
CHAIR JEFF SHEPHERD: Who carries this resolution to the Legislature?
MS. TRACI PHILLIPS: I like the neon green.
MR. PATRICK RILEY: We'll deliver it. And the recipient list that we have proposed would include the Governor, Speaker of the House, the Appropriations Chair of the House, Natural Resources Appropriations Subcommittee Chair of the House, Senate Pro Tem, the Appropriations Chair of the Senate, and the Natural Resources Appropriations Subcommittee Chair of the Senate. So the committees in both the House and the Senate and then the leadership.
CHAIR JEFF SHEPHERD: Do any other councils or agencies submit these types of resolutions?

MR. PATRICK RILEY: I don't know. Quiana, do you know?
MS. QUIANA FIELDS: Not to my knowledge. I think you all are the only Council.
VICE-CHAIR BRENDA MERCHANT: So everyone that's going to be copied on this will at least include those folks that appoint people to these -- the various advisory councils and boards.
CHAIR JEFF SHEPHERD: Yes. We could all lose our appointments.
VICE-CHAIR BRENDA MERCHANT: I want to make sure they're included.
CHAIR JEFF SHEPHERD: Well, I mean, they are. I mean, that's -- the Governor appoints four.
VICE-CHAIR BRENDA MERCHANT: Okay.
CHAIR JEFF SHEPHERD: The president pro tem appoints three and the speaker of the house. So all of those are included. So we could possibly lose our appointments.
VICE-CHAIR BRENDA MERCHANT: I'm not afraid.
MR. BILL TORNETEN: How big a threat is that, since we're uncompensated?
VICE-CHAIR BRENDA MERCHANT: Yeah. There goes my trip to Hawaii.
CHAIR JEFF SHEPHERD: Hey, easy. Easy.

Easy.
MR. STEVE LANDERS: I think we wrote this because maybe the Waste Tire Fund was one of the early funds to be raided.
CHAIR JEFF SHEPHERD: Yeah. The Waste Tire Fund has been raided. The --
VICE-CHAIR BRENDA MERCHANT: The general.
CHAIR JEFF SHEPHERD: The general. We've lost a couple of funds that we had in reserve for clean-up projects.
MR. TODD ADCOCK: Contracts with the contractors.
CHAIR JEFF SHEPHERD: Yeah. We've lost -- do we have anything to do with the Underground Storage Tanks? Is that yours?
VICE-CHAIR BRENDA MERCHANT: That's OCC.
CHAIR JEFF SHEPHERD: So, I mean, we've lost -- we've lost funding. And it's unfortunate. And we'll probably continue to do that. But at least people will know how we feel about it.
MS. TRACI PHILLIPS: So will this be hand-delivered? Or how -- what is the delivery mechanism of this letter?
MS. QUIANA FIELDS: I give them to the General Counsel.

MR. PATRICK RILEY: It goes to the General Counsel. So the General Counsel of DEQ will handle the delivery of the document. Whether it be by attache or by FAX, I'm not sure. But it will be delivered from -- it will get to the intended recipients.
CHAIR JEFF SHEPHERD: Okay.
VICE-CHAIR BRENDA MERCHANT: Certified maybe?
MS. TRACI PHILLIPS: Yeah.
MR. PATRICK RILEY: Probably.
VICE-CHAIR BRENDA MERCHANT: Signature required.
MS. TRACI PHILLIPS: Yeah.
CHAIR JEFF SHEPHERD: Is there any other discussions by the Council?
MR. BUD GROUND: Yeah.
CHAIR JEFF SHEPHERD: Yes?
MR. BUD GROUND: I'd like to comment.
CHAIR JEFF SHEPHERD: Yeah. Come on up.
MR. BUD GROUND: I'm Bud Ground. I'm President of the Environmental Federation of Oklahoma.
And I have actually talked to several Councils about this issue of the Legislature taking funding, because they are taking funds that many industries submit in for a specific purpose. We're

very much against it. We've been trying for the last three years to find a way to stop this.
I think it's a great gesture on your part to do this. I would actually like to see the other Councils do it as well.
It's very difficult for the DEQ itself to do that, since they are a governmental entity. But the Councils, being citizens, it's very appropriate.
This is something that I will use myself. I have actually requested information from the DEQ and received it on like the top 10 fee payers in the state, how much they pay. And essentially, what the Legislature has done for the last three years has taken about $10 million per year. So $30 million over three years. That's essentially what the top 10 fee payers in the state -- top companies, not just solid waste fees, top 10 companies -- have paid in for each of these last three years. So essentially, they're taking the fees that are put in for a specific purpose and using them for something other than that.
Which I think what you're doing is great. We applaud you from the EFO. This is something that we will use ourself as we go out and try to stop and make sure they don't do this again this year.
CHAIR JEFF SHEPHERD: I mean, it becomes --

it becomes, instead of a fee, I think it --
MR. BUD GROUND: It's a tax.
VICE-CHAIR BRENDA MERCHANT: Right. It's a tax.
MR. BUD GROUND: And yes, I agree. And taxed without representation on that. So that's my only comment.
I just -- I'm very glad you're doing this as a Council and I'd like to see you proceed with it.
CHAIR JEFF SHEPHERD: All right. Thank you.
MR. STEVE LANDERS: Thanks, Bud.
MR. JIM LINN: Mr. Chairman, do you have that list?
CHAIR JEFF SHEPHERD: Would you like to read it?
MR. JIM LINN: I would. Thank you.
CHAIR JEFF SHEPHERD: The City of Oklahoma City should be paying some more fees.
Do we have a motion to approve the resolution?
MR. STEVE LANDERS: So moved.
VICE-CHAIR BRENDA MERCHANT: Second.
MS. QUIANA FIELDS: Mr. Adcock?
MR. TODD ADCOCK: Yes.

MS. QUIANA FIELDS: Mr. Landers?
MR. STEVE LANDERS: Yes.
MS. QUIANA FIELDS: Mr. Linn?
MR. JIM LINN: Yes.
MS. QUIANA FIELDS: Ms. Merchant?
VICE-CHAIR BRENDA MERCHANT: Yes.
MS. QUIANA FIELDS: Mr. Newman?
MR. MATTHEW NEWMAN: Yes.
MS. QUIANA FIELDS: Ms. Phillips?
MS. TRACI PHILLIPS: Yes.
MS. QUIANA FIELDS: Mr. Torneten?
MR. BILL TORNETEN: Yes.
MS. QUIANA FIELDS: Mr. Shepherd?
CHAIR JEFF SHEPHERD: Yes.
MS. QUIANA FIELDS: Motion passed.
MR. JAMES LINN: So Mr. Riley, will we have a sort of an official copy we can put our initials on?
MS. QUIANA FIELDS: I have it right here.
CHAIR JEFF SHEPHERD: She has got it right there.
MR. JIM LINN: Excellent. Thank you, Ms. Fields.
CHAIR JEFF SHEPHERD: Number 8, Public Forum.
Does anybody have any particular comments they want to make?

Okay. Item Number 9, New Business.
Does anybody have any New Business?
MR. MATTHEW NEWMAN: Mr. Chair, can I make a comment?
CHAIR JEFF SHEPHERD: Yes.
MR. MATTHEW NEWMAN: Let's go back to a comment or an update that Patrick Riley provided all of us regarding the Pilot Drug Take-Back, Prescription Drug Take-Back.
Should this pilot work, I would like to see the DEQ continue their outreach, proactive communications, which has been absolutely fantastic. And I have commended Patrick and Fenton, as opposed to spending time, energy and money cleaning things up, being protective and avoiding is much more effective.
And in a very short period of time, through the program that Patrick mentioned, our partnership with the -- Covanta's partnership with the Bureau of Narcotics, the Oklahoma Bureau of Narcotics, we've received and destroyed over 125,000 pounds of pills in a voluntary program. And the program that Patrick mentioned, a few of us sit on the committee with PSI and DEQ working on this, is to increase the reach for prescription take-back.
CHAIR JEFF SHEPHERD: Yeah.

MR. MATTHEW NEWMAN: And it has been very effective. Our program has been very effective. And we hope that this pilot works very well. It's proactive and I think it's a nation-leading example.
CHAIR JEFF SHEPHERD: Yeah, I agree.
MR. STEVE LANDERS: Is it limited in some way to just Tulsa, for instance, or you have to live there to --
MR. MATTHEW NEWMAN: The pilot program or the Bureau of Narcotics Program? The Bureau of Narcotics Program partnership that Covanta has with the Oklahoma Bureau of Narcotics, it's free to citizens, it's free to residents. And I'll be glad provide you material on that. You can actually go to a website, either the Bureau of Narcotics website or Take as Prescribed, and put your ZIP code in, your home ZIP code, and it will provide you the deposit box closest to your home.
This is for citizens, this is for households. This is not for assisted living, hospitals. This is for citizens. And the folks are not aware, you know, the leading cause of death of our youth in Oklahoma is prescription overdose.
VICE-CHAIR BRENDA MERCHANT: Is this the .com or .org?
MR. MATTHEW NEWMAN: I'll provide that. That

is -- you can go to the Oklahoma Bureau of Narcotics website. In the left margin it has a location box.

I believe if you Google or search Take as Prescribed, it will drive you to that website. I do have some cards I can hand out that provide that website link. It is very a successful program and we really hope that this pilot program works well, bringing this pilot -- this pilot program brings this additional education, but also citizens can bring their unwanted, outdated prescription meds back to the pharmacy where they received the medicine.

CHAIR JEFF SHEPHERD: Could the City of Oklahoma City ever implement it with their Household Hazardous Waste Collection Depot?

MR. MATTHEW NEWMAN: You really wouldn't want to -- I recommend you don't put it at a permanent household hazard waste collection site. I highly recommend armed security, because a lot of these medicines are OxyContin, oxycodone. They are controlled substances.

When you -- you can have an event. So the City of Oklahoma City could hold an event and the Oklahoma Bureau of Narcotics, our heroes in uniform with guns, will attend, collect that material from the City of Oklahoma City, from your citizens, and they'll

transport it to those things.

MR. TODD ADCOCK: I think the City of Norman does that --

MR. MATTHEW NEWMAN: Yes.

MR. TODD ADCOCK: -- at their Annual Household Hazardous Waste drop off at the Lloyd Noble every year.

MR. MATTHEW NEWMAN: Yeah. And the Metropolitan Environmental Trust will hold events from time to time in grocery store parking lots or home improvement store parking lots. And there are armed officers there, to ensure security.

CHAIR JEFF SHEPHERD: Not bad. Very good.

MS. TRACI PHILLIPS: Could the DEQ put out a public information via social media about this particular -- about the pilot program so we can help spread the word?

MR. PATRICK RILEY: Yeah. We've prepared a news release. I don't know if anyone has seen it. We have used our social media outlets to promote it. So I can get a news release to you, if you want to share it with your people so you can comment.

MS. TRACI PHILLIPS: Yeah. Yep. That'd be great.

MR. BILL TORNETEN: Is that on your new and

improved website?

MR. PATRICK RILEY: Wouldn't that be great.

VICE-CHAIR BRENDA MERCHANT: I want to apologize to everybody for being late. And I missed your presentation and I hate that I did.

But is there a handout or something? Like you said, you're going to do a news release. A handout or something or anything on this that we could --

MR. PATRICK RILEY: I can -- why don't I send the news release to the Council, if that would be -- that would make sense.

VICE-CHAIR BRENDA MERCHANT: That would be great. Yeah. I've got hundreds of municipalities that would be interested --

MR. PATRICK RILEY: Great.

VICE-CHAIR BRENDA MERCHANT: -- in a little information on that.

MS. LYNN MALLEY: Is it appropriate for public comment?

CHAIR JEFF SHEPHERD: Yeah. Come on up. You have to come up to the podium, please.

MR. JIM LINN: While she is, Matt, how long is the pilot program?

MR. PATRICK RILEY: Six months.

MS. TRACI PHILLIPS: And what will determine the success of the pilot?

MR. PATRICK RILEY: I don't have that information in front of me. I'm not sure that -- what all the criteria are.

MR. MATTHEW NEWMAN: Well, let me just -- if I could add something, Patrick. When we -- when Covanta started the program with the Oklahoma Bureau of Narcotics, it took a little while to gain momentum in communicating. And we did quite a bit of outreach.

About one year later, one and a half years later, we started seeing this communication working. The communities that receive the most communication with the Bureau of Narcotics Program are, hands down, the most productive.

The City of Broken Arrow has a tremendous response. The City of Tulsa, kind of Green Country, that happens to be where Covanta is located and I'm located. So I do a tremendous amount communicating on this drug take-back.

So the more we can discuss and communicate this pilot, the better, and encourage citizens to participate. And whoever uses those pharmacies, the better.

VICE-CHAIR BRENDA MERCHANT: I have a

question. I just have one more question. And who's paying for this?

MR. PATRICK RILEY: DEQ.

MS. TRACI PHILLIPS: Will that also determine ongoing --

MR. PATRICK RILEY: Well, I think -- yeah. I think we would have to look at a couple of things. What puts -- the program is sponsored by DEQ through our partnership with the Product Stewardship Institute. The pharmacies are volunteering to participate. So they've allowed the construction of these kiosks that receive the waste.

So it remains to be seen. I'm sure we'd do some kind of cost-benefit analysis at the conclusion of the pilot and see what we're getting for the result.

Back to funding, Solid Waste funding, I mean, that's the source of revenue that's paying for this program. So if we continue to lose revenue, then we may not have that available to fund projects like this.

But if you recall, in September, one of the line items on our budget is membership and participation with the Product Stewardship Institute. And that's what you're gaining from that line item in

the budget, because of programs like this Drug Take-Back Program.

CHAIR JEFF SHEPHERD: Yes, ma'am.

MS. LYNN MALLEY: My name is Lynn Malley. I work for Oklahoma State University doing Solid Waste Management. I serve on the Advisory Council for this Drug Take-Back Program with Matt Newman and Patrick Riley. And I basically was responding to your -- wanted to respond to your question, Brenda.

We're also very much hoping to promote this program. We've pulled in two of the four pharmacies that are participating, have sent out information about the Take-Back Program to all of the members around the state of the Solid Waste Association of North America in Oklahoma and all of the OKRA, Oklahoma Recycling Association, members. All of our extension educators around the state. It's on our two Solid Waste social media platforms. So we're also trying to help promote it.

I think it's an excellent program and are very concerned about the deaths that are being caused by these prescription drugs. We see that as a primary reason -- reason to promote it.

CHAIR JEFF SHEPHERD: Absolutely.

MR. BILL TORNETEN: Has your group considered

trying to get the Legislature to pass a law that would maybe require pharmacies to take back unused drugs?

MS. LYNN MALLEY: I'm going to defer to Patrick.

My comment on that would be we are at the very beginning of this pilot. It started, I think officially, December 19th. And we haven't had our first Advisory Council meeting or Committee meeting since then. It started over the holidays.

So I would hope that would happen personally, I can't speak for the committee.

MR. PATRICK RILEY: Well, I -- and again, just thinking out loud, I think that our participation with the pharmacies that have volunteered will be -- will get us a whole lot of information on what works for them.

We seem to have greater success with voluntary programs than with -- as far as passing legislation that would require things, I think we'd get a lot of push back from that.

But I think what's key is working with the pharmacies to figure out what might work, and what their obstacles are and what their concerns are and to meet the needs there.

I mean, it certainly provides a logical place

to collect spent medicine or outdated medicine, if you could take it back to the place where you're getting new medicine. So that -- so we would very much like to have that connection. And we'll just have to see what develops.

MR. STEVE LANDERS: I was unaware of -- Let me turn the mic on. I was unaware that -- of the statistic you brought up, Matt, on Oklahoma youth. But -- which is reason enough right there.

But isn't there a water quality issue? I mean, that's one of the benefits also of keeping -- keeping pharmaceuticals out of --

CHAIR JEFF SHEPHERD: Waste Water Treatment Plants can't handle that. Absolutely.

MR. STEVE LANDERS: Is that a consideration, do you know, of the success of the program?

MR. PATRICK RILEY: Well, it's something that's certainly mentioned any time you talk about drug take-back programs, are the environmental impacts of pharmaceuticals when they're, say, flushed into the sewer system. And if they're not removed by water treatment subsequent to being discharged to the waterways.

We're seeing residual chemicals in the waterways that have impact on wildlife. So that's

something that's mentioned. That's the main environmental concern that you hear, along with the health hazard when you talk about this type of program.

MR. BILL TORNETEN: Have you all seen any effects to the groundwater from your groundwater analysis at the landfills? I guess it'd be hard to sort out what was the result of drugs that were put into the landfill versus other potential causes. But I suspect that's a concern.

MS. TRACI PHILLIPS: (Inaudible.)

MR. BILL TORNETEN: Depending on -- I would think so, depending on what you're analyzing for in the groundwater analysis.

VICE-CHAIR BRENDA MERCHANT: I think flushing in large quantities is a big water issue, you know, more so than it would be the occasional half a prescription that was thrown into your garbage on your garbage day because it's so dispersed.

I do know, just from personal experience, that the protocol for most hospice organizations is right there in front of you to flush it, whatever is left over when that person passes. And so there is large quantities at times that are going into the waste stream or going into the water. So this, I love

this.

MR. MATTHEW NEWMAN: Going to, Brenda, the -- until recently, the United States Environmental Protection Agency's guidance for prescription med, and Patrick you can confirm this or add to it, had been recommended for flushing it. Which just the irony there. That stance is changing.

JEFF SHEPHERD: Any other questions or comments?

All right. I think we're adjourned.

ADJOURNMENT - 10:30 A.M.

* * C E R T I F I C A T E * *

STATE OF OKLAHOMA)
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COUNTY OF OKLAHOMA)

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

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

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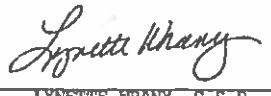

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OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID WASTE MANAGEMENT ADVISORY COUNCIL

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January 12, 2017
Oklahoma City, Oklahoma

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