

**DRAFT MINUTES**  
**Solid Waste Management Advisory Council**  
**September 11, 2025 Regular Meeting**  
**Department of Environmental Quality**

**Official SWMAC Approval**  
**at January 8, 2026 meeting**

**Notice of Public Meeting** - The Solid Waste Management Advisory Council convened for its Regular Meeting at 10:00 a.m. on September 11, 2025, 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 24, 2024. 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. Jim Linn, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Wendell Burkart  
Rodney Cleveland  
Karl Evans  
Rachel Hanigan  
Jody Reinhart  
Jim Linn

**DEQ STAFF PRESENT**

Kelly Dixon  
Patrick Riley  
Clifton Hoyle  
Amanda Scofield  
Amber Edwards  
Kole Kennedy  
Jonathan Allen  
Nick Hazelrigg  
Michael Reid  
Ruby Edsall  
Anne Marie Smith  
Emily Pilgrim  
David Cates  
Cat Ecker  
Chris Robinson  
Madeline Moore  
Michele Woods  
Quiana Fields

**MEMBERS ABSENT**

Todd Adcock  
Robert Joyce  
April Sacha  
Christopher Schaefer

**OTHERS PRESENT**

Bud Ground, EFO  
Jenny Longley, Court Reporter  
Evelyn Schaefer, KAB

**Mr. Linn introduced new Council member, Ms. Wendell Burkart, to the Council.**

*See transcript pages 3 - 5*

**Approval of the Minutes for the January 9, 2025 Solid Waste Management Advisory Council Meeting** – Ms. Reinhart moved approval of the January 9, 2025 Minutes and Mr. Evans made the second.

*See transcript pages 5 - 6*

**Roll Call**

Wendell Burkart	Yes	Rachel Hanigan	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Karl Evans	Yes	Jim Linn	Yes

**Director's Report** - Mr. Patrick Riley of the LPD, provided an update on Division activities.

*See transcript pages 6 - 11*

**Changes to rule making process after recent legislative action** – Mr. Jonathan Allen, General Counsel of the DEQ, gave a presentation on changes to rule making process after recent legislation action.

*See transcript pages 12 - 31*

**Presentation of Keep America Beautiful (KAB) State Partnership Award** – Mr. Linn called upon, Ms. Evelyn Schaefer, Executive Director of Keep Oklahoma Beautiful (KOB), she presented the KAB State Partnership Award to DEQ.

*See transcript pages 31 - 33*

**Solid Waste Grant Summary, Fiscal Year 2025 Projects** – Ms. Amanda Scofield of the LPD, gave a presentation on the Oklahoma Solid Waste Management Act (Act) that created a system of state solid waste fees to fund DEQ’s environmental protection programs. Local governments and nonprofit organizations can apply to DEQ for funding to accomplish environmental improvements. Highlights from the past fiscal year will be provided.

*See transcript pages 33 - 41*

**Discussion of Solid Waste Program Fees/Expenditures and Resolution by Council** – Mr. Riley stated that the Oklahoma Solid Waste Management Act (27A O.S. 2-10-802E) requires DEQ to annually report to the SWMAC its income from solid waste fees and its expenditures of those monies during the previous fiscal year. The Council’s comments concerning program fees and program expenditures are to be submitted to the Executive Director, Governor and Legislature by November 1<sup>st</sup> of this year. Following discussion by the Council, Mr. Linn called for a motion to approve the Solid Waste Program Fees/Expenditures and Resolution, Mr. Cleveland moved to approve and Ms. Reinhart made the second.

*See transcript pages 41 - 52*

Roll Call			
Wendell Burkart	Yes	Rachel Hanigan	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Karl Evans	Yes	Jim Linn	Yes

**Discussion of proposed changes to Chapter 515 Management of Solid Waste** – Mr. Riley stated that the Department of Environmental Quality is presenting, for discussion purposes only, proposed revision to Chapter 515. Revisions are being proposed to Subchapter 11 Liner Design, Flexible Membrane Liner (FML) thickness. The change would require the minimum thickness of all FMLs to be 60 mils. The current rule allows a minimum liner thickness of 30 mils for non-HDPE liner material.

*See transcript pages 52 - 58*

**Consideration of the formation of a workgroup to review solid waste regulations, pertaining to disposal of Naturally Occurring Radioactive Material (NORM) in Subtitle-D permitted landfills** – Mr. Riley stated that this agenda item is asking the Council to undertake a workgroup to review solid waste regulations pertaining to NORM in Subtitle-D permitted landfills. Following discussion by the Council and the public, Mr. Linn called for a motion. Ms. Hanigan moved to approve and Ms. Reinhart made the second.

*See transcript pages 58 - 69*

Roll Call			
Wendell Burkart	Yes	Rachel Hanigan	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Karl Evans	Yes	Jim Linn	Yes

**Election of Officers for 2026** – Ms. Reinhart made a motion that Mr. Linn remain as Chair and Mr. Cleveland become Vice-Chair. Mr. Evans made the second.

*See transcript pages 69 - 70*

**Roll Call**

Wendell Burkart	Yes	Rachel Hanigan	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Karl Evans	Yes	Jim Linn	Yes

**Suggested Meeting Dates for 2026 Council Meetings** – The suggested 2026 dates are January 8, April 16, July 16 and September 17. Mr. Evans moved to approve the dates presented and Ms. Burkart made the second.

*See transcript pages 70 – 72*

**Roll Call**

Wendell Burkart	Yes	Rachel Hanigan	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Karl Evans	Yes	Jim Linn	Yes

**Public Forum** – No public issues were raised.

**New Business** – None

**Adjournment** – Mr. Linn called for a motion to adjourn the meeting. Ms. Reinhart moved to adjourn and Ms. Burkart made the second. The meeting adjourned at 11:39 a.m.

*See transcript page 73*

**Roll Call**

Wendell Burkart	Yes	Rachel Hanigan	Yes
Rodney Cleveland	Yes	Jody Reinhart	Yes
Karl Evans	Yes	Jim Linn	Yes

**Transcript and sign-in sheet are attached as an official part of these Minutes.**

<p>1 SOLID WASTE MANAGEMENT ADVISORY COUNCIL MEETING</p> <p>2 ON SEPTEMBER 11, 2025 AT 10:00 AM</p> <p>3 IN OKLAHOMA CITY, OKLAHOMA</p> <p>4</p> <p>5</p> <p>6 MEMBERS PRESENT</p> <p>7 Karl Evans</p> <p>8 Rachel Hanigan</p> <p>9 Jim Linn</p> <p>10 Wendell Burkart</p> <p>11 Jody Reinhart</p> <p>12 Rodney Cleveland</p> <p>13</p> <p>14</p> <p>15 MEMBERS ABSENT</p> <p>16 Todd Adcock</p> <p>17 Robert Joyce</p> <p>18 April Sacha</p> <p>19 Christopher Schaefer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Jenny Longley, CSR</p>	<p>Page 1</p> <p>1 SECRETARY FIELDS: We have a quorum.</p> <p>2 CHAIRMAN LINN: Thank you, ma'am.</p> <p>3 Item 3 reads, "Introduction of a</p> <p>4 newly appointed Council Member", so I'd love to read</p> <p>5 the bio on Wendell - and she goes by Wendy, I'm told</p> <p>6 - Burkart.</p> <p>7 Ms. Burkart was born in Florida to a</p> <p>8 military family and lived in the states of Florida,</p> <p>9 California, Mississippi, Maryland, and Texas, all</p> <p>10 before being 6 years old. At the age of 6</p> <p>11 Ms. Burkart moved to the state of Arkansas, where</p> <p>12 her father decided to retire. She graduated from</p> <p>13 Sylvan Hills High School and went to the University</p> <p>14 of Arkansas, where she graduated with a degree in</p> <p>15 Industrial Engineering. And I reluctantly have to</p> <p>16 say "Go Hogs" at this point because it's in her bio.</p> <p>17 You'll soon learn that I'm a</p> <p>18 Longhorn, ma'am, so -- we get to play each other</p> <p>19 again, so that's great.</p> <p>20 Ms. Burkart went on to work in</p> <p>21 different manufacturing facilities that manufactured</p> <p>22 different types of products from greeting cards,</p> <p>23 furniture, woodworking tools and golf cars. When</p> <p>24 working for the golf car manufacturer, Ms. Burkart</p> <p>25 was introduced into the Environmental Health and</p>
<p>Page 2</p> <p>1 PROCEEDINGS</p> <p>2 CHAIRMAN LINN: Good morning, everyone.</p> <p>3 So Kole asked me to ask the council members, when</p> <p>4 they speak, to lean into the microphone so -- we're</p> <p>5 having some mic issues, so let's be sure and follow</p> <p>6 that so that Jenny gets everything and the crowd can</p> <p>7 hear us. This will be the Call to Order, item 1.</p> <p>8 And then item 2 is a Roll Call.</p> <p>9 Ms. Fields?</p> <p>10 SECRETARY FIELDS: Mr. Adcock is absent.</p> <p>11 Ms. Burkart?</p> <p>12 MS. BURKART: Present.</p> <p>13 SECRETARY FIELDS: Mr. Cleveland?</p> <p>14 MR. CLEVELAND: Present.</p> <p>15 SECRETARY FIELDS: Mr. Evans?</p> <p>16 MR. EVANS: Here.</p> <p>17 SECRETARY FIELDS: Ms. Hanigan?</p> <p>18 MS. HANIGAN: Here.</p> <p>19 SECRETARY FIELDS: Mr. Joyce is absent.</p> <p>20 Ms. Reinhart?</p> <p>21 MS. REINHART: Here.</p> <p>22 SECRETARY FIELDS: Ms. Sacha is absent.</p> <p>23 Mr. Schaefer is absent.</p> <p>24 Mr. Linn?</p> <p>25 CHAIRMAN LINN: Here.</p>	<p>Page 4</p> <p>1 Safety world. At that time, she began to study</p> <p>2 Environmental Engineering. Ms. Burkart went on to</p> <p>3 obtain a Master's in Occupational Health and Safety</p> <p>4 with an emphasis in Environmental Management.</p> <p>5 Ms. Burkart moved to Oklahoma in 2015 and still</p> <p>6 roots for the Razorbacks. Ms. Burkart obtained her</p> <p>7 CHMM in 2017. Ms. Burkart is currently employed as</p> <p>8 the Environmental Manager by Reworld Tulsa, a</p> <p>9 thermomechanical treatment facility.</p> <p>10 Ms. Burkart has over 20 years of</p> <p>11 experience related to Environmental Health and</p> <p>12 Safety compliance and industrial facilities.</p> <p>13 Ms. Burkart has over 13 years of experience</p> <p>14 providing a wide array of environmental services,</p> <p>15 including due diligence assessments, contaminant</p> <p>16 investigations, and regulatory compliance.</p> <p>17 Compliance services provided include compliance</p> <p>18 reviews to ascertain the applicability - or</p> <p>19 non-applicability - of environmental regulations to</p> <p>20 facilities and operations. Following applicability</p> <p>21 determinations, Ms. Burkart provides compliance</p> <p>22 support services, often in the form of permit or</p> <p>23 plan preparation, with associated inspections,</p> <p>24 reports, certifications, and submittals.</p> <p>25 Ms. Burkart has prepared and taught Environmental</p>

<p>Page 5</p> <p>1 Health and Safety training that is compliant with 2 federal, state, and local laws and regulations. She 3 possesses 12 years of experience related to the 4 development, implementation, and internal auditing 5 of ISO 9001 and 14001 Management Systems for 6 industrial facilities.</p> <p>7 Ms. Burkart believes that we all have 8 a responsibility to protect our communities and that 9 resources are available that will protect the 10 residents of Oklahoma and our environment.</p> <p>11 Here, here. Welcome, Ms. Burkart.</p> <p>12 MS. BURKART: Thank you.</p> <p>13 CHAIRMAN LINN: All right. We'll move on 14 to number 4, Approval of the Minutes for January 9, 15 2025 Solid Waste Management Advisory Council 16 Meeting.</p> <p>17 Do I have a motion for approval?</p> <p>18 MS. REINHART: I make the motion to 19 approve the minutes from the January 2025 meeting.</p> <p>20 CHAIRMAN LINN: Is there a second?</p> <p>21 MR. EVANS: You have a second.</p> <p>22 SECRETARY FIELDS: Ms. Burkart?</p> <p>23 MS. BURKART: Approve.</p> <p>24 SECRETARY FIELDS: Mr. Cleveland?</p> <p>25 MR. CLEVELAND: Aye.</p>	<p>Page 7</p> <p>1 right now, so we'll be happy to get that completed.</p> <p>2 We have a new website, DEQ has a new 3 website. You may have noticed in my email that the 4 council documents were there and then they were gone 5 and now they're back, so we resolved that issue on 6 Tuesday.</p> <p>7 So I just want to point out that it's 8 an effort to try and streamline the information 9 that's available, but it's a lot of information. So 10 as we re-organize that and work through the new 11 system, there may be some glitches.</p> <p>12 If you are looking for information 13 that you used to be able to find and now you're not 14 sure where it went, let us know and we can try and 15 help you navigate to where it might be now.</p> <p>16 If you see things that seem to be, 17 like, broken links or things that don't work, please 18 let us know and we'll fix that. We've got a list 19 going, so we want to make sure that the information 20 remains available.</p> <p>21 I'll point out a few conferences that 22 are coming up that may be of interest to the 23 council. The Oklahoma Recycling Association 24 conference is October 8th at The Artesian in 25 Sulphur, Oklahoma. So if you are interested in</p>
<p>Page 6</p> <p>1 SECRETARY FIELDS: Mr. Evans?</p> <p>2 MR. EVANS: Yes.</p> <p>3 SECRETARY FIELDS: Ms. Hanigan?</p> <p>4 MS. HANIGAN: Yes.</p> <p>5 SECRETARY FIELDS: Ms. Reinhart?</p> <p>6 MS. REINHART: Yes.</p> <p>7 SECRETARY FIELDS: Mr. Linn?</p> <p>8 CHAIRMAN LINN: Yes.</p> <p>9 SECRETARY FIELDS: Motion passed.</p> <p>10 CHAIRMAN LINN: Thank you, ma'am.</p> <p>11 Director's Report, item 5. So Patrick, I do not see 12 Ms. Dixon; so that's probably your deal?</p> <p>13 MR. RILEY: Yeah, I'm not the director, 14 but I play one at the council meetings. Just wanted 15 to share a few things that are -- they're more 16 informative than they are action related or they're 17 certainly not agenda items, but they're just some 18 information to share.</p> <p>19 First of all, you may have noticed 20 that the garage demo is complete, so we got the old 21 DEQ garage gone and we're going to start on 22 construction of the new one, so that's a nice 23 milestone. And hopefully, that will clear up some 24 parking issues that are around here. I think we 25 have DEQ people parking at seven different locations</p>	<p>Page 8</p> <p>1 visiting that and learning about their recycling 2 efforts in Oklahoma, recommend that one.</p> <p>3 There is the EFO Annual Meeting and 4 Trade Show coming up October 13 through 15 in Tulsa, 5 and there are the Oklahoma Composting and 6 Sustainability conference is October 30th at Rose 7 State, so some opportunities to see what's going on 8 in the environmental world in Oklahoma.</p> <p>9 A few legislative interest things 10 I'll point out, there is a House interim study 11 coming out on September 29th about critical minerals 12 and it relates to battery recycling. So if you are 13 interested in that I would look into that, 14 September 29th, 3:00, at the Capitol.</p> <p>15 They're just going to talk about the 16 potential of using some extended producer 17 responsibility legislation to facilitate better 18 infrastructure for battery collection.</p> <p>19 PFAS, that's probably going to be of 20 interest this coming legislative session. Don't 21 know exactly what types of bills, there's always 22 been a lot of interest, we sense some more interest 23 with biosolids and PFAS.</p> <p>24 The past couple of sessions, DEQ's 25 had a PFAS bill and been involved in that. I'm not</p>

<p>Page 9</p> <p>1 sure if that's going to move forward or not again 2 this session, I'm not sure what the status is of 3 that, but we'll watch that and see. 4 And then the last thing I have on my 5 list is CCR because we can't go to a Solid Waste 6 Council meeting without talking about CCR just a 7 little bit, so coal combustion residuals. 8 There are some changes on the federal 9 level. Again, just as a reminder, especially to 10 those folks that may not be as familiar with the 11 saga of CCR, we started this process back in 2016, 12 2017 with some changes on the federal level to more 13 strictly regulate disposal CCR. 14 Oklahoma felt very strongly that our 15 regulation of the CCR Management Units, CCR 16 landfills, and impoundments is better accomplished 17 through state oversight by DEQ rather than federal 18 oversight by the EPA. 19 So we took the opportunity to apply 20 for authorization to operate our program in lieu of 21 the federal program, and we were the first state to 22 receive that authorization. It's both a blessing 23 and a curse. 24 Since we were early adopters, as the 25 federal part evolved, we had to evolve, as well, and</p>	<p>Page 11</p> <p>1 between the two to keep everybody updated. 2 And that's the end of my notes for 3 the director's report. If there are any questions, 4 I'd be happy to answer those. 5 CHAIRMAN LINN: I hear none. 6 Ms. Fields, point of parliamentary 7 procedure. I think I need to read this, yes? 8 SECRETARY FIELDS: Yes. 9 CHAIRMAN LINN: Sorry, I'm surprised you 10 didn't kick me under the table. 11 SECRETARY FIELDS: It's supposed to be at 12 the Call to Order. 13 CHAIRMAN LINN: This is the protocol 14 statement I should have started with. No, it's not 15 my first meeting as Chair or Vice Chair or whatever, 16 but bear with me a moment, we'll get through it 17 together. 18 Protocol statement reads, "This 19 September 11, 2025 regular meeting of the Solid 20 Waste Management Advisory Council was called in 21 accordance with the Open Meeting Act." 22 "Notice was filed with the Secretary 23 of State on October 24, 2024. The agenda was duly 24 posted on the doors of the DEQ, 707 North Robinson, 25 Oklahoma City, OK, at least 24 hours prior to the</p>
<p>Page 10</p> <p>1 the council's been very helpful in passing the rule 2 updates as needed. It's challenging to keep up with 3 the pace with rulemaking, our state rulemaking 4 lagging behind, somewhat, the federal process. 5 So there are some changes proposed 6 right now on the federal level that extend 7 deadlines, compliance deadlines. We're not going to 8 be able to catch up with our state rulemaking, but 9 we have decided that we are going to -- we'll 10 certainly honor any changes to federal deadlines 11 that are more beneficial than are in the state 12 program. 13 So if the feds extend their 14 deadlines, we'll certainly allow that and we'll use 15 enforcement discretion in the interim until we catch 16 up with our rules. 17 Anne Marie's group, Anne Marie Smith, 18 who is the Engineering Manager for Solid Waste, her 19 group is working on the letter that will go out to 20 affected facilities and let them know, kind of 21 formalize our position on this. 22 And her group's working on some 23 guidance documents and tables that show the 24 compliance dates that are in the state rules and the 25 federal rules and how to -- the little crosswalk</p>	<p>Page 12</p> <p>1 meeting." 2 "Only matters appearing on the posted 3 agenda may be considered at this regular meeting. 4 In the event that this meeting is continued or 5 reconvened, public notice of the date, time, and 6 place of the continued meeting will be given by 7 announcement at this meeting. Only matters 8 appearing on the agenda of a meeting which is 9 continued may be discussed at the continued or 10 reconvened meeting." We got through it. 11 All right. Number 6. This one is a 12 -- regards changes to the rulemaking process after 13 recent legislative action, and we have a 14 presentation by General Counsel Jonathan Allen. 15 Good morning, sir. 16 MR. ALLEN: Good morning. This is my 17 first time to speak to this body, I'm very glad to 18 do so. I haven't been at DEQ a very long time, I 19 just hit my two-year anniversary, but I'm really new 20 in this position. 21 When I came here, there was General 22 Counsel Jennifer Boyle, who many of you may know. 23 She is greatly missed and she made the job look a 24 lot easier than it is. 25 But I have been working with DEQ</p>

<p style="text-align: right;">Page 13</p> <p>1 rules and the rulemaking process, submitting those</p> <p>2 rules to the legislature, so I have been -- you</p> <p>3 know, I know quite a bit about this process, and</p> <p>4 we've got some big changes.</p> <p>5 I'm not going to talk about every</p> <p>6 change that touches on the rulemaking process, but I</p> <p>7 did want to highlight some things that will affect</p> <p>8 DEQ and its drafting, creation, and submission of</p> <p>9 rules and will also affect this body.</p> <p>10 And so I'm going to talk about three</p> <p>11 different bills. The first two are already</p> <p>12 effective, they became effective in July, and the</p> <p>13 last one will become effective on November 1st of</p> <p>14 this year.</p> <p>15 And so Senate Bill 1024 is -- that</p> <p>16 makes some changes to the way rules are approved;</p> <p>17 House Bill 2728, which probably got the most press</p> <p>18 coverage, is called the REINS Act, and that involves</p> <p>19 a lot of information about -- and scrutiny about</p> <p>20 what the costs of implementation of rules are; and</p> <p>21 then House Bill 2729 is basically the Oklahoma's</p> <p>22 codification of a U.S. Supreme Court case that was</p> <p>23 decided last year called Loper Bright.</p> <p>24 So to give us a starting point, I'm</p> <p>25 just going to discuss what the general rulemaking</p>	<p style="text-align: right;">Page 15</p> <p>1 period where we hear public input; there's this</p> <p>2 advisory council meeting where more public input may</p> <p>3 be received, and you guys make a recommendation to</p> <p>4 the Environmental Quality Board; and then, you know,</p> <p>5 at the same time, the DEQ staff is going to</p> <p>6 summarize and respond to each and every public</p> <p>7 comment; and then, finally, it gets submitted to the</p> <p>8 Environmental Quality Board for adoption.</p> <p>9 That usually happens in January now</p> <p>10 because in order to submit it to the legislature, we</p> <p>11 have to do it before February 1st now. So that's</p> <p>12 why we had -- that's probably why you guys had a</p> <p>13 January 2025 meeting so you could submit something</p> <p>14 for approval for a later January 2025 meeting to the</p> <p>15 board.</p> <p>16 Okay. And then, finally, we have to</p> <p>17 get approval of the final adopted rules from the</p> <p>18 legislature and governor. So that's just the --</p> <p>19 that's our starting point, that's where we begin.</p> <p>20 And we'll talk about the changes from</p> <p>21 Senate Bill 1024. Now, I mentioned we send a copy</p> <p>22 of our Notice of Rulemaking Intent and our draft</p> <p>23 rules to the Secretary of Energy and Environment and</p> <p>24 to the Governor's Office. And for many years, what</p> <p>25 that has meant is they just have them and they can</p>
<p style="text-align: right;">Page 14</p> <p>1 process has been for many years. So, usually, we'll</p> <p>2 start having some stakeholder meetings in the summer</p> <p>3 or early fall, staff of DEQ, the program staff will</p> <p>4 begin drafting text of new rules that they need to</p> <p>5 adopt or propose for adoption, and then the first</p> <p>6 official step is filing a Notice of Rulemaking</p> <p>7 Intent.</p> <p>8 At this time -- this is something we</p> <p>9 filed with the Secretary of State's office and it</p> <p>10 gets published in a publication called the Oklahoma</p> <p>11 Register. The Notice of Rulemaking Intent, when</p> <p>12 that is filed, we also send a copy of these rules</p> <p>13 and the notice to the Governor's Office and to the</p> <p>14 Governor's -- the appropriate cabinet secretary.</p> <p>15 For us, that's the Office of the Secretary of Energy</p> <p>16 and Environment.</p> <p>17 And so we send it to his office and</p> <p>18 we've always done that, that has not changed, but</p> <p>19 there's a difference -- there's a big difference in</p> <p>20 what that means this year that I'll get to later.</p> <p>21 Then we prepare some information for</p> <p>22 the public for them to digest and understand about</p> <p>23 the new rules, it's called the Rule Impact</p> <p>24 Statement, and there's changes to that this year.</p> <p>25 We receive -- we set a public comment</p>	<p style="text-align: right;">Page 16</p> <p>1 look at them if they want to or they can choose not</p> <p>2 to look at them. They're very busy, they don't</p> <p>3 always get to it, but if they don't reach out to us</p> <p>4 within 30 or 45 days and tell us, we do not want you</p> <p>5 to move forward with these particular rules, that</p> <p>6 means that we as an agency, DEQ, and you as a public</p> <p>7 body can move forward with that rulemaking process.</p> <p>8 Well, Senate Bill 1024 has changed</p> <p>9 that and now it says if, after 30 days of providing</p> <p>10 notice to the governor and cabinet secretary, the</p> <p>11 agency has not received an express written approval,</p> <p>12 the agency shall not proceed with the rulemaking</p> <p>13 process.</p> <p>14 So this is a drastic change, inaction</p> <p>15 on the part of the governor and cabinet secretary</p> <p>16 now stops our rulemaking process. And this usually</p> <p>17 happens -- 30 days is about a week after we've</p> <p>18 published it in the Oklahoma Register and started</p> <p>19 our public comment period, so that's a big</p> <p>20 interruption.</p> <p>21 And just telling you, like, we've</p> <p>22 already had a set of rules where this deadline was</p> <p>23 missed because it was kind of -- I got the</p> <p>24 impression that it was a little bit of a surprise at</p> <p>25 the Secretary of Environment's Office because this</p>

<p>Page 17</p> <p>1 deadline came up really fast, and it's a drastic 2 departure from the way rules have been done for many 3 years. 4           So we've already had to restart one 5 set of rules, not that came to this body, but it 6 already has changed things for DEQ and so -- and I 7 see a question. 8           MR. CLEVELAND: Yeah. Was this because 9 the executive branch, is this to force them to do 10 something or -- 11          MR. ALLEN: Yes. 12          MR. CLEVELAND: Or do they want -- did 13 they want an out of not being able to do something? 14          MR. ALLEN: I think that they want the 15 executive branch to weigh in on it early and they -- 16 I mean, that's certainly what it forces them to do. 17 Because if they don't weigh in and approve these -- 18 this rulemaking exercise -- like, they don't have to 19 approve the final version of the rules because those 20 can change in response to public comment, but if 21 they don't give us the affirmative written approval 22 to move forward with this, then it will stop the 23 rest of the executive - which is DEQ and this body - 24 from proceeding with rulemaking. 25          So I interpret that as they want to</p>	<p>Page 18</p> <p>1 reach out and to make sure that they know that we 2 have a deadline and why this is important and why we 3 think we need to move forward. 4           So, you know, I think it has resulted 5 in the first part, and I don't know what their 6 intent was as to the second, but there are some 7 other things that may give support to the idea that 8 they're trying to save taxpayer dollars spent on 9 rulemaking activities, but I'll get to that later. 10          Okay. Senate Bill 1024 also added to 11 the Rule Impact Statement, which is the piece of 12 paper that goes out to the public and it gives them 13 information, it just added some additional 14 questions. 15          And one of the questions you'll see, 16 they want to look at what alternatives did the 17 agency look at to adopting these new rules, and the 18 second one is how much time's spent by state 19 employees developing the rule and other rule 20 resources? 21          So that's exactly kind of what you 22 were talking about. It may very well may be that 23 this is -- they're trying to reduce the amount of 24 taxpayer dollars spent on employees doing this 25 instead of doing other activities that the</p>
<p>Page 18</p> <p>1 not let us get out of the gate before, you know, the 2 people at the top know and have approved and blessed 3 what we're trying to do. That's how I interpret 4 their intent. 5           MR. CLEVELAND: Would that be more work on 6 DEQ to basically, on the front end, say, okay, we 7 need this and this is why we need this rule change, 8 or was it to -- so that you didn't have to spend a 9 lot of time of basically going through the motions 10 and then it be stalled at the back side? 11          MR. ALLEN: That's a really good question. 12 I can't say what their ultimate intent was, you 13 know, whether they were trying to save, like, 14 taxpayer dollars from being spent on rulemaking that 15 wouldn't make it across the finish line or whether 16 they were just trying to make us explain ourselves 17 earlier on, I'm not sure. 18          We have had to have more 19 conversations with the Secretary of Energy and 20 Environment's Office as a result of this change. We 21 do have to summarize it, we have to tell them what 22 the deadline is and follow up with them several 23 times because they just have so many things going 24 on. They have so much important business and all of 25 it's critical, and so I think it really is on DEQ to</p>	<p>Page 20</p> <p>1 legislature's asked us to do. 2           Okay. And then another one is they 3 want a comparison between our proposed rules and any 4 federal regulations that are intended to address the 5 same activities. I guess the idea there is if 6 there's already federal regs in place, do we need 7 our own regs that say the same thing. You know, so 8 I don't know, sometimes we do, sometimes the feds 9 tell us we have to have it, so we'll see how that 10 goes. 11          Okay. Now I'm going to move on to 12 the second bill, this is called the REINS Act, and 13 the main difference is this is -- they have 14 categorized all rules that we propose as major or 15 non-major rules. 16          And the basis for a major rule is 17 that if it will have compliance costs or 18 implementation costs that total over \$1 million over 19 a period of five years. 20          And so that is a threshold that they 21 have created this year, and that will create -- you 22 know, if we have a rule change that is considered a 23 major rule, that puts more of a burden on DEQ 24 employees to come up with more justification for why 25 this rule is needed and how we've tried to mitigate</p>



<p>Page 21</p> <p>1 this cost, and it also will be subject to greater 2 scrutiny when it goes to the legislature, they're 3 going to look at it and make sure that this is 4 something they really want to move forward with. 5       Okay. So the REINS Act also added a 6 bunch of questions to the Rule Impact Statement that 7 we give out to the public. In addition to the stuff 8 that we -- the long list that we already had, we now 9 need to explain or provide a statement explaining 10 the need for the rule and its legal basis; we need 11 to give them, the legislature, a classification that 12 this rule is a major and this is a non-major and 13 this is why, this is how we calculated that; and 14 then a determination of whether the rule is actually 15 mandated by federal law or if it's required to 16 participate in a federally funded program, and then 17 if it is, they want to know if it exceeds federal 18 requirements. 19       And that's not all, they added even 20 more to the Rule Impact Statement. They want to 21 know if the -- they want an analysis of what the 22 rule's affect will be on the agency's number of 23 full-time employees. So here again they want to 24 know, like, does this rule that we're going to pass 25 mean that you'll be coming back to us and asking for</p>	<p>Page 23</p> <p>1 not say what will happen. So that will be 2 interesting. 3       Okay. And this was kind of a hidden 4 thing that I noticed because I've worked in this 5 area for so long. Something they didn't add, it's 6 something they removed, and it's about the Rule 7 Impact Statement. 8       Traditionally, the Rule Impact 9 Statement used to say - it shows the strike-through 10 there - it says, "The rule shall not be invalidated 11 on the ground that the contents of the Rule Impact 12 Statement are insufficient or inaccurate". 13       Rule Impact Statements are just 14 informational for the public in the past. They 15 change, they're updated. Every time we get a public 16 comment or whatever, we update them and we always 17 ask for business input, and so when we get it we 18 update our Rural Impact Statement, and we tend to 19 write it more informally to be helpful to the 20 public, and it was harmless. All those things were 21 harmless before because we didn't have to worry 22 about somebody opposed to the rule suing the agency 23 and trying to get the rule struck down because we 24 didn't put enough information in the Rule Impact 25 Statement or we said it in a misleading way.</p>
<p>Page 22</p> <p>1 more money to pay the employees to implement this 2 rule. 3       They want to know how -- they want to 4 see our work, they want to know how we did the math 5 to estimate economic impacts such as the compliance 6 costs, implementation costs, and then an explanation 7 of measures that the agency undertook before coming 8 up with these rules to try to mitigate any of these 9 compliance costs and the effect it may have on 10 business and economic growth. 11       Okay. So another thing -- now, there 12 is a recently created body within the legislature 13 called the Legislative Office of Fiscal Transparency 14 or LOFT, and this bill -- the REINS Act gives LOFT 15 some pretty heavy responsibilities of its own. 16       They are going to conduct their own 17 independent analysis of whether each rule is a major 18 or non-major rule. They also are forbidden from 19 hiring any new employees to do this work, which 20 sounds like a lot of work to me. 21       They have 21 days to determine 22 whether DEQ or another agency has complied with 23 their directives in the REINS Act, and it is totally 24 silent on what happens if they don't -- if they 25 can't do that work within 21 days, it totally does</p>	<p>Page 24</p> <p>1       Well, that protection is now gone, so 2 there's a possibility that even -- we've got this 3 Rule Impact Statement that has doubled in length or 4 more, and now the stakes are much higher about what 5 needs to be in there and how it's stated. 6       So we're interested to see how this 7 legislature session goes. You know, of course we're 8 always, like, happy to work with members of the 9 legislature. 10       This year, we had more legislators 11 reaching out to the agency to ask questions about -- 12 we got a lot of questions about the CCR rules that 13 we updated last year, those were great 14 conversations. They were very sharp and they were 15 interested in knowing what's going on and what the 16 effect would be. 17       I mean, that was wonderful, you know, 18 and I hope this is more of the same, like, I hope we 19 get more of that kind of dialogue because, you know, 20 we just -- we would like more face time over there, 21 we want them to know us. But it's just a -- it's 22 going to be a lot more work, I think, so... 23       All right. Let's move on to the last 24 bill. Okay. This is House Bill 2729, and as I 25 said, there was a U.S. Supreme Court case called</p>

<p>Page 25</p> <p>1 Loper Bright that overruled an earlier U.S. Supreme 2 Court from 1984 called Chevron. 3           And many of you have probably heard 4 in the news the term "Chevron deference", and what 5 that meant is at the federal level, when an agency 6 like EPA was put in charge by Congress of 7 implementing a statute and implementing a federal 8 law that their interpretation of that federal law 9 was entitled to a lot of deference from the courts. 10 The courts wouldn't get in and second guess how they 11 were interpreting the rule because Congress put them 12 in charge of interpreting the rule. That was the 13 basis for Chevron back in the 80's. 14           That has been overruled, and the 15 Oklahoma legislative members decided to memorialize 16 that in this House Bill 2729. The interesting thing 17 is that in Oklahoma, our courts never gave state 18 agencies Chevron deference, we never had any kind of 19 deference when it came to interpreting the law or 20 interpreting our own rules. 21           They interpreted it the way that they 22 thought was best and always have, and they of course 23 would look to an agency and, you know, into the 24 circumstances and how the rule was passed and what 25 problems they were trying to address and how the</p>	<p>Page 27</p> <p>1 and asked DEQ to try to be more specific when they 2 make rules so that there's nothing left up to 3 interpretation so that we don't end up in a 4 situation where we've got 77 different district 5 court judges making 77 different interpretations, 6 that's really tough for a business to I live with, 7 so... 8           And that is -- that's it, I promise 9 I'm done, but I do have time for more questions if 10 you have any. 11           MR. EVANS: I have one question. If 12 you're going to have to be that precise, does that 13 mean your rules are going to become more voluminous? 14           MR. ALLEN: That's a great question 15 because in my experience, if you want to cover every 16 possible scenario, you have to make your rules 17 longer. 18           We've recently had some great 19 pushback from -- especially from Governor Stitt 20 against how long our rules are and how many sections 21 we have, and they have a goal of reducing the total 22 number of administrative rule sections in the 23 administrative code. So those two things would 24 squeeze us. We're squeezed between those two 25 directives, so -- but it is something we have to</p>
<p>Page 26</p> <p>1 agency had done it for many years, of course they 2 look at it, but they're not bound by it. 3           And so we didn't really think this 4 was a drastic change, but we don't really know how 5 it's going to be viewed if our rules get challenged 6 in court. 7           And so there's one -- there's an 8 extra line that they threw in there. They said, "In 9 an action brought by or against a state agency" - so 10 if someone sues DEQ - "after applying all customary 11 tools of interpretation, the court or hearing 12 officer shall exercise any remaining doubt in 13 favorable of a reasonable interpretation which 14 limits agency power and maximizes individual 15 liberty". 16           Now, for me, I have a hard time 17 understanding what that means because if we're in 18 court, it's usually we've got members of the public 19 with interests on both sides of an issue, and who's 20 -- which one of those -- which member of the public 21 liberty is at stake, which one's going to be 22 maximized? That can be tough in some situations. 23           So I don't know that this will have a 24 huge impact on us. I do know that members of 25 industries in different sectors have pointed to this</p>	<p>Page 28</p> <p>1 consider. 2           MR. EVANS: Thank you. 3           MS. HANIGAN: I have a couple questions. 4           MR. ALLEN: Okay. 5           MS. HANIGAN: Just so I'm tracking the new 6 process, I mean, it's apparent there's a ton being 7 added to this Rule Impact Statement -- 8           MR. ALLEN: Yes. 9           MS. HANIGAN: -- which goes to the 10 Secretary of Energy and Environment and the governor 11 before this council would ever see the rule? 12           MR. ALLEN: No, the Rule Impact Statement 13 is not created until it's ready to go to the public. 14 And in fact, the notice of the proposed rule 15 ordinarily -- like, ordinarily DEQ's way ahead of 16 the game, and when we prepare our draft rules we 17 also prepare a Rule Impact Statement, but we don't 18 put it out on our website until we're actually 19 accepting public comment. 20           The law doesn't require us to put out 21 a Rule Impact Statement until, you know, a couple of 22 weeks after we've started accepting public comment. 23 And the Rule Impact Statement is not one of the 24 documents that we send to the cabinet secretary or 25 the Governor's Office, that's the Notice of</p>

<p>Page 29</p> <p>1 Rulemaking Intent and the actual draft of our 2 proposed rules or rule changes.</p> <p>3         So we do have a little bit more time 4 to work on the Rule Impact Statement, and I predict 5 we'll need it with all these new requirements.</p> <p>6         MS. HANIGAN: Okay. So, yeah, the Rule 7 Impact Statement, which is going to be heavily 8 scrutinized by this organization called LOFT -- 9         MR. ALLEN: Yes.</p> <p>10        MS. HANIGAN: -- and that 21 days would be 11 subsequent to this 30-day review that's going to 12 happen --</p> <p>13        MR. ALLEN: Yes. So the LOFT will not get 14 to take a crack at it until February of the 15 following year. So if we submit rules that are 16 adopted by this body and ultimately adopted by the 17 Environmental Quality Board in January of 2026, we 18 have to submit it by February 1st, which means 19 that's when LOFT will get it and that's when their 20 21 days starts.</p> <p>21         So they're totally -- like, one 22 happens in August, September, October, which is the 23 cabinet secretary review, and then LOFT will look at 24 it starting in February.</p> <p>25        MS. HANIGAN: Understood. Thank you.</p>	<p>Page 31</p> <p>1 about REINS Act. It's not specific to the DEQ, 2 right, that's across the board to all levels of 3 policy?</p> <p>4         MR. ALLEN: You're absolutely right, it 5 applies to every state agency that engages in rules.</p> <p>6         MS. REINHART: Okay.</p> <p>7         CHAIRMAN LINN: Okay. Are there any more 8 questions or discussions by the council?</p> <p>9         All right. We'll move to questions 10 and discussions by the public. Anyone wish to speak 11 on this matter?</p> <p>12         Hearing none, do we -- there's not -- 13 yeah, there's no vote on this. It's just 14 informative, right?</p> <p>15         MR. RILEY: Correct.</p> <p>16         CHAIRMAN LINN: Okay. Sorry, Jonathan, 17 but now to the fun stuff.</p> <p>18         We have a presentation, item number 19 7, Keep America Beautiful State Partnership Award. 20 We have Evelyn Schaefer, executive director of Keep 21 Oklahoma Beautiful, who will present the KAB State 22 Partnership Award to DEQ. Welcome, Ms. Schaefer.</p> <p>23         MS. SCHAEFER: Good morning, and thank you 24 for this opportunity to recognize the valuable 25 partnership between DEQ and Keep Oklahoma Beautiful.</p>
<p>Page 30</p> <p>1         CHAIRMAN LINN: So, Patrick, what's the 2 net administrative burden for you all?</p> <p>3         MR. RILEY: Well, it's -- I don't know 4 that I can quantify the administrative burden. It 5 certainly -- as Jonathan mentioned, it causes us to 6 give careful consideration to what our rules say.</p> <p>7         And as Karl pointed out, we're -- 8 rules will tend to get longer if we try to be more 9 precise and cover everything, be more comprehensive.</p> <p>10        So the challenge for both DEQ and the council, I 11 would say, is to how we can be precise and brief in 12 how we write rules, and that will be a challenge.</p> <p>13         I will point out that inasmuch as the 14 history of the council, when we've talked about 15 rulemaking and rule changes, we've endeavored to 16 bring draft conceptual rules before the council well 17 before we engage in formal rulemaking.</p> <p>18         So before we engage in this process, 19 we have a chance to talk things over conceptually 20 way out, whether or not we want to pursue rule 21 changes before we engage in formalities. And that 22 will continue, and I think that's going to be more 23 important as the level of effort has increased for a 24 formal rulemaking process.</p> <p>25        MS. REINHART: I just had one question</p>	<p>Page 32</p> <p>1 Last year, DEQ helped make the Great American 2 Cleanup a success. All 77 Oklahoma counties 3 participated for the 15th consecutive year. 3.4 4 million pounds of trash were collected in that 5 90-day period during the Great American Cleanup. 6 11,000 volunteers were engaged, and 64 illegal dump 7 sites were cleared.</p> <p>8         DEQ supports the Paint Oklahoma 9 Beautiful program. Last year, communities were 10 granted 435 gallons of free recycled paint that 11 would have otherwise ended up in the landfill.</p> <p>12         The litter education program reached 13 8,000 students by engaging with elementary, middle, 14 high school students, and college students. And 15 this March, we held our inaugural Student 16 Environmental Champions lunch, so we brought 100 17 students, their parents, and their teachers to the 18 Oklahoma City Zoo to give them awards for the work 19 that they've done on environmental projects, and 20 that included scholarship money, also.</p> <p>21         \$22,000 in environmental grants were 22 issued to 14 cities for initiatives from Main Street 23 and business core revitalization to pollinator 24 gardens and citywide recycling initiatives.</p> <p>25         DEQ's support of the 34th Annual</p>

<p style="text-align: right;">Page 33</p> <p>1 Environmental Excellence Celebration allowed KOB to  2 honor environmental heroes across the state, and it  3 included a special Route 66 cleanup award presented  4 by lieutenant governor Matt Pinnell.  5 On behalf of our Board of Directors  6 and staff, thank you for your commitment to litter  7 remediation, litter and recycling education,  8 beautification, and environmental sustainability.  9 Thanks for helping us Keep Oklahoma Beautiful.  10 I am proud to present this award to  11 you on behalf of Keep Oklahoma Beautiful and Keep  12 America Beautiful.  13 MR. RILEY: Jim, you want to come up and  14 accept the award? And I'd invite -- I think I saw  15 Pete Schultz, past president of KOB in the audience,  16 so if he'd like to come up, as well.  17 CHAIRMAN LINN: I'd love to. Probably  18 ought to have someone up here from DEQ, as well.  19 [Photo and applause]  20 CHAIRMAN LINN: All right. On to item 8.  21 Solid Waste Grant Summary, Fiscal Year 2025  22 Projects. It reads, "The Oklahoma Solid Waste  23 Management Act - or Act - created a system of state  24 solid waste fees to fund the DEQ's environmental  25 protection programs. Local governments and</p>	<p style="text-align: right;">Page 35</p> <p>1 so our committee reviews all of our applications.  2 Recently, we have started to receive more applicants  3 than we have funding for, and that's been in the  4 last couple years, so exciting stuff.  5 We have multiple grant categories  6 that I'll talk about later on, these just kind of  7 explain an overview of each grant. So we have the  8 Environmental Officers for curtailing illegal  9 dumping.  10 We have Equipment Grants, we do  11 equipment like chippers, balers, roll-offs,  12 recycling, composting, hazardous waste equipment. I  13 liked this one, this is a picture of a beach rake  14 from -- I think Eufaula, but it helps clean up the  15 beach of, like, glass and cigarette butts.  16 And we also have Collection Event  17 Grants, and these are for municipalities or  18 communities to host collection events for  19 difficult-to-manage waste streams like household  20 hazardous waste, tires, electronic waste. We  21 encourage them to collect as many items as possible,  22 as many categories so it's kind of a one-stop shop,  23 and the communities decide what they want to  24 collect.  25 We have a Food Waste Management</p>
<p style="text-align: right;">Page 34</p> <p>1 nonprofit organizations can apply to DEQ for funding  2 to accomplish environmental improvements.  3 Highlights from the past fiscal year will be  4 provided."  5 And it looks like we have a  6 presentation from Amanda Scofield.  7 MS. SCOFIELD: Hello.  8 CHAIRMAN LINN: Good morning.  9 MS. SCOFIELD: Good morning. I'm going to  10 stay here for my presentation, it is a story map  11 which lives on our website. We can send you a link  12 or you can find it on our Solid Waste page. And the  13 story maps are kind of fun, I'm just here to present  14 our projects and of course Patrick's going to talk  15 about the budget after. So the story maps are kind  16 of fun, they're interactive, so I'll just go over  17 that a little bit as I go, as well.  18 So you can just keep scrolling down,  19 and here's kind of some tabs. You've seen this  20 before. Well, Wendy you're new, so this is maybe  21 new to you.  22 Program Overview, funding becomes  23 available, we have an application window and a Grant  24 Application Review Committee with scoring rubric and  25 criteria, including past performance applicable, and</p>	<p style="text-align: right;">Page 36</p> <p>1 Grant, and this has to do with diverting food from  2 being wasted, so either to feeding people, feeding  3 animals, composting.  4 And the Professional Services Grant,  5 it's kind of a catch-all category for nonprofits or  6 specialty projects that don't fit into a different  7 category, a lot of one-time cleanups.  8 And Sharps Management Grant, Don't  9 Get Stuck, we've been working with Product  10 Stewardship Institute for a long time on sharps and  11 pharmaceutical management, so we have a specific  12 grant for that.  13 And that's a Program Overview, so now  14 we can click on Fiscal Year 25 Highlights. This  15 year -- or, sorry, last year, 51 communities  16 received funding and nearly \$2 million were  17 utilized.  18 Here's a map of most of our grants.  19 They don't all fit on a map, they're -- a lot of  20 them are just entities and nonprofits. And these  21 maps are interactive, so you can click on something,  22 whatever you want. You can see that Osage County  23 had a grant, an Environmental Officer grant.  24 So for environmental officers, we  25 collect statistics. We have them submit a stat</p>

<p>1 sheet, specifically collecting -- or, collecting  2 information on specific items. So this year, we  3 added a couple of things we wanted them to track,  4 which we added pounds of electronics.  5         So this is the officers that go out  6 and drive around, they look for illegal dump sites  7 and they clean them up, so we're asking them what  8 are they seeing in the creek, on the roadside, and  9 so we had them track electronics this year and also  10 mattresses, just to gauge.  11         And these are program-wide numbers  12 and it's self-reported, so not all of the numbers  13 get on there. So they're kind of, I think, on the  14 low side on reporting. But you can click on a grant  15 and you can see everyone, which county had a grant.  16         Let's see, you can go to the side  17 here. This year, we highlighted our top four  18 performing counties, so we had Haskell County with  19 the most pounds of trash collected.  20         And Haskell, they held a collection  21 event this year of just general refuse, like free  22 dump day kind of thing, and that's why their numbers  23 are so high.  24         And then we do encourage the  25 environmental officers to hold collection events if</p>	<p>Page 37</p> <p>1 your time if you'd like.  2         Equipment Grants. We had chippers,  3 roll-offs, household hazardous waste drums, balers,  4 composting equipment and Bigbelly receptacles. We  5 have a set out front if you want to take a look at  6 those, they're solar-powered trash compactors,  7 pretty neat.  8         Here's our Partners for Professional  9 Services. We work with state agencies,  10 universities, nonprofits. The OCCEDB sends us a  11 breakdown. We give them a big grant each year, and  12 they do pass-through grants to counties who need  13 equipment.  14         They do a lot of roll-offs. The  15 rural counties like to set roll-offs around the  16 county and it just leads people there to dump for  17 free versus on the roadside, and that has been  18 pretty effective recently, in the last few years.  19 Lots of chainsaws and chippers.  20         We've been -- we funded UCO's Broncho  21 Bites Food Recovery Program for a few years now, and  22 they have some impressive numbers - these are just  23 for the last year - of composting over 7,000 pounds  24 and over 7,000 pounds being redistributed back to  25 people, so almost 700 meals that would have been in</p>
<p>Page 38</p> <p>1 that's something their community needs. And then  2 Creek, Osage, and McCurtain are always top  3 performers for us, so we wanted to highlight them.  4         And Osage County Makes the News, you  5 can -- this is a clickable -- hold on, don't worry  6 about that. So anyways, moving on.  7         Collection Events, we had  8 416,000 pounds of waste collected across 11 events,  9 across 25 communities, and we can see the spread  10 across the state.  11         One reason we started doing the story  12 maps is because we wanted to track our grants across  13 the state and make sure we are funding the whole  14 state and not just, you know, the northwest corner.  15         Lots of tires collected. And this is  16 just a breakdown of the waste categories. So bulky  17 waste and general refuse are popular. A lot of  18 these collection events occur in rural counties  19 where they don't have trash service, necessarily.  20         Household hazardous waste is the next  21 biggest; electronics are really crucial to collect  22 and there's not always an outlet for those; scrap  23 metal; and paper shredding is popular, too.  24         Newcastle Makes the News. Let's see  25 if this works. Okay, yes. So, read that story on</p>	<p>Page 40</p> <p>1 the trash if this program hadn't existed.  2         Another fun one we did this year was  3 a project with the zoo, where we funded some  4 equipment for vermicomposting, which is composting  5 with worms. And this is the bin that the worms live  6 in and the food gets in there, they break it down.  7         And it's really cool for the zoo  8 because they used to as educational opportunities,  9 but it also supported staff in a lot of the  10 different departments in the zoo. They used it for  11 their summer camp, their preschool; and commissary,  12 when they're making food for the animals, they put  13 the scraps in there; of course, education;  14 husbandry, they also fed the actual worms to the  15 animals, like the fish eat the worms, so saved some  16 purchasing there; horticulture department used the  17 finished compost on the gardens. So it's a really  18 cool, all-encompassing project. And there's a  19 little video that you can watch later, but it's  20 pretty fun.  21         And those were my highlights for this  22 year. There's also Testimonials section of what  23 communities had to say about their grants and a  24 little bit on where funding comes from that might be  25 good to scroll through. So, that's all I got.</p>



<p>1 [Applause]</p> <p>2 CHAIRMAN LINN: Thank you, Amanda. It's</p> <p>3 always entertaining to see the efforts statewide of</p> <p>4 people that care enough to volunteer their time and</p> <p>5 efforts to get out and clean up litter and dump</p> <p>6 sites. And as a trash man, I can tell you we</p> <p>7 appreciate that, so thank you.</p> <p>8 Are there any questions or any</p> <p>9 discussion by the council for Amanda or about the</p> <p>10 programs? No? Okay.</p> <p>11 Questions or discussion by the</p> <p>12 public? Anyone have any comments? All right.</p> <p>13 Thank you.</p> <p>14 Item 9, Discussion of Solid Waste</p> <p>15 Program Fees/Expenditures and Resolution by Council.</p> <p>16 The Oklahoma Solid Waste Management Act, which is</p> <p>17 27A O.S. 2-10-802E, requires DEQ to annually report</p> <p>18 to the Solid Waste Management Advisory Council its</p> <p>19 income from solid waste fees and its expenditures of</p> <p>20 those monies during the previous fiscal year. The</p> <p>21 Council's comments concerning program fees and</p> <p>22 program expenditures are to be submitted to the</p> <p>23 Executive Director, Governor, and Legislature by</p> <p>24 November 1 of each year, in the form of a</p> <p>25 resolution.</p>	<p>Page 41</p> <p>1 largest.</p> <p>2 A few things I'll point out. The --</p> <p>3 let's look at revenue first. If you go down to the</p> <p>4 bottom of the page, a couple of things to point out.</p> <p>5 Two different numbers. One is the solid waste fee</p> <p>6 income received in 2025, and it has a value of</p> <p>7 \$7.6 million, and then the number right above that</p> <p>8 is the amount that was actually invoiced.</p> <p>9 I want to point out the difference --</p> <p>10 I want you to understand where those numbers come</p> <p>11 from and what the different is in those two. If you</p> <p>12 consider the \$7.6 is more like cash flow, that's</p> <p>13 when the money actually arrived at DEQ during that</p> <p>14 fiscal year, but if we look at what was actually</p> <p>15 billed per tonnage, then that number is \$6.4</p> <p>16 million.</p> <p>17 As you may know, the DEQ implemented</p> <p>18 a new reporting and fee-based system using an</p> <p>19 electronic system called nForm, and that allows</p> <p>20 disposal facilities to pay the solid waste fees</p> <p>21 electronically and report electronically on tonnage,</p> <p>22 and that allows DEQ to get very precise information</p> <p>23 in real time about payments.</p> <p>24 So while some of the payments may lag</p> <p>25 over the fiscal year, I don't want you to get the</p>
<p>Page 42</p> <p>1 So, Patrick has got a presentation</p> <p>2 for us.</p> <p>3 MR. RILEY: So my hope, Jim, is that when</p> <p>4 I finish talking about the numbers that you'll say</p> <p>5 it's always entertaining to look at the</p> <p>6 spreadsheets.</p> <p>7 CHAIRMAN LINN: I'm sure that will be the</p> <p>8 case.</p> <p>9 MR. RILEY: I hope so. That's my hope.</p> <p>10 So now we heard Amanda present about</p> <p>11 the good work that we've done with solid waste</p> <p>12 grants and the partners that we've had, and we</p> <p>13 depend on the partners to accomplish so much.</p> <p>14 We heard Evelyn talk about how 11,000</p> <p>15 volunteers were coordinated across all 77 counties</p> <p>16 in Oklahoma, and that's not something DEQ can do on</p> <p>17 its own, so we appreciate the effort of all those</p> <p>18 partners.</p> <p>19 So what we do in this part of the</p> <p>20 agenda each September is we talk about what was</p> <p>21 budgeted for last year, what we spent, and then we</p> <p>22 also look forward to the next year.</p> <p>23 If you look at the -- this sheet for</p> <p>24 solid waste fees, and we'll look at tires and</p> <p>25 e-waste, too, but solid waste is the -- by far the</p>	<p>Page 44</p> <p>1 impression that tonnage has increased so much that</p> <p>2 we have \$1 million extra dollars in revenue, that's</p> <p>3 not the case.</p> <p>4 Solid waste revenue has been fairly</p> <p>5 flat, tonnage has been flat over the last 10 years,</p> <p>6 it varies around \$6 million to \$6.4 million, so the</p> <p>7 actual revenue bill per tonnage is around \$6.4</p> <p>8 million.</p> <p>9 I'll also point out that that is the</p> <p>10 sole source of revenue for solid waste is from the</p> <p>11 fees paid by solid waste disposal facilities,</p> <p>12 landfills, waste energy facilities, and commercial</p> <p>13 composting facilities. We don't get appropriated</p> <p>14 dollars from the legislature, so we're dependent on</p> <p>15 those fees.</p> <p>16 The grants that we provide are</p> <p>17 dependent on that, the work that we do, the labor,</p> <p>18 salaries, all those associated costs are from those</p> <p>19 -- paid out of those fees. The top part of the</p> <p>20 table goes through some of the common expenses,</p> <p>21 salaries, travel, administration, that kind of</p> <p>22 stuff.</p> <p>23 The bottom section, professional</p> <p>24 services and local government contracts, that is the</p> <p>25 section that is the more entertaining part, as Jim</p>

<p>Page 45</p> <p>1 might say, the things that Amanda talked about, the 2 almost-\$2-million that we provided in end grants and 3 services. 4       Something new that shows up as a line 5 item on the expenses above is a professional support 6 to the lab. So we have traditionally and 7 historically provided support through solid waste 8 funding to the lab. 9       It hasn't shown up as a line item on 10 this report previously, and we want to be more 11 transparent about that and reflect it as a discrete 12 cost. So that's why it shows up on this report, and 13 that's that \$300,000 there. Any questions? 14       CHAIRMAN LINN: Do you still have to 15 return the income in excess of program fees? 16       MR. RILEY: So we had an overage last 17 year. We spent less than we brought in last year, 18 so we had carryover to cover that. So although we 19 spent more, a little bit more than we brought in, 20 we're -- it's not a concern. 21       CHAIRMAN LINN: Okay. 22       MR. EVANS: Patrick, can you address some 23 of the costs in the bucket of indirect costs that 24 are at about \$1 million per year, please? 25       MR. RILEY: Yeah, so the indirect costs is</p>	<p>Page 47</p> <p>1       MS. DIXON: Okay. Thank you. 2       CHAIRMAN LINN: Thank you. 3       Okay. Any other questions, comments 4 about that from the council? 5       Patrick, are you going to move on to 6 used tire or is that later? 7       MR. RILEY: No, if you're ready, we can 8 move on and talk about that. 9       CHAIRMAN LINN: I think we are. 10       MR. RILEY: We have similar tables 11 prepared for the used tire program and the e-waste 12 program. We'll talk about used tires first. And my 13 attorney's trying to keep me out of trouble, so he 14 reminded me we do need to go back and vote on a 15 resolution about the solid waste fees, and we can do 16 that at the conclusion of this -- let's go through 17 the discussion of all the fees and then we'll go 18 back and do the resolution. 19       CHAIRMAN LINN: Sounds good. If the 20 attorneys are shaking their heads yes, I'm good. 21       MR. CLEVELAND: Just a question. Are you 22 saying that we need a motion and approval for each 23 one or can we take them all three after you do your 24 presentation? 25       MR. RILEY: It's just the solid waste</p>
<p>Page 46</p> <p>1 costs associated with what we pay out in salaries 2 and labor, so the cost of salaries and benefits, and 3 that's an administrative cost that our finance folks 4 come up with, and it's actually a number that gets 5 -- it changes year to year and it's something that 6 gets approved by the EPA, and it is directly related 7 to staffing. 8       CHAIRMAN LINN: Any other questions about 9 this page? 10       MS. DIXON: I wanted to add something. 11       CHAIRMAN LINN: Good morning, Kelly. 12       MS. DIXON: Good morning. Kelly Dixon, 13 Director of Land. I wanted to add to what Patrick 14 said on the indirect cost rates. The indirect costs 15 are all the costs that are all of the support 16 services for the agency, like our finance group. 17 They don't have direct billing, so it's -- they're 18 in the indirect. 19       The cost to manage our building, pay 20 our utilities, all of those things are part of our 21 indirect cost pool. And the indirect cost rate is 22 applied to the salaries of every division. Does 23 that make sense to everyone? 24       MR. EVANS: Yeah, that's helpful. 25       CHAIRMAN LINN: Yes, ma'am.</p>	<p>Page 48</p> <p>1 fees, so -- 2       MR. CLEVELAND: Okay. 3       MR. RILEY: So the used tire program is a 4 separate income source that's the fee that you pay 5 when you buy new tires, it pays to recycle the old 6 tires and it funds the recycling of those tires, 7 collection of the tires tire dealers and then 8 collection of illegal dumps, and that money is -- 9 and then those costs are presented here, as well. 10       We also fund a market development 11 grant program that -- to incentivize the use of 12 recycled rubber material. And I'll invite Kole to 13 jump in - Kole Kennedy manages the fire section - 14 and amplify anything that I've said, or no. 15 Anything? 16       MR. KENNEDY: I'm good. 17       MR. RILEY: All right. So if there are 18 any difficult questions, I will defer those to Kole, 19 put him on the spot. 20       And then the e-waste program, the 21 sale of computer equipment in Oklahoma, if you're 22 going to sell computers in Oklahoma you pay a fee to 23 recycle the old computers. So the consumers, not 24 businesses, can recycle computer equipment at no 25 cost.</p>

<p>Page 49</p> <p>1 And so the Oklahoma Computer 2 Equipment Recovery Act mandates they pay a fee, that 3 fee is used then to pay for -- we use it to pay for 4 collection events of electronics in that amount of 5 money. It's not a significant amount of money, but 6 it's used to -- for -- primarily for collection 7 events and to fund one staff person. 8 CHAIRMAN LINN: Okay. Thank you, Patrick. 9 Any questions or comments by the council relative to 10 used tire and electronic waste fees? 11 All right. And in that regard, we'll 12 move to questions and discussion by the public 13 regarding this matter. Any comments? 14 All right. We'll move to a roll call 15 vote. Do we have a motion? 16 MR. CLEVELAND: I make a motion to 17 approve. 18 MR. RILEY: Should we read the resolution, 19 would that be appropriate? 20 CHAIRMAN LINN: Yes, sir, we should, thank 21 you. I'm surprised Ms. Fields didn't jump on that 22 one. 23 SECRETARY FIELDS: Do you want to read it? 24 CHAIRMAN LINN: Yeah, so it reads, item 9 25 reads, "The Oklahoma Solid" -- that's the one you're</p>	<p>Page 51</p> <p>1 MR. RILEY: And you might want to -- if 2 you want to make changes to that resolution, then 3 you don't -- this is just a draft. If you want to 4 change it, you're certainly welcome to do that, the 5 council's welcome to do that. 6 CHAIRMAN LINN: All right. I would love 7 to read it to them and then we can pass it down and 8 they can decide, how about that. 9 It's the resolution we send each year 10 for the last several, and it reads, "Whereas the 11 Oklahoma Solid Waste Management Act, 27A O.S. 12 2-10-802E, requires the DEQ to annually report to 13 the Solid Waste Management Advisory Council - i.e., 14 Council - its income from solid waste fees and its 15 expenditures of those monies during the previous 16 fiscal year. Whereas, the Council is also required 17 to develop comments comparing income with program 18 expenditures". 19 And it reads, "The Council hereby 20 resolves, as follows: 1) The solid waste fee income 21 is adequate to support the solid waste financial 22 programs for which it was originally intended and, 23 2) Approves the report of the income and 24 expenditures for fiscal year 2025." 25 And it is "Adopted by a majority vote</p>
<p>Page 50</p> <p>1 talking about, right, this description? 2 MR. RILEY: Right. 3 CHAIRMAN LINN: "The Oklahoma Solid Waste 4 Management Act, 27A O.S. 2-10-802E" - I think I read 5 this already - "requires DEQ to annually report to 6 the Solid Waste Management Advisory Council its 7 income from solid waste fees and its expenditures of 8 those monies during the previous fiscal year. The 9 Council's comments concerning program fees and 10 program expenditures are to be submitted to the 11 Executive Director, Governor, and Legislature by 12 November 1 of each year, in the form of a 13 resolution." 14 MR. CLEVELAND: I would have read that in 15 my motion, but you already read it, so -- 16 CHAIRMAN LINN: Perfect. 17 MR. CLEVELAND: So now we've got it twice. 18 CHAIRMAN LINN: Sorry, Jenny. 19 MS. REINHART: There's language -- there's 20 an actual resolution. 21 MR. RILEY: Sorry for the confusion. 22 CHAIRMAN LINN: Thank you very much. I'm 23 not quite batting a thousand today, I guess. 24 This is the resolution Patrick was 25 referencing, and it reads, "Resolution".</p>	<p>Page 52</p> <p>1 in open meeting this 11th day of September", to be 2 signed by me and Ms. Fields. Anyone want to see it? 3 MR. CLEVELAND: That is my motion. 4 CHAIRMAN LINN: Do I have a second? 5 MS. REINHART: I second that. 6 CHAIRMAN LINN: Okay. 7 SECRETARY FIELDS: Ms. Burkart? 8 MS. BURKART: Yes. 9 SECRETARY FIELDS: Mr. Cleveland? 10 MR. CLEVELAND: Aye. 11 SECRETARY FIELDS: Mr. Evans? 12 MR. EVANS: Yes. 13 SECRETARY FIELDS: Ms. Hanigan? 14 MS. HANIGAN: Yes. 15 SECRETARY FIELDS: Ms. Reinhart? 16 MS. REINHART: Yes. 17 SECRETARY FIELDS: Mr. Linn? 18 CHAIRMAN LINN: Yes. 19 SECRETARY FIELDS: Motion passed. 20 CHAIRMAN LINN: Okay. I've signed that, 21 Commissioner. If you'll pass that back down to 22 Ms. Fields, that would be great. Thank you. 23 Item 10, discussion of proposed 24 changes to Chapter 515 Management of Solid Waste. 25 The Department of Environmental Quality is</p>




<p>1 presenting for discussion purposes only, proposed  2 revision to Chapter 515. Revisions are being  3 proposed to Subchapter 11 Liner Design, Flexible  4 Membrane Liner thickness, FML. The change would  5 require the minimum thickness of all FMLs to be 60  6 mils. The current rule allows a minimum liner  7 thickness of 30 mils for non-HDPE liner material.  8 And it looks like Patrick has a  9 presentation for us.  10 MR. RILEY: I don't have a long  11 presentation; I will say that the rules in this  12 section - you have a draft rule, and that's pulled  13 up on the screen - it allows the use of thinner  14 material than what we've seen as industry standard.  15 What we've observed over the years is industry's  16 moved to a standard of 16 mil HDPE for flexible  17 membrane liners. We do have a few facilities that  18 have used a thinner material, primarily EBC  19 material, as a 30 mil.  20 The engineers that we have out in the  21 field have observed issues with the thinner -- use  22 of the thinner material. The -- when there are even  23 subtle imperfections in the clay liner underneath  24 the material, they translate through the thinner  25 liner.</p>	<p>Page 53</p> <p>1 although there's some debate over use of PVC and  2 compared to the HDPE over which performs better  3 long-term, but we would prefer to use the HDPE in a  4 60 mil thickness, as I think industry agrees to.  5 So I might invite those that have  6 experience with liner construction and engineering  7 that are on the council or in the audience that  8 would like to comment.  9 MS. HANIGAN: Yeah, I mean, the way that I  10 understand the current rule is it has to be 60 mil  11 if you're using HDPE, right, so it can be less than  12 that, down to 30, if you're using something else.  13 Like, PVC -- I don't have a lot of  14 experience, to be honest with you, with PVC. HDPE  15 is definitely commonly used at many of our  16 facilities, and it's typically 60 mil in variety.  17 A question that I have - and nobody  18 here may have the answer - is, is 60 mil PVC  19 commonly manufactured or is it just the 30 mil PVC?  20 I'm not -- I haven't purchased any PVC, so I'm not  21 sure.  22 MR. RILEY: I don't have the answer to  23 that now; we can certainly look into it.  24 MS. HANIGAN: And yeah, I mean, do you  25 guys view this more as kind of a cleanup rule and</p>
<p>Page 54</p> <p>1 We have concerns about continued use  2 of that. In an effort to simplify the rules and  3 make it consistent with what industry standard would  4 be, is we're proposing to remove that allowance to  5 use the thinner material.  6 And again, we're presenting these  7 conceptually first to get the opinion of the council  8 as to whether or not we want to pursue the  9 rulemaking effort, and especially since it's - as  10 Jonathan so well described - it's somewhat arduous.  11 And so we're presenting this as something for the  12 council and to see -- get some discussion going and  13 see what your thoughts are.  14 CHAIRMAN LINN: Discussion? Questions?  15 MS. REINHART: So, Patrick, is it because  16 it's PVC versus HDPE on that 30 mil or is it --  17 MR. RILEY: I'm not sure why the rule was  18 originally written this way. It's been in the rules  19 for a long time, it predates the 515s and I think it  20 was included in the 510s, which was pre-2000, it may  21 have been in the rules before that. I think it  22 existed before industry had a lot of experience in  23 liner material use.  24 The concern, I think, is with the  25 thickness of material versus the type of material,</p>	<p>Page 56</p> <p>1 then this was a typo? Is this the only place in the  2 rules that mentions 30 versus 60?  3 A. No, I don't characterize it as a typo. I  4 think that -- I can't speak to why it is in the  5 rules, but yeah, we would like to clean it up and  6 limit its use. I think it simplifies, it simplifies  7 the rule.  8 MS. REINHART: The public has a question,  9 or if anyone wants to respond?  10 MR. SCHULTZ: I can comment, if you'd  11 like.  12 CHAIRMAN LINN: Sure. Come on up, Pete.  13 MR. SCHULTZ: Pete Schultz, WM. Being old  14 and having been around when those rules were  15 written, and I have a little bit of understanding of  16 why they were done so. It primarily was, at the  17 time, done to potentially make it available for  18 other technologies to be submitted to the DEQ for  19 possible use.  20 And so I think, you know, in  21 hindsight and looking kind of where technology has  22 gone, you know, these days 60 mil HDPE is definitely  23 the standard that is used, but the way that the rule  24 is written definitely doesn't dictate as to whether  25 that 60 mil is HDPE or vinyl or what could be used.</p>

<p>1 So that was the intent of the way 2 that rule was written, was to try and allow if 3 somebody had an alternative method, you know, of a 4 liner that they can submit that to the DEQ for their 5 review and possible use as a liner. So that was 6 kind of the intent. 7 So as, again, time has gone forward, 8 you know, technology's changed and, yeah, this rule 9 line may be a little bit outdated, you know, and 10 past technology, so -- but that was kind of the 11 reason why that was written that way. So, I hope 12 that helps. 13 CHAIRMAN LINN: Thanks, Pete. 14 MR. EVANS: Patrick, I have one question. 15 Why did you decide to strike those first two words 16 that are struck out? Did you want other materials 17 or did you want to just include HDPE? You want to 18 speak to that? 19 MR. RILEY: Well, I think the -- you know, 20 there's certainly room to edit and make the rule 21 make more sense, if you have recommendations. I 22 think it was just a simple way to ensure that the 23 liner thickness would be a minimum thickness. So 24 it's -- you know, we struck out "for HDPE and 30 25 mils", it just made sense, the simplest change for</p>	<p>Page 57</p> <p>1 MR. RILEY: Thank you. 2 So one of the things that we like to 3 do is make sure that our rules are workable, they're 4 effective, they provide protection, but they are not 5 unreasonable and they don't create a significant 6 burden to the regulated community, so we're always 7 looking for that balance. 8 One of the rules that we struggled 9 with over the years is the absolute prohibition on 10 disposal of any radioactive material into landfills. 11 There are -- and folks that are experienced in 12 radioactivity, which I'm not particularly an expert, 13 but there are -- everything had -- exhibits some 14 amount of radiation. 15 So what happens when there is some 16 material that exhibits some type of radioactivity, a 17 Naturally Occurring Radioactivity -- or, Naturally 18 Occurring Radioactive Materials is an example, but 19 we've been approached by folks that are struggling 20 with this rule and have very low-level Naturally 21 Occurring Radioactive Materials that they want to 22 dispose in solid waste facilities, and the absolute 23 prohibition is -- prevents that. 24 So one of the things that we -- DEQ 25 was approached about this issue by the regulated</p> <p>Page 59</p>
<p>1 that sentence. 2 And I will point out, as well, that 3 although we're changing this, a rule remains in this 4 section that allows for the provision of an 5 alternative liner proposal, so if anyone wants to 6 propose the use of any other type of liner than 7 what's prescribed, then there's a mechanism for 8 doing that. 9 MR. EVANS: Thank you, Patrick. 10 CHAIRMAN LINN: Any other questions, 11 comments by council? All right. 12 We'll move to questions or discussion 13 by the public. It's a quiet bunch today. All 14 right. 15 Patrick, it looks like there's no -- 16 yeah, that's for discussion only. Looks like 17 there's no vote today on this. 18 So we'll move along to Number 11, 19 consideration of the formation of a workgroup to 20 review solid waste regulations, pertaining to 21 disposal of Naturally Occurring Radioactive 22 Material, or NORM, in Subtitle-D permitted 23 landfills. 24 And back to you -- up to you in the 25 booth, there, Patrick.</p> <p>Page 58</p>	<p>1 community and asked if we could find ways to improve 2 this rule. So one of the things that we're 3 proposing to do -- because seeking that balance 4 between protection and common-sense regulation is 5 difficult. 6 You know, we don't want to 7 unilaterally make recommendations and we don't want 8 to go through a ham-fisted process of rule revision, 9 especially considering that we're going to have to 10 back up anything that we say in the rulemaking 11 documents. 12 So one way to do that would be to 13 form a workgroup that would review the rules and 14 review the issue and make some recommendations on 15 how we can revise the rules that make it more 16 workable for the regulated community and still 17 maintain that protection. 18 So this agenda item is asking the 19 council if they will endorse an effort to undertake 20 that workgroup. And I think there are some folks 21 here that may want to speak to that, as well, in the 22 audience. 23 CHAIRMAN LINN: Okay. We have used 24 workgroups in my time with the council probably 25 three or four times. The last one we had was PFAS</p> <p>Page 60</p>

<p>1 and PFOS a couple of years ago, if I recall 2 correctly, and then a couple of others. 3 And so Patrick reminds me that in 4 these instances, should the council members desire 5 to volunteer to be in this workgroup, you're 6 approaching the very time that that would become a 7 reality for you. 8 So as part of our questions in 9 "discussion by Council" section, and Patrick, if 10 you're through, we'll move to that item and hear 11 from council members. 12 MS. HANIGAN: Yeah. I mean, Patrick, I 13 would acknowledge this has been a challenge at 14 various disposal facilities for some time now, that 15 absolute, you know, zero radiation, so I think I'm 16 in support of forming a workgroup to try and come up 17 with some rules that are sensible to address this 18 issue. 19 MS. REINHART: I'm in complete agreement 20 with Rachel. It's -- this issue's been around 21 forever. Most of the NORM waste that we see in the 22 state of Oklahoma is coming from oilfield waste, you 23 know, it's elsewhere on top of that, but, you know, 24 having an absolute ban in Oklahoma doesn't help 25 industries in Oklahoma that are generating this type</p>	<p>Page 61</p> <p>1 us can't be in the same room at the same time unless 2 we follow the law, right? 3 SECRETARY FIELDS: Correct. 4 CHAIRMAN LINN: So I think Patrick told me 5 four of us can be in the same room without any 6 problem -- 7 SECRETARY FIELDS: A quorum. 8 CHAIRMAN LINN: -- is that correct, ma'am? 9 SECRETARY FIELDS: (Nodded head). 10 CHAIRMAN LINN: All right. She's nodding 11 her head yes, for the record. 12 That's fabulous. So we've got three, 13 at least. Do I hear anything from the other side of 14 the table? 15 MR. CLEVELAND: I'm number five, so I'm 16 out. 17 CHAIRMAN LINN: Absolutely. I was hoping 18 Mr. Adcock would be here today so -- because I see 19 -- 20 MR. CLEVELAND: He's very radioactive, I 21 think. 22 CHAIRMAN LINN: I just -- the titanium in 23 my left shin tells me that he would probably be 24 interested in doing this, but Patrick reminded me I 25 can't direct it, I don't direct you all, we're all</p> <p>Page 63</p>
<p>1 of material. 2 There are absolute safe ways of how 3 it can be managed, and we need to seek that solution 4 that balances both the needs of the regulated 5 community as well as protects, you know, the 6 environment, as well. 7 MR. EVANS: My comment is basically from a 8 financial point of requirement to haul all this NORM 9 waste out of state, whether it goes to Colorado or 10 Texas or Missouri, all states that are approved to 11 take NORM waste. I think it's high time that we 12 look at this issue. Thank you. 13 CHAIRMAN LINN: Patrick, would this 14 include -- would this item also include TENORM 15 waste, which I guess is a subset of Naturally 16 Occurring Radioactive Material? 17 MR. RILEY: I would leave that to the 18 workgroup. 19 CHAIRMAN LINN: Okay. Am I hearing 20 volunteers for the workgroup yet? 21 MR. RILEY: I heard three, I think. 22 CHAIRMAN LINN: I think I heard three, as 23 well. Jody and Rachel and Karl are good. 24 Now, Ms. Fields, going to the 25 parliamentary procedure, isn't it true that all of</p> <p>Page 62</p>	<p>1 equal council members. 2 So sounds like this council may be in 3 favor, but it does require a motion. 4 MR. CLEVELAND: Did we decide, is TENORM 5 included in this, too? Is that what you said? 6 MR. RILEY: Yeah, I don't want to limit 7 the scope too much right now before the workgroup, I 8 think I would leave that -- some of those specifics 9 up to the workgroup to figure out. 10 And I might also add that it's not 11 just a council activity, it's not just a council 12 workgroup, but it would involve members of DEQ, 13 representatives from solid waste, representatives 14 from the DEQ radiation section so that we make sure 15 that we're not -- that we're reflective of all the 16 appropriate regulations and cover our bases. 17 MR. CLEVELAND: Would you know of any 18 volunteers from the oil and gas industry? 19 MR. RILEY: Off the top of my head, but I 20 don't know any specific ones, but I think that it 21 would be open to participants from industry, 22 certainly would be a good idea. 23 MR. HAZELRIGG: And prior to a motion, I 24 don't know if we've officially opened it up for any 25 comment or discussion from the public yet, so I just</p> <p>Page 64</p>

<p>1 wanted to note that real quick.</p> <p>2 CHAIRMAN LINN: Thank you very much, that</p> <p>3 is so true.</p> <p>4 Were there any other questions or</p> <p>5 discussion by council?</p> <p>6 Hearing none, we understand there may</p> <p>7 be folks who want to speak in "Item 11(III)</p> <p>8 Questions and discussion by the Public". So if so,</p> <p>9 come on up, state your name, and we'll hear your</p> <p>10 comments.</p> <p>11 Thank you, Counselor, for the</p> <p>12 direction.</p> <p>13 MR. GROUND: I'm Bud Ground with the</p> <p>14 Environmental Federation of Oklahoma. I also work</p> <p>15 with the oil and gas industry, I would say the</p> <p>16 industry is very open to being a part of this</p> <p>17 process.</p> <p>18 But I'd also like to state that</p> <p>19 there's more than just a workgroup that needs to</p> <p>20 happen, there are laws that have to be changed to</p> <p>21 even allow this.</p> <p>22 And so Jonathan left, but Ryan is</p> <p>23 here and I think there needs to be a plan on what</p> <p>24 needs to be changed legislatively to make this</p> <p>25 happen. Because if we don't work on legislation</p>	<p>Page 65</p> <p>1 oilfield, just simple oil-stained material, to Texas</p> <p>2 at six to seven times the cost that they would</p> <p>3 experience here in our local landfills, so...</p> <p>4 You know, it's something that might</p> <p>5 cost, you know, just a few thousand dollars here,</p> <p>6 it's up into the \$10,000s to ship it to Texas, for</p> <p>7 example, so -- and it puts us in a big bind because</p> <p>8 we're trying to interpret the regulations.</p> <p>9 We've also reached out to DEQ for</p> <p>10 interpretation beyond the statute itself and it</p> <p>11 comes back absolute every time, absolutely no</p> <p>12 radioactive material. Which, we're surrounded by</p> <p>13 radioactive material right now, so...</p> <p>14 And NORM is -- definitely needs to be</p> <p>15 defined. Texas has done a good job of defining NORM</p> <p>16 and dealing with it, so we have precedence out there</p> <p>17 from other states that we might follow, so -- thank</p> <p>18 you.</p> <p>19 CHAIRMAN LINN: Thank you.</p> <p>20 All right. Anyone else wish to speak</p> <p>21 on the matter from the public? All right.</p> <p>22 At this point, it looks like we would</p> <p>23 entertain a motion to approve the formation of a</p> <p>24 workgroup to review solid waste regulations</p> <p>25 pertaining to disposal of Naturally Occurring</p>
<p>Page 66</p> <p>1 right now, nothing will happen regulatorily for</p> <p>2 probably two years just because of that lag time</p> <p>3 between rulemaking and legislation being made and</p> <p>4 being changed.</p> <p>5 So I would ask the DEQ to make a plan</p> <p>6 to look through the rules, which, you know,</p> <p>7 27A-8-102 is part of it, that's just one I looked</p> <p>8 up, just -- it's just very easy to find in the law,</p> <p>9 and that needs to be taken care of at least at the</p> <p>10 same time, but not after, this workgroup. There</p> <p>11 needs to be a plan made before the workgroup decides</p> <p>12 what they want to do.</p> <p>13 CHAIRMAN LINN: Sounds good. Thanks Bud.</p> <p>14 MR. GROUND: Any questions? I just don't</p> <p>15 want to confuse anyone.</p> <p>16 CHAIRMAN LINN: Anyone else?</p> <p>17 MR. ELBERT: Yeah, Jeff Elbert with A&amp;M.</p> <p>18 I work here in Tulsa, I've been a consultant for</p> <p>19 over 30 years. I can speak firsthand to the</p> <p>20 frustration and inconsistencies that we're</p> <p>21 experiencing in regard to the current statutes and</p> <p>22 the lack of further definition of what radioactive</p> <p>23 material actually is.</p> <p>24 So we're currently dealing with</p> <p>25 clients that are shipping this material from the</p>	<p>Page 68</p> <p>1 Radioactive Material in Subtitle-D permitted</p> <p>2 landfills, with an additional -- actually, I don't</p> <p>3 think I can add to this item, but the workgroup</p> <p>4 should probably take into account Bud's comments</p> <p>5 relative to the current state of the legislation of</p> <p>6 the statutes.</p> <p>7 So I'll entertain a motion to approve</p> <p>8 the workgroup.</p> <p>9 MS. HANIGAN: I'll make a motion to</p> <p>10 approve.</p> <p>11 CHAIRMAN LINN: Is there a second?</p> <p>12 MS. REINHART: I'll second.</p> <p>13 SECRETARY FIELDS: Ms. Burkart?</p> <p>14 MS. BURKART: Yes.</p> <p>15 SECRETARY FIELDS: Mr. Cleveland?</p> <p>16 MR. CLEVELAND: Aye.</p> <p>17 SECRETARY FIELDS: Mr. Evans?</p> <p>18 MR. EVANS: Yes.</p> <p>19 SECRETARY FIELDS: Ms. Hanigan?</p> <p>20 MS. HANIGAN: Yes.</p> <p>21 SECRETARY FIELDS: Ms. Reinhart?</p> <p>22 MS. REINHART: Yes.</p> <p>23 SECRETARY FIELDS: Mr. Linn?</p> <p>24 CHAIRMAN LINN: Yes.</p> <p>25 SECRETARY FIELDS: Motion passed.</p>

<p>Page 69</p> <p>1 CHAIRMAN LINN: All right. So, Patrick, I 2 assume we will coordinate -- DEQ will coordinate 3 with the councilors who have mentioned their 4 interest in engaging in such a workgroup, and maybe 5 we can entice Mr. Adcock to join them, if he 6 chooses.</p> <p>7 Item 12, Election of Officers for 8 2026. Each year at the September council meeting, 9 the Council elects officers for the next calendar 10 year. And then item 12(I) says, "Nominations by the 11 Council".</p> <p>12 MS. REINHART: Do they have to be made 13 separately or can they be made together?</p> <p>14 SECRETARY FIELDS: Either/or.</p> <p>15 MS. REINHART: Either/or? Okay. I'd like 16 to make a motion for Jim Linn to retain being the 17 Chair and Rodney Cleveland to be Vice Chair.</p> <p>18 MR. EVANS: Second the motion.</p> <p>19 CHAIRMAN LINN: Is there a second? Thank 20 you. Thanks, Karl. I did hear Karl say, "Second".</p> <p>21 SECRETARY FIELDS: Ms. Burkart?</p> <p>22 MS. BURKART: Yes.</p> <p>23 SECRETARY FIELDS: Mr. Cleveland?</p> <p>24 MR. CLEVELAND: Aye.</p> <p>25 SECRETARY FIELDS: Mr. Evans?</p>	<p>Page 71</p> <p>1 January 8th, April 16th, July 16th, and 2 September 17th for our meetings.</p> <p>3 The January date would allow us to 4 have ample time to pass any proposed rules that we 5 may bring before this council in January and make 6 the board meeting that would follow, essentially, 7 after that.</p> <p>8 CHAIRMAN LINN: They sound good to me. 9 How do you all feel?</p> <p>10 MS. BURKART: I have nothing on the 11 calendar.</p> <p>12 MR. KENNEDY: And that was our goal, get 13 you early.</p> <p>14 CHAIRMAN LINN: Good. So we have the 15 dates proposed by Mr. Kennedy of January 8, 16 April 16, July 16, and September 17. Do I hear a 17 motion to approve those --</p> <p>18 MR. EVANS: You have a motion to approve 19 those dates as presented.</p> <p>20 CHAIRMAN LINN: Very well. Second?</p> <p>21 MS. BURKART: Second.</p> <p>22 SECRETARY FIELDS: Ms. Burkart?</p> <p>23 MS. BURKART: Yes.</p> <p>24 SECRETARY FIELDS: Mr. Cleveland?</p> <p>25 MR. CLEVELAND: Aye.</p>
<p>Page 70</p> <p>1 MR. EVANS: Yes. 2 SECRETARY FIELDS: Ms. Hanigan? 3 MS. HANIGAN: Yes. 4 SECRETARY FIELDS: Ms. Reinhart? 5 MS. REINHART: Yes. 6 SECRETARY FIELDS: Mr. Linn? 7 CHAIRMAN LINN: Yes. 8 SECRETARY FIELDS: Motion passed. 9 CHAIRMAN LINN: Item 13, Suggested Meeting 10 Dates for 2026 Council Meetings. Each year at this 11 time, the Council sets meeting dates and locations 12 for the next calendar year. Discussion by the 13 Council.</p> <p>14 Usually at this point, Council, 15 Mr. Patrick will step in there with his analogue 16 calendar and tell us what some possible good dates 17 are in the future.</p> <p>18 MR. RILEY: I think Mr. Kole --</p> <p>19 CHAIRMAN LINN: No tropical locations, I 20 heard Councilor Evans recommend.</p> <p>21 MR. KENNEDY: Good morning, Council.</p> <p>22 CHAIRMAN LINN: Good morning, Kole.</p> <p>23 MR. KENNEDY: Kole Kennedy, Tire Program. 24 So if you have tire questions, you can shoot them my 25 way. But specifically we're looking at the dates of</p>	<p>Page 72</p> <p>1 SECRETARY FIELDS: Mr. Evans? 2 MR. EVANS: Yes. 3 SECRETARY FIELDS: Ms. Hanigan? 4 MS. HANIGAN: Yes. 5 SECRETARY FIELDS: Ms. Reinhart? 6 MS. REINHART: Yes. 7 SECRETARY FIELDS: Mr. Linn? 8 CHAIRMAN LINN: Yes. 9 SECRETARY FIELDS: Motion passed. 10 CHAIRMAN LINN: Thanks, Kole. 11 MR. KENNEDY: Thank you, Councilors. 12 MR. RILEY: If you don't know, Kole is the 13 liaison for all the councils for Land, so he's not 14 just the tire section manager. He helps out all of 15 us, I depend on him for a lot.</p> <p>16 CHAIRMAN LINN: He's also an IT guru, as 17 we found out earlier before the meeting started.</p> <p>18 So Public Forum, that's item 14 on 19 the docket. Is there any public that wishes to 20 speak? Now would be a good time.</p> <p>21 I'm not seeing anyone coming up out 22 of their chair, so we'll move to item 15, New 23 Business. Limited to any matter not known or which 24 could not have been reasonably foreseen prior to the 25 time of posting the agenda, 24 hours prior to the</p>

<p>1 meeting.</p> <p>2 Any new business that meets that</p> <p>3 criterion? All right.</p> <p>4 Item 16, Adjournment. Do we have a</p> <p>5 motion to adjourn?</p> <p>6 MS. REINHART: I make the motion that we</p> <p>7 adjourn this meeting.</p> <p>8 CHAIRMAN LINN: Is there a second?</p> <p>9 MS. BURKART: Second.</p> <p>10 SECRETARY FIELDS: Ms. Burkart?</p> <p>11 MS. BURKART: Yes.</p> <p>12 SECRETARY FIELDS: Mr. Cleveland?</p> <p>13 MR. CLEVELAND: Aye.</p> <p>14 SECRETARY FIELDS: Mr. Evans?</p> <p>15 MR. EVANS: Yes.</p> <p>16 SECRETARY FIELDS: Ms. Hanigan?</p> <p>17 MS. HANIGAN: Yes.</p> <p>18 SECRETARY FIELDS: Ms. Reinhart?</p> <p>19 MS. REINHART: Yes.</p> <p>20 SECRETARY FIELDS: Mr. Linn?</p> <p>21 CHAIRMAN LINN: Yes.</p> <p>22 SECRETARY FIELDS: Motion passed.</p> <p>23 CHAIRMAN LINN: We are adjourned. Thank</p> <p>24 you all.</p> <p>25 (PROCEEDINGS ADJOURNED AT 11:39 AM)</p>	Page 73	
<p>1 CERTIFICATE</p> <p>2 I, Jenny Longley, Certified Shorthand</p> <p>3 Reporter within and for the State of Oklahoma, do</p> <p>4 hereby certify that the above and foregoing meeting</p> <p>5 was by me taken in shorthand and thereafter</p> <p>6 transcribed; and that I am not an attorney for nor</p> <p>7 relative of any of said parties or otherwise</p> <p>8 interested in the event of said action.</p> <p>9 IN WITNESS WHEREOF, I have hereunto</p> <p>10 set my hand and official seal this 19th day of</p> <p>11 September, 2025.</p> <p>12</p> <p>13 </p> <p>14 Jenny Longley, CSR</p> <p>15 CSR # 1903</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 74	





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# Solid Waste Management Advisory Council

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Attendance Record

September 11, 2025

Oklahoma City, Oklahoma

Wendell Burkart	SWMC	wburkart@newworldwaste.com
Quiana Fields	DEQ	
Ryan McIntosh	DEQ	
JEFF ELBERT	AQM	
Evelyn Schaefer	KOB	
Michelle Woods	DEQ	
Paul Cleveland	Cleveland Co.	
Michael Reid	DEQ	michaelreid@deq.ok.gov
Amber Edwards	DEQ	
Cody Greenfield	ET	cody.greenfield@energytransfer.com
Ruby Edson	DEQ	
Emily Pilgrim	DEQ	
Nick Hazelrigg	DEQ	



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# Solid Waste Management Advisory ENVIRONMENTAL QUALITY BOARD COUNCIL

Attendance Record

**September 11, 2025**

Oklahoma City, Oklahoma

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Name	Affiliation	Address and/or Phone and/or E-Mail
Kole Kennedy	DEQ	Kole.Kennedy@deg.ok.gov
Pete Schultze	WM	pschultze@wm.com
Jody Reinhardt	EFO	jody@envirofook.org
Dave Smith	ONEOK/EFO	David.Smith@oneok.com
Buck Ground	EFO	
Jim Linn	OKC	405-297-2464
Jordan Allen	DEQ	
Patrick Rice	DEQ	Patrick.riley@deg.ok.gov
Clifton Hyl	DEQ	
Rachel Horgan	Waste Connections	rachel.horgan@wasteconnections.com
Platt Newman	New Era Advisors	platt.newman@NewEraAdvisors.org





## ENVIRONMENTAL QUALITY BOARD

**September 11, 2025**

Oklahoma City, Oklahoma

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