

**REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD**

A Public Meeting: 9:30 a.m. Friday, February 23, 2007
Association of County Commissioners (ACCO)
429 NE 50th
Oklahoma City, Oklahoma

1. **Call to Order** – Steve Mason, Chair
2. **Roll Call** – Myrna Bruce, Secretary, Board & Councils
3. **Approval of Minutes** of the November 14, 2006, Regular Meeting
4. **Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2007

5. **Rulemaking – OAC 252:4 Rules of Practice and Procedure**

This proposed rulemaking implements applicable portions of the United States Environmental Protection Agency’s Cross Media Electronic Reporting Rule (CROMERR). The CROMERR requirements set mandatory standards for electronic document receiving systems operated by states with federally authorized, approved or delegated programs. The DEQ is required to submit an application to EPA by October 13, 2007 for approval of its CROMERR-compliant electronic document receiving system.

- A. Presentation – Jimmy Givens, DEQ General Counsel
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

6. **Rulemaking – OAC 252:210 Highway Spill Remediation**

This proposed permanent rulemaking relates to the Oklahoma Highway Remediation and Cleanup Services Act. The Act, which became effective November 1, 2006, authorizes the DEQ “to license, supervise, govern, and regulate highway remediation and cleanup services...and operators” in Oklahoma. The Act authorizes the Environmental Quality Board to adopt implementing rules. If adopted and approved, these permanent rules will supersede the emergency rules passed by the Board on November 14, 2006, with the only substantive differences being addition of a \$100 late fee and a \$100 reinstatement fee.

- A. Presentation – Bob Kennedy, Chair, Hazardous Waste Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

7. Rulemaking – OAC 252:300 Laboratory Accreditation

Several related amendments are proposed. Subchapter 19 is amended to add ASTM #2455-06 for toxicity testing in freshwater mussels. The amendment in Subchapter 21 allows a laboratory to be accredited in a general water classification for toxicity testing in freshwater mussels and perchlorate. Proposed new Appendix B.1 accommodates the two additional analytes for general water quality laboratories.

- A. Presentation – Ken Crawford, Vice-Chair, Laboratory Services Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

8. Rulemaking – OAC 252:410 Radiation Management

- Proposed Section 410-5-3 amendments raise the total fee payable by first-time applicants for certification as a Radioactive Materials industrial radiographer from \$90.00 to \$140.00. The fee for persons applying to retake the examination is reduced from \$90.00 to \$80.00.
- The proposed Section 410-10-118 amendments regarding reciprocity fees include deletion of subsection (1), effectively lowering the reciprocity fees paid by service providers. A fee of \$1,000 is added for processing requests to modify an approval by adding sites, if received less than three days before the work is to be performed. All fee changes are intended to more accurately reflect the DEQ’s costs of administering the program.

- A. Presentation – Steve Woods, Vice-Chair, Radiation Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

9. Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards

The DEQ proposes to update its adoption of the federal Phase II rules concerning cooling water intakes for power plants and update the incorporation by reference of federal regulations from July 1, 2005 to July 1, 2006.

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

10. Rulemaking – OAC 252:611 General Water Quality

The DEQ proposes to update its incorporation by reference of federal regulations from July 1, 2005 to July 1, 2006.

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

11. Rulemaking – OAC 252:616 Industrial Wastewater Systems

The DEQ proposes to amend the definition of tank system, to include above-ground storage tanks that contain industrial wastewater or sludge, and the definition of waste class, to include industrial sludge. Permitting and closure requirements for certain Class III impoundments would be revised to provide that if the impoundments are designed according to the requirements of new Appendix D and/or closed pursuant to the requirements of new Appendix E, then certification by an Oklahoma registered professional engineer is not necessary for the design, construction or closure. Other amendments require above-ground tank systems to have secondary containment, revise industrial sludge requirements to meet the requirements of state statute concerning sludge management plans and heavy metals, and clarify language.

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

12. Rulemaking – OAC 252:623 Pre-Treatment for Central Treatment Trusts

The DEQ proposes to amend its rules concerning Central Treatment Trusts to bring the rules into compliance with federal regulatory requirements, to designate July 1, 2006 as the incorporation-by-reference date for incorporated federal regulations, and to make other clean-up language changes.

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

13. Rulemaking – OAC 252:626 Public Water Supply Construction Standards

The DEQ proposes to amend its rules to increase the fees charged to Public Water Supplies for new and amended construction permit applications.

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

14. Rulemaking – OAC 252:631 Public Water Supply Operation

The DEQ proposes to update the incorporation by reference of federal regulations from July 1, 2005 to July 1, 2006 (but not including the federal Stage 2 Disinfectants and Disinfection Byproducts Rule and Long Term 2 Enhanced Surface Water Treatment Rule).

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

15. Rulemaking – OAC 252:690 Water Quality Standards Implementation

The proposed amendments update the adoption by reference of federal rules from July 1, 2005 to July 1, 2006, including adoption of the new Phase II rules concerning cooling water intakes for power plants. Several revisions relate to monitoring and testing frequencies, methodologies and requirements. Other amendments include modification of the approaches used in estimating unmeasurable levels of a parameter and in characterizing reasonable potential for toxicity.

- A. Presentation – Michel Paque, Member, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

16. Rulemaking– OAC 252:710 Waterworks and Wastewater Works Operator Certification

The proposed rulemaking implements Senate Bill 1293 (2006), which was codified at 59 O.S. § 1118. Definitions have been amended to reflect the addition of the new provisions. New provisions include requirements for operators that provide services to multiple facilities. Clarification language is added to Appendix A.

- A. Presentation – Arnold Miller, Chair, Waterworks and Wastewater Works Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and possible action by the Board, which may include roll call vote on permanent adoption

17. New Business (any matter not known about and which could not have been reasonably foreseen prior to the time of posting of agenda)

18. Executive Director’s Report – Steve Thompson

19. Adjournment

Remaining 2007 Meetings: June 19, Ada (if needed); August 21, Guthrie; November 15, Weatherford

Public Forum (after adjournment): The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

Some members of the Board and senior staff members from DEQ will meet for dinner in Oklahoma City the evening of February 22. This is a social occasion. It is uncertain whether a majority of the Board will be present, but no Board or DEQ business will be conducted.