

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

A Public Meeting: 9:30 a.m. Tuesday, November 15, 2011
National Weather Center
120 David L. Boren Blvd., Class Room 3910
University of Oklahoma Campus
Norman, Oklahoma

Please turn off cell phones.

- 1. Call to Order** – Jerry Johnston, Chair
- 2. Roll Call** – Myrna Bruce, Secretary, Board & Councils
- 3. Welcome** – Dr. David A. Sabatini, David Ross Boyd Professor of Civil Engineering & Environmental Science, University of Oklahoma
- 4. Approval of Minutes** of the August 23, 2011, Regular Meeting
- 5. Rulemaking - OAC 252:100 Air Pollution Control**

A. The DEQ is proposing to modify Subchapter 8 (Permits for Part 70 Sources) to include the U.S. Environmental Protection Agency's (EPA's) recent changes to the Prevention of Significant Deterioration (PSD) and Part 70 (Title V) programs regarding permitting of CO₂ emissions from certain biomass sources. The proposed modifications will prevent the state rule from being perceived as more stringent than the federal rule. Additionally, due to errors in the *Oklahoma Register* published June 15, 2011, the DEQ is proposing a series of corrections to Subchapter 8 as well as other non-substantive changes.

B. The DEQ is proposing to update Subchapter 2 (Incorporation by Reference) to clarify language and Appendix Q (Incorporation by Reference), by revoking the current Appendix Q and adopting a new Appendix Q to incorporate by reference the latest changes to the federal regulations through August 1, 2011. The proposed incorporations would add a New Source Performance Standard (NSPS) and five new National Emissions Standards for Hazardous Air Pollutants (NESHAPS). Of these, only the NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (40 CFR 63, Subpart DDDDD) is of note because EPA has delayed its effective date.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

6. Rulemaking – OAC 252:205 Hazardous Waste Management

The DEQ is proposing to amend Subchapter 3 of its Hazardous Waste Management rules to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-

279 revised as of July 1, 2011. The incorporated regulations are not expected to have a significant impact on the DEQ's hazardous waste program.

- Presentation – Lee Grater, Chair, Hazardous Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote on permanent adoption

7. Rulemaking – OAC 252:410 Radiation Management

- A. The DEQ is proposing to amend Subchapter 1 of its Radiation Management Rules to incorporate by reference Title 10 of the Code of Federal Regulations revised as of January 1, 2011. Significant changes resulting from the update include: (a) Training and experience for medical users in 10 CFR 35; (b) Change in definition of Total Effective Dose Equivalent (TEDE); and (3) Changes in reporting requirements. Additionally, the DEQ is proposing to amend certain sections of Subchapters 10 and 20 to maintain Agreement State compatibility with Nuclear Regulatory Commission Rules.
- B. The DEQ is proposing to amend portions of Subchapter 3 and Subchapter 11 (Parts 3 and 5), including: (a) Record keeping changes to 410-3-33 and 410-11-81; (b) Changes to simulators, inclusion of CT simulators and other imaging equipment used in the therapeutic treatment process in 410-11-75; (c) Accountability, *The right dose to the right place in the right patient* and new definitions; and (d) Other clarifications and minor revisions.
- C. The DEQ is proposing to revoke Subchapter 19 (X-Ray Fluorescence Instruments Used for Lead-Based Paint Detection). Lead Based Paint X-ray Fluorescence devices will now be regulated under OAC 252:410-10-31 (Byproduct Material: General Licenses).
- Presentation – Steve Woods, Chair, Radiation Management Advisory Council
 - Questions and discussion by the Board
 - Questions, comments and discussion by the public
 - Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

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

The DEQ is proposing to amend Subchapter 1 to incorporate by reference certain federal NPDES regulations revised as of July 1, 2011. The incorporated regulations are not expected to have a significant impact on the OPDES program.

- Presentation – Michel Paque, Vice-Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote on permanent adoption

9. Rulemaking – OAC 252:623 Pretreatment for Central Treatment Trusts

The DEQ is proposing to amend Subchapter 1 to incorporate by reference certain federal regulations revised as of July 1, 2011. The incorporated regulations are not expected to have a significant impact on the pretreatment program.

- Presentation – Michel Paque, Vice-Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote on permanent adoption

10. Consideration of and Action on the Annual Environmental Quality Report

The Oklahoma Environmental Quality Code requires the DEQ to prepare an “Oklahoma Environmental Quality Report” and to submit it to the Governor, Speaker of the House and Senate President Pro Tem by January 1st of each year. The statutorily prescribed purpose of this report is to outline the DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is to review, amend (as necessary) and approve the report.

- Presentation – Jimmy Givens, Deputy Executive Director, DEQ
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on approval

11. Executive Director’s Report – Steve Thompson, DEQ Executive Director

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

13. Next meeting: February 24, 2012, DEQ Multipurpose Room

14. Adjournment

Public Forum – Following 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 Norman the evening of November 14, 2011. 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.