

# OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY ANNUAL REPORT



## APPENDICES



# APPENDIX A

## SUMMARY OF FY 2001 STATISTICS

# LAND PROTECTION

## Enforcement Administration - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Solid Waste</b>					
Notice of Violation	1	2	4	1	8
Formal Actions	6	6	2	4	18
Fines Paid (in thousands)	2.9	0	0	0	2.9
Supplemental Environmental Projects (in thousands)	0	0	0	0	0
<b>Hazardous Waste</b>					
Notice of Violation	22	13	7	12	54
Formal Actions	6	1	2	2	11
Fines Paid (in thousands)	0	10	10	0	20
Supplemental Environmental Projects (in thousands)	0	15	27.5	0	42.5

## Customer Assistance General Outreach - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Radiation Surveys	0	1	13	18	32

## Historic Site Cleanup - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Private Party Oversight</b>					
Ongoing	73	68	74	98	98
Completed	3	9	3	2	17

## Inspection - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Solid Waste Inspections</b>					
Compliance Evaluation Inspections	126	102	139	154	521
Tire Dealer Inspections	55	27	57	51	190
Tire Dump Surveys	14	10	13	13	50
<b>Hazardous Waste Inspections</b>					
Compliance Evaluation Inspections	15	18	15	36	84
Screening Inspections	11	6	6	6	29
UIC Compliance Inspections	1	12	0	11	24
<b>Radiation</b>					
Compliance Evaluation Inspections	2	3	14	13	32

# LAND PROTECTION

## Non-Hazardous Waste Management - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Solid Waste</b>					
NHIW Disposal by Rule Applications	57	35	54	46	192
NHIW Individual Disposal Plan Applications	267	205	50	70	592
NHIW General Disposal Plan Applications	0	16	53	85	154

## Operator Certification - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Radiography Certification Exams	11	11	16	34	72

## Permit Administration - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Land Protection Permitting</b>					
<b>Solid Waste</b>					
Applications Received	116	113	128	124	481
Permits Issued/Plans Approved	89	111	107	119	426
Permit Protest	0	0	0	0	0
<b>Hazardous Waste</b>					
Applications Received	74	62	84	64	284
Permits Issued/Plans Approved	65	69	83	73	290
Permit Protest Hearing	0	0	0	0	0
<b>Underground Injection Control</b>					
Applications Received	1	10	4	13	28
Permits Issued/Plans Approved	0	2	5	10	17
<b>Radiation</b>					
Applications Received	38	80	80	78	276
Permits Issued	16	48	30	84	178
<b>Total Permits Issuance &gt; Timelines</b>	0	0	0	0	0

## Customer Assistance General Outreach - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Radiation Surveys	0	1	13	18	32

# LAND PROTECTION

## Public Information and Education - FY 2001

### Land Protection

#### Environmental Education

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Public Relations</b>					
Press Releases (within LPD)		0	1	1	2
Audio/Visual Materials Produced	1	0	2	0	3
Conferences/Displays	6	3	8	9	26
Presentations at Conferences	6		4	2	12
Public Contacts	1,588	1,626	2,058	1,691	6,963
Information Packets Distributed	530	702	1,816	447	3,495
Speeches	4	3	12	18	37
<b>Environmental Education</b>					
Adult/Community Education	2	2	4	6	14
K-12 Outreach	5	6	10	6	27
<b>Recycling Information</b>					
Presentations/Technical Assistance	13	34	43	44	134
Recycling Training	1	1	3	3	8
Recycling Program Assistance (Agencies/Schools)	43	43	49	61	196
Speeches	2	4	6	7	19
Recycle Market Development	2	2	2	3	9
Waste Audits	1	1	1	1	4
Campaigns	1	2	1	2	6

## Waste to Resources Programs - FY 2001

### Land Protection

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Superfund</b>					
Preliminary Assessments	6	0	0	0	6
Site Inspections	4	0	0	0	4
Management Assistance	10	10	10	11	11
Remedial Design	0	0	0	0	0
Federal Facilities	8	8	8	8	8
Remedial Action	3	3	3	3	3
Removal Actions	2	3	3	2	7
CERCLA Universe Investigations	0	0	92	0	92
New Listing on NPL	1	0	0	0	1
Sites Delisted	0	0	0	0	0
Remedial Investigation/Feasibility Study	0	0	0	2	2
Brownfield Targeted Site Assessments	0	0	1	1	2
Operation and Maintenance	1	1	1	1	1

# LAND PROTECTION

## Enforcement Administration - FY 2001

Land Protection					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Solid Waste</b>					
Notice of Violation	1	2	4	1	8
Formal Actions	6	6	2	4	18
Fines Paid (in thousands)	2.9	0	0	0	2.9
Supplemental Environmental Projects (in thousands)	0	0	0	0	0
<b>Hazardous Waste</b>					
Notice of Violation	22	13	7	12	54
Formal Actions	6	1	2	2	11
Fines Paid (in thousands)	0	10	10	0	20
Supplemental Environmental Projects (in thousands)	0	15	27.5	0	42.5

## Ambient Monitoring - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Ambient Monitoring</b>					
Continuous Monitoring Systems	23	23	23	23	23
Non-continuous Stations	27	27	27	27	27
<b>Number of Air Samples Collected</b>					
Ozone (in thousands)	18.7	19.6	19.2	19.9	77.4
Sulfur Oxides (in thousands)	10.9	10.8	10.3	10.8	42.8
<b>Total Oxides of Nitrogen</b>					
Nitrogen Dioxide-NO <sub>2</sub> (in thousands)	16.6	17.1	16.7	12.8	63.2
Nitrogen Oxides-NO (in thousands)	16.5	17.1	16.7	12.8	63.1
PM-10	145	140	137	134	556
PM-2.5	682	675	680	670	2,707
Lead	0	0	0	0	0
Carbon Monoxide (in thousands)	12.4	13.1	12.9	12.9	51.3
Special Purpose (in thousands)	23.3	24.4	23.9	30.4	102
<b>Precision Tests</b>	241	333	344	370	1,288

## Excess Emissions Monitoring - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Excess Emissions Report	561	503	454	619	2,137

## Emissions Inventory - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Emissions Inventory</b>					
<b>Billings</b>					
Major Sources	0	11	0	440	451
Minor Sources	0	5	0	691	696
<b>Inventories Processed</b>	213	3	0	500	716

## Enforcement Administration - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Air Enforcement</b>					
Notices of Violation	14	12	21	23	70
Formal Actions	8	2	4	8	22
Asbestos Actions	0	0	0	0	0
Fines Paid (in thousands of dollars)	710	47.5	48.75	118	924.25
SEP Dollars (in thousands)	363	0	109	59.5	531.5

## Inspection - FY 2001

### Air Quality

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Air Inspections</b>					
Monitoring Inspections (from ECLS)	0	0	0	0	0
Compliance Evaluation Inspections	79	78	69	195	421
Follow-up Enforcement Inspections	16	18	19	25	78
Asbestos Inspections	122	78	119	47	366
Complaint Inspection	73	44	50	66	233

## Lead Based Paint - FY 2001

### Air Quality

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Lead Based Paint Certification</b>					
Inspector	0	3	1	6	10
Risk Assessor	13	7	0	70	90
Abatement Worker	14	17	0	55	86
Supervisor	7	8	1	42	58
Project Designer	0	0	0	0	0
Firm	14	12	0	75	101

## Permit Administration - FY 2001

### Air Quality

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Air Quality Permitting</b>					
<b>Construction Applications/Permits Issued</b>					
Minor Received	22	26	24	34	106
Minor Issued	25	21	29	34	109
Major Received	6	4	5	12	27
Major Issued	3	6	5	4	18
PSD Received	2	4	3	5	14
PSD Issued	0	3	0	6	9
<b>Operating Applications/Permits Issued</b>					
Minor Received	37	34	42	47	160
Minor Issued	44	33	41	40	158
Major Received	1	0	0	3	4
Major Issued	1	0	0	0	1
PSD Received	0	0	0	0	0
PSD Issued	0	0	0	0	0
Title V Received	9	10	4	10	33
Title V Issued	40	12	20	19	91
Acid Rain Received	0	0	0	0	0
Acid Rain Issued	0	0	0	0	0
Relocation Received	3	6	6	6	21
Relocation Issued	4	6	5	5	20
Applications Withdrawn	5	8	7	9	29
<b>Applicability Determination Received</b>	40	77	28	26	171
<b>Applicability Determination Issued</b>	54	37	48	57	196
<b>Permits Denied</b>	0	0	0	0	0
<b>Total Applications Received</b>	120	161	112	143	536
<b>Total Permits Issued</b>	171	118	148	165	602
<b>Permits Issuance &gt; Timelines</b>	21	20	27	35	103
<b>Tests Observed</b>	4	6	2	9	21
<b>Performance Inspections</b>	61	24	36	56	177
<b>Permit Protest Hearings</b>	0	0	1	0	1

# AIR QUALITY

## Public Information and Education - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Clean Air Alerts</b>					
Oklahoma City	13	0	0	1	14
Tulsa	14	0	0	1	15
Lawton	14	0	0	0	14
<b>Environmental Education</b>					
Events					
Conference Presentations	0	3	0	4	7
Conference Displays	1	1	1	0	3
Community Wide Events	0	0	0	0	0
Education Presentations					
K-12	1	2	2	4	9
University	0	1	0	3	4
Community/Adult	1	3	0	0	4
Teacher Packets Distributed	1	3	2	57	63
Contacts	535	950	460	1,865	3,810

## Quality Assurance - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Quality Assurance</b>					
Audits					
Continuous	27	9	23	32	91
Non-Continuous	24	27	24	27	102
Interlab	27	0	0	8	35
<b>Data Validation</b>	1,076	1,064	1,032	1,038	4,210
<b>Standards Certified</b>	160	48	25	32	265
<b>Filter Checks</b>	314	246	262	359	1,181

## Environmental Impact Assessments - FY 2001

Air Quality					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Environmental Impact Assessments	56	47	69	52	224

# CUSTOMER SERVICES

## Ambient Monitoring - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Biotrend Monitoring (from CSD)	29	0	0	5	34

## Customer Assistance General Outreach - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Customer Assistance</b>					
<b>Services Provided to:</b>					
Corporations	120	135	140	115	510
Cities/Towns	80	75	60	40	255
Other Government	20	25	20	15	80
Citizen Groups	0	1	3	0	4
Individuals	725	735	606	388	2,454
<b>Permit Assistance to New Business &amp; Industry</b>	8	7	5	5	25

## Laboratory Operations - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Laboratory Services</b>					
Local DEQ	65	17	56	39	177
Private Citizens	169	142	179	163	653
Contractual	74	78	85	234	471
QA Check Samples	222	274	273	270	1039
<b>Public Water Supplies</b>	3,042	1,797	1373	2309	8,521
Bacteriological	8,729	7,420	6,959	7,386	30,494
Superfund	40	14	149	57	260
Hazardous Waste	142	65	13	238	458
Water Quality	54	27	20	17	118
Oklahoma Water Resources Board	699	734	611	869	2,913
Conservation Commission	518	589	542	367	2,016
<b>Laboratory Certification</b>					
Applications Received	6	4	6	4	20
Certificates Issued	3	3	5	2	13
Certificates Renewals	163	0	0	0	163
Laboratory Inspections	4	10	11	6	31
Issuance > Timelines	0	0	0	0	0

# CUSTOMER SERVICES

## Permit Administration - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Meetings for Permitting	4	5	12	8	29

## Customer Assistance Pollution Prevention - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Pollution Prevention Activities</b>					
Technical Assistance	200	350	150	125	825
Publish P2 Literature	5	3	2	2	12
Disseminate P2 Information	600	700	500	300	2,100
Seminars, Workshops, & Presentations	8	7	8	5	28

## Public Information - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Publications and Public Information</b>					
Public Information Projects Produced	92	63	93	141	389
Brochures Produced	5	1	2	10	18
Fact Sheets Produced	5	7	3	3	18
Publications Produced (DOL deposits)	17	7	8	14	46
Technical Reports Produced	2	0	2	2	6

## SARA Title III - FY 2001

### Customer Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Community Right to Know (EPCRA)</b>					
Tier 2 Reports Filed	38	2,095	33,956	15	36,104
Toxic Release Reports Filed	1,001	84	5	3	1,093
Industry Request for Guidance	16	513	52	12	593
Guidance Provided through Web page	650	1430	2,955	700	5,735

## Complaint Statistics - FY 2001

<b>ECLS</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Total Spills/Complaints Received</b>	1,649	1,278	1,972	2,004	6,903
<b>Spills/Complaints Referred to Other Agencies</b>	154	121	67	90	432
<b>Total DEQ Spills/Complaints Received</b>	1,504	1,067	1,905	1,914	6,390
<b>Spills Received</b>	89	90	87	94	360
<b>Complaints Received</b>	1,415	977	1,818	1,820	6,030
Public Water Supplies	150	75	68	65	358
Publicly Owned Wastewater Treatment	195	210	549	558	1,512
Industrial Wastewater Facilities	9	18	7	25	59
Stormwater-Construction & Industrial	51	51	74	104	280
Fish Kills	10	2	3	6	21
On-site Sewage	431	280	499	413	1,623
Private Water Supplies	22	11	9	9	18
Open Burning	55	61	54	107	277
Fugitive Dust	100	21	38	155	314
Lead Based Paint	1	3	17	1	22
Air Facilities - Emissions	66	16	3	27	112
NESHAPS	8	1	4	3	16
Unpermitted Disposal of Solid Waste	227	156	254	202	839
Landfill Operation & Maintenance	9	7	108	2	126
Improper Tire Disposal	16	13	27	14	70
Underground Injection	0	1	0	0	1
Operation & Disposal of Hazardous Waste	13	3	16	9	41
Radiation	0	0	0	0	0
Complaints from Other Sources	52	48	69	120	289
<b>Chronic Complaints</b>	1	1	0	0	2
<b>High Profile Complaints</b>	5	3	0	0	8
<b>Target Complaints</b>	10	5	0	0	15
<b>Complaint Resolution</b>	1,415	977	1,818	1,820	6,030
<b>Mediation Referrals</b>					
Successful Mediations	1	0	0	1	2

# ECLS

## Enforcement Administration - FY 2001

### ECLS

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Enforcement Actions - Unpermitted Activities</b>					
<b>Notices of Violation</b>					
Open Burning	0	1	0	1	2
Open Dumping	1	2	0	4	7
Surfacing Sewage	15	5	13	14	47
Certified Installers	2	0	0	0	2
Non-Certified Installers	0	0	2	0	2
Septage Pumpers/Haulers	0	0	0	0	0
<b>Formal Actions</b>					
Open Burning	1	0	0	0	1
Open Dumping	10	10	7	4	31
Surfacing Sewage	47	21	48	53	169
Certified Installers	1	0	0	0	1
Non-Certified Installers	0	1	0	1	2
Septage Pumpers/Haulers	0	0	0	1	1
<b>Fines Paid</b>					
Open Burning	0	0	0	0	0
Open Dumping	10,750	1,250	0	500	12,500
Surfacing Sewage	0	125	1,200	125	1450
Certified Installers	0	0	0	0	0
Non-Certified Installers	0	0	0	0	0
Septage Pumpers/Haulers	0	0	0	100	100

## Inspection - FY 2001

### ECLS

#### Air Quality

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Air Inspections</b>					
Monitoring Inspections (from ECLS)	5	5	6	48	64

#### Land Protection

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Solid Waste Inspections</b>					
Monitoring Inspections (from ECLS)	47	42	64	74	227

#### Water Quality

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Public Water Supply</b>					
Monitoring Inspections (from ECLS)	573	680	720	931	2,904
<b>Municipal Wastewater</b>					
Monitoring Inspections (from ECLS)	361	317	364	440	1,482
<b>Industrial Wastewater</b>					
Monitoring Inspections (from ECLS)	80	65	82	97	324
<b>Septic Tank Cleaners</b>					
Monitoring Inspections (from ECLS)	0	0	159	49	208

## Local Services

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>ECLS Requested Services</b>					
<b>Private Sewage</b>					
Percolation Tests	618	361	355	894	2,228
Existing System Inspections	141	98	112	312	663
Final Inspections	736	623	478	1,065	2,902
Certified Installer Reviews	1,454	925	706	2,256	5,341
<b>Septic Tanks</b>					
Septic Tank Cleaner Licenses Issued	0	0	123	0	123

## Customer Assistance Private Water Supply - FY 2001

### ECLS

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Requested Services</b>					
<b>Private Water</b>					
Water Well Inspections	65	37	43	120	265

## Environmental Education - FY 2001

### ECLS

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Community Activities</b>					
Environmental Education Presentations	1	1	0	0	2
Recycling Programs Developed	0	0	0	0	0
<b>School Activities</b>					
Resource Days	1	6	0	0	7
Recycling Programs Developed	1	0	0	1	2
Locker Cleanouts	0	0	0	0	0
Environmental Curriculum Instruction	0	0	0	0	0
Environmental Education Presentations	1	2	0	0	3
Paper Pick-up Events	2	4	0	0	6
Paper Recycled (tons)	7.576	10.962	0	0	18.538

# WATER QUALITY

## PWS Inspections

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
	461	590	589	649	2,287

## Enforcement Actions

TYPE OF ACTION	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Boil Advisory	2	0	2	1	5
Notice of Violation	65	83	36	95	279
Consent / Fine Order	8	3	17	12	40
<b>TOTAL</b>	<b>75</b>	<b>86</b>	<b>55</b>	<b>108</b>	<b>324</b>

## Fines Paid

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
	\$6,400	\$1,860	\$2,800	\$1,450	\$12,510

## Operator Certification Exams

Exam Type	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Water Operator	234	224	161	238	857
Wastewater Operator	196	176	169	209	750
Water Lab Operator	27	21	26	31	105
Wastewater Lab Operator	32	26	11	17	86
<b>TOTAL</b>	<b>489</b>	<b>447</b>	<b>367</b>	<b>495</b>	<b>1,798</b>

## Operator Training

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Approved Hours Provided	604	328	600	2,884	4,416

## Construction Permits Processed - FY 2001

PROGRAM	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Water Supply Received	197	181	160	153	691
Public Water Supply Issued	207	142	110	150	609
Municipal Wastewater Received	165	110	100	152	527
Municipal Wastewater Issued	127	83	94	93	397
Sludge Management Received	2	3	8	3	16
Sludge Management Issued	2	2	6	5	15

## Permits Processed - FY 2001

PROGRAM	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Municipal Applications	8	10	41	4	63
Municipal Issued	5	10	6	16	37
Industrial Applications	9	15	7	5	36
Industrial Issued	4	8	5	12	29
Storm Water Construction	105	76	95	106	382
Storm Water Multi-Sector	44	274	451	466	1,235
Other General Permits Applications	8	14	11	7	40
Other General Permits Issued	17	7	9	16	49

## Inspections - FY 2001

Type	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Municipal</b>					
CEI	5	12	16	27	60
PCI	1	5	4	10	20
PA	1	1	1	2	5
ECLS	361	317	364	440	1,482
<b>Industrial</b>					
CEI	2	3	13	10	28
CEI	0	0	0	2	2
CSI	0	0	0	2	2
ECLS	80	65	83	97	325
<b>TOTAL</b>	<b>450</b>	<b>403</b>	<b>481</b>	<b>590</b>	<b>1,924</b>

## Complaints - FY 2001

Type of Complaint	Number of Complaints
Municipal	70
Industrial	35
Storm Water	37
<b>TOTAL</b>	<b>142</b>

## Technical Assistance - FY 2001

Type of Facility	Number of Visits
Municipal	329
Industrial	113
Storm Water	99
<b>TOTAL</b>	<b>541</b>

## Total Enforcement Orders - FY 2001

Type of Facility	Orders Issued
Municipal	228
Industrial	35
Storm Water	19
<b>TOTAL</b>	<b>282</b>

## Enforcement Order By Program - FY 2001 *more on next page*

<b>MUNICIPAL</b>					
ORDER TYPE	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Notice of Violation	29	14	28	26	97
Consent Order	24	15	31	27	97
Admin. Compliance Order	1	0	1	0	2
Admin. Order	0	0	1	4	5
Admin. Compliance & Penalty Order	2	0	0	0	2
Memo of Agreement	0	0	0	0	0
Notice of Non-Compliance	8	3	5	9	25
<b>TOTAL</b>	<b>64</b>	<b>32</b>	<b>66</b>	<b>66</b>	<b>228</b>

## Enforcement Order By Program - FY 2001 *Continued*

<b>INDUSTRIAL</b>					
<b>ORDER TYPE</b>	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
Notice of Violation	3	2	5	7	17
Consent Order	3	2	2	2	9
Admin. Compliance Order	0	0	0	0	0
Admin. Order	0	0	0	0	0
Admin. Compliance & Penalty Order	2	0	0	0	2
Memo of Agreement	0	1	0	0	1
Notice of Non-Compliance	5	0	0	0	6
<b>TOTAL</b>	<b>13</b>	<b>5</b>	<b>7</b>	<b>10</b>	<b>35</b>

## Stormwater - FY 2001

<b>Order Type</b>	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
Notice of Violation	4	2	2	7	15
Consent Order	1	0	2	0	3
Admin. Compliance Order	0	0	0	0	0
Admin. Order	0	0	0	0	0
Admin. Compliance & Penalty Order	0	0	0	0	0
Memo of Agreement	0	0	0	0	0
Notice of Non-Compliance	0	0	1	0	1
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>7</b>	<b>19</b>

## FINES - FY 2001

	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
Cash	\$35,000	\$30,000	\$3,700	\$0	\$68,700
SEP*	\$9,800	\$60,000	\$0	\$0	\$69,800
<b>TOTAL</b>	<b>\$44,800</b>	<b>\$90,000</b>	<b>\$3,700</b>	<b>\$0</b>	<b>\$138,500</b>

\*Supplemental Environmental Project in lieu of cash

# APPENDIX B

## SOLID WASTE FEES REPORT

# SOLID WASTE FEES REPORT

Each year the Solid Waste Management Advisory Council is required to examine the solid waste management budget of the Department of Environmental Quality. They review the Department's revenue that is derived solely from state solid waste fees levied at landfills and monitor the use of the money.

A resolution resulted from this year's Council review. Most of the Council's discussions focused on legislative actions. There was strong consensus and deep concern regarding the Legislature's appropriations of revenues from environmental fees for purposes other than that which they were originally intended. The Council was clear that this practice not only jeopardizes the program planning in which we all participate, but more importantly, it breaks faith with the regulated community required to pay those fees.

On the right is a copy of the resolution and a report of the Solid Waste Fees Budgeted and Expended during FY 2001

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE FEES BUDGETED & EXPENDED  
FISCAL YEAR 2001**

2001 Income (through 6/30/2001)				4,244,245
	Budgeted Solid Waste Program	Budgeted OCCHD/ TCCHD	Total FY 2001 Budget	FY 2001 Expenditures/ Encumbrances 10/6/2001 *
<b>Personnel</b> (Salaries, Insurance, FICA, Retirement, Workers Compensation)	1,809,513	430,620	2,240,133	2,126,106
<b>Equipment</b> (Data Processing Equipment & Software, Property, and Furniture)	101,427	0	101,427	30,148
<b>Travel</b> (In-state and out-of-state Mileage, Meals, & Incidentals, Lodging)	155,523	25,761	181,284	174,257
<b>Miscellaneous Administrative Expenses</b> (Freight, Telecommunications, Informational, Exhibitions, Licenses, Membership, Utility, Copy Charges, Copier Lease)	23,318	0	23,318	17,407
<b>Rent Expense</b> (Building Space, Telecommunication Equipment)	1,000	5,863	6,863	5,031
<b>Maintenance and Repair</b> (Equipment)	14,690	0	14,690	12,402
<b>Specialized Supplies &amp; Materials Expense</b> (Medical, Architectural, and Printing Supplies, Fuels)	0	0	0	0
<b>Production &amp; Safety</b> (Uniforms & Wearing Apparel, Safety Supplies)	1,500	0	1,500	432
<b>Office and Shop</b> (Office Supplies, Data Processing Supplies, Lab Supplies and Services)	20,423	0	20,423	61,804
<b>Resource Materials</b> (Library Resources)	2,750	0	2,750	6,598
<b>Lease Purchases</b> (Lease Purchases of Furniture, Equipment, Software, Buildings, and Land)	17,500	0	17,500	7,456
<b>Payments to Other State Agencies - Administrative Expenses</b> DMHSAS/COCMHC (Payments to Other State Agencies for Administrative, Data Processing, Communications, Risk Management, and Printing Expenses)	28,800	0	28,800	36,614
<b>Contracts</b>				
SWRINO/Solid Waste Research Institute	155,000		155,000	
Laboratory Disposal Services	7,250			
Association of County Commissioners	70,000			
Keep Oklahoma Beautiful	25,000		25,000	
Computer Training/System Design			0	
OSU Cooperative Extension Service	62,000		62,000	
Legal/Court Reporting Services	8,500		8,500	
Community Based Environmental Protection	90,000		90,000	
Recycling Equipment - Local Governments	200,000		200,000	
Land Reclamation	600,000		600,000	
Projects to Implement County Plans	400,000		400,000	
<b>Total Budget for Contracts</b>	1,617,750		1,617,750	1,575,685
<b>TOTALS</b>	<b>3,794,194</b>	<b>462,244</b>	<b>4,256,438</b>	<b>4,053,941</b>

\*Includes \$277,756.42 in contractual expenditures against an FY 2000 capital budget.

Resolution of the  
Solid Waste Management Advisory Council

**Whereas,** The Oklahoma Solid Waste Management Act (27A § 2-10-802 E) requires DEQ to annually report its income from state solid waste fees and its expenditures of those monies to the Solid Waste Management Advisory Council; and

**Whereas,** The Council is required to develop comments comparing income with program expenditures;

**Be it therefore now resolved that** the Council finds solid waste fee income to be adequate to support the solid waste management programs for which it was originally intended; and

**Be it further resolved that**

the Council supports the statutory direction that the solid waste fees and other environmental fees such as the Waste Tire Recycling Indemnity Fund be used only for the purposes for which they were collected; and

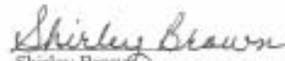
since the Legislature has continually directed DEQ to use solid waste fee revenue for purposes other than originally envisioned, it has forced DEQ to reduce budgets in programs previously funded by the solid waste fees and designed to directly help county and local governments improve solid waste management; therefore

the Council strongly endorses DEQ's request for appropriations for those programs that beneficially reuse solid waste and help make local improvements where the needs are the greatest.

**Adopted** by majority vote in open meeting this 11<sup>th</sup> day of October, 2001.

  
Ken Purdy, Chair  
Solid Waste Management Advisory Council

ATTEST:

  
Shirley Brown  
Secretary to the Council

**APPENDIX C**  
**RESULTS SUMMARY**  
**ENVIRONMENTAL QUALITY REPORT**

# RESULTS SUMMARY

## ENVIRONMENTAL QUALITY REPORT

### *RESULTS SUMMARY* ENVIRONMENTAL QUALITY REPORT FOR JANUARY 1, 2001

#### **FOREWORD**

The Department of Environmental Quality is required by statute to report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives the Department's two-year needs for providing environmental services within its jurisdictional area, any new federal mandates, the cost of such mandates, and state statutory or constitutional changes recommended by the Department within its jurisdictional area.

This report summarizes the results of activities related to the Environmental Quality Report that was submitted on January 1, 2001.

#### **TWO-YEAR NEEDS**

The consolidation of the Tulsa and Oklahoma County Health Departments' environmental staffs into the DEQ was effective July 1, 1998. Thirty-one employees came from the health departments to the DEQ. Ten employees provide compliance monitoring and regulatory oversight of air emissions sources in Tulsa County. Twenty-one employees work in Tulsa and Oklahoma Counties responding to complaints, providing private sewage and water regulatory services, inspecting permitted water, wastewater and solid waste facilities, and responding to environmental emergencies.

Funding for these positions is provided by private sewage and private water fees generated in the two counties, a federal air quality grant, and solid waste fee money authorized by the legislature to fund the first year of the consolidation. It was intended that for subsequent years, the sewage and water fees and the air quality grant would remain available while the solid waste money would be replaced by legislative action. The legislature failed to replace the solid waste fee funding last year so we again make that request. The solid waste fee money should instead be used to clean up rural dumps and to use waste biosolids to restore saltwater-scarred lands.

The drain of the solid waste fee fund as a result of the consolidation has been \$2.5 million. As a result, the fund will no longer fully support both this activity and the solid waste program. Last session, the legislature provided funding for a \$2000 per year salary increase mandated for all employees. Because the pay raise went into effect on Oct. 1, 2000 the legislature allocated three-quarters of the total for this year, or \$763,000. Of that amount, the Agency allocated about \$400,000 to fund former city/county employees. Additionally, the Department has cut services in Tulsa and Oklahoma County. Our current budget request is \$604,000. Also, we have requested \$311,000 to cover the mandated pay raises for one quarter of the year.

The Governor's Tar Creek Task Force has submitted a report that has been accepted by the Governor. The report addresses a long term and a number of interim solutions to the serious environmental issues in the Tar Creek area. Expenses related to investigation, remediation, pilot demonstration projects, lead-based paint abatement and possible state matching funds will need to be addressed as progress toward objectives in the report begins.

#### *Results:*

*The legislature again chose not to fund the transfer of the Oklahoma and Tulsa City/County employees. The solid waste funds used for these employees has now been drained to the point that solid waste biosolids cannot be used for land remediation, county-wide solid waste plans cannot be implemented and historic dump sites can no longer be remediated using solid waste fees. The Department will request direct general revenue funding for these activities in the coming year.*

*While funding for Tar Creek was not made available during the past year, the Governor, Speaker of the House and the Senate Pro Tempore made a written commitment to the Region 6 of the United States Environmental Protection Agency to provide \$4.3 million as a supplemental appropriation early in the 2002 legislative session.*

## ***NEW FEDERAL MANDATES AND THEIR COSTS***

### **National Ambient Air Quality Standards**

In July 1997, the Environmental Protection Agency adopted changes to the National Ambient Air Quality Standards for stratospheric ozone and particulate matter. Standards for ozone were changed from 0.12 parts per million measured over one hour to 0.08 parts per million measured over eight hours. The new particulate matter standard was changed to additionally consider particles less than 10 microns to 2.5 microns and smaller. Some of the provisions of the old standard that dealt with particles less than 10 microns in size were also retained. The EPA has also proposed regional haze regulations to improve visibility in our national parks and wilderness areas.

These new standards for particulates and ozone are based on health risk data produced by and for EPA. EPA has interpreted the data to indicate that the new standards will significantly improve human health.

Oklahoma City and Tulsa, which remain in attainment with the old standards, will not currently attain the new ones. In fact, the last two ozone seasons have provided the data confirming that at least the Tulsa metropolitan area will not meet the new federal 8-hour standard for ozone. However, in May 1999 a three-judge panel of the D.C. Circuit remanded the EPA's revisions to the air quality standards for ozone and fine particulate matter and completely vacated a portion of the PM 10 rule. Subsequently, the case was appealed to the United States Supreme Court. A decision is expected by next spring.

Further compounding this problem is the impact that electrical utility deregulation will have. Deregulation has triggered a flurry of requests for permits of new electric generation facilities. While these are much cleaner than existing coal-fired sources, each is a potential of as much as an annual 1000 tons of new NOx emissions, a precursor to ozone, in an already saturated air shed. We have purchased equipment to run the model and associated training to allow the staff to assess the impact of these additional emissions as well as to begin analysis of what we will need to control to demonstrate attainment should the 8-hour standard be upheld.

We also have received denials from EPA regarding our request to exclude data from two separate exceptional events. Those were the transported emissions from the massive wildfires in Central America occurring in the spring of 1998 and unprecedented heat and stagnating weather conditions conducive to ozone formation present in Oklahoma in the fall of 1998 and the summer of 2000. The Department is continuing to pursue all available means to persuade or require that EPA not use this atypical data in determining our State's compliance with the ozone standard. Hearings by Senator Inhofe related to this issue have been planned for the near future.

Since there has been no monitoring for small particles in the past, the determination of Oklahoma's attainment status with the new particulate standard has required that the Department establish and maintain a new monitoring network consisting of over 20 sites. Official monitoring began in January 1999. Monitoring results indicate that the State may not be able to attain the new particulate standard either. Non-compliance with the new standards will require the Department to participate in additional modeling and analysis activities in developing contingency plans to reduce hydrocarbons, nitrogen oxides, and particulate emissions. Departmental activities related to the proposed regional haze rules could involve increased inventory, planning and monitoring activities. These proposed rules are particularly problematic for the area of the Wichita Mountains. They are based not on health effects but on aesthetics and could require Oklahoma to institute control measures where we don't perceive a problem. No measurement of the current level of haze exists, nor an understanding of available means to reduce it.

Implementation of these new standards may result in considerable costs to the citizens of our state due to increased control of emissions particularly from the electric utility industry. Also, Oklahoma could lose any economic advantage associated with being an attainment area. Absent Congressional action, the expected cost of implementing these new federal mandates to industry, the electric rate paying citizen, and the Department is substantial.

In addition, it is possible that EPA could finalize their toxics strategy sometime in the next few months. This will initially require us to establish some type of monitoring network to define problems, if any, related to toxics emissions. Toxics are related to the PM 2.5 program as well since toxics can take the form of fine particulate droplets. The cost of monitoring will be greater than that of the PM 2.5 program. Ultimate cost to industry is unknown at this time but will likely be substantial. Additionally, EPA continues to explore rulemaking relative to air emissions from confined animal feeding operations.

Results:

*On February 21, 2001 the Supreme Court ruled on the appeal of the 8-hour ozone standard. Although it affirmed EPA's ability to set national ambient air quality standards irrespective of economic cost, it ordered the Agency to reconsider how the new standard was to be implemented. It is estimated development of such implementation strategies will delay possible nonattainment designations in Oklahoma for two to three years. Several areas in the state continue to experience ambient ozone values in excess of the 8-hour standard. On June 21, 2001 EPA issued "Ozone Flex" Guidelines designed so areas can avoid "nonattainment designation" for the 1-hour ozone standard by voluntarily committing to early emission reductions. The Tulsa area has already opted into this program and this option is being considered by the Oklahoma City and Lawton areas. On June 22, 2001 EPA proposed to amend its Regional Haze Rule to provide guidelines for state agencies to use on how to set air pollution limits for BART (Best Available Retrofit Technology) eligible sources. The Regional Haze rules require that certain older, larger facilities install the best emission controls available. During the past year, Oklahoma DEQ has participated in a number of regional planning activities to address the regional haze problem.*

## **Storm Water**

Under the EPA delegated storm water program, the DEQ has issued authorizations (general permits) for construction activities that disturb five acres or more. EPA regulations adopted in December 1999 reduced that number to one acre or more. These regulations also change the criteria for Municipal Storm Sewer programs for which DEQ has oversight responsibilities from cities with 100,000 population or more to populations greater than 10,000. This would impact at least 25 cities in Oklahoma. The state resources necessary to administer these changes will be significant.

### *Results:*

*EPA's rules for Phase 2 of the storm water program became effective on February 7, 2000. The DEQ rules at OAC 252:605 were revised effective July 2001 to incorporate the new storm water requirements. The Phase 2 program expands existing requirements to three categories of storm water discharges: small construction sites (between 1 and 5 acres); all small communities located in an urbanized area; and selected communities outside urbanized areas with a population greater than 10,000. By December 9, 2002 DEQ must: determine whether limited waivers are applicable for the smallest communities within urbanized areas; evaluate small communities outside urbanized areas and designate those that will be required to obtain permit coverage; issue a general permit for small community storm water discharges; issue a general permit for small construction sites (or modify the existing construction permit). By March 10, 2003 operators of small construction sites and small community storm sewer systems must obtain permit coverage. There are estimated to be 43 small entities located within urbanized areas and 14 small communities outside urbanized areas that must be evaluated and/or permitted. Lowering the threshold for construction sites to 1 acre is expected to at least double the number of storm water authorizations processed by DEQ. DEQ is requesting \$110,000 increased funding in FY 2003 for the additional staff needed to provide education and technical assistance to those impacted by these requirements and to ensure that all permitting and enforcement requirements are met.*

## **Total Maximum Daily Load (TMDL)**

Section 303(d) of the Clean Water Act requires states to prepare a list of water bodies that have had their designated (beneficial) uses impaired or threatened based on Oklahoma water quality standards. The Oklahoma list contains 526 water bodies with impaired or threatened uses. To meet the requirements of the Clean Water Act, a determination of the maximum amount of pollution each of these water bodies can receive without violating Water Quality Standards (WQS) must be performed. That process is called a TMDL. A TMDL is required for all streams on the 303(d) list.

EPA adopted new TMDL regulations on July 13, 2000. The regulations require a state, when submitting a TMDL, to prepare a plan for implementing the TMDL which includes the nonpoint source pollution and provides a certification or "reasonable assurance" that the full TMDL will be implemented and result in restoration of the impaired designated use. The new TMDL rule requires states to complete TMDLs for all listed water bodies within ten years. We currently are addressing only those water bodies where there is agreement among the state agencies involved in the 303(d) list process that these water bodies are impaired. DEQ is using previously awarded federal funds to accomplish the work.

The Oklahoma 303(d) list is large (16th highest in the nation). A number of factors contribute to the size of the list. Historically, WQS criteria were not always used by the agencies contributing to the list when placing water bodies on the list. Additionally, the WQS in some instances lack clear and science based criteria for determining if a beneficial use is being met. Also, Oklahoma has lacked a comprehensive state water quality monitoring strategy and program. Such a program is necessary to provide the data required to make appropriate and correct determinations of whether a water body is threatened or impaired. The DEQ and other environmental agencies are assisting the Oklahoma Water Resources Board in the development of use attainability protocol and procedures for assessing water quality data. These procedures will provide a means to quantify waters where pollutants impair or threaten designated uses specified in the water quality standards. DEQ, as the TMDL lead for the state, is also engaged with the other state environmental agencies to identify and evaluate the existing water quality monitoring in the state. DEQ is also working at the national level to develop model monitoring and impairment assessment programs. Even with a refined 303(d) list, the resources required to accomplish the TMDLs in the next 12 to 15 year period are significant.

#### *Results*

*On August 9, 2001 EPA proposed to delay for 18 months implementation of the July 2000 TMDL rule. During this 18-month period, EPA will reconsider the provisions of the proposed rule and is likely to propose additional changes. In the meantime, implementation of the TMDL program will proceed under existing rules. The deadline for submitting a revised 303(d) list has also been delayed twice and is now scheduled for October 1, 2002. In order to address possible impairments of streams and lakes included on the current 303(d) list, DEQ has developed cooperative projects with other state agencies (OWRB, OCC) and local planning agencies (ACOG, INCOG). DEQ is also overseeing several watershed scale projects directly. The first phase of these projects is to conduct monitoring to verify any impairment. As the monitoring phase ends water quality models are developed, using the collected data, to determine pollutant load reductions that are necessary to meet water quality standards. In order to meet EPA goals for completing TMDLs for all waterbodies on Oklahoma's 303(d) list, the number of TMDLs completed annually will rapidly escalate. It will be necessary to utilize outside contractors to meet this workload. Other state agencies, state university programs, and private consultants are anticipated to be involved. DEQ is requesting \$450,000 increased funding for FY 2003 and \$1,010,000 increased funding in subsequent years to allow the agency to remain on the prescribed schedule that requires an increase in the number of TMDLs completed each year.*

## **Public Water Supply**

The 1996 amendments to the Safe Drinking Water Act required EPA and the states to substantially tighten the regulations governing public water supply systems. The rules adopted or proposed by EPA in the past four years constitute a significant new burden on public water supply systems and on DEQ. Among these rules are the Interim Enhanced Surface Water Treatment Rule and the Long-Term Enhanced Surface Treatment Rule which reduce the turbidity limit and establish new total organic carbon monitoring, individual filter tracking and Comprehensive Performance Evaluations. All of the more than 240 surface water treatment plants in the state are affected. The Disinfection/Disinfection By-Product rules impose lower disinfection by-product limits on water systems and require DEQ to provide training, evaluate compliance and evaluate alternative disinfection technologies. New Maximum Contaminant Levels are proposed for radon, radionuclides and arsenic. Most problematic may be the arsenic limit. At the proposed MCL, 84 systems would be above the compliance limit.

#### **Results**

*Large public water supply systems must meet the requirements of the Disinfection/Disinfection By-Product Rule and the Interim Enhanced Surface Water Treatment Rule beginning January 1, 2002. These more stringent rules will take effect for smaller systems on January 1, 2004. EPA is re-evaluating the Arsenic Rule. There is discussion that a lower level than initially proposed for allowable arsenic may be adopted. If the MCL becomes 5 parts per billion for arsenic as is being discussed, we estimate that an additional 20 Oklahoma systems would be impacted. Systems must prepare and begin initial monitoring under the new radionuclides MCL by December 2003 and by September 2004 for the radon MCL. DEQ is requesting \$165,000 increased FY 2003 funding for additional staff to provide assistance to the affected drinking water systems.*

## ***PROPOSALS FOR STATE STATUTORY CHANGES***

### **Tar Creek Contaminated /Hazardous Property Occupancy**

The yards of many residential properties in the Tar Creek area represent an exposure hazard to children. In addition, many residences sit atop areas that are undermined and thus in danger of collapse. Legislation is needed to give municipal and county governments the power to restrict occupancy in the case of properties that pose the most significant risk of lead-contamination and those in danger of subsidence.

*Result:*

*Senate Bill 658 giving municipalities the power to restrict occupancy or usage of properties that pose extraordinary hazards as determined by DEQ, such as a high risk of exposure of children to lead or a substantial danger of subsidence passed the Legislature and was signed by the Governor into law.*

### **Repeal of Hazardous Waste Reciprocal Fee Language**

In 1992, the Legislature passed legislation providing for a “reciprocal” hazardous waste fee. The purpose of the reciprocal fee was to collect the same disposal fee as that charged in the state of origin.

In 1996, an Oklahoma court ruled the reciprocal fee legislation was unconstitutional at which time the collection of the reciprocal fee was discontinued. This unused and unenforceable legislation needs to be repealed.

*Result:*

*Senate Bill 196, beyond the repeal of the hazardous waste reciprocal fee, was amended in the House to include approval of the sale of property owned by the DEQ for use at the site of the federal campus and to authorize the Department to acquire parking facilities for use by employees and visitors. This bill passed the Legislature and was signed by the Governor into law.*

### **Surface Impoundments**

It is possible that under the existing definition, wastewater treatment lagoons permitted by DEQ could be considered “waters of the state.” We need clarification in the statutes that these impoundments are not “waters of the state.”

*Result:*

*House Bill 1480, which originally contained this language, was intended as a vehicle to address the issue of waste by pollution. When the DEQ was created, the legislature went to great length to create bright lines between agency authorities. That effort preceded the sudden and substantial increase in hog production in the state. A recent court case over a hog farm water rights permit found that the Oklahoma Water Resources Board had to determine if granting the water right would create waste by pollution. This determination would have led to duplicate governmental review for DEQ permittees. This bill, which eliminated this duplicate review, was passed by the Legislature and signed by the Governor into law.*

### **Air Quality Council**

By statute, the Air Quality Council has responsibilities beyond those of the other advisory councils and the Environmental Quality Board. For instance, a respondent may request that a hearing related to an enforcement matter be held before the Council. It also has the authority to grant variances to either statute or rule. Since variances are typically handled through the permitting process, hearings before the Council only serve to delay the process.

These activities could be interpreted as violating the principle of separation of duties between the Agency and the Board and councils which allows members of the regulated community to serve on these bodies. New legislation would bring these duties of the Air Quality Council into conformity with those of the other environmental councils.

*Result:*

*Senate Bill 199, removing the responsibility of the Air Quality Council to conduct enforcement hearings, passed the Legislature and was signed by the Governor into law.*

### **Spill Cleanup**

The statutes are vague relative to DEQ authority to require and oversee the cleanup of contamination caused by transit accidents. To avoid a potential problem, new legislation would clarify DEQ authority.

*Result:*

*Senate Bill 337 clarified the statutes to give DEQ the authority to require and oversee the cleanup of contamination caused by transit accidents. Additionally, the bill required landfills over fifty feet in height and accepting more than 200 tons per day, except industrial monofills, to submit to the DEQ a plan for the establishment and maintenance of vegetative cover and to authorize the Environmental Quality Board to adopt rules setting standards for the plan. This was done to address the concerns, expressed by many Oklahomans about the aesthetic detriment cause by vertical landfill expansion. This bill passed the Legislature and was signed by the Governor into law.*

### **Environmental Quality Board**

By statute, members of the Environmental Quality Board are limited to two terms. The statutes also designate board members to represent specific areas of endeavor. Often, the pool of potential candidates from those specific areas is very small. The limit to two terms is unusual and appears arbitrary and unnecessary. New legislation to remove the two-term limit will be sought.

*Result:*

*Senate Bill 336, repealing the limit on EQB members to two terms of service, passed the Legislature and was signed by the Governor into law.*

### **Executive Director's Compensation**

By statute, this annual report must be approved by the Environmental Quality Board. During the approval process, the Board amended the report to include a recommendation that the statutory salary cap for the Executive Director be raised.

*Result:*

*In spite of this recommendation, the Legislature failed to address a raise in the salary cap for the Executive Director. The Department felt constrained to address the issue beyond the recommendation in the report. The Environmental Quality Board will work more actively in the legislative process to address this issue in the coming year.*

## ***OTHER BILLS IMPACTING AGENCY PROGRAMS***

### **Chat Sale Program**

There are approximately 60,000,000 cubic yards of high lead content chat that remain in Ottawa County. Most of this volume is contained in huge piles that are in areas with uncontrolled access. The presence of the chat piles and the frequent local use of chat for purposes that carry a high risk of human exposure present a significant health risk to the residents of Ottawa County, as evidenced by the high blood lead levels found in a disproportionately large percentage of children in the area. At current rates of approved usage, the chat piles will persist for almost 100 years. A bill was introduced that would have established a program and a funding mechanism to study and promote the sale and usage of chat for purposes that are both beneficial and safe such as for road building.

*Result:*

*The Department and the Legislature were never able to determine an appropriate local entity to administer this program. Accordingly, Senate Bill 655 was not funded and remained in conference committee.*

### **Borrow Areas for Landfills Soils Under DEQ**

In order for landfills to meet the requirement of daily cover of solid waste, they must “borrow” soil through excavation. This activity has been regulated by the Department of Mines, while all other activities at landfills are regulated by DEQ.

*Result:*

***Senate Bill 89** transferring authority for regulation of these borrow areas to the DEQ passed the Legislature and was signed by the Governor into law.*

### **Waste Tires**

As always, a number of issues relating to waste tires arose. Specifically, there was a need to authorize compensation from the tire fund for burning whole tires for energy recovery, adjust reimbursement rates for collection and processing without changing the current fee, authorize use of the tire fund by the Department for cleanups incidental to the tire program and award of grants to schools for the use of crumb rubber as playground surfacing.

*Results:*

***Senate Bill 197** was introduced to meet those needs; it passed the Legislature and was signed by the Governor into law.*

### **Tax Credit for Zero-Emission Electrical Generation Facilities**

A bill was introduced which set a time frame for electrical deregulation to be implemented as well as a continuing study of the matter. A minor provision in this bill would also allow for a sliding scale tax credit per kilowatt-hour of electricity generated by a “zero-emission” generation facility. The Department would determine if an application was qualified under this provision.

*Result*

***Senate Bill 440** passed the Legislature and was signed by the Governor into law.*

### **Well Plugging**

There was an initial desire to transfer the authority to regulate the plugging of wells related to the exploration for and production of oil and natural gas from the Oklahoma Corporation Commission to the DEQ.

*Result:*

*The Department expressed concern that the transfer was beyond the DEQ's expertise but well within the expertise of the Corporation Commission. **Senate Bill 532** became the vehicle for a different Corporation Commission issue and did not relate to the transfer of authority to DEQ.*

### **Credible Data**

Federal law requires each state to report compliance of its water bodies with water quality standards. In complying with these requirements, states have sometimes used water data of questionable scientific validity. There was a desire to assure that Oklahoma environmental agencies use data based on scientifically recognized procedures when developing standards, reports and listings.

*Results:*

***Senate Bill 627** was introduced and passed the Legislature, but was vetoed by the Governor.*

### **Pay for Performance**

The principle of pay for performance has gained significant momentum over the past few years. The basic primus is that for state employees who meet specific criteria in their job evaluations should be rewarded.

*Result:*

*Although no funding was attached within House Bill 1768, DEQ aggressively promoted the Pay for Performance concept in the bill during its meeting with the Appropriations Subcommittees. **House Bill 1768** passed the Legislature and was signed by the Governor into law.*

### **Use of County Equipment for Remediation/Tire Baling Projects**

HB 1033 authorized the use of county equipment for remediation projects certified by the Department and soil erosion control projects jointly approved by the Conservation District. HB 1398 passed the House and the Senate as amended to include access to the fund by county commissioners for tire baling, access by DEQ to the fund for cleanup of waste tire dumps and waste incidental to tire dumps and to make the landowner, not the contractor, responsible for installing vegetation at bank stabilization projects. HB 1398 also differs from HB 1033 in that the authorization to use county equipment for remediation projects is replaced with language that repeals the option to not participate in the tire program.

*Results:*

**House Bills 1033/1398** both passed the Legislature and were signed by the Governor into law.

### **Septic Tank Installers Certification**

DEQ personnel dedicate a significant amount of time yearly inspecting newly installed septic systems. Because of the large numbers of these systems the delay time in getting to each of them was significant. By requiring those individuals who install more than ten septic systems per year to obtain certification from the DEQ, we could shift resources to inspections of the remaining new septic systems, and do so in a timely manner.

*Result:*

**House Bill 1723** which specifies that persons who install more than ten septic systems per year must obtain certification from the DEQ, passed the Legislature and was signed by the Governor into law. An amendment to the bill forbids state employees from performing percolation tests for personal compensation.

### **Cathode Ray Tube Recycling**

The growth of the personal and business computer industry and the pending change in television sets has created a potential disposal problem because of the contaminants contained in cathode ray tubes. Requiring the “recycling” of cathode ray tubes could potentially solve this problem.

*Result:*

The Department expressed concern that a bill to implement this recycling program would be ahead of its time in that no infrastructure is in place to recycle the cathode ray tubes. **House Bill 1155** was introduced and subsequently withdrawn by the author.

### **Carbon Sequestration**

Agricultural interest advocated the creation of a board to assist the Conservation Commission in determining the feasibility of using a carbon dioxide emissions marketing or trading system from credits generated through agricultural practices. The DEQ has a representative on the board.

*Result:*

**House Bill 1192** passed the Legislature and was signed into law by the Governor, after being amended to address the Department’s concerns about splitting the air quality program.

### **Creation of a New Category of Solid Waste Facility**

Regulation that would have removed transfer stations handling non-hazardous industrial waste from regulation under solid waste laws was introduced. There was a disconnect between the bill’s language and the intent of its author which was to allow the appropriate use of non-hazardous industrial waste as a source of fuel for electrical generation.

*Result:*

**House Bill 1444** was not heard in committee.

### **Uses of Fees**

In the past, the legislature has appropriated fee funds for purposes outside their original legislative intent. Over \$4 million was recently appropriated from the tire fund for such purposes. This joint resolution would have prohibited the use of fees for purposes outside their original intent and would have required repayment to the tire fund.

*Result:*

Although **House Joint Resolution 1024** died in the House Committee on Rules, we were able to acquire amendments to the tire laws to assure the existent fee would be fully utilized within the program.

### **Other Bills...**

Several other bills related to our responsibilities were also passed. Notable among those were **House Bill 1217**, the Ethanol Development Study Act. The hope of those supporting the bill is that ethanol, produced from Oklahoma grains, could be used to produce a cleaner burning gasoline. Similarly, the tax credit for converting a vehicle from gasoline to natural gas was extended in **House Bill 1219**. The key to unlocking the required vehicle inspection program was our determination that the existing program was not of significant current air quality benefit. The bills eliminating that program were **House Bill 1081** and **House Bill 1728**. **Senate Bill 45** reduced the quantity of material necessary to be able to use the Environmental Crimes Act in methamphetamine lab cleanups.



# APPENDIX D

## DEQ ADMINISTRATIVE HEARINGS DURING STATE FISCAL YEAR 2001

# DEQ ADMINISTRATIVE HEARINGS<sup>1</sup> DURING STATE FISCAL YEAR 2001

Facility or Individual	Nature of Hearing	Outcome
Villa Village Mobile Home Park	Administrative Penalty	Facility assessed an administrative penalty for failure to comply with an order to stop illegal discharge from a sewage lagoon
Larry Bean	License Revocation	Individual certification to install sewage disposal systems revoked

**(Footnote)**

<sup>1</sup> This table includes only evidentiary administrative hearings; it does not include prehearing conferences, motion hearings, etc. The DEQ has several hundred administrative proceedings filed each year, but only a very small fraction reach the point of an evidentiary administrative hearing. Most settle before hearing.

# APPENDIX E

## SOURCES OF WASTE TIRES



# INTRODUCTION

During the three year period of Fiscal Years (FY) 1999 through 2001, Oklahoma's three waste tire processors were able to manage the majority of the nearly 3.1 million waste tires generated each year, and it was demonstrated that a diverse and productive market exists for processed waste tire material. Additionally, many of the identified illegal tire dumps were cleaned up and the tires processed at approved facilities.

## SOURCES OF WASTE TIRES

IT IS ESTIMATED OKLAHOMANS GENERATE APPROXIMATELY 3.1 MILLION WASTE TIRES ANNUALLY

**Total waste tires generated per fiscal year in Oklahoma.**

<b>Oklahoma's Annual Generation of Waste Tires</b>			
	<b>FY 1998-1999</b>	<b>FY 1999-2000</b>	<b>FY 2000-2001</b>
<b>OTC data</b>			
Car Tires:	2,797,901	2,784,287	2,606,637
Truck Tires:	185,020	218,936	224,392
Total Tires:	2,982,921	3,003,223	2,831,029
<b>Exempt tires collected by out-of-state recyclers:</b>			
Car Tires:	85,734	100,380	312,105
Truck Tires:	453	350	1,473
Total Tires:	86,187	100,730	313,578
<b>Total Annual Tires:</b>	<b>3,069,108</b>	<b>3,103,953</b>	<b>3,144,607</b>

The majority of waste tires are collected at tire dealer retail stores and collected by the state's permitted processors who obtain reimbursement from the Fund for managing the tires. Other locations where tires are disposed (such as roadside dumps) are placed upon the Priority Cleanup List (PCL), as specified in the state law. As of the end of this reporting period, the PCL consisted of 121 illegal tire dumps ranging in size from less than 100 to as many as 80,000 tires. The PCL sites, containing an estimated 562,500 tires, are scattered across Oklahoma.

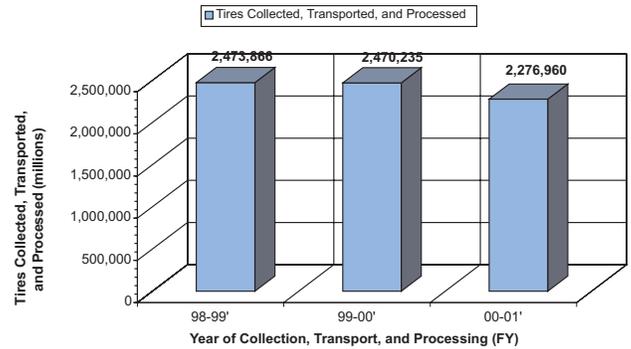
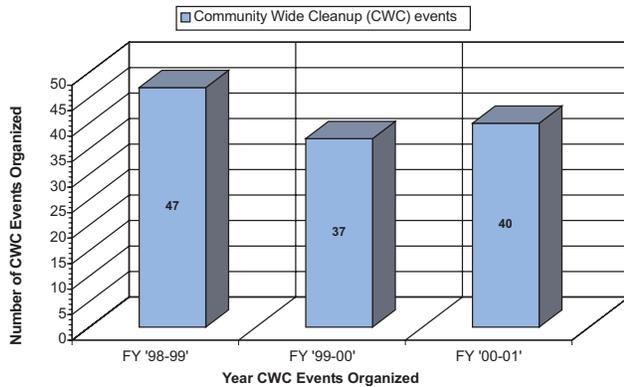
During this reporting period 99 percent of tire dumps placed on the PCL contained less than 5000 tires. The number of tire dumps completely cleaned up dropped significantly from FY 1998-1999 through FY 2000-2001, partly due to a devastating fire at one of the state's three waste tire processing facilities in September of 2000, suspending activities at the plant for a nine month period during FY 2000-2001.

## COMMUNITY WIDE CLEANUPS (CWC)

County Commissioners and community leaders are authorized to organize Community-Wide Cleanups (CWC) involving waste tires. These cleanup events provide a free disposal outlet for private citizens to dispose of waste tires, thereby pre-

venting stray tires from being discarded alongside roads or in ditches and ravines. These organized events were very popular with communities across the state during the three year reporting period as illustrated below. Waste tire processors are

required to collect and process 10% of their facility lifetime waste tire stock from PCL sites and/or CWC events. The CWC event activities allow processors more collection options with respect to meeting the 10 percent facility lifetime requirement.



**Number of Community Wide Cleanup (CWC) events organized.**

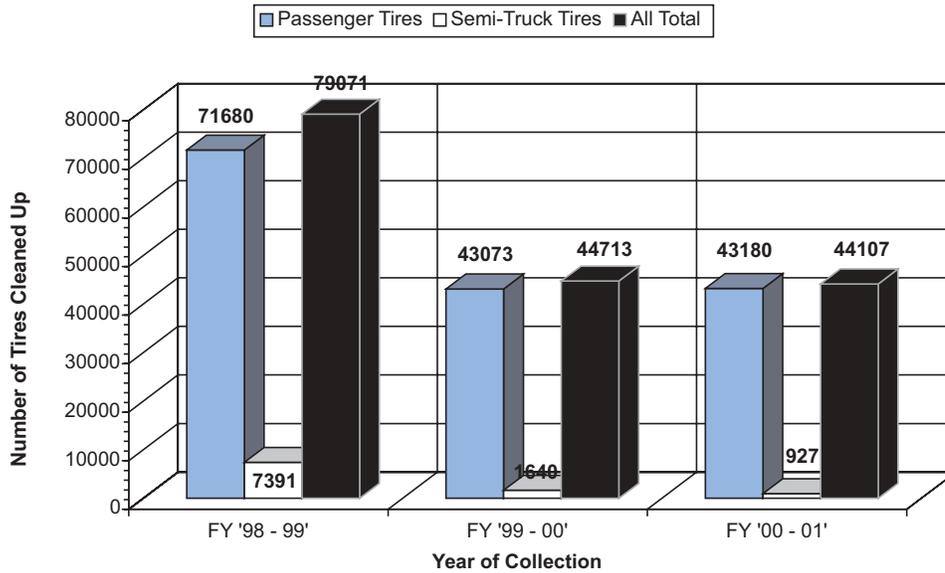
**Total tires collected, transported, and processed.**

## MANAGEMENT OF OKLAHOMA'S WASTE TIRE STREAM

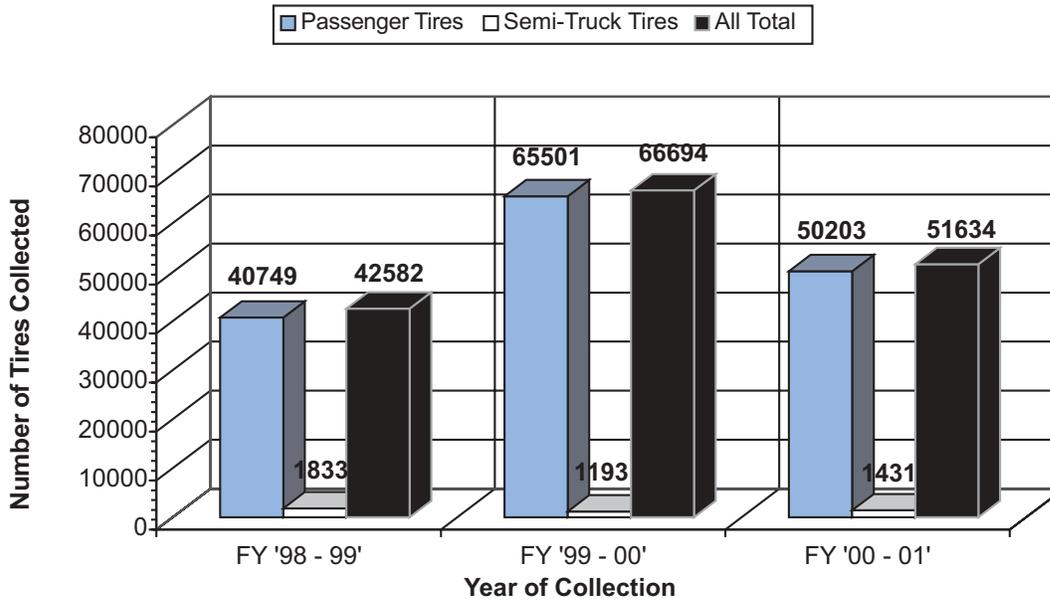
DEQ has permitted three waste tire processors, under the Solid Waste Management Act, to manage Oklahoma's waste tire stream according to the provisions of the Waste Tire Recycling Act. The processors included tire chip manufacturers Safe Tire Corporation of Choctaw and Frontier Recycling of Tulsa as well as a crumb rubber manufacturer, the Four-D Corporation of Duncan. The three proces-

sors were responsible for managing the several million waste tires generated annually in the state. The processors collected, transported, and processed over 2.4 million tires per fiscal year. Taking into account that Oklahomans generated approximately 3.1 million waste tires annually, the state's three processors were able to manage nearly 80 percent of the annual waste tire stream during FY 1998-1999 and FY 1999-2000,

and 74 percent during FY 2000-2001. However, the number of tires collected, transported, and processed during FY 2000-2001 was nearly 6.0 percent less than the previous two fiscal years. This decline can be directly related to the fire that destroyed the Four-D Corporation in September of 2000, suspending its processing operations for the remainder of FY 2000-2001.



**Priority Cleanup List (PCL): Tires cleaned up during FY 1998-1999, 1999-2000, and 2000-2001.**



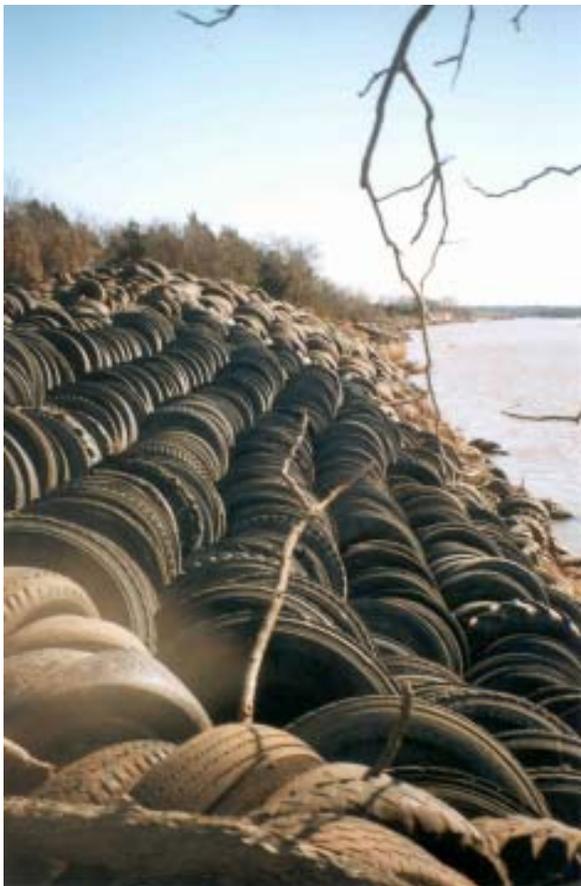
**Community Wide Cleanups (CWCs): Tires collected during FY 1998-1999, 1999-2000, and 2000-2001**

## RIVER-BANK STABILIZATION PROJECTS

River bank stabilization entities, permitted by the U.S. Army Corps of Engineers or Local Conservation District, also engage in the PCL site cleanup process. A bank stabilization project, designed to prevent further erosion of the river bank, is constructed of many thousands of tires cabled together and anchored to prevent the tire mat from breaking loose

from the river bank. Once installed, a tree planting plan, approved by the Department of Agriculture, Forestry Division, is implemented at the project site. The premise behind the bank stabilization project and the tree planting plan is that over time the tire mat will silt in, and the tree roots will intertwine with the tires to stabilize the bank. At some of

the earlier bank stabilization projects, there is evidence that the tires are beginning to silt in thus preventing further erosion of the bank. During this reporting period, one entity, Noble Rubber Products/T.R.E.A.D., was reimbursed from the Fund for installing three bank stabilization projects.



**Portion of a completed river-bank stabilization project in Logan County.**

## MARKETS FOR PROCESSED MATERIAL

A variety of end-use markets exist for the use of processed tire material. Two processors in the state, the Safe Tire Corporation and Frontier Recycling, process waste tires into chips, which are approximately "2 x 2" inch piece of tire. End-use markets that consume the tire chips include cement kilns that burn the chips for Tire Derived Fuel (TDF), septic system installers who utilize the chips in the lateral lines of septic projects, landfills that

use the chips in leachate drainage layers as an alternative to sand or gravel, and crumb rubber facilities that use the chips as feedstock material.

The third permitted processor in the state, the Four-D Corporation, processes waste tires directly into crumb rubber material of different grades, sizes, and colors. End use markets that consume the crumb rubber include manufacturers of molded products such as rubber

mats; churches, schools, and parks that install the crumb rubber under playground equipment for safety and practical purposes; athletic field operators who incorporate the material into turf projects; horse arena owners who incorporate the material directly onto the arena floors; and highway project engineers who incorporate the crumb rubber into expansion joint projects.



**Tire chips produced by the Safe Tire Corporation.**



**Crumb rubber: size and color variations.**



**Rubber mats manufactured from crumb rubber.**



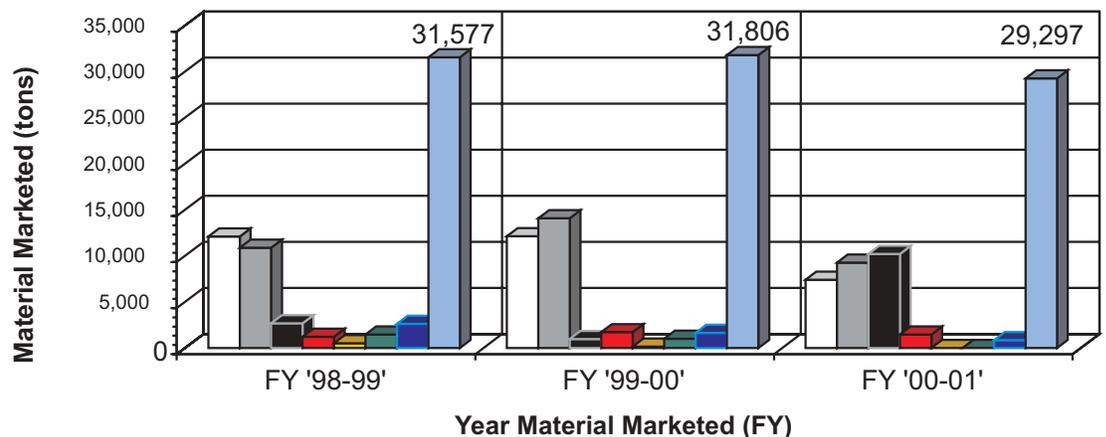
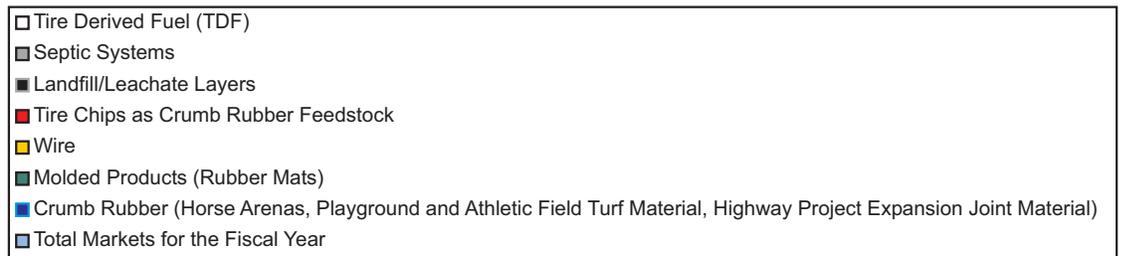
**Crumb rubber donated by the Four-D Corporation and utilized for playground surfacing at Natural Falls State Park in Northeastern Oklahoma.**

Trends for the end-use market consumption of processed tire material produced in the state during this reporting period. As seen in the illustration, some markets were much stronger than others, in par-

particular TDF and septic system uses. For the reporting period, markets for these two types of uses remained strong, despite the fact that demand decreased somewhat from FY 1999-2000 through FY 2000-2001. De-

mand increased significantly for landfill/leachate material during the reporting period while markets for tire chips utilized as crumb rubber feedstock remained low but steady.

**Tire processors:  
markets for  
processed material  
during FY 1998-1999,  
1999-2000, and 2000-  
2001.**



## TIRE DEALER COMMUNICATION

From 1999 through 2001, approximately 2000 tire dealers were responsible for collecting waste tire recycling fees. As a means of establishing tire dealer compliance required by the law, the DEQ randomly selected and surveyed 50 tire deal-

ers per quarter. In addition, tire dealers were asked to produce current waste tire tracking manifests indicating their waste tires were being properly disposed through one of the state's permitted waste tire processors. Tire surveys were maintained

in a DEQ database, and noncompliant tire dealers were educated as to their responsibilities with respect to the law. Follow-up surveys were conducted to ensure compliance.

## CONCLUSION

During the three year reporting period, Oklahomans were generating nearly 3.1 million waste tires annually. The state's three waste tire processors were able to properly manage approximately 80 percent of the waste tires generated annually across the state from FY 1998-1999 through FY 1999-2000, and 74 percent during FY 2000-2001. The lower percentage reported for FY 2000-2001 was the result of downtime due to a facility fire in September of 2000, leading to suspension of processing activities for the remainder of the fiscal year. Some of the waste tires generated annually in the state were identified in the form of PCL sites. As of the end of the reporting period, the DEQ's PCL contained 121 tire dumps totaling approximately 562,500 scrap tires. The majority of dumps fell into categories containing less than 5000 waste tires;

however, the PCL did identify 22 historical tire dumps containing anywhere from 20,000 to 80,000 tires. PCL cleanups and CWC events accounted for 4.2 to 5.6 percent of the overall tire volume collected, transported, and processed during a given fiscal year. With the increase in CWC activities, communities were diverting a significant number of unwanted waste tires, generated by private citizens, to the proper disposal channels, thereby preventing the occurrence of more tire dumps. End-use markets' consumption of processed tire material was encouraging during the 3 year reporting period. On average, approximately 90 percent of the processed tire material manufactured during any given fiscal year was consumed through one of the many end-use markets. TDF and Septic System Drainage Material end-uses were by far the strongest markets during the 3 year

reporting period. Landfills also utilized a considerable amount of tire chips for drainage material during FY 2000-2001. It is expected that crumb rubber uses will continue to increase in coming years.

Forty-eight states have some form of scrap tire legislation/regulation, a fact that proves states are serious about properly managing annual waste tire streams. It has been demonstrated through administration of Oklahoma's Waste Tire Recycling Act that management of waste tires can be successfully accomplished by recycling waste tires to end-use markets capable of using the rubber product in a productive and responsible manner. It cannot be denied that Oklahoma benefits immensely from the establishment of the Oklahoma Waste Tire Recycling Program, and its continuation must be assured.







O K L A H O M A  
DEPARTMENT OF ENVIRONMENTAL QUALITY

## **Oklahoma Department of Environmental Quality**

**Post Office Box 1677**

**Oklahoma City, Oklahoma 73010-1677**

**Main Number: 405-702-1000 or 1-800-869-1400**

**Environmental Complaints Number: 1-800-522-0206**

**Air Quality Number: 405-701-4100**

**Customer Services and the State Environmental Laboratory Number: 405-702-1000**

**Environmental Complaints and Local Services Number: 405-702-6100**

**Land Protection Number 405-702-5100**

**Water Quality Number: 405-702-8100**

**Administrative Services Number: 405-702-7100**