

**MINUTES**  
**ENVIRONMENTAL QUALITY BOARD**  
**AUGUST 23, 2011**  
**TULSA TECHNOLOGY CENTER RIVERSIDE**  
**Alliance and Conference Center Telecom Room A-144**  
**801 East 91<sup>st</sup> Tulsa, Oklahoma**

EQB Approved  
November 15, 2011

**Notice of Public Meeting** The Environmental Quality Board convened for a regular meeting at 9:30 a.m. in the Tulsa Technology Center Riverside Campus. This meeting was held in accordance with 25 O.S. Sections 301-314, with notice of the meeting given to the Secretary of State on December 7, 2010. The agenda was mailed to interested parties on August 11, 2011 and was posted at the meeting facility and the DEQ on August 22, 2011. Jerry Johnston, Chair, called the meeting to order. Roll call was taken and a quorum was confirmed. Mr. Johnston introduced Secretary of Environment, Gary Sherrer, Representative Jadine Nollan, and welcomed new member, Jan Kunze, to the Board. A plaque was presented to Richard Wuerflein for his 15 years of dedicated service to the Board and the State of Oklahoma.

**MEMBERS PRESENT**

Brita Cantrell  
Mike Cassidy  
Tony Dark  
Bob Drake  
David Griesel  
Jan Kunze  
Jerry Johnston  
Steve Mason  
Sandra Rose  
Kerry Sublette  
John Wendling

**DEQ STAFF PRESENT**

Steve Thompson, Executive Director  
Jimmy Givens, Deputy Executive Director  
Martha Penisten, General Counsel  
Wendy Caperton, Director, Administrative Services  
Eddie Terrill, Director, Air Quality Division  
Judy Duncan, Director Customer Service Division  
Gary Collins, Director, ECLS  
Scott Thompson, Director, Land Protection Division  
Shellie Chard-McClary, Director, Water Quality Division  
Skylar McElhaney, Public Information Officer  
Myrna Bruce, Secretary, Board & Councils

**MEMBERS ABSENT**

Jennifer Galvin  
Terri Savage

**OTHERS PRESENT**

Clayton Eubanks, Assistant Atty General  
Gary Sherrer, Secretary of Environment  
Tyler Powell, Assistant to Secretary of Env.  
Christy Myers, Court Reporter

**The Attendance Sheet becomes an official part of these Minutes.**

**Approval of Minutes** Mr. Johnston, Chair, called for motion to approve minutes from the February 25, 2011 Regular Meeting. Mr. Drake made the motion and Mr. Dark made the second.

*transcript pages 11-12*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Kerry Sublette	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Jerry Johnston	Yes
Jan Kunze	Abstain		

**DEQ Operational Budget Request** Mr. Steve Thompson, Executive Director, provided a presentation outlining DEQ's budget requests to the Governor through the Office of State Finance ("OSF") which require approval of the Board. He advised that the operational budget request for "SFY" 2013 (beginning July 1, 2012) must be submitted to the OSF by October 1<sup>st</sup> of this year. The law requires that all state agencies submit a five-year budget. The request for the coming year, SFY 2013, is the most critical. Within the overall request for general revenue funds, DEQ will specifically seek to recover funds for Water Quality Division / Public Water Supply operations and Operator Certification. Following comments, Mr. Johnston called for a motion to approve as presented. Mr. Mason made the motion and Mr. Wendling made the second.

*transcript pages 13 - 27*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Kerry Sublette	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

**Executive Director's Report** – Steve Thompson, DEQ Executive Director called upon Martha Penisten, General Counsel, to provide information regarding the status of two Petitions for Declaratory Ruling and one Petition for Rulemaking filed with the DEQ. No action by the Board required. She also provided a report on the annual disclosure of employee financial interests as required by the Environmental Quality Code.

*transcript pages 28 - 32*

Mr. Jimmy Givens, Deputy Director, provided a presentation on legislation activities.

*transcript pages 32 - 51*

Mr. Thompson acknowledged the upcoming retirement of Judy Duncan after 37 years of dedicated service. He also provided an update on recent air quality issues; blue-green algae in Oklahoma lakes; perchlorate in some private wells in Duncan; and an update on the tire rules.

*transcript pages 51 - 65*

**Annual Performance Review of Executive Director** Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ. In connection with these responsibilities, the Board has determined that it should conduct its annual performance review of the Executive Director. Mr. Johnston called for a motion to take the Executive Director annual performance review into Executive Session. Mr. Drake made the motion and Ms. Griesel made the second. Ms. Cantrell was the designated scribe.

*transcript pages 65 - 67*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Kerry Sublette	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

The Board reconvened. Ms. Cantrell read the Board's proposal into the record as a motion and Mr. Dark make the second. Following discussion, roll call was taken.

*transcript pages 68 - 74*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Kerry Sublette	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

**Calendar Year 2012 Board meeting dates and locations:** Following discussion, Mr. Griesel made motion to schedule Friday, February 24 at DEQ; Tuesday, June 19 in Bartlesville; Tuesday, August 21 in Enid; and Wednesday, November 14 in Lawton. Ms. Cantrell made the second.

*transcript pages 74 -75*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Kerry Sublette	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

**New Business** None

**Next meeting** November 15, 2011 in Norman

**Adjournment** Mr. Griesel moved to adjourn and Ms. Rose made the second. Meeting adjourned at 12:05 p.m. The public forum adjourned at 1:00 p.m.

*transcript pages 76 - 77*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Kerry Sublette	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

**The transcript and sign-in sheet become an official part of these Minutes.**



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TRANSCRIPT OF PROCEEDINGS  
OF THE ENVIRONMENTAL QUALITY  
BOARD MEETING  
AUGUST 23, 2011, AT 9:30 A.M.  
HELD IN TULSA, OKLAHOMA  
\* \* \* \* \*

# Myers Reporting

<p>Sheet 2 Page 2</p> <p>1 MEMBERS OF THE BOARD 2 BRITA CANTRELL - MEMBER 3 TONY DARK - MEMBER 4 DAVID GRIESEL - MEMBER 5 JERRY JOHNSTON - CHAIR 6 STEVE MASON - MEMBER 7 SANDRA ROSE - MEMBER 8 RICHARD WUERFLEIN - MEMBER 9 KAROL SAVAGE - MEMBER 10 KERRY SUBLETTE - MEMBER 11 JOHN WENDLING - MEMBER 12 JENIFER GALVIN - MEMBER 13 BOB DRAKE - MEMBER 14 JAN KUNZE - MEMBER 15 STAFF 16 STEVE THOMPSON - EXECUTIVE 17 DIRECTOR 18 JIMMY GIVENS - DEPUTY EXECUTIVE 19 DIRECTOR 20 CLAYTON EUBANKS - ASSISTANT 21 ATTORNEY GENERAL 22 MARTHA PENISTEN - GENERAL COUNSEL 23 MYRNA BRUCE - SECRETARY</p>	<p>Page 4</p> <p>1 continued meeting and the agenda for 2 such a continuation will remain the 3 same as today's Agenda. 4 Having said that I'd like to 5 introduce some special people this 6 morning. The first introduction is 7 the Secretary of Environment, Gary 8 Sherrer and his director of his 9 Office, Secretary of Environment 10 Tyler Powell. Gary would you like 11 to say a few words to us? Of 12 course. 13 MR. SHERRER: It think I'm 14 against it. I think I'm going to 15 take just a couple of minutes. I 16 just want to say that I really want 17 to thank this Board for the difficult 18 job that you all have. I know that 19 I know that this agency is not the 20 one that makes the most friends in 21 state government. Steve. 22 MR. THOMPSON: Yes, sir. 23 Yes, sir. 24 MR. SHERRER: But I think 25 you do an excellent job and I just</p>
<p>Page 3</p> <p>1 PROCEEDINGS 2 MR. JOHNSTON: Good morning. 3 I know we're such a close group we 4 love to visit but we need to do some 5 things this morning. I have some 6 things that I have to tell you about 7 and then we have some special 8 introductions we're going into pretty 9 quick. 10 The August 23, 2011 regular 11 meeting of the Environmental Quality 12 Board has been called in according to 13 the Oklahoma Open Meeting Act Section 14 3.11 of Title 25 of the Oklahoma 15 statutes. Notice was filed with the 16 Secretary of State on December 7, 17 2010. The Agenda's were mailed to 18 interested parties on August 11th, 19 2011 and posted at this facility on 20 August 22, 2011. 21 Only matters appearing on the 22 posted agenda may be considered. If 23 this meeting is continued or 24 reconvened, we must announce today 25 the date, time, and place of the</p>	<p>Page 5</p> <p>1 appreciate the dedication that each 2 of you have in serving on this 3 Board. Thank you, Mr. Chairman. 4 MR. JOHNSTON: I think we're 5 barred from that list for making 6 friends. We try and do what we're 7 supposed to do. At this time I'll 8 introduce a new super lady to our 9 super lady and guy Board. Her name 10 is Jan Kunze. 11 Jan? There she is. Will you 12 stand and show us your beautiful 13 persona? 14 Jan graduated from Dale High 15 School and she went to Oklahoma State 16 University at Stillwater, Oklahoma. 17 MS. KUNZE: I will probably 18 get along well with Jerry. 19 (Inaudible). 20 MR. JOHNSTON: We'll 21 probably pay for that. Her current 22 employer -- and somebody's underlined 23 the independent here -- it says 24 Independent Council Environmental and 25 Land Use from November 1, 2009 to</p>

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1 current. Her previous employment is  
2 OG&E Energy Corp. Manager of Land  
3 Management January 1, 2004 to 2009.  
4 Various environmental positions since  
5 September '76 to 2004. She's always  
6 been a part of our environmental  
7 group. Professional license held and  
8 she is a registered environmental  
9 manager, certified from Environmental  
10 Professionals. And I think our own  
11 leader has some nice things to say  
12 about her.

13 MR. THOMPSON: Well, it's a  
14 particular joy for me to have Jan  
15 join us on the Board. She is -- for  
16 those of you that are familiar with  
17 Science Fest where about 5,000 fourth  
18 and fifth graders come in from all  
19 over the state to the Oklahoma City  
20 Zoo and they have this whole array  
21 of environmental and water quality,  
22 and water science projects, Jan was  
23 the inspiration for that effort. She  
24 has been the driving force behind it.  
25 And she has significantly twisted the

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1 Director of the Department of  
2 Environmental Quality's arm to help  
3 support that along with OG&E and  
4 others. So I am personally delighted  
5 to have you with us, Jan. Thank  
6 you.

7 MS. KUNZE: Thank you,  
8 Steve. Steve was very generous on  
9 that. What I -- what I successfully  
10 did was probably get their  
11 cooperation and I was able to capture  
12 -- I don't know if Eddie was around  
13 for one day, but a lot of people  
14 from the DEQ worked to make that  
15 happen. We've had ten years of it  
16 and we're getting ready to kickoff  
17 the eleventh year. So we're --  
18 we've run a lot of students through  
19 science and environmental education.

20 MR. JOHNSTON: Thank you,  
21 for that. At this time Steve has a  
22 special presentation.

23 MR. THOMPSON: Well, it is  
24 with some sadness that I tell you  
25 that Jan, although a very worthy and

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1 dedicated Board Member, I'm sure, has  
2 taken the place of Richard Wuerflein  
3 who, for 15 years, served on this  
4 Board. And Richard brought a sense  
5 of common sense, support. Richard  
6 always had tough questions for the  
7 Director. And he sometimes was able  
8 to answer them. So I'd like to ask  
9 Richard to come forward and we have  
10 a little memento for him for his  
11 service.

12 MR. WUERFLEIN: (Inaudible).

13 MR. THOMPSON: See what I  
14 mean, it was -- we have a plaque  
15 here that says in appreciation to  
16 Richard Wuerflein for dedicated  
17 service to the Environmental Quality  
18 Board from 1996 to 2011. Fifteen  
19 years. And Richard, I thank you  
20 very much for your service.

21 MR. WUERFLEIN: Steve, it's  
22 some very nice things you said about  
23 me but I -- my opinion is that  
24 environmental work changed after I  
25 got on this Board. And you know I

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1 appreciated the cooperation that this  
2 agency has working for the people of  
3 Oklahoma and working to progress the  
4 state. And didn't realize the  
5 dichotomy between federal and state.  
6 I've had a long policy that, you  
7 know, there should be a turnover of  
8 people to get new ideas. You know,  
9 I thought 15 years was plenty long.  
10 Probably too long. I don't know how  
11 Jerry keeps the bar and ability to  
12 keep it all going forever.

13 But I've heard great things  
14 about Jan from our days at OSU.  
15 We've got mutual friends from down  
16 there and you guys are getting a  
17 definite improvement. Thank you all.

18 MR. THOMPSON: Thank you.

19 MR. JOHNSTON: Okay. I  
20 just have news that Representative  
21 J.D. Nolan is here. Would you like  
22 to say a few words for us?

23 REPRESENTATIVE NOLAN: I'm  
24 just glad to be here and excited to  
25 learn as much as possible. I'm

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<p>Sheet 4 Page 10</p> <p>1 excited about the way this Board and 2 representatives from it are trying to 3 do good things in our communities. 4 And I did get to see a part of a 5 draft presentation last Friday for a 6 bus -- (inaudible) bus for the kids 7 in our community. Seeing the -- you 8 know it was the perfect combination. 9 I mean we're doing great things for 10 our community; great things for our 11 state and for our environment. And, 12 you know, that's all good. So thank 13 you.</p> <p>14 MR. JOHNSTON: We thank you 15 for being here. Okay.</p> <p>16 Myrna. I think we're ready 17 for roll call.</p> <p>18 MS. BRUCE: Ms. Cantrell. 19 MS. CANTRELL: Here. 20 MS. BRUCE: Mr. Cassidy. 21 MR. CASSIDY: Here. 22 MS. BRUCE: Mr. Dark. 23 MR. DARK: Here. 24 MS. BRUCE: Mr. Drake. 25 MR. DRAKE: Here.</p>	<p>Page 12</p> <p>1 roll call.</p> <p>2 MS. BRUCE: Ms. Cantrell. 3 MS. CANTRELL: Yes. 4 MS. BRUCE: Mr. Cassidy. 5 MR. CASSIDY: Yes. 6 MS. BRUCE: Mr. Dark. 7 MR. DARK: Yes. 8 MS. BRUCE: Mr. Drake. 9 MR. DRAKE: Here. Yes. 10 MS. BRUCE: Mr. Griesel. 11 MR. GRIESEL: Yes. 12 MS. BRUCE: Ms. Kunze. 13 MS. KUNZE: Abstain. 14 MS. BRUCE: Mr. Mason. 15 MR. MASON: Yes. 16 MS. BRUCE: Ms. Rose. 17 MS. ROSE: Yes. 18 MS. BRUCE: Dr. Sublette. 19 DR. SUBLETTE: Yes. 20 MS. BRUCE: Mr. Wendling. 21 MR. WENDLING: Yes. 22 MS. BRUCE: Mr. Johnston. 23 MR. JOHNSTON: Yes. 24 MS. BRUCE: Motion approved. 25 MR. JOHNSTON: At this time</p>
<p>Page 11</p> <p>1 MS. BRUCE: Mr. Griesel. 2 MR. GRIESEL: Here. 3 MS. BRUCE: Ms. Kunze. 4 MS. KUNZE: Here. 5 MS. BRUCE: Mr. Mason. 6 MR. MASON: Yes. 7 MS. BRUCE: Ms. Rose. 8 MS. ROSE: Here. 9 MS. BRUCE: Dr. Sublette. 10 DR. SUBLETTE: Here. 11 MS. BRUCE: Mr. Wendling. 12 MR. WENDLING: Here. 13 MS. BRUCE: Mr. Johnston. 14 MR. JOHNSTON: Here. 15 MS. BRUCE: And for the 16 record, absent is Dr. Galvin and Ms. 17 Savage. Thank you.</p> <p>18 MR. JOHNSTON: Okay. We 19 need to have approval of the minutes 20 of the February 25th -- the last 21 regular meeting.</p> <p>22 MR. DRAKE: So moved. 23 MR. DARK: Second. 24 MR. JOHNSTON: I have a 25 motion and a second. Let's do a</p>	<p>Page 13</p> <p>1 I'd like to introduce our number one 2 guy, Steve Thompson. He's going to 3 do the Operational Budget Request for 4 us.</p> <p>5 MR. THOMPSON: Thank you, 6 Mr. Chairman. In order to put this 7 request in a little bit of context, 8 it's the responsibility of the Board 9 to approve our general revenue budget 10 request for the coming year. So 11 this will be our request for the 12 fiscal year 2013. And the process 13 that has been developed for the 14 approval or the discussion of this 15 request is that there is a 16 subcommittee of the Board that meets, 17 five members, and reviews the 18 proposal and makes recommendations 19 for either changes or a new path for 20 the budget request. That 21 subcommittee met on August the 8th. 22 It was Jerry, John Wendling, Jan 23 Kunze, Steve Mason, and Jennifer 24 Galvin, joined us. We reviewed that 25 and they reviewed the budget request</p>

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1 and unanimously approved that it come  
2 forward to the Board.

3 Now to put this in further  
4 context for the current year -- for  
5 the current fiscal year 2012, the  
6 budget of the Department of  
7 Environmental Quality is just over  
8 \$71,000,000.00. Of that  
9 \$71,000,000.00, 7.5 million or about  
10 ten percent is general revenue  
11 funding. And as a bit of a side  
12 note, that is exactly the same level  
13 of general revenue funding that the  
14 agency had in fiscal year '94 when  
15 we became an agency. Of that 7.5  
16 million dollars in general revenue  
17 funding, 3.8 million is dedicated to  
18 response to citizen complaints.

19 There is no federal funding source,  
20 nor any fee funding source that we  
21 can come up with to support citizen  
22 complaint response.

23 I often joke somewhat that if  
24 the DEQ, as much as it loves fees,  
25 could figure out if a citizen called

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1 regulated community I recommended to  
2 you and you agreed that we would  
3 move forward with the wastewater fees  
4 but that we would withdraw the  
5 drinking water fees until we could  
6 have further discussion with the  
7 regulated community. And I will tell  
8 you that those discussions are now  
9 ongoing. There is a committee with  
10 representatives of the Oklahoma  
11 Municipal League, the Rural Water  
12 Association, the Water Quality  
13 Advisory Council, and the  
14 Environmental Quality Board that are  
15 meeting with staff of the Water  
16 Quality Division to work through the  
17 fee issue.

18 It is also true that last year  
19 we took a fee proposal to the  
20 operators -- to the Water and  
21 Wastewater Operators Council and  
22 while that proposal did get a  
23 majority vote, there were  
24 insufficient votes in the Council  
25 meeting to move the fee forward and

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1 and we could say if you will send us  
2 a check for \$500.00 we'll come out  
3 and respond to your complaint; we  
4 would do it but we don't think that  
5 would be satisfactory. So we  
6 probably won't do that.

7 The remaining 3.7 million  
8 dollars is fully dedicated to water  
9 programs. Our Air Quality Division,  
10 our Land Protection Division, and our  
11 Administrative Services Division are  
12 all fully funded by either federal  
13 funds, fees, or indirect costs from  
14 federal funds and fees. So the  
15 general revenue money is split up for  
16 water programs between our Water  
17 Quality Division, our Customer  
18 Services Division -- or what was  
19 formerly called our Customer Services  
20 Division, and ECLS.

21 Now you will recall, at the  
22 last Board meeting, we came forward  
23 with a fee proposal for both  
24 wastewater and public water supply  
25 and after some discussion with the

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1 so it did not move forward to you.  
2 So in structuring our request  
3 -- now I will tell you that in the  
4 last two years while we have come to  
5 you and asked that you approve a  
6 budget request to be submitted to the  
7 Governor and to the Legislature, it  
8 became clear after the Board meeting  
9 in discussions with the Governor's  
10 office and with legislative  
11 appropriations leaders that it would  
12 not be the wisest thing for us to  
13 come forward with the budget request  
14 in what were clearly troubled times  
15 for the state and so we did not. We  
16 have had no such discussions with any  
17 of those offices yet. We may at  
18 some point. I believe that the  
19 economic picture for the state looks  
20 better, but that's the context in  
21 which we are bringing this proposal  
22 to you today.

23 Now let me go through what our  
24 -- we believe our needs are. If you  
25 will look at the chart on the second

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1 page, we are asking -- and I suspect  
2 at the top of the priority list for  
3 \$490,000.00 in enforcement and  
4 \$246,000.00 in compliance assistance  
5 for public water supply. We are  
6 asking for \$250,000.00 for laboratory  
7 equipment. We were on a routine --  
8 you have to replace laboratory  
9 equipment, you can't just patch  
10 laboratory equipment together and --  
11 I mean forever. We were on that  
12 path of budget reductions which over  
13 the last few years have amounted to  
14 2.1 million dollars in general  
15 revenue. That's sort of been an  
16 impediment to us continuing to  
17 replace that equipment, so we're  
18 asking for \$250,000.00 for that.

19 One of the first things that  
20 we cut was pass through money. We  
21 were providing \$513,000.00 for  
22 assistance to small communities  
23 generally under 1300 population with  
24 -- for assistance with their  
25 laboratory fees, that was the first

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1 thing we cut so we're coming back to  
2 ask that that assistance be provided.

3 This year -- and Jimmy is  
4 going to go through legislation in a  
5 bit -- during the Executive  
6 Director's Report but we have taken  
7 on a new program this year where  
8 those who did not -- weren't  
9 permitted based on our engineering  
10 designs but opened facilities anyway,  
11 are now being -- there was a concern  
12 that the Health Department, after the  
13 incident at Locust Grove, would began  
14 denying things like restaurant  
15 licenses. So we developed a plan  
16 and the Legislature approved that  
17 plan where we could do enhanced  
18 monitoring. In other words if you  
19 were doing quarterly monitoring of  
20 your system you might do it monthly  
21 even though you were in compliance  
22 with our construction standards. So  
23 that we provided a level of safety  
24 to the public. So that passed the  
25 Legislature but without funding. And

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1 so we're seeking \$250,000.00 in  
2 funding for that.

3 And because of cuts at the  
4 federal level and cuts in general  
5 revenue funding our operator  
6 certification program for water and  
7 wastewater operators has had a staff  
8 reduction from six to three. And so  
9 while we're working with the operator  
10 certification -- the Water and  
11 Wastewater Operators Council on a fee  
12 increase we are asking concurrently  
13 that the legislature provide  
14 \$255,000.00 for that effort.

15 Now as always this is  
16 relatively common in the air program.  
17 We have a rule that says that if we  
18 go forward with fee making and we  
19 get funding from some other source  
20 whether it be general revenue or  
21 federal funding, that that will take  
22 the place of fee funding. So we are  
23 running a fee effort and the general  
24 revenue request concurrently.

25 The total request is for just

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1 a touch over \$2,000,000.00. Our cuts  
2 over the last two years have been  
3 2,151,000 so we're asking for  
4 slightly less than the cuts have been  
5 over the last three years.

6 With that I would be happy to  
7 answer any questions. Shellie  
8 Chard-McClary is here with the Water  
9 Quality Division as the Water Quality  
10 Division Director and I may call on  
11 her to amplify some of the issues in  
12 this document. But with that, Mr.  
13 Chairman, I would entertain  
14 questions.

15 MR. JOHNSTON: Any questions  
16 or discussion from the Board?

17 MR. DARK: Yes. How many  
18 municipalities do those three  
19 wastewater operators serve? What's  
20 the total? I'm sorry.

21 MR. THOMPSON: We --

22 MR. DARK: The total number  
23 of plants that we serve?

24 MR. THOMPSON: I think we  
25 process something in the order of

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1 7,000 -- 10,000 -- 150,000.  
2 MS. CHARD-MCCLARY: There  
3 are approximately 7500 individuals  
4 who are licensed but there are a  
5 little over 11,000 operator licenses.  
6 And then for every wastewater --  
7 publicly owned wastewater treatment  
8 facility and any public water supply  
9 systems.  
10 MR. THOMPSON: I will tell  
11 you that the lack of resources there  
12 has caused us -- there have been  
13 some issues, quite frankly, with  
14 getting those certifications out and  
15 the agency is -- along with the  
16 Council are looking at the flow of  
17 work through the agency to see if  
18 there are better ways to do what we  
19 have traditionally done. Now those  
20 decisions are decisions ultimately of  
21 the department. But it has, as with  
22 many things, has caused us to look  
23 at the way we were doing things and  
24 make modifications. Now to say that  
25 we, in doing so we're going to be

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1 able, without additional help, serve  
2 the public the way we have in the  
3 past, that's probably not the case  
4 but we're looking -- were looking at  
5 ways to at least streamline the  
6 process.  
7 MR. DARK: Okay.  
8 MR. THOMPSON: I think Bob  
9 had a question.  
10 MR. JOHNSTON: I would ask  
11 that the Board and the public  
12 introduce their self as you ask the  
13 questions please. Trying to get us  
14 some continuity for the lady that's  
15 trying to follow what we're doing.  
16 MR. DRAKE: Bob Drake.  
17 Question is that under the new law  
18 as passed this past session any fee  
19 increase now has to go to the  
20 Legislature, that's correct?  
21 MR. THOMPSON: That's  
22 correct.  
23 MR. DRAKE: How does this  
24 work -- the fee increases that we  
25 had proposed and had then acted on

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1 before that we're okay with?  
2 MR. THOMPSON: Well, the  
3 change is this. The fee increases  
4 had to be actively approved by the  
5 Governor's office. In other words  
6 they had to -- the Governor's office  
7 has to sign off on the rules. For  
8 the legislative process historically,  
9 unless the Legislature took action  
10 they would -- the fee would be  
11 consider approved. Starting next  
12 year each fee rule will have to go  
13 through each legislative body. So we  
14 had a similar situation that occurred  
15 -- somewhat similar to this -- a  
16 situation that occurred this year  
17 with the tire fee increase that we  
18 asked for which was a legislative  
19 issue and the air fees that you all  
20 approved and both made it through the  
21 process. So we are setting aside  
22 the regulatory fees and funding the  
23 program with the tire fees. So it  
24 is -- I will say it's a bit tricky  
25 because the -- budget process is

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1 right at the end of session. So  
2 what we tell legislators and we will  
3 tell them again this year, exactly  
4 what I told you. We would like to  
5 pursue the fees, but if we can get a  
6 coalition of people like OML and  
7 Rural Water and those interested in  
8 this thing to support a general  
9 revenue increase, if that gets  
10 approved to the extent that it covers  
11 these costs or at least a portion of  
12 these costs, we won't collect the  
13 fees.  
14 Now clearly our fee -- I will  
15 tell you that our fee case will not  
16 include the \$513,000.00 for the small  
17 systems. I mean they're -- that fee  
18 issue that will come to you will  
19 ultimately be somewhat lower than the  
20 general revenue request that we have.  
21 Now I'd like to but I doubt we're  
22 going to get fees for that purpose.  
23 Sorry, Jerry.  
24 MR. JOHNSTON: It won't fly.  
25 MR. THOMPSON: So the answer

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<p>Sheet 8 Page 26</p> <p>1 to your question is it's a different 2 process. It will be a different 3 process for me to work through but 4 it is not a process that we haven't 5 worked with in the past.</p> <p>6 MR. JOHNSTON: Any more 7 questions from the Board? Okay. Do 8 we have questions or comments by the 9 public? Questions or comments by the 10 public? Back to you guys. Okay. 11 We're back to discussion and possible 12 action by the Board which brings us 13 to the roll call vote.</p> <p>14 MR. MASON: I move approval 15 on this recommendation.</p> <p>16 MR. WENDLING: Second.</p> <p>17 MR. JOHNSTON: We have a 18 motion and a second. We'll have a 19 roll call vote. Motion made by 20 Steve and the second by --</p> <p>21 MS. BRUCE: Ms. Cantrell. 22 MS. CANTRELL: Yes. 23 MS. BRUCE: Mr. Cassidy. 24 MR. CASSIDY: Yes. 25 MS. BRUCE: Mr. Dark.</p>	<p>Page 28</p> <p>1 of business that need to come before 2 the Board and for those I will turn 3 the microphone over to Martha 4 Peniston, our General Counsel.</p> <p>5 MS. PENISTON: Just a few 6 administrative matters to share with 7 you. And these are for informational 8 purposes only. The Board does not 9 need to take action on them.</p> <p>10 The DEQ procedural rules 11 require that the agency report to the 12 Board on petitions for declaratory 13 rulings and petition for rulemaking 14 that we received. And in recent 15 months we've received two petitions 16 for declaratory ruling and one 17 petition for rulemaking.</p> <p>18 The first one of the Petitions 19 for rulemaking is from Terra 20 International located in Woodward, 21 Oklahoma. And the petition concerns 22 an industrial wastewater discharge 23 permit and the applicability of 24 certain effluent limits previously 25 established for this facility. And</p>
<p>Page 27</p> <p>1 MR. DARK: Yes. 2 MS. BRUCE: Mr. Drake. 3 MR. DRAKE: Yes. 4 MS. BRUCE: Mr. Griesel. 5 MR. GRIESEL: Yes. 6 MS. BRUCE: Ms. Kunze. 7 MS. KUNZE: Yes. 8 MS. BRUCE: Mr. Mason. 9 MR. MASON: Yes. 10 MS. BRUCE: Ms. Rose. 11 MS. ROSE: Yes. 12 MS. BRUCE: Dr. Sublette. 13 DR. SUBLETTE: Yes. 14 MS. BRUCE: Mr. Wendling. 15 MR. WENDLING: Yes. 16 MS. BRUCE: Mr. Johnston. 17 MR. JOHNSTON: Yes. 18 MS. BRUCE: Motion approved. 19 MR. JOHNSTON: Thank you.</p> <p>20 At this time we have the Executive 21 Director's Report which this big. I 22 don't think he's going to do all of 23 it.</p> <p>24 MR. THOMPSON: No, I'm not. 25 First there are a number of issues</p>	<p>Page 29</p> <p>1 the status for that is the petition 2 is currently under consideration by 3 the DEQ's Administrative Law Judge.</p> <p>4 The second petition for 5 declaratory ruling pertains to the 6 Valero Refining Company located in 7 Ardmore. And this petition also 8 concerns the industrial wastewater 9 discharge permit and the 10 applicability of certain DEQ rules 11 regarding the level of treatment 12 required for wastewaters generated at 13 the facility. The status of that is 14 that facility has appealed DEQ's 15 permitting decision to the 16 misreporting of Carter County. But 17 the proceedings in the case have not 18 yet been initiated.</p> <p>19 The petition for rulemaking was 20 sent in from an organization called 21 Kids versus Global Warming, located 22 in Oakview, California. The petition 23 requested a rulemaking to regulate 24 fossil fuel carbon dioxide emissions. 25 The petition was referred, as</p>

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1 required by rule, to the Air Quality  
2 Advisory Council for consideration at  
3 its meeting held here in Tulsa last  
4 month. And the Council denied the  
5 petition for rulemaking and so it  
6 will not be coming to the Board for  
7 consideration.

8 I have one other matter to  
9 tell you about but before I get to  
10 that I would try to answer any  
11 questions the Board might have about  
12 the Declaratory Ruling Petitions and  
13 the Rulemaking Petition. Okay.

14 The last item that I have to  
15 report on is the annual disclosure of  
16 employee financial interest as  
17 required by the Environmental Quality  
18 Code. Again the Board doesn't need  
19 to take any action on this. It's  
20 just for informational purposes.

21 The code requires DEQ employees  
22 involved in issuing or enforcing  
23 permits to disclose financial  
24 interest that they hold in entities  
25 regulated by the agency. In turn

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1 the DEQ is required to submit the  
2 disclosures to the Board and make  
3 them a part of the minutes. So we  
4 have one disclosure this year, the  
5 employee Jeff Dye (ps) Jeffrey Dye in  
6 the Air Quality Division reported  
7 that he received compensation from  
8 Sandridge Exploration and Production  
9 Company. And in order to avoid  
10 conflict of interest for this  
11 employee the agency has notified the  
12 Director of the Employees Division  
13 and has asked that the director to  
14 ensure that the employee is not  
15 involved in any permitting or any  
16 enforcement related to Sandridge  
17 Exploration.

18 And that's all I have unless  
19 somebody has a question.

20 MR. JOHNSTON: Thank you.

21 MR. THOMPSON: Okay.

22 MR. MASON: I have one  
23 question. The Sandridge situation.  
24 Is that employee moonlighting or does  
25 he like own some property and is

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1 receiving a check?

2 MS. PENISTON: As far as I  
3 tell he has stocks or something like  
4 that.

5 MR. MASON: Okay. Thank  
6 you.

7 MR. THOMPSON: Maybe.  
8 Probably either stocks or may have a  
9 royalty interest.

10 Okay. Well, the next thing  
11 that I want to do is, as you all I  
12 think are aware, I spend an awful  
13 lot of time at the capitol during  
14 the legislative session but Jimmy  
15 Givens is responsible for tracking  
16 legislation and quite frankly to make  
17 sure that I don't crash land over  
18 there. And sometimes it works and  
19 sometimes it doesn't but  
20 nevertheless, Jimmy does a great  
21 presentation on the past legislative  
22 session, so I'll call on Jimmy to do  
23 that at this point.

24 MR. GIVENS: I just want to  
25 clarify that when he crash lands it's

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1 his fault not mine.

2 I think it's useful to spend  
3 just a few minutes looking back at  
4 some of the things that we may have  
5 talked about say in November when we  
6 had the Environmental Quality Report.  
7 We always come to you with  
8 recommendations on things that we may  
9 take to the Legislature and ask for  
10 your assent to bring them before the  
11 Legislature as request bills from the  
12 DEQ. And you may recall last  
13 November we had five bills that we  
14 brought before you and that you  
15 consented that we should take to the  
16 Legislature for consideration. We'll  
17 talk about all five of those as well  
18 as a few other bills that are  
19 environmental in nature, as well as a  
20 few government operations bills that  
21 went through the Legislature this  
22 year, that impact the DEQ and to a  
23 certain extent will impact the Board  
24 as well.

25 So session overview. The

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1 environmental bills, governmental  
2 operations bills, bills of interest  
3 that did not pass we'll spend just a  
4 moment on that because that's an  
5 indicator sometimes of what is coming  
6 down the pike. And then a few  
7 interim studies that I think you will  
8 want to be aware of. Interim  
9 studies are simply studies that are  
10 arranged in between the legislative  
11 sessions when the Legislature wants  
12 to take a closer look at a  
13 particular issue and they did not  
14 have time to sort through it during  
15 the session itself. Many times a  
16 legislator will request an interim  
17 study on that particular subject and  
18 there are two or three that I  
19 thought I would mention this morning.  
20 I'll try to be brief because I know  
21 you have important matters to move on  
22 to.

23 I can't go through though  
24 without mentioning a couple of my  
25 favorite legislative quotes. Because

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1 if I bore you otherwise at least  
2 these will be will be fun for you I  
3 think. Now and then an innocent man  
4 is sent to the Legislature.  
5 Fortunately I can poke a little bit  
6 of fun at the Legislature because I'm  
7 a lawyer. And nobody has to bear  
8 more barbs than lawyers do and when  
9 you combine that to being in  
10 government and a lawyer it really  
11 reaches its zenith.

12 Session overview. You may  
13 recall that we mentioned last year  
14 that this would be interesting in the  
15 respect that the entire leadership of  
16 the state, both the Chief Executor --  
17 the Governor, as well as all the  
18 leaders both majority and minority in  
19 the House and the Senate would be  
20 new. I'm pleased to say that we  
21 have developed a good working  
22 relationship with the offices of  
23 these folks. I think we have the  
24 opportunity to have audience with  
25 them when we need to and that's a

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1 credit, I think, to Steve and the  
2 work that he does over at the  
3 Capitol, while he's over there.

4 Some of the predominate themes  
5 this year, obviously the budget. We  
6 continue to struggle with the state  
7 budget and you've heard a little bit  
8 about that from Steve. Government  
9 transparency and efficiency. If we  
10 don't have as much money as we need  
11 or perhaps we have been bringing in  
12 more than we need in the view of  
13 some, then how can we make government  
14 operate leaner? How can we operate  
15 more efficiently? And obviously the  
16 redistricting process, with the  
17 census that was completed a year or  
18 so ago, redistricting went through  
19 Legislature this year and that will  
20 take effect for the 2012 elections.

21 Some process changes that I  
22 think are interesting. Number One I  
23 think appropriations. In past years  
24 you typically had bills that were  
25 shell bills for each agency. For

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1 example, the DEQ would have a bill  
2 -- one bill start in -- actually  
3 sometimes two bills, start in the  
4 House and a couple of bills start in  
5 the Senate. They would go opposite  
6 directions. They would go all the  
7 way through the process with blanks  
8 for the amount of money that DEQ  
9 would receive. This year the process  
10 was changed so that we had, even  
11 though there were shell bills  
12 introduced in the House, they simply  
13 sat in committee and Senate didn't  
14 even introduce the agency's shell  
15 bills. Rather everything waited  
16 until a general appropriations bill  
17 near the end of session. And the  
18 general appropriations bill contained  
19 the money for all of the separate  
20 agencies. The -- you know the  
21 couple a hundred or whatever there  
22 are agencies that receive general  
23 appropriations, all of them were in  
24 that one bill. Can I say that, the  
25 House conference committees, by the

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1 way for the first time ever that I  
2 recall, conference committees in the  
3 House had scheduled meetings that  
4 were open to the public. So up  
5 until now if you had a conference  
6 committee -- a committee in which a  
7 bill -- to which a bill was referred  
8 that had passed both houses in  
9 different forms and so they had to  
10 be reconciled. This year rather than  
11 just having the conferees -- the  
12 members of the committee sign off on  
13 a piece of paper saying that they  
14 agreed with whatever the reconciled  
15 bill said, you actually had a couple  
16 of meetings in the House about this.  
17 So it's a little bit different  
18 process. A little bit more  
19 transparent process.  
20 And finally leveraging of the  
21 emergency clause, a lot of bills, and  
22 you will see this as we run through  
23 a few bills that have passed, a lot  
24 of bills that passed this year have  
25 an effective date of August 25th.

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1 Thursday as a matter of fact. You  
2 may wonder why that odd date. Well,  
3 the reason is that if a bill passes  
4 without the emergency clause on it,  
5 it can't take effect until at least  
6 90 days after the Legislature  
7 adjourns sunny-day; 90 days after  
8 adjournment is August 25th. And  
9 there a lot of bills that had the  
10 emergency clause on them but the  
11 emergency clause was stripped off by  
12 a fairly large segment of one house  
13 or the other in the Legislature, who  
14 had some disapproval of that  
15 particular bill or just as often  
16 simply wanted to register displeasure  
17 over the way things were going  
18 otherwise.  
19 Okay. Probably move through  
20 these environmental bills pretty  
21 quickly. Land -- the bills related  
22 to land. Steve already referred to  
23 the recycling fee for passenger car's  
24 tires that's going from a \$1.00 a  
25 tire to \$2.50 a tire. Part of that

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1 goes into the tire program to provide  
2 additional compensation for the  
3 people who do the pickup and  
4 recycling and processing of the  
5 tires. But 80 cents of that amount  
6 goes to our Air Quality -- or 70,  
7 I'm sorry, 70 cents of that goes to  
8 Air Quality program as a form of  
9 mobile source fee.  
10 Senate Bill 19 was a request  
11 bill. You may recall that we talk  
12 to you about this last November about  
13 trying to make sure that landfills  
14 didn't have slopes that were too  
15 steep for emergency vehicles to get  
16 up or even more so perhaps so to  
17 speak, that the landfill might be  
18 abandoned and there be insufficient  
19 funds to close the landfill. That's  
20 what Senate Bill 19 started out to  
21 be. That part survived as well as  
22 added to it was a provision that  
23 requires certain provisions to be met  
24 if a commercial food composting  
25 facility were to be put in, in

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1 Oklahoma. There is not one yet but  
2 they are coming in in other states  
3 and other states have had problems.  
4 So this is simply an effort to make  
5 sure that when they come to Oklahoma  
6 they meet certain financial assurance  
7 requirements, permitting  
8 requirements, siting requirements,  
9 that sort of thing.  
10 House Bill 1059. Again a  
11 request bill. Steve already referred  
12 to this so I'll be very brief. Like  
13 Steve mentioned it simply says if  
14 you're already there as a PWS, public  
15 water supply, and you should have had  
16 a permit and you don't, you have one  
17 chance to get it fixed. You have  
18 one chance to come in and get your  
19 permit and show that you're properly  
20 constructed and operating.  
21 SBR 24 doesn't really -- wasn't  
22 a request bill, but it does relate  
23 to DEQ as well as OWRB, because it  
24 instructs the two agencies to work on  
25 options for water reuse. That is

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<p>Sheet 12 Page 42</p> <p>1 already ongoing and the report has to 2 be submitted in about a year and a 3 half.</p> <p>4 Senate Bill 597 mainly relates 5 to the Water Resources Board. If 6 you kept up with the Arbuckle/Simpson 7 Aquifer you know how big an issue 8 that is in the south central part of 9 the state; and this essentially 10 provides OWRB with what I would call 11 hybrid jurisdiction with the 12 Department of Mines for certain kinds 13 of mining operations down in that 14 part of the state.</p> <p>15 SBR 27, this relates primarily 16 to air. There was a resolution 17 passed in the Senate that simply 18 noted that the Senate favored the 19 State Implementation Plan for 20 regional haze over the federal plan. 21 I won't go into detail on that. 22 Many of you have been involved in 23 that and you know exactly what I'm 24 taking about.</p> <p>25 House Bill 1686, this maybe of</p>	<p>Page 44</p> <p>1 bit.</p> <p>2 1481, just simply cleanup. If 3 you have anything to do with 4 emergency response, your LEPCs this 5 -- you may want to take a look at 6 this, but it's really just clean up. 7 It simply clarifies that the OHMERC, 8 the Hazardous Materials Emergency 9 Response Commission. Clarifies some 10 of their responsibilities; clarifies 11 the responsibilities of DEQ that 12 relate to those entities. Not major 13 changes at all. I can give you more 14 details but I don't think it's worth 15 going into detail in this summary.</p> <p>16 Moving from environmental to 17 government operations and looking a 18 little bit again at transparency and 19 efficiency. It was such a watch 20 word this legislative session. I'm 21 not going to go through these 22 individually, but what I would simply 23 say is that there is a lot of 24 impetus right now to try to 25 consolidate what might be called a</p>
<p>Page 43</p> <p>1 interest to those in particular from 2 Oklahoma City and Tulsa where it did 3 establish an eastern fly rail 4 taskforce to explore opportunities to 5 establish a passenger rail service 6 between Oklahoma City and Tulsa.</p> <p>7 DEQ powers and duties. We 8 already referred to the fact that 9 there is a great move in the state 10 to try to be more efficient. This 11 is one way that the DEQ is trying to 12 do that by consolidating a few 13 functions within the Administrative 14 Services Division. Essentially, our 15 public outreach functions, our public 16 education functions, our public 17 information functions, all those 18 sorts of things are being 19 consolidated into the Administrative 20 Services Division as well as we're 21 updating some old language in the 22 statutes. Things where technology 23 has simply overtaken the wording in 24 the statutes. Not a big change, 25 simply moving people around a little</p>	<p>Page 45</p> <p>1 shared services functions of state 2 agencies. Things like information 3 technology or maybe procurement, for 4 example. Instead of having each 5 agency do its own thing in those 6 shared services areas, are there ways 7 that we can consolidate those to, 8 maybe, operate them more efficiently.</p> <p>9 These bills are an effort 10 toward that end. What I would say 11 at this point, because you will 12 notice all of these bills passed 13 without the emergency clause. They 14 all go into effect this Thursday. 15 Things are still in a state of flux 16 to put it real honestly. Because 17 most of the functions that are being 18 consolidated are being put into the 19 Office of State Finance. They have 20 a lot more power and a lot more 21 responsibility than they have had 22 before. And the guidance -- knowing 23 exactly how all of this is going to 24 play out -- remains still up in the 25 air right now. So maybe by next</p>

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1 year this time we will have a better  
2 idea of how well this is working.  
3 The one thing that I might highlight  
4 in particular here is the transfer to  
5 OS -- most IT resources of  
6 appropriate state agencies. That is  
7 both personnel and equipment where  
8 there is some shared feature to those  
9 -- that asset. And that in  
10 particular is one that we will have  
11 to kind of see how it plays out. We  
12 don't know for sure which personnel  
13 will be moved; what equipment will be  
14 moved; and how all of that is going  
15 to work. Early next year we should  
16 have a better idea on that.

17 Steve already answered a  
18 question about this so I won't spend  
19 much time on it. Up until now the  
20 Legislature had to not disapprove  
21 rules in order for them to become  
22 effective. The Governor had to  
23 approve legislation not disapprove.  
24 Now we are in -- under this bill  
25 were in a situation where the

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1 Legislature must, in addition to the  
2 Governor, must affirmatively approve  
3 fee bills or fee rules rather, and  
4 must affirmatively approve any rules  
5 that relate to occupational licensing  
6 or that sort of thing. So that's  
7 going to effect our Operator  
8 Certification Program, for example,  
9 when we pass rules in it.

10 I'm not going to run through  
11 all of these. I'll just leave these  
12 up for you to take a quick glance  
13 at. The one that I will mention is  
14 the first one there. Because this  
15 was one of our request bills. We  
16 had come to you and had suggested  
17 that it might make sense to stagger  
18 the renewal dates for operator  
19 certification registrations. And the  
20 reason is, as Shellie pointed out a  
21 while ago, there are 11,000 of  
22 these we are dealing with and they  
23 all come in at pretty much the same  
24 time right now. That's a big  
25 workload to handle in a fairly short

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1 period of time. That did not go  
2 through -- not because of anything  
3 related to that particular provision  
4 but because that bill became the  
5 target to be a vehicle for something  
6 else. And rather than fight the  
7 fight over whether it should be or  
8 not we simply worked with the author  
9 to say we can do that another day.  
10 So that may come back next year or  
11 in the future year.

12 A few other things again that  
13 did not pass. I just let you read  
14 through those right quick. Most of  
15 these with the exception of the last  
16 one I think most of these probably  
17 died by the first committee. They  
18 did not make it very far.

19 Interim studies. A few things  
20 going on between sessions that you  
21 may want to be aware of. That  
22 reached container recycling. There  
23 were some bills about that this year.  
24 I think that the majority sense was  
25 that it required a little bit more

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1 time to work through that. So there  
2 is some interim study on container  
3 recycling.

4 Water issues. There is a  
5 joint legislative committee to look  
6 primarily at the comprehensive state  
7 water plan. And then there was an  
8 interim study request related to  
9 water issues. And I don't know  
10 exactly what that's going to focus on  
11 or even if it may be folded into the  
12 joint legislative commission.

13 And then there is an interim  
14 study on agency and process  
15 consolidation. Probably following  
16 through and furthering some of the  
17 things we've already talked about on  
18 that.

19 And here is my favorite  
20 legislative quote of all time,  
21 because it relates to the Texas  
22 Legislature. So who better to take  
23 a shot than the Texas Legislature.  
24 I'm sure some of you remember Hinky  
25 Green (ps) and his run for Governor.

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1 I will wrap up with that. If you  
2 have any questions I will certainly  
3 be glad to try to answer them. If  
4 you have more detailed questions  
5 about any of the things that we  
6 talked about I will be around  
7 afterwards and I will actually have a  
8 copy of the bill so take a look and  
9 I'll try and answer those. Anything  
10 for now?

11 MR. MASON: I have a  
12 comment on the tire fee. You know  
13 mobile sources are I think are about  
14 half of the smog problem in our  
15 urban areas. And this department,  
16 for 15 years, has tried diligently to  
17 get some help from those mobile  
18 sources. I mean, you know this  
19 department has tried rental car fees,  
20 we've done -- tried when we were  
21 inspecting cars, fees on that, and I  
22 think that to get this done is a  
23 wonderful event after 15 years of  
24 hard work and I really compliment you  
25 all on having our mobile sources help

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1 with some air pollution problems in  
2 the state.

3 MR. GIVENS: Thank you.  
4 Thanks, Steve. I appreciate that.

5 MR. THOMPSON: Well, first  
6 of all it is -- let me start this  
7 way. There was a time when agency  
8 directors got to sign the retirement  
9 papers of their employees and I'm  
10 sure that law was changed -- that  
11 process was changed because of that  
12 exact situation that we're facing at  
13 the end of this month. After 37  
14 years of wonderful dedicated service  
15 to the State of Oklahoma at both the  
16 Health Department and the DEQ, Judy  
17 Duncan has decided to retire. And  
18 if that were still the case, I  
19 wouldn't sign her retirement  
20 benefits. I just wouldn't. And it  
21 is with some sense of envy because  
22 one day in a sort of a moment of  
23 where I had sort of lost my mind, I  
24 said Judy, on the first day that you  
25 retire what are you going to do?

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1 She said I'm going to get the paper;  
2 I'm going to get a cup of coffee;  
3 and I'm going to sit on my patio and  
4 I'm going to take as long as I want  
5 to to read the paper. And I wish I  
6 hadn't asked.

7 A few things about Judy. She  
8 -- I think her first job was chasing  
9 water and wastewater inspectors  
10 around to see that they were doing a  
11 good job. I'm sure they were  
12 delighted to have her. She was the  
13 longtime director of the state's  
14 environmental laboratory. In 1993  
15 when DEQ became an agency, Judy was  
16 chosen to head the first Customer  
17 Services Division for any state  
18 environmental agency in the country  
19 and as a result of her outstanding  
20 work in that job every other state  
21 environmental agency adopted that  
22 framework for customer services.

23 Judy developed the states first  
24 laboratory accreditation program  
25 which is now mandated. She was a

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1 founding member of NELAP, the  
2 National Environmental Laboratory  
3 Accreditation effort. And now there  
4 is a NELAC Institute that helps fund  
5 that effort and Judy was its first  
6 chair and continues to serve on the  
7 Board of Directors.

8 I first met Judy at the 15th  
9 Illinois River taskforce that has  
10 been established in the state. More  
11 than anything when I look around for  
12 someone who knows something about  
13 some issue particularly --

14 MR. JOHNSTON: Any issue.  
15 Any issue.

16 MR. THOMPSON: -- any issue,  
17 particularly ones I don't necessarily  
18 want to deal with, I always think of  
19 Judy. So I would really appreciate  
20 it if you would all join me in  
21 thanking Judy Duncan for 37 years of  
22 dedicated services to the DEQ, the  
23 Health Department, and to the  
24 citizens of Oklahoma. You want to  
25 say something?

# Myers Reporting

<p>Sheet 15 Page 54</p> <p>1 MS. DUNCAN: I'll just step 2 out. 3 MR. THOMPSON: Okay. 4 MS. DUNCAN: You know 5 working in the environment, when I 6 got out of high school, I didn't 7 even know there was such a thing as 8 a job in the environment. Well, I 9 was always interested in the sciences 10 and have a degree in biological 11 sciences and I taught in high schools 12 for a couple of years. And I worked 13 in a research lab and then I had the 14 opportunity to go to work in the 15 Department of Health. And I was 16 actually -- when Steve talked about 17 chasing wastewater inspectors around, 18 yeah, that was kind of a new thing, 19 because I was actually the first 20 woman who was hired in the capacity 21 other than a secretary in the 22 environmental program. So, you know 23 I've had wonderful opportunities here 24 to be involved in many, many 25 progressive things in the state of</p>	<p>Page 56</p> <p>1 Laboratory Services Division but 2 since they deal in chemistry and that 3 acronym would be LSD, we decided -- 4 cooler head prevailed and so division 5 is now going to be called the State 6 Environmental Laboratory Services 7 Division. We're going to try to 8 hide the LSD piece in this -- this 9 broader name. 10 Since we last met we have been 11 very busy. There has been a whole 12 raft of Air Quality rules that the 13 agency is dealing with. I think 14 that you're familiar with the fact 15 that we submitted a State 16 Implementation Plan for regional haze 17 that was rejected by EPA in favor of 18 a Federal Implementation Plan 19 although the -- that effort that the 20 issuance of the FIP has been delayed 21 until November. It is Governor 22 Fallon's intent that we work on a 23 compromise on that issue, although 24 the Attorney General has filed a 25 Notice of Intent to sue EPA over the</p>
<p>Page 55</p> <p>1 Oklahoma and I just want to thank 2 all of you, the citizens of the 3 state, and my colleagues for the 4 opportunity to have such a wonderful 5 career. I appreciate it. 6 MR. THOMPSON: Now she is 7 so valuable that her departure has 8 caused us to reorganize the entire 9 agency. The customer as Jimmy 10 mentioned, we ran legislation that 11 removed the title of Customer 12 Services Division, so that effort 13 under the leadership of Jennifer 14 Wright has moved along with our 15 publications and graphics effort 16 under Skyler McElhaneay has moved to 17 the Administrative Services Division. 18 The Risk Management and Communication 19 effort that was in -- under Judy's 20 care has moved to our Land Protection 21 Division under the leadership of 22 Scott Thompson, and we have renamed 23 the Customer Services Division. Now 24 not without some thought, because the 25 first idea was that we rename it the</p>	<p>Page 57</p> <p>1 issue, so we continue to -- our 2 efforts to work with the -- with the 3 affected utilities. And Gary Sherrer 4 -- Secretary Sherrer and Secretary 5 Mike Ming have been leaders in effort 6 and so we continue to work on that. 7 On July 1st EPA issued its tribal 8 new source review rule. We think 9 there are some significant problems 10 with that rule and so we will be 11 looking at our options on that. 12 Recently the EPA proposed the oil and 13 natural gas rule. That rule 14 addresses both criteria pollutants 15 and toxics in the same rule. Which 16 I think in general is a good thing, 17 because it brings some certainty to 18 the oil and gas industry. And 19 that's sort of a -- been the mantra 20 of the State Environmental 21 Commissioner's. Let's not do this 22 piecemeal; let's do it together. We 23 continue to review that rule and we 24 will, I'm sure, comment on it. 25 Another rule that has been</p>

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1 proposed or will be proposed is the  
2 Utility MACT, and so we are dealing  
3 with that. And the latest rule is  
4 across state air pollution rule.  
5 Which is -- and it -- that rule,  
6 when final Oklahoma was proposed to  
7 be included in a second rule.  
8 People in Oklahoma -- policy makers  
9 have always wanted us to address  
10 transport. And so we -- we applaud  
11 the effort of the Environmental  
12 Protection Agency to deal with  
13 transport, unfortunately they have  
14 totally missed the mark as far as  
15 Oklahoma is concerned because the  
16 modeling shows that we are having  
17 impacts on a county in Michigan that  
18 is currently in attainment. Which as  
19 a country boy from El Reno, I find a  
20 little odd. So we're working through  
21 all of that. We'll have -- keep you  
22 informed of our efforts there.  
23 One of the most interesting two  
24 weeks of my life and I know of  
25 Jimmy's life, because on one of those

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1 weeks I was on vacation, was the  
2 explosion of Blue-green Algae across  
3 lakes the state, particularly Grand  
4 Lake. The sampling done by the GRDA  
5 for drag samples along the shoreline  
6 showed levels 18 times and the grab  
7 samples two and a half times the  
8 World Health Advisory level for body  
9 contact in that lake, so we advised  
10 -- our role at the DEQ is to advise  
11 lake managers of concerns. We  
12 advised GRDA regarding the dangers,  
13 and the GRDA posted warnings to avoid  
14 body contact in the lake at --  
15 unfortunately this began the week  
16 before the 4th of July weekend and  
17 ended the week after. One of the  
18 most important weekends at the lake.  
19 But Blue-green Algae was also  
20 found in Ft. Gibson, and Eufaula,  
21 Keystone, Tenkiller, Skiatook, and  
22 Waurika Lake and the Corp of  
23 Engineers took action in those lakes.  
24 Our latest update from the Health  
25 Department is that there have been 62

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1 reports of patients across the state  
2 that have shown impacts from  
3 Blue-Green Algae in spite of the  
4 warning.  
5 MR. MASON: Steve, what are  
6 the symptoms? I mean what does it  
7 do to you?  
8 MR. THOMPSON: You can --  
9 almost instant. You can break out  
10 in a rash; you can -- it can cause  
11 gastrointestinal distress; those are  
12 the two main ones is suppose.  
13 Chris, is that pretty close?  
14 MR. ARMSTRONG: Flu like  
15 symptoms.  
16 MR. JOHNSTON: Any  
17 fatalities?  
18 MR. THOMPSON: No  
19 fatalities. Thank goodness, no  
20 fatalities. But it is a -- it is an  
21 interesting number considering the  
22 fact that we had very strong warnings  
23 out there. And I was -- I'd heard  
24 it for -- the thing that we reported  
25 was 17 and that to me sounded about

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1 right. But that number has continued  
2 to grow. So a very interesting two  
3 weeks in the life of the DEQ.  
4 As you may -- some of you may  
5 have noticed that it's been hot and  
6 dry. DEQ currently is -- knows  
7 about 117 systems that are  
8 implementing water restrictions, 63  
9 of those are voluntary and 54 are  
10 mandatory across the state. It  
11 really need to rain. We're going to  
12 began to see effects from -- and  
13 have already begun to see effects  
14 from surface water supplies and even  
15 groundwater supplies as aquifer's  
16 aren't recharged and so we continue  
17 to monitor that situation. We have  
18 great cooperation from the Office of  
19 Emergency Management when systems are  
20 out of water they provide emergency  
21 sources of transportation of water to  
22 those communities. But it really  
23 does need to rain, particularly in  
24 Frederick.  
25 The last thing I will mention

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<p>Sheet 17 Page 62</p> <p>1 before I take questions -- there was 2 -- they've have been a number of 3 private wells impacted by perchlorate 4 from an operation in Duncan -- a 5 Haliburton operation in Duncan. And 6 those impacts are generally from a 7 historical operation there to 8 dismantle military ordinance. The 9 agency has worked with the city of 10 Duncan and with Stevens County Rural 11 Water District to provide public 12 water to affect -- to the affected 13 citizens at Haliburton's expense. We 14 continue and they continue -- they 15 continue to monitor and we continue 16 to oversight of the monitoring 17 effort. And Haliburton has also 18 signed an order to oversee the 19 cleanup of the perchlorate plume. 20 We've had -- or I should say that 21 Haliburton has had two public 22 meetings in Duncan and I suspect will 23 have more. And the DEQ has 24 participated in those meetings. We, 25 I think, are ready for a rest. But</p>	<p>Page 64</p> <p>1 well, not to anticipate future fee 2 increases, but the question I think 3 will be whether we let those fees 4 sit there so that they can be 5 enacted but not -- but not collect 6 them. And I think Eddie and his 7 staff are working through that with 8 the Air Quality Council and I think 9 we'll have an answer for that at a 10 later date. 11 But it was not our intent -- 12 well, let me say this. We 13 anticipated a certain level of income 14 from the tire fee and we should be 15 getting the first monthly report 16 about what those fees are any day if 17 we haven't gotten it already. So I 18 think the first month will be telling 19 -- and I expect them to be low 20 because it's new and people are 21 getting used to it, but it will be 22 somewhat telling about what the 23 annual income is going to be and 24 then we can -- I think it's 25 important that we get a two or three</p>
<p>Page 63</p> <p>1 I'm sure that the folks that are 2 affected by this are too. 3 That, Mr. Chairman, that 4 concludes my report and I would be 5 happy to try to answer any questions 6 of the Board. 7 MR. MASON: I have one 8 question. 9 MR. THOMPSON: Uh-huh. 10 MR. MASON: Because of the 11 tire fee we didn't have to implement 12 those air fees? 13 MR. THOMPSON: Uh-huh. 14 MR. MASON: Will those air 15 fees go into the rules or will they 16 be revoked? 17 MR. THOMPSON: Well, I think 18 what we're doing -- there were two 19 sets of rules. One was an area 20 source rule and one was a permit 21 rule. I think what's happening is 22 that we're talking with the Councils 23 about that. Is that right, Eddie? 24 And we're seeking counsel from the 25 Air Quality Council. They're --</p>	<p>Page 65</p> <p>1 months -- I talked to Eddie about 2 this. Two or three months of 3 experience with that so we get some 4 idea of really what the income is 5 going to be and then we can make 6 more intelligent -- have more 7 intelligent discussions on the staff 8 level with the Council. 9 MR. JOHNSTON: Okay. Any 10 more questions from the Board for 11 Steve? Contrary to popular belief 12 the Department of Environmental 13 Quality is not the cause of the 14 Blue-green Algae or the drought. 15 MR. THOMPSON: I some times 16 wonder. 17 MR. JOHNSTON: At this time 18 we're going into the annual 19 performance review of the Executive 20 Director and following those 21 statements is the gospel according to 22 Jerry, as the Chairman of the Board. 23 I can see from Steve's report on 24 legislative improvements and for me, 25 my years of serving with Steve, that</p>

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1 he's done an excellent job and the  
2 job gets harder. And it's -- I am  
3 personally quite a fan of his. But  
4 to start with I'll tell you we do  
5 have a room set aside for an  
6 executive session and we'll  
7 designated a person who is going into  
8 which will probably be you, Brita.  
9 And --  
10 MR. THOMPSON: The Board  
11 will need to vote on that.  
12 MR. JOHNSTON: The Board  
13 will need to vote on that. But --  
14 MR. DRAKE: I move that we  
15 move into executive session now. And  
16 it's not normal that the Chairman  
17 give us a rousing review before we  
18 go in.  
19 MR. JOHNSTON: I told you  
20 it was the gospel according to me.  
21 MR. DRAKE: I heard it was  
22 gospel according to Jerry but move we  
23 go into executive session.  
24 MR. GRIESEL: I'll second  
25 that.

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1 MR. JOHNSTON: Roll call.  
2 MS. BRUCE: Ms. Cantrell.  
3 MS. CANTRELL: Yes.  
4 MS. BRUCE: Mr. Cassidy.  
5 MR. CASSIDY: Yes.  
6 MS. BRUCE: Mr. Dark.  
7 MR. DARK: Yes.  
8 MS. BRUCE: Mr. Drake.  
9 MR. DRAKE: Yes.  
10 MS. BRUCE: Mr. Griesel.  
11 MR. GRIESEL: Yes.  
12 MS. BRUCE: Ms. Kunze.  
13 MS. KUNZE: Yes.  
14 MS. BRUCE: Mr. Mason.  
15 MR. MASON: Yes.  
16 MS. BRUCE: Ms. Rose.  
17 MS. ROSE: Yes.  
18 MS. BRUCE: Dr. Sublette.  
19 DR. SUBLETTE: Yes.  
20 MS. BRUCE: Mr. Wendling.  
21 MR. WENDLING: Yes.  
22 MS. BRUCE: Mr. Johnston.  
23 MR. JOHNSTON: Yes.  
24 MS. BRUCE: Okay. Thank  
25 you.

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1 (Moved into Executive Session)  
2 (Reconvened)  
3 MR. JOHNSTON: Okay. Back  
4 in regular session on the annual  
5 performance review and I think that  
6 Mr. Drake has a statement that he  
7 would like to make before we --  
8 MR. DRAKE: We are going to  
9 submit a proposal to this Board,  
10 shortly concerning the director's  
11 salary. I've been on the Board  
12 since 1999 and nearly every year  
13 we've tried to put the salary within  
14 the range of salaries either in the  
15 State of Oklahoma or in the nations  
16 in terms of their responsibilities.  
17 We happen to think as a Board, that  
18 we're very fortunate to have Director  
19 Steve Thompson in Oklahoma. And  
20 within the past short time, and  
21 thanks to Gary Sherrer and the  
22 Governor's office, it's been made  
23 possible -- now possible for us to  
24 increase our Director's salary. I  
25 know that many of us met with the

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1 Legislature several times, Gary, for  
2 this purpose over these last years,  
3 without a lot of positive affects.  
4 But again I think that we are so  
5 fortunate in the state of Oklahoma to  
6 have an Environmental Quality Board  
7 and an Environmental Quality  
8 Department that uses the common sense  
9 when we're working with the public,  
10 municipalities, the Legislature and  
11 that because of our Director I think  
12 that we have one of the best  
13 environmental groups in our nation.  
14 So with that there will be a motion  
15 made but I did want this to be  
16 understood if there was anybody in  
17 the audience that didn't understand  
18 some of the long time frames that we  
19 put in to make this happen. And  
20 again thanks to the Governor's office  
21 and thanks to Environmental Secretary  
22 Gary Sherrer, and thanks to the hard  
23 work of our Director, that this  
24 motion will be coming forward.  
25 MR. JOHNSTON: Thank you,

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1 Bob.  
2 MS. CANTRELL: Subject to  
3 the understanding that no salary  
4 increase should be funded from state  
5 general revenue funds, I move that  
6 the Board adopt the following salary  
7 plan for Steve Thompson as Executive  
8 Director of the DEQ. Effective as  
9 of July 1, 2011 Mr. Thompson's salary  
10 is increased from its current level  
11 by six percent from \$8,826.44 per  
12 month or \$105,917.28 per year to  
13 \$9,356.03 per month or \$112,272.36  
14 per year. Effective January 1st,  
15 2012, Mr. Thompson's salary shall be  
16 increased by an additional six  
17 percent to \$9,917.39 per month or  
18 119,008.68 per year. It is the  
19 Board's intent that effective January  
20 1, 2013, Mr. Thompson's salary shall  
21 be increased as necessary to bring  
22 his salary to the mid-point of salary  
23 range recommended for the DEQ  
24 Executive Director by the then most  
25 recent state compensation report

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1 issued by the State Office of  
2 Personnel Management or its successor  
3 agency. I move that the salary  
4 increases of July 1, 2011 and January  
5 1, 2012 take effect immediately  
6 without the need of further action by  
7 this Board unless the countermanding  
8 actions taken by the Board prior to  
9 the effective date due to a finding  
10 of unsatisfactory performance or  
11 other valid reasons. I further move  
12 that the Board express its intent  
13 that this salary plan is specific to  
14 Mr. Thompson and should his service  
15 as Executive Director terminate this  
16 plan is inapplicable to any successor  
17 to Mr. Thompson. So moved.  
18 MR. DARK: Second.  
19 REPORTER: Tony was that  
20 you?  
21 MR. DARK: Yeah. Second.  
22 MR. JOHNSTON: The second  
23 there was Tony. Myrna roll call  
24 vote.  
25 MR. DARK: Is there any

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1 discussion on it?  
2 MR. JOHNSTON: Is there any  
3 discussion? Okay.  
4 MR. DARK: Discussion from  
5 the public on this?  
6 MR. JOHNSTON: I don't know.  
7 MR. DARK: If we have an  
8 opportunity for discussion, I'd like  
9 to thank Steve for his patience in  
10 doing this. I -- I don't know that  
11 I'd been able to do that for so many  
12 years at the level you did it.  
13 You've got a good group working for  
14 you Steve and I certainly appreciate  
15 your involvement.  
16 MR. THOMPSON: Thank you.  
17 See if there can be a discussion by  
18 the Board.  
19 MS. BRUCE: Ms. Cantrell.  
20 MS. CANTRELL: Yes.  
21 MS. BRUCE: Mr. Cassidy.  
22 MR. CASSIDY: Yes.  
23 MS. BRUCE: Mr. Dark.  
24 MR. DARK: Yes.  
25 MS. BRUCE: Mr. Drake.

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1 MR. DRAKE: Yes.  
2 MS. BRUCE: Mr. Griesel.  
3 MR. GRIESEL: Yes.  
4 MS. BRUCE: Ms. Kunze.  
5 MS. KUNZE: Yes.  
6 MS. BRUCE: Mr. Mason.  
7 MR. MASON: Yes.  
8 MS. BRUCE: Ms. Rose.  
9 MS. ROSE: Yes.  
10 MS. BRUCE: Dr. Sublette.  
11 DR. SUBLETTE: Yes.  
12 MS. BRUCE: Mr. Wendling.  
13 MR. WENDLING: Yes.  
14 MS. BRUCE: Mr. Johnston.  
15 MR. JOHNSTON: Yes.  
16 MS. BRUCE: Motion approved.  
17 MR. THOMPSON: Well, I did  
18 this -- just one word. I really do  
19 appreciate the action of the Board  
20 today and they're support of me.  
21 But they know and I know that you  
22 don't do this job without the support  
23 of, in our case, over 500 dedicated  
24 employees at the DEQ and so any  
25 attributes described to me are really

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1 those of my employees. So I -- but  
2 I do appreciate your vote of  
3 confidence in me. Thank you.  
4 MR. JOHNSTON: The next  
5 Agenda Item is the calendar year 2012  
6 Board meeting dates and locations.  
7 And the discussion by the Board on  
8 those when we have our next meeting  
9 (inaudible) this is another Agenda  
10 item.  
11 MR. DRAKE: If someone has  
12 a calendar, July the -- or June the  
13 10th on Tuesday, what Tuesday is  
14 that, the second Tuesday?  
15 MR. JOHNSTON: We're  
16 supposed to set the dates and places  
17 for next year.  
18 (Discussion about dates)  
19 MR. GRIESEL: Then I would  
20 therefore make a motion to schedule  
21 Friday, February 24 and set it at  
22 the Oklahoma City DEQ office, and  
23 Tuesday, June 19 in Bartlesville,  
24 Tuesday, August 21, in Enid, and  
25 Wednesday, November 14 in Lawton.

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1 MS. CANTRELL: Second.  
2 MR. JOHNSTON: Motion and a  
3 second. Do the roll call, Myrna.  
4 MS. BRUCE: Ms. Cantrell.  
5 MS. CANTRELL: Yes.  
6 MS. BRUCE: Mr. Cassidy.  
7 MR. CASSIDY: Yes.  
8 MS. BRUCE: Mr. Dark.  
9 MR. DARK: Yes.  
10 MS. BRUCE: Mr. Drake.  
11 MR. DRAKE: Here. Yes.  
12 MS. BRUCE: Mr. Griesel.  
13 MR. GRIESEL: Yes.  
14 MS. BRUCE: Ms. Kunze.  
15 MS. KUNZE: Yes.  
16 MS. BRUCE: Mr. Mason.  
17 MR. MASON: Yes.  
18 MS. BRUCE: Ms. Rose.  
19 MS. ROSE: Yes.  
20 MS. BRUCE: Dr. Sublette.  
21 DR. SUBLETTE: Yes.  
22 MS. BRUCE: Mr. Wendling.  
23 MR. WENDLING: Yes.  
24 MS. BRUCE: Mr. Johnston.  
25 MR. JOHNSTON: Yes.

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1 MS. BRUCE: Motion passed.  
2 I'll repeat those dates if you don't  
3 mind for the record. Friday,  
4 February 24th in Oklahoma City, and  
5 Tuesday, June 19th in Bartlesville,  
6 Tuesday, August 21, in Enid, and  
7 Wednesday, November the 14th in  
8 Lawton. Thank you.  
9 MR. JOHNSTON: So we're down  
10 to new business. Any matter not  
11 known about which could not have been  
12 reasonably foreseen prior to this  
13 time of posting of the Agenda. Is  
14 there any new business? Any new  
15 business.  
16 Okay. Our next meeting is  
17 going to be November 15th, 2011 in  
18 Norman, Oklahoma. And we're down  
19 adjournment. Anybody ready to  
20 adjourn?  
21 MR. GRIESEL: So moved.  
22 MS. ROSE: Second.  
23 MR. JOHNSTON: Roll call.  
24 MS. BRUCE: Ms. Cantrell.  
25 MS. CANTRELL: Yes.

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1 MS. BRUCE: Mr. Cassidy.  
2 MR. CASSIDY: Yes.  
3 MS. BRUCE: Mr. Dark.  
4 MR. DARK: Yes.  
5 MS. BRUCE: Mr. Drake.  
6 MR. DRAKE: Here. Yes.  
7 MS. BRUCE: Mr. Griesel.  
8 MR. GRIESEL: Yes.  
9 MS. BRUCE: Ms. Kunze.  
10 MS. KUNZE: Yes.  
11 MS. BRUCE: Mr. Mason.  
12 MR. MASON: Yes.  
13 MS. BRUCE: Ms. Rose.  
14 MS. ROSE: Yes.  
15 MS. BRUCE: Dr. Sublette.  
16 DR. SUBLETTE: Yes.  
17 MS. BRUCE: Mr. Wendling.  
18 MR. WENDLING: Yes.  
19 MS. BRUCE: Mr. Johnston.  
20 MR. JOHNSTON: Yes.  
21 MS. BRUCE: We are  
22 adjourned.  
23 (Meeting Concluded)

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## C E R T I F I C A T E

STATE OF OKLAHOMA )

) ss:

COUNTY OF OKLAHOMA )

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above meeting is the truth, the whole truth, and nothing but the truth; that the foregoing meeting was taken down in shorthand and thereafter transcribed by me; that said meeting was taken on the 22nd day of June, 2010, at Oklahoma City, Oklahoma; and that I am neither attorney for, nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 20th day of October, 2011.

CHRISTY A. MYERS, C.S.R.  
Certificate No. 00310





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

ENVIRONMENTAL QUALITY  
BOARD

Attendance Record  
August 23, 2011  
Tulsa, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Myma Bruce	DEQ	702 1048
Jeanette Nance	DEQ	702-1049
Rick Austin	DEQ	702-6100
Jennifer Wright	DEQ	702-1077
Ferris Johnson	DEQ Board	
Shelbe Cheryl McElroy	DEQ	702 8157
martha Finster	DEQ	702 7184
Ray Bell	DEQ	702-6160
John Whiting	ODEQ Bd	553-2018
Rhylan McElroy	DEQ	702-7167
Bad Ground	PSO	405-841-1322
Paul Hadley	LEAD Agency	918-256-5269
Dana Bravely	AQAC	405-476-6350
DAVID DYKE	DEQ	405 593 3261
Rebecca Jim	LEAD Agency	918-256-5269
Ann Kent	Concerned Citizen	918-252-9388
Jan Kunze	EQ Board	405 823 6720
CLAYTON EUBANKS	OAG	405-522-8992
Bob PRATY	DEQ Bd	
Barbara VanFanken	2222 E. 36th St #4105	918 671-6217
Chisee Upton	Tulsa 74135	918-742-8165
Travis Weida	9400 N 103rd E Pl Owasso	74055 918 645-6966
Rocky Rogers	City of Sand Springs	rdrogers@sandspringsok.org
Katherine Hurst	4341 E. 5th St. Tulsa, OK	74112
Mantelle V. Clark	2750 E. 4th St. Tulsa	



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

ENVIRONMENTAL QUALITY  
BOARD

Attendance Record  
August 23, 2011  
Tulsa, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Michael Entz	Town of Hydro	2816 NW 58th St, Ste 103 Oklahoma 73112
B. GEARY	CITIZEN, TULSA	thinkcivic@gmail.com
Abby Roads	7512 E. 28th St. Tulsa, 74129	abroads@yahoo.com
Nadine Barton	DEQ Rad Man Co.	6609 E 86th Rd
Jeff Couch	Billz Solution	jeffcouch7@comcast.net
Nancy Sue Johns	Canesarea residents (concerned for environmental safety)	15901 E Pine Tulsa 74116 nalliamant @msd.com
Richard Boat	citizen, Canesarea	1655 S 280 East Ave 74015 drboat@wildblue.net
RA Munn		
Jean McMahon		