

MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 24, 2012
DEQ MULTIPURPOSE ROOM
OKLAHOMA CITY, OKLAHOMA

Official after EQB Approval
 August 21, 2012

Notice of Public Meeting The Environmental Quality Board convened for a regular meeting at 9:30 a.m. in the DEQ Multipurpose Room, 707 North Robinson, Oklahoma City, Oklahoma. 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 November 23, 2011. The agenda was mailed to interested parties on February 13, 2012 and was posted at the DEQ on February 23, 2012. John Wendling, Vice-Chair, called the meeting to order. Roll call was taken and a quorum was confirmed.

MEMBERS PRESENT

Brita Cantrell
 Mike Cassidy
 Bob Drake
 Jennifer Galvin
 David Griesel
 Jan Kunze
 Terri Savage
 John Wendling

MEMBERS ABSENT

Tony Dark
 Jerry Johnston
 Steve Mason
 Sandra Rose
 Kerry Sublette

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
 Chris Armstrong, Director Customer Service Division
 Gary Collins, Director, ECLS
 Shellie Chard-McClary, Water Quality Division
 Skylar McElhaney, Public Information Officer
 Myrna Bruce, Secretary, Board & Councils

OTHERS PRESENT

Tyler Powell, Director, Office of Secretary of the Environment
 Clayton Eubanks, Assistant Attorney General
 Christy Myers, Court Reporter

The Attendance Sheet becomes an official part of these Minutes.

Approval of Minutes Mr. Wendling, Vice-Chair, called for motion to approve the minutes from the November 15, 2011 Regular Meeting. Dr. Galvin made the motion to adopt as presented and Mr. Griesel made the second.

transcript pages 5 - 6

Brita Cantrell	Abstain	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2012 -- Mr. Drake nominated Mr. Johnston and Mr. Wendling to continue in their positions for CY 2012. Mr. Griesel made the second.

transcript pages 6 - 8

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking - OAC 252:100 Air Pollution Control Mr. David Branecky, Air Quality Council member, stated that the proposal would (1) amend Subchapter 1 (General Provisions) to complete the incorporation of EPA's recent changes to the Prevention of Significant Deterioration and Part 70 permitting programs exempting certain biogenic carbon dioxide emissions; (2) amend

Subchapters 1 and 7 (Permits for Minor Facilities) to resolve issues surrounding when an application for an air quality operating permit is to be submitted; and (3) amend Subchapter 7 to make the requirement for obtaining a construction permit for existing minor facilities more consistent with that for new minor facilities. It was decided to vote on the subchapters separately. Ms. Cantrell made motion to approve **Subchapter 1** and Ms. Kunze made the second.

transcript pages 8 - 16

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Mr. Drake made motion to approve **Subchapter 7** as presented. Ms. Cantrell made the second.

transcript pages 16 - 19

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Mr. Branecky stated the proposal for **Subchapter 31** would clarify existing language and bring the allowable sulfur dioxide (SO₂) ambient air limits in OAC 252:100-31-7(a) into line with the requirements of the recently-enacted change to the SO₂ National Ambient Air Quality Standards. In response to comments received, the DEQ is proposing additional changes to several longstanding control, monitoring and emission requirements in the Subchapter. Additionally, the DEQ is proposing to add requirements for fuel-burning equipment that uses an alternative fuel. Finally, the DEQ is also proposing to add a new section 252:100-31-4, which aligns Subchapter 31 excess emission reporting requirements with those of 252:100-9.

During discussion it was noticed that there were corrections needed for consistency in the rule. Mr. Drake made motion to approve the rulemaking as presented contingent on the clean-up of the errors in the version of the rule before them. Mr. Griesel made the second.

transcript pages 19 - 29

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Following the rest of the rulemaking hearings, Mr. Thompson called for a break to allow the Air Quality Division to address the corrections mentioned for **Subchapter 31**. Mr. Wendling called for a motion to re-open and re-visit OAC 252:100-31. Mr. Griesel made the motion and Ms. Kunze made the second.

transcript pages 88 - 94

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Mr. Eddie Terrill, Air Quality Division Director, noted that during the break, the staff looked at the rule line by line and determined that the version of the rule that had been noticed, passed and recommended by the Air Quality Council to the Board was the correct version. However, a different version of the rule was mistakenly placed in the Board's packet and contained the language identified by Dr. Galvin during the initial discussion of the rule. An error in the Board's packet pertaining to the definition of "Petroleum and natural gas process equipment" was also identified. The correct language was distributed to Board members. Mr. Wendling then called

for a motion to approve rulemaking based on the amended language provided by Mr. Terrill during the Board meeting. Mr. Griesel made that motion and Ms. Kunze made the second.

transcript pages 88 - 94

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:110 Lead-Based Paint Management Mr. David Branecky, Air Quality Council member, stated that the proposal would amend OAC 252:110, Lead-Based Paint Management, to add a new Subchapter 15, Additional Renovation, Repair, and Painting (RRP) Requirements. The proposed rule establishes state requirements consistent with those established by EPA and applies to contractors who perform RRP projects in homes, child-care facilities, and schools built before 1978. The proposal also applies to training providers who offer renovation and dust sampling courses. This rule revision is essential to the DEQ obtaining EPA delegation of the federal Lead-Based Paint Renovation Program in Oklahoma. Additionally, the DEQ proposes to establish fees in Subchapter 15 to be charged by the DEQ for RRP firm certifications and for accreditation of training providers. Following discussion and questions from the Board and the public, Mr. Wendling called for a motion. Mr. Griesel made motion to approve and the second was made by Ms. Cantrell.

transcript pages 29 - 39

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:515 Solid Waste Management Mr. Jeff Shepherd, Solid Waste Management Advisory Council Chair, stated that the proposal would amend OAC 252:515, Subchapter 21, due to recent statutory changes to the Oklahoma Used Tire Recycling Act. The amendments included: (1) changing the term “waste tire” to “used tire”; (2) increasing the percentage requirement for the cleanup of tire dumps; (3) identifying how the DEQ will allocate funds for tire dump remediation; (4) making minor changes to the requirements for mobile operations; and (5) affording eligibility to tires used on implements of husbandry and agricultural equipment that are not more than fourteen (14) inches wide and forty-four (44) inches in diameter. Finally, the DEQ proposes to change all references from “waste tire” to “used tire” throughout Chapter 515. Hearing no discussion, Mr. Wendling called for motion to approve as presented. Ms. Cantrell made the motion and Mr. Griesel made the second.

transcript pages 39 - 42

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Mr. Shepherd stated that the proposal would also adopt new **OAC 252:515 Appendices H and I** (each pertaining to procedures for calculating landfill closure and/or post-closure cost estimates for financial assurance) and concurrently revoke the existing OAC 252:515 Appendices H and I. This proposal would result in the removal of the unit costs from the appendices, and updated unit costs would be published in accordance with OAC 252:515-27-34 (Annual adjustments to cost estimates). Following comments from the Board and hearing no discussion from the public, Mr. Wendling called for a motion. Mr. Griesel made the motion and Ms. Kunze made the second.

transcript pages 42 - 47

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:641 Individual and Small Public On-Site Sewage Treatment Systems Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend OAC 252:641 as follows: (1) to establish water body protection areas for siting and designing on-site sewage treatment systems; (2) to require nitrogen reduction systems to be installed prior to dispersal for any on-site sewage treatment systems located within Zone 1 of a water body protection area; (3) to prohibit any system installed within Zone 2 of a water body protection area from being designed using a soil percolation test; and (4) to require purple pipe for any pressurized piping conveying treated wastewater for reuse. Additionally, the DEQ proposed other non-substantive changes to clarify existing language. Following discussion, Mr. Wendling called for a motion. Dr. Galvin moved approval and Mr. Griesel made the second.

transcript pages 47 - 59

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:626 Public Water Supply Construction Standards Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend OAC 252:626 to (1) add a new rule containing standards for anion exchange for nitrate removal; (2) modify the standards for water treatment plant pretreatment by removing the provision regarding large volume off-stream storage basins; (3) modify the standards for residuals management to conform with residual and wastewater management standards in other Chapters; and (4) to make other minor clarifications. Mr. Drake moved approval and Dr. Galvin made the second.

transcript pages 59 - 61

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking - OAC 252:656 Water Pollution Control Facility Construction Standards Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend OAC 252:656 (1) to incorporate design, construction and permitting requirements for four categories of water reuse systems (Categories 2 through 5); (2) to establish permit application fees for water reuse treatment systems and reclaimed water distribution systems in accordance with the existing fee structure in OAC 252:656-3-9; (3) to remove a duplicate financial responsibility section; and (4) to clarify language in existing sections. The requirements for the land application of wastewater from lagoon systems are being moved from Chapters 619 and 621 to this Chapter as Categories 4 and 5 reclaimed water. Following discussion, Mr. Wendling called for a motion to approve the rule with the amendment discussed pertaining to categories of reclaimed water. Mr. Drake made the motion and Mr. Griesel made the second.

transcript pages 61 - 70

Brita Cantrell	Abstain	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking - OAC 252:627 Operation and Maintenance for Water Reuse Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would establish a new Chapter 627 with standards for the operation and maintenance of systems that take treated wastewater and, with additional treatment, make it into non-potable “reclaimed water” for beneficial reuse. The new rules create four categories of reclaimed water (Categories 2 through 5). Each category has a different level of treatment and permitted uses. The operating standards for the land application of wastewater from lagoon treatment systems were formerly in

Chapters 619 and 621; those provisions have been incorporated into these new rules under Categories 4 and 5 reclaimed water. The new rules define terms and establish permitting, treatment, monitoring and record keeping requirements for reclaimed water suppliers and users. DEQ also proposes to charge annual fees to the suppliers of reclaimed water. The fees will cover DEQ's costs to inspect, track compliance, provide technical assistance for and enforce the new standards. Following discussion, Mr. Wendling called for a motion including amendments proposed pertaining to permitted uses of reclaimed water. Ms. Kunze moved approval and Mr. Griesel made the second.

transcript pages 71 - 74

Brita Cantrell	Abstain	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking - OAC 252:619 – Operation and Maintenance of Non-Industrial Total Retention Lagoon Systems and Land Application Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend OAC 252:619 to remove language from the title and text concerning the operation, maintenance and closure of land application sites related to total retention lagoon facilities. The DEQ also proposes to move rules pertaining to the operation and maintenance of land application sites to the new Chapter 627 (Operation and Maintenance of Water Reuse Systems). Additionally, the DEQ proposes to require the addition of name and contact number to the existing lagoon signage, which must be posted near or on the fence at each side of the lagoon. Finally, the DEQ proposes several non-substantive changes for clarification. Hearing no comments, Mr. Wendling called for a motion. Mr. Griesel moved approval and Ms. Kunze made the second.

transcript pages 75 - 77

Brita Cantrell	Abstain	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:621 Non-Industrial Discharging and Public Water Supply Lagoon Including Land Application Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend OAC 252:621 to remove language from the title and text concerning the operation, maintenance and closure of land application sites related to non-industrial discharging and public water supply lagoon facilities. The DEQ also proposes to move the rules pertaining to operation and maintenance of land application sites associated with these types of facilities to the new Chapter 627 (Operation and Maintenance of Water Reuse Systems). Finally, the DEQ proposes to revoke redundant language concerning financial assurances. Hearing no comments, Mr. Wendling called for a motion. Mr. Drake moved approval and Dr. Galvin made the second.

transcript pages 77 - 79

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:4 Rules of Practice and Procedure Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend Chapter 4 to include new water reuse systems in the environmental permitting process. The proposed rulemaking classifies applications for permits to construct new water reuse treatment systems and new water reuse distribution systems as Tier II applications. It also classifies applications for modifications to existing water reuse systems as Tier I applications. Following discussion, Mr. Wendling called

for a motion including amendments pertaining to water reuse permitting. Ms. Kunze moved approval and Dr. Galvin made the second.

transcript pages 79 - 83

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Rulemaking – OAC 252:631 – Public Water Supply Operation Mr. Michel Paque, Water Quality Management Advisory Council Chair, advised that the proposal would amend OAC 252:631 as follows: (1) to modify the annual fee schedule for public water supply systems; (2) to update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2010, to July 1, 2011; (3) to require a minimum level of disinfection for systems with mandatory disinfection; (4) to establish an alternate minimum free chlorine residual at the point of entry to the distribution system for PWSs that maintain a minimum required log-inactivation of pathogens; (5) to clarify that purchase water systems must meet minimum disinfection standards; (6) to clarify which systems are required to submit the monthly operational report to DEQ; and (7) to replace “standard plate count” as one of the required analyses with “heterotrophic bacteria” when chloramines are used or proposed to be used as the method of disinfection in a distribution system. Hearing no discussion, Mr. Wendling called for a motion. Ms. Kunze moved approval and Ms. Savage made the second.

transcript pages 85 - 88

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

Executive Director’s Report – Mr. Steve Thompson provided an update on legislative activities.
transcript pages 95 - 118

New Business None

Next Meeting(s) June 19, 2012 in Bartlesville (NOTE: June meeting cancelled)
August 21, 2012 in Enid
November 14, 2012 in Lawton.

Adjournment Dr. Galvin moved to adjourn and Ms. Kunze made the second. Meeting adjourned at 11:35 a.m. No issues were raised during the public forum.

transcript pages 119

Brita Cantrell	Yes	David Griesel	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
Bob Drake	Yes	Terri Savage	Yes
Jennifer Galvin	Yes	John Wendling	Yes

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

Condensed Transcript

PROCEEDINGS

MR. WENDLING: All right.

Welcome everyone to the first meeting of the DEQ for 2012.

One of the things that you will notice, the person that typically has been up here for the last several meetings has been Jerry Johnston and he's had some issues and he wasn't able to attend to today. So I'm the fill-in so we'll be as efficient as we can and we'll get started.

The February 24th, 2012 regular meeting of the Environmental Quality Board has been called according to the Oklahoma Open Meeting Act Section 3.11 of Title 25 of the Oklahoma statutes. Notice was filed with the Secretary of State on November 23rd of 2011. Agendas were mailed to interested parties on February 13th of 2012 and posted at this facility on February 23rd of 2012.

Only matters appearing on the

MS. SAVAGE: Here.

MS. BRUCE: Dr. Sublette is absent. Mr. Wendling.

MR. WENDLING: Here.

MS. BRUCE: And Mr. Johnston is absent. We do have a quorum.

MR. WENDLING: Thank you.

Before we move forward I would like to turn this over to Steve and I've asked him to address two items to the group. One is related to safety and the other one is the introduction of guests.

MR. THOMPSON: Thank you.

Yes. First there are some logistical issues that we need to go over.

(Comments)

MR. THOMPSON: Mr. Chairman, thank you. We do have two special guests.

First of all, we welcome Austin Slaymaker who is the -- our fiscal analyst for the Office of State Finance. We're delighted to have him with us today. He was up in my

posted agenda may be considered. If this meeting is continued or reconvened, we must announce today the date, time, and place of the continued meeting and the agenda for such continuation will remain the same as today's agenda.

All right. We're ready for roll call.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Here.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Here.

MS. BRUCE: Mr. Dark is absent. Mr. Drake.

MR. DRAKE: Here.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Here.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Here.

MS. BRUCE: Ms. Kunze.

MS. KUNZE: Here.

MS. BRUCE: Mr. Mason is absent; Ms. Rose is absent. Ms. Savage.

office earlier and we had a good chat about the functions of the Agency.

And Tyler Powell who is employed by the Office of the Secretary of Environment. We're not particularly sure what he does but we know that he is employed there. So it's good to have Tyler with us. He's been very helpful to the Agency and we're delighted to have him here.

MR. WENDLING: All right. Thank you, Steve.

All right. We will proceed with the Agenda. The first item on the Agenda is the approval of the minutes of the November 15th regular meeting. Do I have a motion?

DR. GALVIN: I move we adopt the minutes.

MR. GRIESEL: I'll second.

MR. WENDLING: All right. Ready for roll call.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Abstain.

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1 MS. BRUCE: Mr. Cassidy.
 2 MR. CASSIDY: Yes.
 3 MS. BRUCE: Mr. Drake.
 4 MR. DRAKE: Yes.
 5 MS. BRUCE: Dr. Galvin.
 6 DR. GALVIN: Yes.
 7 MS. BRUCE: Mr. Griesel.
 8 MR. GRIESEL: Yes.
 9 MS. BRUCE: Ms. Kunze.
 10 MS. KUNZE: Yes.
 11 MS. BRUCE: Ms. Savage.
 12 MS. SAVAGE: Yes.
 13 MS. BRUCE: Mr. Wendling.
 14 MR. WENDLING: Yes.
 15 MS. BRUCE: Motion passed.
 16 MR. WENDLING: All right.
 17 Next on our Agenda is our election
 18 of officers. And prior to making a
 19 motion here I'm going to -- Steve
 20 had a few words for everyone.
 21 MR. THOMPSON: Yes.
 22 Traditionally the Chairmanship and
 23 Vice-Chairmanship is a -- while we
 24 elect them every year is a -- we
 25 have traditionally had Chairmen serve

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1 for two years. Jerry was -- is just
 2 -- Jerry Johnston is just completing
 3 his first year. I talked to him on
 4 the phone and he is willing to serve
 5 another year even though he is not
 6 here because he's got some back
 7 issues actually. But he did say he
 8 would be willing to serve another
 9 term.
 10 MR. WENDLING: All right.
 11 Thank you, Steve. With that, I'd
 12 like a motion for Chair.
 13 MR. DRAKE: Mr. Chairman, I
 14 would hope that we could do this in
 15 one motion. And we've been well
 16 served this year and I would like to
 17 move that we elect, hopefully by
 18 acclamation, Jerry Johnston as Chair
 19 and John Wendling as Vice-Chair.
 20 MR. GRIESEL: I'll second.
 21 MR. WENDLING: All right.
 22 Questions? All right. Roll call.
 23 MS. BRUCE: Ms. Cantrell.
 24 MS. CANTRELL: Yes.
 25 MS. BRUCE: Mr. Cassidy.

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1 MR. CASSIDY: Yes.
 2 MS. BRUCE: Mr. Drake.
 3 MR. DRAKE: Yes.
 4 MS. BRUCE: Dr. Galvin.
 5 DR. GALVIN: Yes.
 6 MS. BRUCE: Mr. Griesel.
 7 MR. GRIESEL: Yes.
 8 MS. BRUCE: Ms. Kunze.
 9 MS. KUNZE: Yes.
 10 MS. BRUCE: Ms. Savage.
 11 MS. SAVAGE: Yes.
 12 MS. BRUCE: Mr. Wendling.
 13 MR. WENDLING: Steve twisted
 14 my arm. Yes.
 15 MS. BRUCE: Thank you. And
 16 motion passed.
 17 MR. WENDLING: All right.
 18 Thank you. All right. Now we'll
 19 move to the main part of the Agenda.
 20 We've got several rulemaking items
 21 that are on the Agenda today.
 22 The first one that we'll review
 23 today is OAC 252:100 Air Pollution
 24 Control. And the presentation will
 25 be from David Branecky. David.

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1 MR. BRANECKY: Thank you,
 2 Mr. Chairman. I have -- looks to me
 3 like you're going to vote on
 4 Subchapters 1, 7, and 31 all at the
 5 same time. So do you want me to go
 6 through each one of those and then
 7 take a vote?
 8 MR. WENDLING: That will
 9 work. Thank you.
 10 MR. BRANECKY: Well, I'll
 11 start with Subchapter 1 and then
 12 after I do that I'll see if there
 13 are any questions and then I'll move
 14 on to Subchapter 7 and then
 15 Subchapter 31.
 16 Subchapter 1, what the Council
 17 did was to revise the definition of
 18 carbon dioxide equivalent, and for
 19 those of you who may not be
 20 familiar, there are several
 21 greenhouse gases besides carbon
 22 dioxide. Carbon dioxide is the one
 23 that you always hear about; there is
 24 methane, sulfur hexafluoride. But
 25 each one has a different ability to

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1 contribute to global warming, so
2 there is a mechanism where it can
3 divert all the different pollutants
4 to an equivalent so you will be able
5 to compare these different emissions
6 with a global warming potential.

7 So we revised the carbon
8 dioxide equivalent definition because
9 EPA wanted to exempt -- we needed to
10 exempt any biogenic emissions from
11 the definition at this time. EPA,
12 in their initial definition or
13 program for carbon dioxide, realized
14 that it was difficult to
15 differentiate carbon dioxide
16 emissions or non-biogenic from
17 biogenic.

18 And so what they wanted to do
19 was step back and take some time to
20 try and determine how to quantify the
21 biogenic emissions from bio-mass
22 sources. Bio-mass being -- as
23 specifically in Oklahoma, probably
24 wood burning. So they wanted to
25 step back and make sure that they

1 needed to define what wasn't a fossil
2 fuel and we found it more easily
3 done to define fossil fuel than
4 trying to define non-fossil fuel. So
5 we define fossil fuel and if you
6 don't fit in that category then
7 you're assumed to be non-fossil fuel.
8 So that helps with the (inaudible)
9 CO2E, carbon dioxide equivalent
10 definition.

11 I think subchapter -- I think
12 -- in addition on Subchapter 1
13 another thing we did was to define
14 "commencement of operation". Now
15 this is a little separate subject not
16 having to do with global warming.
17 We found that under certain
18 circumstances if a facility is being
19 built and you may startup a piece of
20 equipment, that could trigger your
21 need to get an operating permit, even
22 though you haven't finished the
23 entire facility. So we needed to
24 make sure that the company had the
25 ability to finish the entire facility

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1 could quantify those.
2 Right now all they are doing
3 is an emissions inventory or an
4 inventory of global warming sources
5 or -- in the United States. So they
6 wanted to step back and they delayed
7 that, I think, until 2014. So what
8 we needed to do in Oklahoma was to
9 revise this definition of carbon
10 dioxide equivalent to exempt those at
11 this time until the EPA makes up
12 their mind how they are going to do
13 it. And we will probably have to
14 revise it again after they make --
15 make up their mind. So what we did
16 was -- we go in and revise the
17 definition to exclude any emissions
18 from certain bio-mass sources.

19 We had to do that because if
20 we didn't do that it would be
21 perceived to be more stringent than
22 the EPA rule. So that's the reason
23 we did that.

24 In addition, we had to go in
25 and define fossil fuel -- well, we

1 before they applied for the operating
2 permit. So we put in a definition
3 for "commencement of operation". And
4 then over in Subchapter 7, which I'll
5 talked about it a little bit, we
6 extended the length of time that a
7 company has to apply for an operating
8 permit.

9 This won't cause a problem
10 because they will still be working
11 under the construction permit, so
12 they are not going to get away with
13 doing whatever they want to do.
14 They'll be operating under the
15 construction permit but it just gives
16 them the ability to wait until they
17 complete the whole facility and then
18 apply for the operating permit.

19 I think that's basically -- and
20 there were some other minor changes
21 to Subchapter 1. I'm not going to
22 go through all of those, but those
23 are the two main changes to
24 Subchapter 1.

25 MR. WENDLING: All right.

Condensed Transcript

1 MR. BRANECKY: Questions?
 2 MR. WENDLING: Thank you,
 3 David. Questions from the Board on
 4 Subchapter 1?
 5 All right. Seeing none, any
 6 questions from the public on
 7 Subchapter 1 for David?
 8 All right. David, let's
 9 proceed with the next one.
 10 MR. BRANECKY: All right.
 11 We'll go on to Subchapter 7 and I
 12 touched --
 13 MR. WENDLING: Hold on.
 14 MS. CANTRELL: Mr. Branecky,
 15 is there any reason why we would not
 16 want to go ahead and vote on
 17 Subchapter 1 rather than taking this
 18 as a package? They seem different
 19 to me.
 20 MR. BRANECKY: It's up to
 21 Mr. Chair?
 22 MR. WENDLING: That's fine.
 23 Let's -- we can --
 24 (Comments)
 25 MR. BRANECKY: We can break

1 MS. BRUCE: Ms. Savage.
 2 MS. SAVAGE: Yes.
 3 MS. BRUCE: Mr. Wendling.
 4 MR. WENDLING: Yes.
 5 MS. BRUCE: Motion passed.
 6 MR. WENDLING: Okay. All
 7 right. Thank you. Proceed, David.
 8 MR. BRANECKY: All right.
 9 We'll move on to Subchapter 7 and I
 10 touched a little bit earlier on
 11 Subchapter 7 where we increased the
 12 time to apply for an operating permit
 13 from 90 days until 180 days and
 14 that's consistent with other parts of
 15 the rule, but that allows a facility
 16 to have time to complete the
 17 construction completely before having
 18 to apply for an operating permit.
 19 The other change that we had
 20 among other things -- the other major
 21 change I feel is that there are
 22 certain times when -- if you have a
 23 modification to a New Source
 24 Performance Standard or a NESHAP, a
 25 National Emissions Standard for

1 it up.
 2 (Inaudible Comments)
 3 MR. WENDLING: All right.
 4 Let's do that then. So I will begin
 5 with, we had no questions from the
 6 Board on this and no questions from
 7 the public, so do I have a motion on
 8 Subchapter 1.
 9 MS. CANTRELL: I move that
 10 we approve Subchapter 1.
 11 MS. KUNZE: I'll second.
 12 MR. WENDLING: All right.
 13 Roll call please.
 14 MS. BRUCE: Ms. Cantrell.
 15 MS. CANTRELL: Yes.
 16 MS. BRUCE: Mr. Cassidy.
 17 MR. CASSIDY: Yes.
 18 MS. BRUCE: Mr. Drake.
 19 MR. DRAKE: Yes.
 20 MS. BRUCE: Dr. Galvin.
 21 DR. GALVIN: Yes.
 22 MS. BRUCE: Mr. Griesel.
 23 MR. GRIESEL: Yes.
 24 MS. BRUCE: Ms. Kunze.
 25 MS. KUNZE: Yes.

1 Hazardous Air Pollutants, that the
 2 only requirement is that you do the
 3 recordkeeping. And originally if
 4 that -- if all you had to do was
 5 recordkeeping, you still had to get a
 6 permit. And we really didn't feel a
 7 need to -- for a company to have to
 8 go through the permitting process if
 9 it only had to do recordkeeping.
 10 Now they will still have to do the
 11 recordkeeping, they just won't have
 12 to get the permit.
 13 So we modified that to where
 14 it -- if you're subject to NESHAPs
 15 or New Source Performance Standards,
 16 is only because of the recordkeeping
 17 provision then a permit is not
 18 required. So that's -- those are
 19 the two main parts of Subchapter 7.
 20 MR. WENDLING: All right.
 21 Questions from the Board on
 22 Subchapter 7?
 23 DR. GALVIN: Mr. Branecky?
 24 MR. BRANECKY: Yes.
 25 DR. GALVIN: And I have to

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1 assume that that is not less
 2 stringent than the Federal Register.
 3 MR. BRANECKY: That's
 4 correct.
 5 MR. WENDLING: Any other
 6 questions from the Board? Questions
 7 from the public? Okay. Seeing
 8 none, can I have a motion, please.
 9 MR. DRAKE: So moved.
 10 MS. CANTRELL: Second.
 11 MR. WENDLING: All right.
 12 Roll call, please.
 13 MS. BRUCE: Ms. Cantrell.
 14 MS. CANTRELL: Yes.
 15 MS. BRUCE: Mr. Cassidy.
 16 MR. CASSIDY: Yes.
 17 MS. BRUCE: Mr. Drake.
 18 MR. DRAKE: Yes.
 19 MS. BRUCE: Dr. Galvin.
 20 DR. GALVIN: Yes.
 21 MS. BRUCE: Mr. Griesel.
 22 MR. GRIESEL: Yes.
 23 MS. BRUCE: Ms. Kunze.
 24 MS. KUNZE: Yes.
 25 MS. BRUCE: Ms. Savage.

1 things that we did was delete 31-7
 2 (a) and that was -- I think that
 3 provision has been in there since the
 4 '70s -- had to deal with SO2 impact
 5 and existing sources. EPA has come
 6 out with a new one-hour standard for
 7 SO2 and what we had in this rule was
 8 -- I think they have a five-minute
 9 average, and like an hour average,
 10 and a 24-hour average, and an annual
 11 average. It just wasn't consistent
 12 with the ambient standards so we
 13 deleted that altogether. We added
 14 31-25-4 to clarify requirements for
 15 fuel burning equipment that uses an
 16 alternate fuel. Something that
 17 probably didn't exist back then in
 18 the early '70s. We added Section
 19 31-4 to simplify the reporting
 20 requirements. We added Subchapter 9
 21 that covers reporting of excess
 22 emissions, and we just tried to make
 23 some changes here to make that
 24 consistent with the Subchapter 9
 25 reporting.

1 MS. SAVAGE: Yes.
 2 MS. BRUCE: Mr. Wendling.
 3 MR. WENDLING: Yes.
 4 MS. BRUCE: Thank you.
 5 Motion passed.
 6 MR. WENDLING: Okay. Go on
 7 to Subchapter 31.
 8 MR. BRANECKY: In Subchapter
 9 31, there is a lot of changes, as
 10 I'm sure you've seen in there. A
 11 lot of cleaning up to do. This
 12 rule, you know, when it was first
 13 passed -- even before my time, I
 14 think it really passed in the early
 15 '70s. And so it's got a lot of
 16 language in there that's been in
 17 there a long time. And the Council
 18 struggled with some of that and I'll
 19 go into it a little bit on what we
 20 decided to do.
 21 We did make some changes to
 22 try and clarify some of the language
 23 -- language and update several of the
 24 longstanding control monitoring
 25 emission requirements. One of the

1 We specified emission limits
 2 only apply to when you're burning
 3 fuel. I think there is a -- maybe a
 4 cement or some facilities in Oklahoma
 5 that you have created emissions but
 6 you're not burning any fuel and so
 7 we applied this rule to only when
 8 you're burning fuel.
 9 And I'll tell you what -- one
 10 thing we struggled with, there is
 11 some language in there that we felt
 12 was antiquated but we wanted to make
 13 sure that if we took that language
 14 out that there wasn't some other
 15 loophole or some hole that was
 16 generated by that. And so at the
 17 time we passed this rule staff was
 18 just not quite comfortable with us
 19 taking that language out. It had to
 20 do with opacity. Our question --
 21 Council's question was, well, why do
 22 you have an opacity -- reference to
 23 opacity in the sulfur rule? If you
 24 look at the opacity language it talks
 25 about a photovoltaic -- photo -- the

1 language it's a smoke detector. It
 2 refers to a -- measuring opacity with
 3 a smoke detector and you can tell
 4 that language is old. And so we
 5 agreed to come back and look at that
 6 at a later date, but we felt the
 7 advantages of what changes we're
 8 making today outweighed putting this
 9 off any longer. Because if we
 10 didn't vote on it at our January
 11 meeting, we wouldn't get to us until
 12 July and if we passed it in July, it
 13 wouldn't become effective until next
 14 July -- July of 2013. So that's why
 15 we went ahead and passed it realizing
 16 that there is still some work to do
 17 on 31 and we'll get to that in the
 18 next year.

19 MS. CANTRELL: Is this a
 20 good time for questions?

21 MR. WENDLING: All right.
 22 Is that it, David?

23 MR. BRANECKY: Yes.

24 MR. WENDLING: All right.
 25 Questions from the Board?

1 MS. CANTRELL: Yes. Mr.
 2 Branecky, I noticed in the Council
 3 minutes that there was quite a bit
 4 of discussion regarding the removal
 5 of this opacity --

6 MR. BRANECKY: Right. Yeah.
 7 We did.

8 MS. CANTRELL: -- and I
 9 also noticed that in the Council
 10 minutes there is discussion that
 11 there was really no certainty at this
 12 point as to unintended consequences
 13 that this action would have and that
 14 there was debate back and forth
 15 whether or not it might be better to
 16 just take this portion of the
 17 rulemaking and have it considered
 18 more fully before it's brought to the
 19 Board for --

20 MR. BRANECKY: Right.

21 MS. CANTRELL: -- a rule
 22 proposal.

23 MR. BRANECKY: Right.

24 MS. CANTRELL: Is there an
 25 emergency that necessitates approval

1 by the Board at this point when
 2 there is not, as far as I could
 3 tell, an answer to that unintended
 4 consequence question?

5 MR. BRANECKY: Well, I think
 6 the issue -- we felt that leaving
 7 the language in regarding opacity,
 8 it's been in there for 30, 40 years,
 9 whatever; leaving it in there for
 10 another year is not going to hurt.
 11 But having the changes we made today
 12 or proposing today, would be more
 13 beneficial than waiting and trying to
 14 analyze that language. There is no
 15 harm in leaving that language in
 16 there we felt. And I was the one
 17 that brought up the question, why do
 18 we have an opacity -- reference to
 19 monitoring opacity in the sulfur
 20 rule? And there is no requirement
 21 -- there is no limit for opacity in
 22 the sulfur rule, it just says monitor
 23 opacity. And there are other rules
 24 that require monitoring of opacity
 25 but what staff wanted to be sure of

1 was if we took this out that
 2 something doesn't fall through the
 3 cracks. And so -- but then again,
 4 like I said, we felt that by the
 5 other changes we made -- the
 6 reporting changes, the removing of
 7 the SO2 standards of inconsistent
 8 equipment, it was more beneficial to
 9 go ahead and do that. But we agreed
 10 -- and I think it's in the minutes -
 11 - that staff will come back and
 12 we're going to look at that some
 13 more. It really doesn't do any harm
 14 to leave it in there but to me it
 15 doesn't make any sense to have it in
 16 there. So it's more of a, let's
 17 look at cleaning this up and making
 18 it more up to date with a reference
 19 to photoelectric monitoring. They're
 20 all transmissometers now. It's just
 21 old language but we wanted to make
 22 sure before we took that out that we
 23 weren't causing any other problems.

24 MR. WENDLING: Any other
 25 questions of the Board?

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1 DR. GALVIN: Mr. Branecky,
 2 this is --
 3 MR. BRANECKY: Okay.
 4 DR. GALVIN: -- not exactly
 5 a question. It's more a comment and
 6 it's picky. I'll say that right
 7 upfront. Okay. If you look at Page
 8 2 and 3, the picky comment is that
 9 it seems like whoever was making the
 10 corrections couldn't decide whether
 11 they wanted to use the symbol for
 12 H2S, hydrogen sulfide, or the English
 13 hydrogen sulfide. And as you look
 14 between Pages 2 and 3, two-thirds of
 15 the way down under sweetening unit --
 16 sweetening plant unit you'll see that
 17 they took H2S out and added in the
 18 English hydrogen sulfide. At the top
 19 of Page 3 they took out the English
 20 and added back in the H2S under (b)
 21 hydrogen sulfide. And then, sort of
 22 maybe because they couldn't decide,
 23 Page 3 under Part (3) Existing
 24 Equipment Standards under (a) they
 25 put both in, English and acronym.

1 to the H2S, hydrogen sulfide.
 2 MR. WENDLING: All right. David,
 3 with that you might go back through
 4 that for any other little adjustments
 5 you might see. But, again, I think
 6 we'll have -- it sounds like we'll
 7 have -- this will be back in front
 8 of us again in short order to
 9 address your opacity. Any more
 10 comments from the Board? All right.
 11 Comments from the public? All right.
 12 Do I have -- can I have a motion
 13 from the Board?
 14 MR. DRAKE: I move that we
 15 pass the -- assuming that they will
 16 clean this up, assuming that they
 17 will take care of any grammatical
 18 errors that have been pointed out.
 19 MR. GRIESEL: I'll second.
 20 MR. WENDLING: Okay. So
 21 the motion is that we approve
 22 contingent on cleanup on some of the
 23 errors that we've found in this
 24 current version. All right.
 25 MR. BRANECKY: Okay.

1 So my point is if you get -- I
 2 know you guys spent a lot of time on
 3 this so I know this sounds a little
 4 bit picky but if you're going to
 5 clean it up, I think you ought to
 6 decide which way you're going to go
 7 and go that way.
 8 And so I've got one last picky
 9 comment because it relates to my
 10 industry.
 11 MR. BRANECKY: Okay.
 12 DR. GALVIN: At the top of
 13 Page 2, Petroleum and Natural Gas
 14 Processing Equipment. If you read
 15 that next sentence, means the process
 16 crude petroleum -- it doesn't make
 17 sense. You either need to leave it
 18 the way it was, means processes,
 19 crude petroleum, or either means the
 20 process of crude petroleum. It's
 21 just not English for the process.
 22 It's simple. It's simple. Add an
 23 "of". The process of --
 24 MR. BRANECKY: We'll fix
 25 that and also on the other references

1 MR. WENDLING: With that,
 2 roll call please.
 3 MS. BRUCE: Ms. Cantrell.
 4 MS. CANTRELL: Yes.
 5 MS. BRUCE: Mr. Cassidy.
 6 MR. CASSIDY: Yes.
 7 MS. BRUCE: Mr. Drake.
 8 MR. DRAKE: Yes.
 9 MS. BRUCE: Dr. Galvin.
 10 DR. GALVIN: Yes.
 11 MS. BRUCE: Mr. Griesel.
 12 MR. GRIESEL: Yes.
 13 MS. BRUCE: Ms. Kunze.
 14 MS. KUNZE: Yes.
 15 MS. BRUCE: Ms. Savage.
 16 MS. SAVAGE: Yes.
 17 MS. BRUCE: Mr. Wendling.
 18 MR. WENDLING: Yes.
 19 MS. BRUCE: Motion passed.
 20 MR. WENDLING: All right.
 21 Next item on the Agenda is OAC
 22 252:110 Lead-Based Paint Management.
 23 And David, it looks like you've got
 24 this one too.
 25 MR. BRANECKY: Yeah. I do.

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1 MR. WENDLING: All right.
2 MR. BRANECKY: What we're
3 proposing to do here is add a
4 Subchapter 15 to OAC 252:110, having
5 to do with the renovation, repairing,
6 and painting requirements for
7 lead-based paint.

8 And what we're doing here,
9 we're adding this because it allows
10 Oklahoma to assume delegation for the
11 program. EPA has been administering
12 the program, I think, since 2008 and
13 Oklahoma wants to take over that
14 program. So we've added -- I'll
15 highlight some of the provisions of
16 the rule and what we're doing.

17 It will establish state
18 requirements and fees. It will
19 establish the fees consistent with
20 federal rule. It applies to
21 contractors who perform any
22 renovation, repair or painting
23 projects at homes, child-care
24 facilities, and schools that are
25 built after 1978. Applies to

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1 training providers which provide
2 training for the renovation or dust
3 sampling of lead-based paint. And
4 we're revoking part of -- I think
5 that's it. And I'd like to point
6 out something that I've -- you know,
7 I, nor staff, takes credit for it.
8 I think this is EPA's credit. It's
9 the definition of (inaudible)
10 facilities and if anybody would like
11 to explain the basis behind that I'd
12 be happy to listen to that. But I
13 cannot understand how they arrived at
14 the number of hours of this for
15 days, this is per year and things
16 like that. That's an EPA definition
17 so don't blame us.

18 That's basically it. I'll
19 try to answer any questions.

20 MR. WENDLING: All right.
21 Questions from the Board? All right.
22 I had a question. Just in looking
23 at this it seems that the DEQ is --
24 by taking this on it's additional
25 work coming into the Department and

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1 that I'm not sure that the volume of
2 work that you're doing in the
3 Department to take this on. Could
4 someone address the impact on the
5 public?

6 MR. BRANECKY: I'll let
7 staff handle that one.

8 MR. TERRILL: That did come
9 up -- the first time this rule came
10 to the Council, there was a gentlemen
11 that appeared and raised the issue
12 about the number of affected sources
13 across the state and the number of
14 workers actually doing this. And we
15 found that that number was not near
16 as many as he had thought. And
17 we've been looking at this for quite
18 a while and assessing how much --
19 whether or not we wanted to take on
20 the additional work. We're already
21 doing a lead-based paint program
22 anyway. We've got some additional
23 fee money last year that we're going
24 to add a position that we've always
25 had -- that we kept hoping for a

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1 while for budgetary reasons do fill-
2 in the gap and get this work done.
3 But for the most part we'll have to
4 do this anyway through complaints and
5 we'd rather have a somewhat proactive
6 program to head some of these things
7 off and help these folks understand
8 what they're supposed to do, as
9 opposed to having to deal with EPA.
10 So we talked -- staff talked about
11 this quite a while and that's the
12 reason that we wanted to make sure
13 that this rule was in a final form
14 because EPA was tweaking it all along
15 since they first implemented in 2008.
16 So once they made their final changes
17 we're comfortable that the workload
18 generated is not going to be any
19 more than we're really already doing.
20 There will be some additional work
21 but not enough to warrant not
22 accepting the rule and allowing these
23 companies to have to deal with EPA.
24 So we're aware of that and
25 we're adding a person on -- right

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1 now we're interviewing a person to
2 help do this work. We've already
3 had that person in our FTE list; we
4 just held it open for a while until
5 we decided we were really going to
6 do this -- this program. So we
7 think we can handle it without that
8 much more difficulty than we're
9 already doing.

10 MR. WENDLING: All right.
11 Thank you, Eddie. Any other
12 questions of the Board? All right.
13 Questions or comments from the
14 public?

15 MR. MEANS: I'm not sure
16 the proper protocol.

17 MR. WENDLING: Could you
18 please come up to the microphone and
19 let us know who you are and --

20 MR. MEANS: And I apologize
21 for being probably totally -- totally
22 unprepared for this. I heard about
23 it yesterday. But my name is Mike
24 Means and I am the Executive Director
25 of the Oklahoma State Homebuilders

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1 we've actually sent the individuals
2 out to get trained by EPA, follow
3 the proper protocol, and then offer
4 that training for our members. Is
5 that still allowed under this
6 rulemaking process, is really what I
7 needed to clarify?

8 MR. BRANECKY: All right.
9 Let's let staff address that please.

10 MR. WARD: Randy Ward. I'm
11 the Lead-Based Paint Manager in Air
12 Quality and I did talk to the City
13 of Tulsa yesterday. And there was a
14 little misunderstanding that came up
15 from one of the training classes.
16 But the way we're going to do this
17 is the first -- essentially five
18 years all the training providers that
19 EPA has certified will just transfer
20 over and we will grandfather them in.
21 And the way our accreditation process
22 works for training providers they --
23 there are certain requirements. It's
24 a little bit different from EPA's,
25 but not substantially. We do have a

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1 Association. And really my main
2 question is the education process on
3 the certification -- the people that
4 will actually be doing the certified
5 training. Who will be allowed to do
6 that? Through EPA we've been getting
7 -- some of our members have been
8 trained and certified to be able to
9 do the training for the men that
10 will be doing the renovations. And
11 I had gotten word yesterday, it was
12 the City of Tulsa called over to the
13 Tulsa Homebuilders office and they
14 called down here to the state, so
15 I'm coming over here just to get the
16 information. Make sure that our
17 understanding is correct or
18 incorrect, is that it was only going
19 to go through certain providers. And
20 we wanted to make sure. We had
21 heard that it was just the technology
22 centers and/or state institutions and
23 we wanted to know about the training
24 that we've been providing for our
25 members, as a member benefit, because

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1 line in there that says education
2 facilities and government agencies --
3 something like that. I don't know.
4 And the City of Tulsa was concerned
5 that they wouldn't be able to
6 continue training; and they certainly
7 will be able to. I think most
8 people will be able to and if they
9 can match our requirements -- one of
10 the main requirements we had is that
11 you have a continuing program that no
12 -- just come in and do one class.
13 But for the most part I don't
14 anticipate that most people will have
15 meetings -- will have trouble meeting
16 those requirements.

17 MR. WENDLING: Thank you for
18 that. Mr. Means, does that address
19 your question?

20 MR. MEANS: Yes. Well,
21 especially the five-year grandfather,
22 if I understand it, is that once
23 it's approved that's going to be five
24 years kicks in?

25 MR. WARD: Well it's five

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1 years from -- they're accredited for
 2 five years now through EPA --
 3 MR. MEANS: Okay.
 4 MR. WARD: -- so as they
 5 expire they will then have to apply
 6 through us. So --
 7 MR. WENDLING: All right.
 8 Thank you, Randy.
 9 MR. MEANS: Thank you.
 10 MR. WENDLING: Any other
 11 questions or comments from the
 12 public? All right. Seeing none,
 13 can I have a motion please.
 14 MR. GRIESEL: So moved.
 15 MS. CANTRELL: Second.
 16 MR. WENDLING: All right.
 17 Approval of the change. Let's take
 18 a roll call.
 19 MS. BRUCE: Ms. Cantrell.
 20 MS. CANTRELL: Yes.
 21 MS. BRUCE: Mr. Cassidy.
 22 MR. CASSIDY: Yes.
 23 MS. BRUCE: Mr. Drake.
 24 MR. DRAKE: Yes.
 25 MS. BRUCE: Dr. Galvin.

1 with "used tires".
 2 The purpose of the proposed new
 3 and amended language to 252:515
 4 arises from Senate Bill 441 and House
 5 Bill 1939. Statutory changes for
 6 Senate Bill 441 became effective July
 7 1, 2010; statutory changes for House
 8 Bill 1939 became effective July 1,
 9 2011. Changes to Subchapter 21
 10 include changing "waste tire" to
 11 "used tire". Increasing the
 12 percentage requirement for the
 13 cleanup of tire dumps; identifying
 14 how the department will allocate
 15 funds for tire dump remediation and
 16 making minor changes to the
 17 requirements for mobile operations.
 18 In addition, the proposed amendments
 19 affords eligibility to tires used on
 20 implements of husbandry and
 21 agricultural equipment that are not
 22 more than 14 inches wide and 44
 23 inches in diameter. The Department
 24 is also proposing to change all
 25 references to "waste tires" to "used

1 DR. GALVIN: Yes.
 2 MS. BRUCE: Mr. Griesel.
 3 MR. GRIESEL: Yes.
 4 MS. BRUCE: Ms. Kunze.
 5 MS. KUNZE: Yes.
 6 MS. BRUCE: Ms. Savage.
 7 MS. SAVAGE: Yes.
 8 MS. BRUCE: Mr. Wendling.
 9 MR. WENDLING: Yes.
 10 MS. BRUCE: Thank you.
 11 Motion passed.
 12 MR. WENDLING: All right.
 13 Thank you. Next on the Agenda is
 14 OAC 252:515 Solid Waste Management.
 15 And that will be presented by Jeff
 16 Shepherd.
 17 MR. SHEPHERD: Good morning.
 18 MR. WENDLING: Good morning.
 19 MR. SHEPHERD: The Used Tire
 20 Recycling Program has recommended
 21 changes to OAC 252:515 in order to
 22 ratify statutes that became effective
 23 in 2010 and 2011. In addition,
 24 reference to "waste tires" through
 25 out Chapter 515 have been replaced

1 tires" throughout all of Chapter 515.
 2 Do we want to try to, I guess,
 3 approve the tire changes or do the
 4 solid waste at the same time? I
 5 guess they're all the same regs,
 6 aren't they? They are.
 7 MR. WENDLING: Yeah.
 8 MR. SHEPHERD: Okay.
 9 MR. WENDLING: Yeah. Since
 10 we broke it up with air --
 11 MR. SHEPHERD: Okay.
 12 MR. WENDLING: -- let's
 13 break this one up --
 14 MR. SHEPHERD: Okay.
 15 MR. WENDLING: -- also.
 16 MR. SHEPHERD: Okay. All
 17 right. Well, that's it for the
 18 tires.
 19 MR. WENDLING: All right.
 20 Comments or questions from the Board?
 21 Comments or questions from the
 22 public? All right. With that,
 23 let's have a motion please.
 24 MS. CANTRELL: Move
 25 approval.

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1 MR. GRIESEL: I'll second.
 2 MR. WENDLING: All right.
 3 Roll call, please.
 4 MS. BRUCE: Ms. Cantrell.
 5 MS. CANTRELL: Yes.
 6 MS. BRUCE: Mr. Cassidy.
 7 MR. CASSIDY: Yes.
 8 MS. BRUCE: Mr. Drake.
 9 MR. DRAKE: Yes.
 10 MS. BRUCE: Dr. Galvin.
 11 DR. GALVIN: Yes.
 12 MS. BRUCE: Mr. Griesel.
 13 MR. GRIESEL: Yes.
 14 MS. BRUCE: Ms. Kunze.
 15 MS. KUNZE: Yes.
 16 MS. BRUCE: Ms. Savage.
 17 MS. SAVAGE: Yes.
 18 MS. BRUCE: Mr. Wendling.
 19 MR. WENDLING: Yes.
 20 MS. BRUCE: Motion passed.
 21 Thank you.
 22 MR. WENDLING: All right.
 23 Let's move on to the next one.
 24 MR. SHEPHERD: Okay. The
 25 regulated community must update

1 H and I by removing the dollar
 2 values for unit cost currently
 3 included in the spread -- in the
 4 worksheets. The Department will
 5 publish updated worksheets annually
 6 that include unit costs adjusted for
 7 inflation in accordance with
 8 252:515-27-34 and a broader review
 9 and update of Appendices H and I
 10 worksheets will occur every five
 11 years in accordance with
 12 252:515-27-4.
 13 MR. WENDLING: Is that it?
 14 All right. Questions or comments
 15 from the Board?
 16 MR. GRIESEL: Has the
 17 Council finished going over those
 18 closures and post-closure costs?
 19 MR. SHEPHERD: I think we
 20 are. Aren't we? Yeah. I think we
 21 are.
 22 MR. GRIESEL: How are the
 23 new costs going to be determined?
 24 MR. SHEPHERD: The unit
 25 costs?

1 closure and post-closure cost
 2 estimates for inflation annually. It
 3 is difficult for rules to be revised
 4 quickly enough to keep pace with
 5 inflation. Currently the regulated
 6 community is referred to spreadsheets
 7 published by DEQ on the DEQ website
 8 that have been updated to use current
 9 dollar value. By removing unit costs
 10 from the rules we eliminate the
 11 presentation of stale unit costs in
 12 the rule. This eliminates confusion
 13 and helps to ensure facilities
 14 develop closure/post-closure costs
 15 estimating using current dollar
 16 values.
 17 Some additional changes
 18 proposed to Appendices H and I of
 19 Chapter 515, which contains the
 20 worksheets used by the solid waste
 21 disposal facilities, to calculate
 22 closure and post-closure cost
 23 estimates for financial assurance
 24 purposed. The Department is
 25 proposing to amend 252:515 Appendices

1 MR. GRIESEL: Yes.
 2 MR. SHEPHERD: I think the
 3 unit costs are going to be the same,
 4 it's just the updates are not going
 5 to be added in. Is that correct,
 6 Fenton?
 7 MR. ROOD: No change for
 8 current procedure.
 9 MR. GRIESEL: The Department
 10 will adjust them for inflation based
 11 on the CPIs? Okay.
 12 MR. ROOD: Which is what we
 13 do now anyway.
 14 MR. SHEPHERD: Yeah.
 15 MR. GRIESEL: You're just
 16 going to take these out and modify
 17 those on an annual basis from now
 18 on?
 19 MR. SHEPHERD: Yes.
 20 MR. WENDLING: Any other
 21 questions from the Board?
 22 MR. GRIESEL: I'll make a
 23 motion --
 24 MR. WENDLING: Let me check
 25 with the public.

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1 MR. GRIESEL: Okay.
 2 MR. WENDLING: Any questions
 3 or comments from the public. All
 4 right. Seeing none.
 5 MR. GRIESEL: I'll make a
 6 motion to approve.
 7 MS. KUNZE: I second.
 8 All right. Roll call, please.
 9 MS. BRUCE: Ms. Cantrell.
 10 MS. CANTRELL: Yes.
 11 MS. BRUCE: Mr. Cassidy.
 12 MR. CASSIDY: Yes.
 13 MS. BRUCE: Mr. Drake.
 14 MR. DRAKE: Yes.
 15 MS. BRUCE: Dr. Galvin.
 16 DR. GALVIN: Yes.
 17 MS. BRUCE: Mr. Griesel.
 18 MR. GRIESEL: Yes.
 19 MS. BRUCE: Ms. Kunze.
 20 MS. KUNZE: Yes.
 21 MS. BRUCE: Ms. Savage.
 22 MS. SAVAGE: Yes.
 23 MS. BRUCE: Mr. Wendling.
 24 MR. WENDLING: Yes.
 25 MS. BRUCE: Motion passed.

1 meeting. I was fortunate enough to
 2 be elected Chair for the next year.
 3 But it's with that recognition of
 4 Lowell's terrific service since the
 5 beginning of the Water Quality
 6 Monitoring Council and his absolutely
 7 phenomenal leadership over all those
 8 years and all the time that I've
 9 served it causes apprehension due to
 10 the size of the shoes I have to
 11 fill. So having said that, let me
 12 begin muddling on here today and try
 13 to do what --
 14 MR. THOMPSON: Mike?
 15 MR. PAQUE: Yes, sir.
 16 MR. THOMPSON: Could I just
 17 make one comment?
 18 MR. PAQUE: Sure. Sure.
 19 MR. THOMPSON: Mike, I
 20 think, on behalf of the Council has
 21 asked the Department to pursue the
 22 designation of Lowell Hobbs as a
 23 Water Pioneer with the Oklahoma Water
 24 Resources Board and it is our full
 25 intent to move forward with that

1 MR. SHEPHERD: Okay. Thank
 2 you.
 3 MR. WENDLING: All right.
 4 The next rule before the Board is
 5 OAC 252:641 Individual and Public
 6 Onsite Sewage Treatment Systems and
 7 that will be presented by Michael
 8 Paque.
 9 MR. PAQUE: Thank you, Mr.
 10 Chairman. My name is Mike Paque,
 11 I'm here on behalf of the Water
 12 Quality Management Advisory Council.
 13 I want to just begin very briefly by
 14 telling you that it's with some
 15 apprehension that I appear before you
 16 today and that's not because of any
 17 fear of recordings or microphones
 18 unless you ask me to sing my
 19 comments, and then there's a lot of
 20 fear involved. But it's really
 21 related to the shoes I fill here
 22 today. And as most of you know our
 23 long time member -- originating
 24 member, Lowell Hobbs, resigned from
 25 the Water Quality Council at the last

1 recommendation with the Water Board.
 2 He's been a great leader in this
 3 area for a very long time and we're
 4 going to pursue that recommendation.
 5 I just wanted to mention that.
 6 MR. PAQUE: Thank you.
 7 Thank you, Steve. That did come up
 8 at our meeting and we did, on the
 9 record, make the comment that the
 10 Council wholeheartedly supports his
 11 name being taken forward as Water
 12 Pioneer of the Year and I think we
 13 passed a resolution that's in the
 14 record and are going to present him
 15 with a plaque and a formal
 16 acknowledgment of our appreciation.
 17 So with that, I want to begin
 18 by referring to Item Number 8 on
 19 your Agenda OAC 252:641. I'm going
 20 to go through a number of items
 21 here. I think it takes us up to
 22 Number 12 or 13 and I'm simply going
 23 to refer to them as chapters and
 24 they all have a common component.
 25 But I'd like to begin with just a

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1 very brief background. If you read
 2 the paper last summer you couldn't
 3 help but reading about the reports of
 4 a blue-green algae blooms around the
 5 state. It was well reported in the
 6 newspapers and on television. The
 7 Corp of Engineers, as many of you
 8 know, issued warnings, closed beaches
 9 throughout the summer, water parks in
 10 the summer. These algae blooms are
 11 naturally occurring and they always
 12 occur through naturally occurring
 13 bands of nitrogen levels but they had
 14 been exacerbated, not only in
 15 Oklahoma, but in other states as a
 16 result of residential septic systems
 17 and other factors. So as a result
 18 of that the DEQ was asked to look
 19 into developing regulations to limit
 20 the amount of nutrients entering the
 21 water bodies. ECLS staff responded
 22 to this by doing the work necessary
 23 to put this in front of you here
 24 today, looking at septic systems.
 25 And all of you know, I'm sure, that

1 The first talks about
 2 recreational lakes and the second
 3 deals with lakes and streams that are
 4 impaired. So as a result -- and I
 5 might add that what I wanted to tell
 6 you it does not include farm ponds
 7 and does not include flood control
 8 lakes. And the resulting list, I
 9 don't have it before me today, and
 10 the staff has provided us. It's
 11 plus or minus 60 lakes that were
 12 identified in Oklahoma.
 13 The result is two zones having
 14 been created. The first zone is
 15 within 660 feet of a water body and
 16 Zone 2 is within 1320 feet. So we
 17 wanted to require the installation of
 18 the National Sanitation Foundation
 19 245 Treatment, and others can go into
 20 that if you would like, when
 21 installing a new onsite system or
 22 modifying an existing one; and so,
 23 two, prohibits the installation of
 24 onsite systems designed by
 25 percolation tests, instead of

1 septic system rely principally on
 2 lateral lines to treat wastewater and
 3 unfortunately the nitrates or
 4 nitrogen is mobile in water -- in
 5 groundwater and is easily accessible
 6 by adjacent water bodies if not taken
 7 care of before it gets there -- or
 8 prevented from getting there so
 9 further treatment is required.
 10 I also wanted to say that not
 11 all Oklahoma water bodies are equal.
 12 Some have greater or lesser potential
 13 for blue-green algae blooms. And so
 14 if you -- from that point of view
 15 doesn't -- didn't seem reasonable to
 16 require nitrogen reduction on just
 17 carte blanche on all the Oklahoma
 18 water bodies.
 19 So staff looked at two
 20 documents in particular, although not
 21 necessarily limited to two. One was
 22 the Water Resources Board Lakes of
 23 Oklahoma and the other one was the
 24 DEQ Water Quality in Oklahoma
 25 Integrated Report.

1 requiring a soil profile.
 2 Now ECLS staff met with two of
 3 the larger lake associations in the
 4 state. One was the Grand Lake
 5 Association which did report a number
 6 of blooms in Lake Texhoma. And of
 7 some interest to me being a owner of
 8 a small cabin on Lake Eufaula, was
 9 that -- and certainly I'd be in
 10 support of something like this as a
 11 landowner. But both groups were
 12 concerned about the increase in
 13 installation costs, that would be
 14 expected, but both also felt that the
 15 proposed rule was absolutely
 16 necessary to protect the lakes. And
 17 then additionally, copies were mailed
 18 out to the Oklahoma installers and
 19 soil testers during the comment
 20 period.
 21 So having said that, let me
 22 take us back to Number 641. The
 23 Council recommends the adoption of
 24 the following amendments to Chapter
 25 641. One, establishing a water body

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1 protection -- establishing water body
2 protection areas for siting and
3 designing onsite sewage treatment
4 systems.

5 Two, requiring nitrogen
6 reduction systems to be installed
7 prior to dispersal for any onsite
8 sewage treatment system located
9 within Zone 1 of a water body
10 protection area.

11 Three, prohibiting any system
12 installed within Zone 2 of a water
13 body protection area from being
14 designed using a soil percolation
15 test.

16 Four, requiring purple pipe for
17 any pressurized piping conveying
18 treated wastewater for reuse.

19 And five, making other
20 non-substantive changes to clarify
21 existing language.

22 Mr. Chairman.

23 MR. WENDLING: All right.

24 Thank you. Questions of the Board?

25 Mike, just for my curiosity, what's

1 guess purple pipe -- I guess I'm
2 just not familiar on the availability
3 of that. That's all.

4 MS. CHARD-MCCLARY: Shellie
5 Chard-McClary, I'm the Water Quality
6 Division Director. And the
7 significance of purple pipe is that
8 is the universal acknowledged
9 standard for reclaimed or reused
10 water. And you'll be hearing about
11 some other water reuse rules but that
12 is an industry construction standard.
13 And so we were just clarifying in
14 this rule that that is the
15 appropriate construction standard to
16 conform.

17 MR. WENDLING: All right.
18 Thank you. Pink sounds pretty good
19 though.

20 MR. PAQUE: I -- I knew all
21 that, for the record, but I was
22 worried Shellie wouldn't get up to
23 the microphone so I (inaudible). I
24 plead ignorance, sir.

25 (Inaudible comments)

1 the significance of purple pipe?
2 MR. PAQUE: The purple pipe
3 is used on pressurized reclaimed
4 water lines and it represents minor
5 changes to the chapter; it defines
6 aerobic systems, clarifying the
7 capacity of the tanks by inserting
8 liquid in front of capacity -- I
9 think it's a safety measure to serve
10 as much as anything. We are talking
11 about pressurized water and there is
12 -- there is a public safety factor
13 involved.

14 Does that answer your question
15 and staff will -- staff will know a
16 lot more about it than I do.

17 MR. WENDLING: I wasn't sure
18 if purple pipe was readily available
19 or is there --

20 MR. PAQUE: (Inaudible) step
21 aside. Before I -- before I get in
22 more trouble.

23 MR. WENDLING: I was just
24 curious, you know, why we didn't pick
25 pink pipe, as an example? So I

1 MR. PAQUE: Oh. Okay.
2 MR. HUBER: All right.
3 Robert Huber. And in answer to your
4 question, we had the same concern
5 about purple pipe and before we put
6 that in the regulation we checked
7 around, and there are manufacturers
8 that manufacturer the three-quarters
9 one inch purple pipe. Initially when
10 we talked to them it was about a 15
11 to 20 cent increase cost per 20 foot
12 joint. We did have a supplier in
13 the state pick up a pallet of about
14 5,000 feet from the companies -- it's
15 a sewer line company. And it
16 actually was less than the current
17 pipe that they're using.

18 And we also, incidentally, had
19 another manufacturer just stop in to
20 the office and asked about the purple
21 pipe, and he said that is very
22 readily available. The product is
23 not in states right now because it
24 is not required but he said it's not
25 a problem bringing it in.

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1 MR. WENDLING: All right.
 2 Thank you.
 3 MR. THOMPSON: Other than
 4 that, Mike, you did a great job.
 5 MR. WENDLING: All right.
 6 Questions from the public? All
 7 right. Can I have a motion please
 8 on 641.
 9 DR. GALVIN: I move we
 10 adopt.
 11 MR. WENDLING: Do I have a
 12 second?
 13 MR. GRIESEL: I'll second.
 14 MR. WENDLING: All right.
 15 Roll call, please.
 16 MS. BRUCE: Ms. Cantrell.
 17 MS. CANTRELL: Yes.
 18 MS. BRUCE: Mr. Cassidy.
 19 MR. CASSIDY: Yes.
 20 MS. BRUCE: Mr. Drake.
 21 MR. DRAKE: Yes.
 22 MS. BRUCE: Dr. Galvin.
 23 DR. GALVIN: Yes.
 24 MS. BRUCE: Mr. Griesel.
 25 MR. GRIESEL: Yes.

1 pretreatment by removing the
 2 provisions regarding large volume
 3 off-stream storage basins.
 4 Three, modifying the standards
 5 for residuals management to conform
 6 with residual and wastewater
 7 management standards in other
 8 chapters.
 9 And four, making other minor
 10 clarifications.
 11 Are there any questions?
 12 MR. WENDLING: Questions of
 13 the Board? Questions from the
 14 public? All right. Seeing none,
 15 can I have a motion please.
 16 MR. DRAKE: So moved.
 17 DR. GALVIN: I'll second.
 18 MR. WENDLING: All right.
 19 Thank you. Roll call.
 20 MS. BRUCE: Ms. Cantrell.
 21 MS. CANTRELL: Yes.
 22 MS. BRUCE: Mr. Cassidy.
 23 MR. CASSIDY: Yes.
 24 MS. BRUCE: Mr. Drake.
 25 MR. DRAKE: Yes.

1 MS. BRUCE: Ms. Kunze.
 2 MS. KUNZE: Yes.
 3 MS. BRUCE: Ms. Savage.
 4 MS. SAVAGE: Yes.
 5 MS. BRUCE: Mr. Wendling.
 6 MR. WENDLING: Yes.
 7 MS. BRUCE: Motion passed.
 8 MR. WENDLING: All right.
 9 Thank you, Myrna.
 10 Next on the Agenda is 252:626
 11 Public Water Supply Construction
 12 Standards. And Mike, please
 13 continue.
 14 MR. PAQUE: Okay. Thank
 15 you. On this one there's less
 16 background and I'll try to regroup
 17 here what we're drafting in the
 18 rulemaking. The Council recommends
 19 the adoption of the following
 20 amendments to Chapter 626.
 21 One, adding a new rule
 22 containing standards for anion
 23 exchange for nitrate removal.
 24 Two, modifying the standards
 25 for water treatment plant

1 MS. BRUCE: Dr. Galvin.
 2 DR. GALVIN: Yes.
 3 MS. BRUCE: Mr. Griesel.
 4 MR. GRIESEL: Yes.
 5 MS. BRUCE: Ms. Kunze.
 6 MS. KUNZE: Yes.
 7 MS. BRUCE: Ms. Savage.
 8 MS. SAVAGE: Yes.
 9 MS. BRUCE: Mr. Wendling.
 10 MR. WENDLING: Yes.
 11 MS. BRUCE: Motion passed.
 12 MR. WENDLING: All right.
 13 Thank you. And next on the Agenda
 14 is 252:656 Water Pollution Control
 15 Facility Construction Standards;
 16 again presented by Mike.
 17 MR. PAQUE: Thank you. I
 18 might note that the next Items 10
 19 through, I believe, 14 -- let me
 20 check here. Yes, 10 through 14 are
 21 linked. We're going to be talking
 22 about them individually, obviously,
 23 but introducing water reuse chapters
 24 into the Administrative Code. The
 25 Chapters 656, 627, 619, 621, and 4

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1 all involve (inaudible) water reuse
2 systems. And just simply put, the
3 water reuse systems are systems that
4 can take treated water and then with
5 additional treatment we get into
6 non-potable reclaim water for
7 beneficial use and the rules will
8 create five categories of reclaimed
9 water. Each category has a different
10 level of treatment and permitted uses
11 and when you look at them they go
12 from -- we'll deal with rule Number
13 1 -- through Number 1 -- I'll make a
14 comment in a second on that, but 2
15 to 5 are more restrictive on public
16 use but require less treatment as you
17 move down the list.

18 Category 1, which we will
19 reserve for -- requiring for another
20 future development, would require the
21 most treatment prior to reuse as
22 indirect potable water and/or aquifer
23 recharge, and that will be reserved
24 for future discussion.

25 We had a lot of comment on

1 I have one editorial comment
2 and I won't make any more, Steve.
3 When you serve on a Council or on
4 the Environmental Board, we do a lot
5 of housekeeping as you're well aware
6 of, in -- talk about operations and
7 helping the DEQ do its job and
8 (inaudible) them to do their job and
9 we adapt the federal rules and things
10 I might consider just for today as
11 being current topics. And as we
12 begin the discussion of water reuse
13 in Oklahoma, I'm excited because this
14 is a chance to look forward -- to
15 move forward. It's just a -- with
16 respect to the way I described normal
17 operations it's kind of just
18 housekeeping. And I'm really
19 encouraged by what you're going to
20 consider here today. We certainly,
21 as a Council, supported all of these
22 changes and I would look forward in
23 the future -- any future involvement
24 I have on the Council or not, just
25 as a citizen, to the Council and the

1 these and I think that I was really
2 gratified by the amount of discussion
3 that occurred. We met with the two
4 groups, essentially, the Oklahoma
5 Municipal League and the staff. I
6 attended all of these meetings as the
7 designated person on this particular
8 item issue. And it was through the
9 help of the Oklahoma Municipal League
10 that categories were developed.

11 The second group included local
12 and national engineering firms. We
13 had people flying in from out of
14 state to attend these meetings;
15 people on conference calls and it was
16 people that had done work from
17 Florida to California, Oklahoma, and
18 Texas. A real robust group of
19 experts really -- and really some
20 international experts on the topic
21 and it was with their help that the
22 staff and subsequently the Council
23 developed the treatment and
24 monitoring requirements for each
25 category.

1 Board in coming years, with the
2 staff's direction looking at emerging
3 technologies and public health --
4 meeting public health standards using
5 those emerging technologies and
6 moving on to greater -- greater
7 ability by the utilities and
8 municipalities and private water
9 users to recycle water. Because we
10 look at our state water plan on the
11 assumption it ever gets done I think
12 that we can't help but look at water
13 reuse as being a very, very
14 significant part of water budgeting
15 in Oklahoma. You all know that, but
16 I just wanted to tell you that from
17 the Council's point of view, we're
18 excited to begin this process.

19 So having said that, that's the
20 last editorial comment I will make,
21 sir.

22 Having said that, Item Number
23 10, Chapter 656 Water Pollution
24 Control Facility Construction
25 Standards. Council recommends the

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1 adoption of the following amendments
2 to Chapter 656.

3 Number one, incorporating
4 design, construction, and permitting
5 requirements for Categories 2-5 of
6 Water Reuse Systems.

7 Two, establishing permit
8 application fees for water reuse
9 treatment systems and reclaimed water
10 distribution systems in accordance
11 with the existing fee structure in
12 Sections 3 through 9.

13 Three, removing a duplicate
14 financial responsibility section.

15 And four, clarifying language
16 in existing sections.

17 After the Council meeting, DEQ
18 did receive a few minor comments
19 relating to classification of
20 industrial cooling water and in your
21 packets staff has provided to you,
22 there's a sheet with some yellow
23 highlights on it. Those are --
24 we're asking you to consider these.
25 They occurred in our (inaudible)

1 see that in those yellow highlights
2 again. I'm sorry if I confused you
3 by that. They'll appear in your
4 packet.

5 MR. WENDLING: I was just
6 looking at the packet here and it's
7 just labeled 627.

8 MR. PAQUE: Okay. All
9 right.

10 MR. WENDLING: Yeah.
11 Questions or comments from the Board?
12 All right. Questions or comments
13 from the public? All right. Then I
14 think we'll take these -- of course,
15 I know you mentioned it as kind of a
16 packet but we'll address them
17 individually.

18 MR. PAQUE: Yeah.

19 MR. WENDLING: Do I have a
20 motion from the Board on this?

21 MR. DRAKE: So moved.

22 MR. GRIESEL: Second.

23 MR. WENDLING: All right.

24 I guess the motion is for approval.

25 So let's go ahead and move --

1 after the meeting and I think they
2 are self-evident in the Category 2
3 Section (E), removing cooling towers;
4 and moving it down to Section (H) on
5 Category 3 industrial cooling towers
6 and (inaudible) cooling towers.

7 Mr. Chairman.

8 MR. WENDLING: All right.

9 Is what you're saying on the dealing
10 with Chapter 627?

11 (Inaudible comments)

12 MR. PAQUE: Yeah, 656, Item
13 Number 10.

14 (Inaudible comments)

15 MR. HILDEBRAND: Mark
16 Hildebrand with the Water Quality
17 Division. We've got a similar change
18 in 656 and 657 -- and 627. Excuse
19 me.

20 MR. WENDLING: Okay.

21 MR. HILDEBRAND: So we noted
22 that in both chapters.

23 MR. WENDLING: Okay. All

24 right.

25 MR. PAQUE: You're going to

1 MR. GRIESEL: We have a
2 question for you.

3 MS. CHARD-MCCLARY: I'm
4 sorry. Can we make sure that the
5 motion is to include the amendments
6 as presented?

7 MR. WENDLING: Okay. Yeah.

8 DR. GALVIN: And which one.
9 Are we doing both 656 and 627 at the
10 same time?

11 MR. DRAKE: No. It's 56
12 only.

13 DR. GALVIN: Okay. To
14 include the amendment. To include
15 the amendment.

16 MR. WENDLING: All right.

17 All right. So what we're voting on
18 is the approval of 656 including the
19 amendment changed to include
20 (inaudible). Is that correct?

21 MR. PAQUE: Correct. That is
22 right.

23 MR. WENDLING: Okay. I
24 guess we still have --

25 MR. DRAKE: My motion.

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1 MR. WENDLING: -- the
 2 motions. All right.
 3 MR. GRIESEL: Second.
 4 MR. WENDLING: Second. Roll
 5 call.
 6 MS. BRUCE: Ms. Cantrell.
 7 MS. CANTRELL: Abstain.
 8 MS. BRUCE: Mr. Cassidy.
 9 MR. CASSIDY: Yes.
 10 MS. BRUCE: Mr. Drake.
 11 MR. DRAKE: Yes.
 12 MS. BRUCE: Dr. Galvin.
 13 DR. GALVIN: Yes.
 14 MS. BRUCE: Mr. Griesel.
 15 MR. GRIESEL: Yes.
 16 MS. BRUCE: Ms. Kunze.
 17 MS. KUNZE: Yes.
 18 MS. BRUCE: Ms. Savage.
 19 MS. SAVAGE: Yes.
 20 MS. BRUCE: Mr. Wendling.
 21 MR. WENDLING: Yes.
 22 MS. BRUCE: Motion passed.
 23 MR. WENDLING: All right.
 24 Next is 252:627 Operation and
 25 Maintenance of Water Reuse.

1 MR. PAQUE: Thank you, Mr.
 2 Chairman. The Council recommends
 3 adoption of new Chapter 627, which
 4 contains standards for the operation
 5 and maintenance of water reuse
 6 systems.
 7 These standards for the land
 8 application of wastewater from lagoon
 9 treatment systems were formerly in
 10 Chapter 619 and 621; those provisions
 11 have been incorporated into these new
 12 rules under Categories 4 and 5,
 13 Reclaimed Water. The new rules
 14 define the terms and establish
 15 permitting, treatment, monitoring,
 16 and recordkeeping requirements for
 17 reclaimed water suppliers and users.
 18 The DEQ also proposes to charge
 19 annual fees to the suppliers of
 20 reclaimed water. The fees will cover
 21 cost to inspect, track compliance,
 22 provide technical assistance for the
 23 enforcement of the new standards.
 24 The rules will allow suppliers
 25 to become approved by DEQ to inspect

1 the user's facilities, which will
 2 allow the suppliers to reduce the
 3 portion of the fee charged for DEQ
 4 to provide those inspections.
 5 One comment was received
 6 related to 627 and that comment was
 7 incorporated into the rule that is
 8 recommended by the Water Quality
 9 Council.
 10 As I said previously, after the
 11 Council meeting the same (inaudible)
 12 of comments were received and it's
 13 recommended that the amendments,
 14 again, in the yellow highlighted
 15 items, be added to your motion and
 16 included. They are under
 17 applicability (C) simply clarifying
 18 reference to 252:626 under Subsection
 19 (E) moving "cooling towers" once
 20 again, down to Section (H) as
 21 indicated.
 22 MR. WENDLING: Thank you.
 23 Any questions from the Board? All
 24 right. Questions from the public?
 25 MR. GROUND: I'm Bud Ground

1 with Public Service Company of
 2 Oklahoma. And it's really more of a
 3 statement than a question. And
 4 through these rules with the
 5 highlighted sections, you will see
 6 they were changed -- they were picked
 7 up really at the Council meeting
 8 where they voted on these. And
 9 Public Service Company -- we've been
 10 reusing sewage effluent for 30 years
 11 and would like to continue, and I
 12 know OG&E does as well. And we
 13 found through discussion in that
 14 Water Quality Council meeting that it
 15 was an unintended consequence that it
 16 would apply to industrial facilities
 17 and that's why you're seeing what you
 18 are. And we really appreciate the
 19 Water Quality Division working with
 20 us to fix that. We think it's a
 21 very workable solution and we really
 22 appreciate it. And it was an
 23 unintended consequence and we do
 24 appreciate and support these rules.
 25 MR. WENDLING: All right.

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1 Thank you, Bud. The motion is to --
 2 do we have a motion to accept these
 3 requirements including the amendments
 4 that they are proposing?
 5 MS. KUNZE: So moved.
 6 MR. GRIESEL: Second.
 7 MR. WENDLING: All right.
 8 Thank you. Roll call, please.
 9 MS. BRUCE: Ms. Cantrell.
 10 MS. CANTRELL: Abstain.
 11 MS. BRUCE: Mr. Cassidy.
 12 MR. CASSIDY: Yes.
 13 MS. BRUCE: Mr. Drake.
 14 MR. DRAKE: Yes.
 15 MS. BRUCE: Dr. Galvin.
 16 DR. GALVIN: Yes.
 17 MS. BRUCE: Mr. Griesel.
 18 MR. GRIESEL: Yes.
 19 MS. BRUCE: Ms. Kunze.
 20 MS. KUNZE: Yes.
 21 MS. BRUCE: Ms. Savage.
 22 MS. SAVAGE: Yes.
 23 MS. BRUCE: Mr. Wendling.
 24 MR. WENDLING: Yes.
 25 MS. BRUCE: Motion passed.

1 Three, requiring the addition
 2 of a name and contact number to the
 3 existing lagoon signage, which must
 4 be posted near or on the fence at
 5 each side of the lagoon.
 6 And four, making other
 7 non-substantive changes for
 8 clarification.
 9 That's it, Mr. Chairman.
 10 MR. WENDLING: Comments?
 11 Questions from the Board? Comments
 12 or questions from the public? All
 13 right. Do I have a motion from the
 14 Board?
 15 MR. GRIESEL: So moved.
 16 MS. KUNZE: Second.
 17 MR. WENDLING: All right.
 18 Thank you. Roll call.
 19 MS. BRUCE: Ms. Cantrell.
 20 MS. CANTRELL: Abstain.
 21 MS. BRUCE: Mr. Cassidy.
 22 MR. CASSIDY: Yes.
 23 MS. BRUCE: Mr. Drake.
 24 MR. DRAKE: Yes.
 25 MS. BRUCE: Dr. Galvin.

1 MR. WENDLING: All right.
 2 Next item on the Agenda is 252:619
 3 Operation and Maintenance of
 4 Non-Industrial Total Retention Lagoon
 5 Systems and Land Application.
 6 Michael Paque presenting again.
 7 MR. PAQUE: Thank you, Mr.
 8 Chairman. Chapter 619, like the
 9 Chairman just said, the Operation and
 10 Maintenance of Non-Industrial Total
 11 Retention Lagoon Systems and Land
 12 Application.
 13 The Council recommends the
 14 adoption of the following amendments
 15 to Chapter 619.
 16 Number one, removing language
 17 from the title and text concerning
 18 the operation, maintenance, and
 19 closure of land application sites
 20 related to total retention lagoon
 21 facilities.
 22 Two, moving rules pertaining to
 23 the operation and maintenance of land
 24 application sites to the new Chapter
 25 627.

1 DR. GALVIN: Yes.
 2 MS. BRUCE: Mr. Griesel.
 3 MR. GRIESEL: Yes.
 4 MS. BRUCE: Ms. Kunze.
 5 MS. KUNZE: Yes.
 6 MS. BRUCE: Ms. Savage.
 7 MS. SAVAGE: Yes.
 8 MS. BRUCE: Mr. Wendling.
 9 MR. WENDLING: Yes.
 10 MS. BRUCE: Thank you.
 11 Motion passed.
 12 MR. WENDLING: All right.
 13 Next is OAC 252:621 Non-industrial
 14 Discharging and Public Water Supply
 15 Lagoons Including Land Application.
 16 Michael.
 17 MR. PAQUE: Thank you, Mr.
 18 Chairman. The Council recommends the
 19 adoption of the following amendments
 20 to Chapter 621.
 21 Number one, removing language
 22 from the title and the text
 23 concerning the operation, maintenance
 24 and closure of land application sites
 25 related to non-industrial discharging

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1 and public water supply lagoon
 2 facilities.
 3 Number two, moving the rules
 4 pertaining to the operation and
 5 maintenance of land application sites
 6 associated with these types of
 7 facilities to the new Chapter 627 and
 8 revoking redundant language
 9 concerning financial assurances.
 10 We ask for your consideration.
 11 MR. WENDLING: Okay. All
 12 right. Thank you. Questions from
 13 the Board? All right. Questions
 14 from the public? All right, seeing
 15 none, back to the Board. Do I have
 16 a motion?
 17 MR. DRAKE: Move approval.
 18 MR. WENDLING: All right.
 19 Do I have a second?
 20 DR. GALVIN: Second.
 21 MR. WENDLING: All right.
 22 Thank you. Roll call, please.
 23 MS. BRUCE: Ms. Cantrell.
 24 MS. CANTRELL: Yes.
 25 MS. BRUCE: Mr. Cassidy.

1 MR. CASSIDY: Yes.
 2 MS. BRUCE: Mr. Drake.
 3 MR. DRAKE: Yes.
 4 MS. BRUCE: Dr. Galvin.
 5 DR. GALVIN: Yes.
 6 MS. BRUCE: Mr. Griesel.
 7 MR. GRIESEL: Yes.
 8 MS. BRUCE: Ms. Kunze.
 9 MS. KUNZE: Yes.
 10 MS. BRUCE: Ms. Savage.
 11 MS. SAVAGE: Yes.
 12 MS. BRUCE: Mr. Wendling.
 13 MR. WENDLING: Yes.
 14 MS. BRUCE: Thank you.
 15 Motion passed.
 16 MR. WENDLING: Next Agenda
 17 item OAC 252:4 Rules of Practice and
 18 Procedure. And Mike is presenting.
 19 MR. PAQUE: Thank you.
 20 This is in regard to Chapter 4,
 21 Rules of Practice and Procedure.
 22 Council recommends the adoption of
 23 the following amendments to Chapter
 24 4.
 25 First, number one, including

1 new water reuse systems in the
 2 environmental permitting process.
 3 Two, classifying applications
 4 for permits to construct new water
 5 reuse treatment systems and new water
 6 reuse distribution systems as Tier 2
 7 applications.
 8 And number three, classifying
 9 applications for modifications to
 10 existing water reuse systems as Tier
 11 1 applications.
 12 Again, as on our two previous
 13 occasions, after the Council meeting
 14 DEQ received some minor comments
 15 relating to the applicability of the
 16 proposed changes to industrial
 17 wastewater systems and based on those
 18 comments, staff had recommended and
 19 we agreed to the changes, and they
 20 appear in yellow highlighted page one
 21 more time. It is in your packet.
 22 Under Tier 1, Section (3) the change
 23 is indicated and then under Tier 2,
 24 Subparagraph (3) the change is
 25 indicated in OAC 252:656.

1 Item Number 7 added industrial
 2 wastewater. (Inaudible due to cell
 3 phone interruption).
 4 Mr. Chairman.
 5 MR. WENDLING: Thank you.
 6 Questions or comments from the Board?
 7 DR. GALVIN: Mr. Paque, I
 8 just want to be clear on this
 9 amendment. You added back in
 10 industrial wastewater and reclaimed
 11 water, is that the intent?
 12 MR. PAQUE: Let ask Mark
 13 (inaudible) Okay. Carl. Help my
 14 memory here. Okay.
 15 MR. PARROTT: Carl Parrott,
 16 Water Quality Division. When we
 17 looked at that we had a comment
 18 concerning wastewater. And we
 19 realized that by marking out
 20 wastewater we marked out municipal
 21 wastewater as well as industrial
 22 wastewater.
 23 DR. GALVIN: Okay.
 24 MR. PARROTT: And we wanted
 25 to allow for land application of

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1 industrial wastewater so we had to
 2 put industrial wastewater back in.
 3 Okay.
 4 DR. GALVIN: Thank you.
 5 Thank you. That answers my question.
 6 MR. PAQUE: Thanks, Carl.
 7 MR. WENDLING: Are there any
 8 other questions from the Board? All
 9 right. Questions from the public?
 10 All right. Can I have a motion to
 11 look -- we are addressing 252:4
 12 including the amendments that have
 13 been brought to us this afternoon.
 14 MS. KUNZE: I move approval.
 15 MR. WENDLING: All right.
 16 Do I have a second?
 17 DR. GALVIN: Second.
 18 MR. WENDLING: All right.
 19 Roll call, please.
 20 MS. BRUCE: Ms. Cantrell.
 21 MS. CANTRELL: Yes.
 22 MS. BRUCE: Mr. Cassidy.
 23 MR. CASSIDY: Yes.
 24 MS. BRUCE: Mr. Drake.
 25 MR. DRAKE: Yes.

1 members, the Water Quality Management
 2 Advisory Council -- we had a member
 3 as was our custom was assigned to
 4 that workgroup, Duane Winegardner,
 5 and attended those meetings. And
 6 then I believe that Mr. Johnston was
 7 also present at some of those --
 8 some or all of those meetings.
 9 The final decision of the group
 10 was the basic fees on two components,
 11 inspection service costs and
 12 regulatory costs. The inspection
 13 service cost was based on the
 14 complexity of the system and the
 15 number of inspections required. The
 16 regulatory cost included tracking,
 17 reporting, enforcement, and technical
 18 assistance. A portion of the fee is
 19 based on the number of sampling
 20 events that the agency needs to track
 21 for each system.
 22 Language is being proposed to
 23 allow DEQ to offset a portion of the
 24 annual fee when state appropriations
 25 or if state appropriations and

1 MS. BRUCE: Dr. Galvin.
 2 DR. GALVIN: Yes.
 3 MS. BRUCE: Mr. Griesel.
 4 MR. GRIESEL: Yes.
 5 MS. BRUCE: Ms. Kunze.
 6 MS. KUNZE: Yes.
 7 MS. BRUCE: Ms. Savage.
 8 MS. SAVAGE: Yes.
 9 MS. BRUCE: Mr. Wendling.
 10 MR. WENDLING: Yes.
 11 MS. BRUCE: Motion passed.
 12 Thank you.
 13 MR. WENDLING: All right.
 14 Next item, OAC 252:631 Public Water
 15 Supply Operation. Michael Paque.
 16 MR. PAQUE: Thank you, Mr.
 17 Chairman. A brief background. Last
 18 year, the DEQ formed a workgroup to
 19 create an equitable annual fee
 20 schedule for public water supply
 21 systems and the workgroup had a
 22 number of members -- DEQ staff,
 23 public water supply stakeholders, the
 24 Oklahoma Municipal League members,
 25 the Oklahoma Rural Water Association

1 federal grants exceed the anticipated
 2 levels for the PWS program.
 3 Having said that, the Council
 4 recommends the adoption of the
 5 following amendments to Chapter 631.
 6 Number one, modify the annual
 7 fee schedule for public water supply
 8 systems.
 9 Number two, updating its rules
 10 requiring the date of the
 11 incorporation by reference of certain
 12 federal regulations from July 1st,
 13 2010 to July 1st, 2011.
 14 Three, requiring a minimum
 15 level of disinfection for systems
 16 with mandatory disinfection.
 17 Four, establishing an alternate
 18 minimum fee chlorine residual at the
 19 point of entry to the distribution
 20 system for public water supplies that
 21 maintain a minimum required
 22 long-inactivation of pathogens.
 23 Number five, Clarifying that
 24 purchase water systems must meet
 25 minimum disinfection standards.

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1 Six, clarifying which systems
2 are required to submit the monthly
3 operational report to DEQ.

4 Seven, replacing "standard
5 plate count" as one of the required
6 analysis with "heterotrophic
7 bacteria" when chloramines are used
8 or proposed to be used as the method
9 of disinfection in a distribution
10 system.

11 Are there any questions?

12 MR. WENDLING: Do we have
13 questions or comments from the Board?

14 MR. PAQUE: We'd ask for
15 your consideration.

16 MR. WENDLING: All right.
17 Any questions or comments from the
18 public?

19 MR. PAQUE: Okay. Sorry.

20 MR. WENDLING: Mike, were
21 you going to say something?

22 MR. PAQUE: No. No. I'm
23 -- I don't need to say anything. I
24 interrupted you. My apology.

25 MR. WENDLING: That's fine.

1 MR. WENDLING: Yes.
2 MS. BRUCE: Motion passed.
3 MR. WENDLING: All right.

4 Thank you. I think we have the --
5 the Michael Paque show is over.

6 MR. PAQUE: It's over. My
7 first trial by fire. I appreciate
8 it. I will see you next meeting.

9 MR. WENDLING: All right.
10 What we're going to do in the next
11 few minutes is we're going to take a
12 short recess. At this time I'm
13 going to turn this over to Steve.

14 MR. THOMPSON: Yeah. I
15 would appreciate it if the Board
16 would grant a short break. One for
17 -- because the Executive Director
18 needs one; and two apparently Dr.
19 Galvin's nit-picky question has
20 raised a more substantial issue in
21 Subchapter 31 and I think the staff
22 is scrambling to find an answer for
23 that. So we may need to go back and
24 readdress Subchapter 31. So if we
25 could take a five minute break --

1 All right. Seeing no comments, do I
2 have a motion from the Board on this
3 request?

4 MS. KUNZE: I move we
5 approve.

6 MR. WENDLING: All right.
7 Do I have a second?

8 MS. SAVAGE: Second.

9 MR. WENDLING: All right.
10 Thank you. Roll call.

11 MS. BRUCE: Ms. Cantrell.

12 MS. CANTRELL: Yes.

13 MS. BRUCE: Mr. Cassidy.

14 MR. CASSIDY: Yes.

15 MS. BRUCE: Mr. Drake.

16 MR. DRAKE: Yes.

17 MS. BRUCE: Dr. Galvin.

18 DR. GALVIN: Yes.

19 MS. BRUCE: Mr. Griesel.

20 MR. GRIESEL: Yes.

21 MS. BRUCE: Ms. Kunze.

22 MS. KUNZE: Yes.

23 MS. BRUCE: Ms. Savage.

24 MS. SAVAGE: Yes.

25 MS. BRUCE: Mr. Wendling.

1 are you ready to go, Eddie
2 (inaudible).

3 MR. TERRILL: Yes.

4 MR. THOMPSON: Okay.
5 (Break)

6 MR. WENDLING: All right.
7 I want to thank everyone for allowing

8 us the short break. We did find an
9 error when we reviewed 252:100
10 Subchapter 31 and because of that
11 what we would like to do is propose
12 that we need a Board vote to reopen
13 and revisit Subchapter 31 to discuss
14 the finding. Can I have a motion,
15 please.

16 MR. GRIESEL: So moved.

17 MS. KUNZE: Second.

18 MR. WENDLING: All right.
19 Thank you. Roll call.

20 MS. BRUCE: Ms. Cantrell.

21 MS. CANTRELL: I have a
22 clarification question. What
23 Subchapter is it?

24 MR. WENDLING: 100-31.

25 MR. TERRILL: Subchapter 31.

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1 MS. CANTRELL: 131?
 2 MR. WENDLING: Subchapter
 3 31.
 4 MS. CANTRELL: 31.
 5 MR. TERRILL: 31.
 6 MR. WENDLING: Correct.
 7 MS. BRUCE: Mr. Cassidy.
 8 MR. CASSIDY: Yes.
 9 MS. BRUCE: Mr. Drake.
 10 MR. DRAKE: Yes.
 11 MS. BRUCE: Dr. Galvin.
 12 DR. GALVIN: Yes.
 13 MS. BRUCE: Mr. Griesel.
 14 MR. GRIESEL: Yes.
 15 MS. BRUCE: Ms. Kunze.
 16 MS. KUNZE: Yes.
 17 MS. BRUCE: Ms. Savage.
 18 MS. SAVAGE: Yes.
 19 MS. BRUCE: Mr. Wendling.
 20 MR. WENDLING: Yes.
 21 MS. BRUCE: Motion passed.
 22 MR. WENDLING: Thank you.
 23 Eddie, can you please explain to the
 24 group what we found?
 25 MR. TERRILL: Yes. And,

1 voted on today is slightly different
 2 and I put on your desk a highlighted
 3 version of the correct definition
 4 that was passed by the Council to
 5 you. So we did correct that. It
 6 did say that this is the definition
 7 of process of petroleum and natural
 8 gas process. It originally said
 9 means the process crude petroleum
 10 and/or natural gas and refined
 11 products.
 12 The version that the Council
 13 passed that should have been in your
 14 Board packet actually said petroleum
 15 and natural gas process equipment
 16 means the process equipment used to
 17 convert crude petroleum and/or
 18 natural gas into refined products.
 19 So we had it correct it just
 20 got picked up wrong in the Board
 21 packet that you got. And we've gone
 22 through line by line and that's the
 23 only difference in what we actually
 24 passed the Council to the Board and
 25 what you voted on today. That's the

1 again, I appreciate Dr. Galvin having
 2 read the rule because when she was
 3 asking the question about whether or
 4 not I knew correct English in the
 5 definition we used in petroleum and
 6 natural gas process equipment, staff
 7 realized that the version that the
 8 Council passed to the Board that was
 9 Noticed and put on the website was
 10 the correct version. The version
 11 that you have is incorrect only to
 12 the language that Dr. Galvin pointed
 13 out. That language had been
 14 corrected, but the version that you
 15 got in your packet -- and we're not
 16 sure why, we think it was a
 17 conversion error, but it was one of
 18 the last things that was changed
 19 before it went to the Council for
 20 approval and then when it went in
 21 the Board packet it didn't get picked
 22 up. So the version that the Council
 23 passed -- the version that was
 24 Noticed and was posted on our website
 25 is correct. The version that you

1 only change. We still have to
 2 correct the rest of that it.
 3 MR. WENDLING: All right.
 4 And I appreciate you bringing this
 5 and catching this now before we moved
 6 forward. We need to have another
 7 vote based on the amended language in
 8 front of us in addition to any other
 9 items we may have addressed in the
 10 previous vote.
 11 Do I have a motion to -- have
 12 a motion to -- all right. Sorry.
 13 Let me back up. Any other questions
 14 from the Board before we proceed?
 15 Anything from the public? All
 16 right. Let me have a motion based
 17 upon what Eddie has requested of us
 18 on this amendment.
 19 MR. GRIESEL: So moved.
 20 MS. KUNZE: Second.
 21 MR. WENDLING: Can we
 22 clarify the motion?
 23 MR. GRIESEL: That the
 24 language that was published on the
 25 website -- DEQ website be the

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1 language --
 2 MR. WENDLING: Approved.
 3 MR. GRIESEL: -- approved.
 4 Is that satisfactory?
 5 MR. WENDLING: Yes. All
 6 right. I think we had a first and
 7 second. Let's do roll call, please.
 8 MS. BRUCE: Ms. Cantrell.
 9 MS. CANTRELL: Yes.
 10 MS. BRUCE: Mr. Cassidy.
 11 MR. CASSIDY: Yes.
 12 MS. BRUCE: Mr. Drake.
 13 MR. DRAKE: Yes.
 14 MS. BRUCE: Dr. Galvin.
 15 DR. GALVIN: Yes.
 16 MS. BRUCE: Mr. Griesel.
 17 MR. GRIESEL: Yes.
 18 MS. BRUCE: Ms. Kunze.
 19 MS. KUNZE: Yes.
 20 MS. BRUCE: Ms. Savage.
 21 MS. SAVAGE: Yes.
 22 MS. BRUCE: Mr. Wendling.
 23 MR. WENDLING: Yes.
 24 MS. BRUCE: Motion passed.
 25 Thank you.

1 and these windows were the first to
 2 be done. We would show them off but
 3 I'm afraid we would put peoples' eyes
 4 out. But we are going through that
 5 process. Our expectation is that we
 6 will have 21 percent heat load
 7 reduction; there will be reductions
 8 in solar heat gains; reductions in
 9 condensation and so at the end of
 10 this project we will be able to buy
 11 less of Chairman Wendling's product
 12 and we consider that a good thing
 13 and I think he does too.
 14 MR. WENDLING: That's right.
 15 MR. THOMPSON: So
 16 congratulations to the folks that are
 17 doing that work.
 18 The other thing I wanted to
 19 visit with you about and, of course,
 20 will answer any questions, is
 21 legislation. Following up on Mike
 22 Pague's discussion about seeking
 23 general revenue funding for public
 24 water supply. We have met with both
 25 subcommittees -- natural resource

1 MR. WENDLING: Thank you
 2 all. I appreciate it.
 3 Next on the Agenda is the
 4 Executive Director's Report. I'll
 5 turn this over to Steve at this
 6 time.
 7 MR. THOMPSON: Thank you,
 8 Mr. Chairman. First thing I want to
 9 talk to the Board about was a
 10 project that we have going on here
 11 in the agency -- who I think --
 12 excellent work done by our Air
 13 Quality Division and continued
 14 excellent work being done by our
 15 Administrative Services Division, we
 16 are installing window inserts in all
 17 the windows in the building. This
 18 was done through a grant from the
 19 Oklahoma Department of Commerce and
 20 is being installed by -- it went out
 21 for bid that was -- that inserts are
 22 being installed. All that work has
 23 to be done to meet the conditions of
 24 the grant by March the 31st, so
 25 people are busily installing windows

1 subcommittees, both the Senate and
 2 the House, and requested general
 3 revenue funding to offset the fees
 4 that were passed to try to offset
 5 those -- at least a portion of those
 6 fees.
 7 The Governor has said that
 8 government needs to concentrate on
 9 core -- on core functions including
 10 health. And I would suggest to
 11 every one, that protection of
 12 people's drinking water is now and
 13 has been for centuries, a core public
 14 health issue. And so we are working
 15 with individual communities who are
 16 supportive of that effort and we will
 17 continue to seek that funding.
 18 I think it's fair to say that
 19 as state revenues have struggled, so
 20 have municipals. And I think we all
 21 should work together to try to find
 22 support from general revenue for
 23 protection of our drinking water --
 24 for protection of drinking water and
 25 so we are pretty vigorously pursuing

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1 that in the legislature.

2 I want to hand out these
3 sheets that are -- this is what
4 Jimmy prepares for us to track
5 legislation of interest for the
6 Department. So I'm just going to go
7 down -- you will note that the
8 program that is involved -- the
9 status -- just as a process matter,
10 we are getting close to the deadline
11 for the first action of the
12 legislature and that is that they be
13 passed out of the committee of the
14 house of origin. The deadline for
15 that will occur on Monday in the
16 Senate, and next Thursday in the
17 House. If a bill does not proceed
18 from that committee by those
19 deadlines, the bill itself is dead.
20 As I tell my staff and others, bills
21 die; ideas never do. And so we will
22 be -- we will be watching legislation
23 as it works itself throughout the
24 entire process.

25 I would suggest to you that

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1 we've had quite a number of very
2 interesting bills this year. At the
3 top of the list may be the most
4 interesting. Representative Reynolds
5 has offered a bill that would allow
6 for the manufacturer and distribution
7 of CFCs in the state,
8 chlorofluorocarbons. That bill did,
9 in fact, pass out of committee. It
10 really has no particular impact on
11 the DEQ because that's not a
12 delegated program. But I would
13 suggest to you that if someone tried
14 to manufacturer and distribute CFCs
15 in the state of Oklahoma, federal
16 agents would descend upon us like
17 locust and we may, at some point,
18 have a discussion with leadership
19 about that the -- whether that's a
20 good idea or not.

1 The next set of bills has to
2 do with trip optimizer. That is a
3 statutory process by which you
4 determine the cheapest mode of travel
5 -- ground transportation travel.

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1 Apparently, there have been some
2 issues raised with a number of
3 legislators about whether that
4 process should apply to field staff.
5 It is not an issue that the agency
6 has or will engage on, but we do
7 track it just so we know what is
8 happening with that.

9 And any time you have any
10 questions about any of these things,
11 please, let me know.

12 House Bill 3081 is, as you're
13 aware now, Title 59 and fee rules
14 have to be actively approved in the
15 Legislature. This provision would --
16 no, that's the wrong one. I'm
17 sorry. I'm on the wrong bill. It's
18 3081. That's a bill that would
19 somehow consolidate the
20 administrative costs of all the
21 natural resource agencies. It is a
22 shell bill; it's in House Rules.
23 We'll see whether that moves out of
24 rules next week.

25 Senate Bill 1023 was, I think,

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1 a shell bill masquerading as the
2 language that you see that the
3 Governor had 30 days to fill
4 vacancies to this Board. I believe
5 that the energy committee has met for
6 the last time, although they could
7 hold an emergency meeting on Monday
8 so I suspect that particular bill is
9 dead for the session. We'll know
10 more about that on Monday.

11 Senate Bill 1046 is a bill
12 that would make all state employees,
13 employees at will. That was a
14 proposal by the Commissioner of
15 Labor. There was a concern that
16 once someone was employed by the
17 state as a merit employee they were
18 -- as OSHA admitted they are
19 impossible to get rid of. I guess
20 there is a better way to say that
21 but -- but nevertheless that's what I
22 said, but it turned out that over
23 the past number of years 7,000 state
24 employees have been terminated for
25 different reasons, and so that bill

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1 went to the Committee on General
2 Government. The title was stricken
3 and it was passed by an unhappy
4 majority of five to three. And the
5 author, who is credited, said that --
6 talked about the fact that there was
7 -- that there may have been a mis-
8 perception about this issue from the
9 beginning. Quite frankly, I think
10 there is always a little anxiety
11 about returning to the days when
12 state employees are employed based on
13 something other than merit
14 qualifications. So we'll see what
15 happens with that.

16 I've talked a little bit with
17 folks about 1050. That is really,
18 as I understand it, the imposition of
19 transportation rider where state
20 government operates certain programs
21 particularly related to refineries
22 and electrical generation although
23 they have to be on tribal property.
24 That is moving along.

25 Senate Bill 1908 is a bill

1 under a county plan, would allow
2 individuals to burn storm debris as
3 originally introduced. That would be
4 without any NESHAPs -- asbestos
5 NESHAPs inspection or lead based
6 paint inspections or any of those
7 kinds of things. I believe it would
8 have caused the second set of federal
9 -- swarm of federal agents to have
10 occurred. We worked very hard with
11 Senator McKean and that now has been
12 turned into a study of Senate Bill
13 1258. All the administrative bills
14 are approved, that is still in
15 judiciary, unless that moves out
16 Monday that probably -- at least that
17 bill will probably die.

18 House Bill 2347, normal waste
19 disposal at hazardous waste sites.
20 That was not a DEQ request bill.
21 That was a request bill of certain
22 oil and gas interest that have a
23 place where norm naturally occurring
24 radioactive material that is a part
25 of the oil and gas exploration

1 that -- where agency has to serve at
2 the pleasure of the Governor.
3 Apparently that is now -- Jimmy,
4 passed out of committee?

5 MR. GIVENS: Yes.
6 MR. THOMPSON: Okay. And
7 is on general order in the Senate.
8 House Bill 2779, it turned out after
9 some sort of extensive conversation
10 with Representative Russ who was --
11 that was the author of that bill,
12 was based on some misinterpretation
13 of what was going on in some -- and
14 some concern about the implementation
15 of the program rather than the perc
16 tests and the processes that we go
17 through. So we are working with
18 them on the -- to see if there are
19 truly any implementation issues. But
20 I believe, based on conversations
21 with him, that that bill, which
22 really we were concerned about will
23 die.

24 Senate Bill 1425 was a bill by
25 Senator McKean that essentially,

1 process could be disposed. That
2 bill, the DEQ worked with those folks
3 to sort of set up that under --
4 certain conditions that material
5 could be disposed of at the Lone
6 Mountain facility in northwest
7 Oklahoma, but there were a lot of
8 concerns raised by the other segments
9 of the oil and gas industry. And
10 although there is going to be other
11 natural resource -- I mean it could
12 be another House Natural Resources
13 Committee meeting. I don't believe
14 that bill will move forward.

15 Bill 2365 is a bill that we
16 brought to you as a request bill
17 that had to do with clean up
18 language really that we needed
19 concerning the use of equipment by
20 bomb squads and it's moving very
21 smartly through the process and then
22 moving on to the Senate and the
23 House.

24 The Oklahoma Beverage Container
25 Recycling Act was an act to try to

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1 enact bottle deposit legislation in
2 the state. DEQ was a part of the
3 discussion about that but that ran
4 into, as is always the case,
5 opposition from the vending stores
6 and bottlers and a whole array of
7 folks. I noticed in the paper the
8 other day that Representative
9 McCullough said that the bill
10 (inaudible) move forward.
11 Now 2918 is another bill that
12 we brought to you that is an agency
13 supported bill to shield certain
14 information from the Open Records Act
15 so that we can mitigate the
16 possibility of someone with a
17 (inaudible) knowing about that
18 equipment. That bill had moved into
19 the House; there has -- there are a
20 couple of amendments that
21 Representative Randy Terrill has
22 raised on the bench that, I think --
23 the Legislature thinks will be
24 problematic. So we're working
25 through -- we're working with folks

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1 to see if we can -- if there is a
2 way to move that bill forward.
3 Bill 1042 is another bill that
4 we brought to you this year. That
5 has passed a Senate Committee
6 unanimously. In fact, passed the
7 Senate unanimously. So it's to the
8 House and we expect that to move
9 forward.
10 Bill 1162 is sort of the
11 Pro-Tem's effort to look at other
12 last recycling efforts like curbside
13 recycling and point of source
14 recycling and it really is a
15 workgroup and we are a part of that
16 workgroup.
17 House Bill 2212 recreates the
18 Water and Wastewater Works Advisory
19 Council and that -- we testified
20 about that.
21 Representative Lockhart's Bill
22 2456 would have required some
23 secondary standards to become primary
24 standards for drinking water. DEQ is
25 always in favor of cleaner water but

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1 I think there is some concern about
2 the cost of Representative Lockhart's
3 bill and I believe that bill is also
4 dead for the session.
5 House Bill 2835 is -- as we
6 went through the water reuse rules
7 there's a lot of legislative interest
8 in that effort but the language that
9 was caused to be introduced would
10 have -- we felt, what I would
11 believe was significant violations of
12 the Federal Clean Water Act in that
13 language and we worked with
14 Representative Martin and we think we
15 have not got language now that --
16 well, we're going to work with him
17 to see if we can get some acceptable
18 language and he seems amenable to
19 that.
20 Bill 2964 is a bill that
21 really addresses issues surrounding
22 Lake Wister. I think that that bill
23 is probably not going to move.
24 Bill 3046 was a shell.
25 Marlatt's Bill is a companion bill to

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1 the Gray Water Uses Bill and we're
2 working with both Senator Marlatt and
3 Representative Martin to get those
4 things change.
5 Bill 1484 was not heard in
6 Senate Energy Thursday, so I suspect
7 that is dead.
8 Senate Bill 1608 was not heard
9 in Senate Energy so I suspect that
10 that bill is also dead.
11 Bill 1620 has been a very
12 interesting process where -- in which
13 there was an effort to change the
14 whole effluent toxicity testing
15 method in the State of Oklahoma. We
16 believe -- the DEQ will always look
17 for -- to protect the environment in
18 ways that we think is protective of
19 the environment that has the least
20 impact on industry. And it was
21 clear to us that this change would
22 cause -- and to municipalities for
23 that matter, significant -- could
24 cause significant cost to other
25 industries and municipalities, and we

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1 stated so pretty publically, and that
2 bill is also dead.

3 With that, I will be happy to
4 try to answer any questions that you
5 might have about that, and anything I
6 can about the operations of the
7 Agency. The guy out there with the
8 caulking gun is putting in the new
9 windows. Whatever else -- what other
10 questions you have.

11 MS. SAVAGE: Steve?

12 MR. THOMPSON: Yes.

13 MS. SAVAGE: Bill 1908 is a
14 bit of a concern, and the fact that
15 it has moved out of committee is even
16 more concerning. I don't know that I
17 -- I don't want -- turning your job
18 into a political football is not
19 something that I think would benefit
20 anyone, the State of Oklahoma
21 especially, so I don't know. I mean
22 is there anything that, we, as a
23 Board can do or should we just let it
24 ride? Is that another -- is that a
25 time for -- is that something that

1 should be discussed at another time?

2 MR. THOMPSON: No. We can
3 discuss it here. You can imagine
4 that it would be difficult for any
5 agency head to propose, you know,
6 working for the Governor of the
7 state. That's probably something
8 that I won't do. But any Board
9 Member that has a feeling about that
10 is free to contact whoever they feel
11 that need to contact to have that
12 discussion.

13 MS. SAVAGE: Do you have a
14 sense that it's fait accompli? Is it
15 going to happen?

16 MR. THOMPSON: I don't know.
17 I really don't know what we'll do
18 because I just really haven't engaged
19 on the issue. Any other questions?

20 MR. DRAKE: How many are
21 there that -- I know there's J.D.
22 Strong, Steve Thompson; how many are
23 there that are actively hired by the
24 Board themselves?

25 MR. THOMPSON: Oh, I would

1 say -- I don't know. I don't have a
2 number for you, Bob, but I think the
3 percentage would be very high.

4 MR. DRAKE: Do you want to
5 discuss a little bit of the fee issue
6 and the procedure that we now go
7 through? It's all together
8 different. We just passed a group of
9 fees.

10 MR. THOMPSON: Right.
11 Right. Well, our rules will go to --
12 they always end up in Rules Committee
13 and when -- and Jimmy may need to
14 help me out a bit, but I suspect
15 these rules will go to Rules
16 Committee and there will be a
17 discussion in that committee about
18 the fee rules and then ultimately
19 they will go to a vote of the entire
20 Legislature. Is that --

21 MR. DRAKE: Well --

22 MR. THOMPSON: -- or
23 something else.

24 MR. GIVENS: I think maybe
25 the point that should be clarified is

1 that because the statute went into
2 effect in November that involves --
3 as you referred to earlier, that
4 involves Title 59 rules and fee
5 rules. Once they go to the
6 Administrative Rules Review Committee
7 this time, there will have to be
8 affirmative action. There will have
9 to be a resolution adopted that makes
10 it way through both houses to approve
11 these rules rather than simply lying
12 there and not being disciplined. So
13 that's what (inaudible).

14 MR. THOMPSON: Yeah. I
15 think that's right. There will have
16 to be affirmative action by the Rules
17 Committees and then affirmative
18 action by the Legislature when it
19 gets through resolution as opposed to
20 previously if no action were taken
21 they became a rule. So the
22 Legislature has to actively support
23 it.

24 MR. DRAKE: Sorry that there
25 is not more people in the room as

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1 there were a few minutes ago -- as
2 there were a few minutes ago that, in
3 fact, doesn't work for DEQ or some
4 form in some state agency. And the
5 reason I'm sorry about it is I would
6 kind of liked for them to have heard
7 this because I gave a presentation
8 the other day and the Senator was
9 very pleased that they were going to
10 have the opportunity to act on all of
11 these fees with the connotation that
12 some of the action would be taken
13 that these -- certain fees would not
14 be approved. And I had the
15 opportunity to -- somehow I wish I
16 wouldn't have, but I did -- an
17 opportunity to make a brief statement
18 and I'm going to make it here mainly
19 for our Board.

20 The statement simply was that
21 the DEQ Board -- the Environmental
22 Quality Board -- because they didn't
23 know what DEQ was. The Environmental
24 Quality Board is loathed to passing
25 of fees. We don't want to pass new

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1 fees on our customers. We would
2 prefer not to do that. However, when
3 you have additional responsibilities
4 that's continued either by EPA or by
5 our Legislature to -- to the DEQ when
6 you have funding that has been cut
7 dramatically, when you have the
8 numbers of full time crewmen -- full
9 time employees that have been cut,
10 then if you also take away the
11 opportunity for us to pass a fee to
12 continue to do the work that is
13 required by this agency, and we have
14 little choice in this agency or on
15 this Board but to turn it over to
16 someone else.

17 Because many of the areas that
18 we work in is not an area that
19 Oklahoma would prefer to be in it's
20 because of EPA. And since it is a
21 federal guideline, or rule, or law,
22 and if we can't handle it as
23 Oklahoman's, then I will promise,
24 sir, that there will be people that
25 will be happy to come in and help us

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1 out and you aren't going to like it.
2 There are about 150 people in here
3 and most of them agree. But this is
4 going to be coming up and I would
5 encourage the Board to stay on top of
6 it and if you're asked to maybe make
7 a comment, to come up and make a
8 comment, that you would do so because
9 it's like -- many of my good friends
10 are taking it upon themselves as a
11 badge of honor to turn down fees and
12 while that reads good to the public,
13 it won't read good to the people that
14 we're regulating because there will
15 be actions taken and it won't be by
16 the good people in this room and the
17 good people that work in this agency.
18 That is a great concern. I hope that
19 I don't share it alone and I don't
20 think I do. I would certainly talk
21 to Steve about it. But I just
22 encourage you to be aware that that
23 is out there. Before you had to act
24 on it after we passed it. If you
25 didn't, it went in automatically.

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1 This is completely -- completely
2 different.
3 And as my friend back in the
4 back, Mr. Tyler pointed out a moment
5 ago -- Tyler Powell, said you know
6 where this came from and I do and I
7 don't want to tell you where it came
8 from. Well, I will too, it came
9 because Farm Bureau was upset about
10 some fees that were passed on some
11 irrigation wells. Well, it grew and
12 grew and grew until now, all fees are
13 in play. And I will tell you that
14 we have no choice but either to have
15 additional funds, additional people,
16 additional fees or let someone else
17 do it.

18 MR. THOMPSON: And just to
19 pause briefly, public water supply
20 program has come pretty quick --
21 Federal presents in the state on the
22 pieces that we haven't accepted
23 because we didn't have the funding to
24 accept it. It's coming very quickly.

25 MR. WENDLING: All right.

Condensed Transcript

1 Thank you, Steve. Any other
2 questions from the Board? And Mr.
3 Drake, thank you, for sharing your
4 concern. Because I think we all have
5 the same concerns and raising -- when
6 we do have to make the decision to
7 raise fees they don't come lightly
8 but there are implications if we
9 don't. And we talked about those
10 quite a bit.

11 All right, with that, the next
12 item on the Agenda is New Business.
13 And that is -- I'd like to open that
14 up for -- that's any matter not known
15 about which could not have been
16 foreseen prior to the time of the
17 posting of the Agenda. Any New
18 Business?

19 All right. Hearing none, we'll
20 move on.

21 The next meeting if it's
22 needed, will be -- it's currently
23 scheduled for June 19th of this year
24 at Bartlesville and would be at that
25 time. Right now we're at the end of

1 C E R T I F I C A T E
2 STATE OF OKLAHOMA)
3) ss:

4 COUNTY OF OKLAHOMA)
5 I, CHRISTY A. MYERS, Certified
6 Shorthand Reporter in and for the
7 State of Oklahoma, do hereby certify
8 that the above meeting is the truth,
9 the whole truth, and nothing but the
10 truth; that the foregoing meeting was
11 taken down in shorthand and
12 thereafter transcribed by me; that
13 said meeting was taken on the 24th
14 day of February, 2012, at Oklahoma
15 City, Oklahoma; and that I am neither
16 attorney for, nor relative of any of
17 said parties, nor otherwise
18 interested in said action.

19 IN WITNESS WHEREOF, I have
20 hereunto set my hand and official
21 seal on this, the 7th day of May,
22 2012.

23
24 CHRISTY A. MYERS CSR
25 Certificate No. 00310

1 our formal Agenda and I'd like to
2 hear a motion to adjourn.

3 DR. GALVIN: So moved.
4 MS. KUNZE: Second.
5 MR. WENDLING: All right.

6 Roll call.

7 MS. BRUCE: Ms. Cantrell.

8 MS. CANTRELL: Yes.

9 MS. BRUCE: Mr. Cassidy.

10 MR. CASSIDY: Yes.

11 MS. BRUCE: Mr. Drake.

12 MR. DRAKE: Yes.

13 MS. BRUCE: Dr. Galvin.

14 DR. GALVIN: Yes.

15 MS. BRUCE: Mr. Griesel.

16 MR. GRIESEL: Yes.

17 MS. BRUCE: Ms. Kunze.

18 MS. KUNZE: Yes.

19 MS. BRUCE: Ms. Savage.

20 MS. SAVAGE: Yes.

21 MS. BRUCE: Mr. Wendling.

22 MR. WENDLING: Yes.

23 (Meeting adjourned)

24 (Meeting Concluded)



ENVIRONMENTAL QUALITY
BOARD

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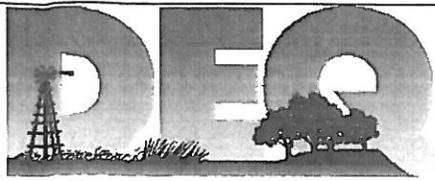
February 24, 2012

Oklahoma City, Oklahoma

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Jeffrey Siphel	SWAC	
Musta Burgess	DEQ	x7185
Jennifer Wright	DEQ	x1077
Ekylar McElroy	DEQ	x7147
Dana Branecky	AGAC	
Linda Branecky	"	
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Ken Raymond	OG&E
Laura Finley	ODEQ
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