

MINUTES
ENVIRONMENTAL QUALITY BOARD
NOVEMBER 7, 2012
CAMERON UNIVERSITY CAMPUS
CETES CONFERENCE CENTER, ROOM AB
LAWTON, OKLAHOMA

Official after EQB Approved
 On February 22, 2013

Notice of Public Meeting The Environmental Quality Board convened for a regular meeting at 9:30 a.m. at the Cameron University Campus in the CETES Conference Center, Room AB, 2800 West Gore Boulevard, Lawton, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on November 23, 2011 and amended on August 22, 2012. The agenda was mailed to interested parties on October 26, 2012, and was posted at the meeting facility and the Department of Environmental Quality (DEQ) on November 6, 2012. Mr. Jerry Johnston, Chair, called the meeting to order. Jeanette Nance called roll and a quorum was confirmed.

Mr. Johnston introduced Dr. John M. McArthur, Provost, Cameron University, who welcomed guests to the University. Mr. Johnston then recognized Tyler Powell, Director, Secretary of the Environment.

MEMBERS PRESENT

Brita Cantrell
 Mike Cassidy
 David Griesel
 Tracy Hammon
 Jerry Johnston
 James Kinder
 Jan Kunze
 John Wendling

DEQ STAFF PRESENT

Steve Thompson, Executive Director
 Jimmy Givens, Deputy Executive Director
 Martha Penisten, General Counsel
 Wendy Caperton, Director, Administrative Services Division
 Catherine Sharp, Asst. Division Director, Administrative Services Division
 Eddie Terrill, Director, Air Quality Division
 Gary Collins, Director, Enviro. Complaints & Local Services Division
 Scott Thompson, Director, Land Protection Division
 Shellie Chard-McClary, Director, Water Quality Division
 Chris Armstrong, Director, State Environmental Laboratory Services
 Skylar McElhaney, Public Information Officer
 Jennifer Wright, Manager, Business & Community Relations
 Jeanette Nance, Board & Council Secretary, Business & Community Relations
 Quiana Fields, Board & Council Secretary, Business & Community Relations

MEMBERS ABSENT

Tony Dark
 Steve Mason
 Terri Savage
 Billy Sims
 Kerry Sublette

Approval of Minutes Mr. Johnston, Chair, called for a motion to approve the Minutes from the August 21, 2012 Regular Meeting. Mr. Kinder made a motion to approve the Minutes and Ms. Hammons made the second. Due to the number of "abstains," and on advice of Mr. Clayton Eubanks, Assistant A.G. and Mr. Steve Thompson, DEQ Executive Director, the Board will revisit the Minutes.

transcript pages 7 - 9

Brita Cantrell	Abstain	James Kinder	Yes
Mike Cassidy	Abstain	Jan Kunze	Yes
David Griesel	Yes	John Wendling	Abstain
Tracy Hammon	Yes	Jerry Johnston	Yes

Later in the meeting, Mr. Johnston went back to the August 21, 2012 Minutes. Following discussion, Ms. Cantrell made a motion to approve the Minutes based on the Board Members' reading of the transcript. Mr. Cassidy made the second.

transcript pages 109 - 111

Brita Cantrell	Yes	James Kinder	Yes
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Mike Cassidy	Yes	Jan Kunze	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jerry Johnston	Yes

Rulemaking – OAC 252:205 Hazardous Waste Management – The DEQ is proposing to amend Subchapter 3 of its Hazardous Waste Rules to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2012. The changes are non-substantive and are not expected to have a significant impact on the DEQ’s hazardous waste program. Mr. Johnston called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council, to provide an overview of the Hazardous Waste Rule changes. Following discussion, Ms. Cantrell moved to approve and Mr. Griesel made the second.

transcript pages 9 - 15

Brita Cantrell	Yes	James Kinder	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jerry Johnston	Yes

Rulemaking – OAC 252:303 TNI Laboratory Certification – Mr. Johnston called upon Elaine Stebler, Chair of the Laboratory Services Advisory Council. Ms. Stebler stated the DEQ is proposing to extend the implementation date of the rules in OAC 252:303 from January 2013 to January 2016. The Chapter 303 rules provide for accreditation of privately and publicly owned laboratories by the DEQ consistent with The NELAC institute (“TNI”) accreditation standards. Since adoption of the rules in OAC 252:303 by the Board in 2011, it has come to the attention of the DEQ through information from other states that the TNI rules as adopted by reference previously may not be adequately enforceable by the DEQ. Without enforceable standards, the DEQ would be unable to hold laboratories in Oklahoma accountable for complying with TNI accreditation standards. Therefore, this extension is needed to allow the DEQ to further evaluate the enforceability of the TNI rules as previously adopted and to make adjustments as needed to develop an enforceable laboratory accreditation program. The additional time will also allow laboratories to prepare for compliance with an enforceable laboratory accreditation program. Hearing no comments, Mr. Griesel made the motion to approve and Dr. Hammon made the second.

transcript pages 15 - 19

Brita Cantrell	Yes	James Kinder	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jerry Johnston	Yes

Rulemaking – OAC 252:303 TNI Laboratory Certification – Mr. Johnston called upon Ms. Stebler to present the emergency rule for Chapter 303. Ms. Stebler stated that DEQ is also proposing an emergency rulemaking to extend the implementation date of the rules in OAC 252:303 (**See item above**). Since the TNI rules as adopted by reference previously may not be adequately enforceable, the DEQ would be unable to hold laboratories in Oklahoma accountable for complying with the TNI accreditation standards. Therefore, this emergency rulemaking is necessary to avoid serious injury to the public interest. Mr. Kinder moved to approve and Dr. Hammon made the second.

transcript pages 19- 21

Brita Cantrell	Yes	James Kinder	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jerry Johnston	Yes

Consideration of and Action on the Annual Environmental Quality Report – Mr. Jimmy Givens, DEQ Deputy Executive Director, gave a presentation on the Annual Environmental Quality Report. Mr. Givens stated the Environmental Quality Report is focused on three specific items; annual needs, federal mandates, and legislative recommendations. The statute requires

DEQ to present those items to the Board and for the Board to approve, send to the Legislature and the Governor on or before January 1. Following discussion, Mr. Griesel made the motion and Mr. Cassidy made the second.

transcript pages 21 - 89

Brita Cantrell	No	James Kinder	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
David Griesel	No	John Wendling	No
Tracy Hammon	Yes	Jerry Johnston	Yes

Executive Director's Report – Mr. Thompson gave an overview on the Annual Report. Also, Mr. Thompson mentioned the Keep Oklahoma Beautiful Banquet and noted that three Board Members received awards; Mr. Johnston, Mr. Griesel and Ms. Kunze. Also, Mr. Thompson briefed the Board on several issues including; credit card transactions and fees, EPA, and the Kay County Clean-up Plan.

transcript pages 89 - 109

New Business None

Next Meeting February 22, 2013 in Oklahoma City.

Adjournment Mr. Griesel moved to adjourn and Ms. Kunze made the second. Meeting adjourned at 11:30 a.m. No issues were raised during the public forum.

transcript pages 112 - 113

Brita Cantrell	Yes	James Kinder	Yes
Mike Cassidy	Yes	Jan Kunze	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jerry Johnston	Yes

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

Myers Reporting

Sheet 1 Page 1

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TRANSCRIPT OF PROCEEDINGS
OF THE
ENVIRONMENTAL QUALITY BOARD MEETING
NOVEMBER 7, 2012, AT 9:30 A.M.
HELD IN LAWTON, OKLAHOMA
* * * * *

Myers Reporting

Sheet 2 Page 2

MEMBERS OF THE BOARD

Tony Dark
David Griesel
Tracy Hammon
Jerry Johnston
James Kinder
Jan Kunze
Steve Mason
Billy Sims
Brita Cantrell
Mike Cassidy
Terri Savage
Kerry Sublette
John Wendling

Page 3

PROCEEDINGS

1
2 MR. JOHNSTON: Good morning.
3 It's a beautiful day, on a beautiful
4 campus. We welcome you. And this I
5 have to say to you.
6 The November 7, 2012 Regular
7 Meeting of the Environmental Quality
8 Board has been called according to
9 the Oklahoma Open Meeting Act Section
10 3.11 of Title 25 of the Oklahoma
11 Statutes. Notice was filed with the
12 Secretary of State on November 23,
13 2011 and amended on August 22, 2012.
14 The Agendas were mailed to interested
15 parties on October 26, 2012 and were
16 posted at this facility and at the
17 DEQ on November 6, 2012.
18 Only matters appearing on the
19 posted agenda may be considered. If
20 this meeting is continued or
21 reconvened, we must announce today
22 the date, time, and place of the
23 continued meeting and the Agenda for
24 such continuation will remain the
25 same as today's Agenda.

Page 4

1 Call this meeting to order.
2 Roll call vote, Jeanette.
3 MS. NANCE: Brita Cantrell.
4 MS. CANTRELL: Here.
5 MS. NANCE: Mr. Cassidy.
6 MR. CASSIDY: Here.
7 MS. NANCE: Mr. Dark is
8 absent. Mr. Griesel.
9 MR. GRIESEL: Here.
10 MS. NANCE: Ms. Hammon.
11 DR. HAMMON: Here.
12 MS. NANCE: Mr. Kinder.
13 MR. KINDER: Here.
14 MS. NANCE: Ms. Kunze.
15 MS. KUNZE: Here.
16 MS. NANCE: Mr. Mason is
17 absent. Ms. Savage is absent. Mr.
18 Sims is absent. Mr. Sublette is
19 absent.
20 Mr. Wendling.
21 MR. WENDLING: Here.
22 MS. NANCE: And Mr.
23 Johnston.
24 MR. JOHNSTON: Here.
25 MS. NANCE: We do have a

Page 5

1 quorum.
2 MR. JOHNSTON: We have a
3 welcome this morning by Dr. John M.
4 McArthur, the Provost of Cameron
5 University. Dr. John.
6 MR. MCARTHUR: Good morning.
7 On behalf of President Cindy Haas,
8 I'd like to welcome each of you to
9 Cameron University. We very much
10 appreciate that you move around the
11 state for your meetings to give all
12 of our citizens a chance to be
13 heard.
14 If you haven't been on
15 Cameron's campus in a while, we've
16 done over \$60 million worth of
17 construction in the last eight years,
18 so the campus has changed a little
19 bit. The facility you're in right
20 now was built by the citizens of
21 Lawton and the Economic Development
22 Authority for this purpose, to have a
23 conference center for the citizens of
24 Oklahoma and Lawton, in particular,
25 to have meeting places. We don't

Myers Reporting

Sheet 3 Page 6

1 have classes in here. This is for
2 you. So welcome. We've been here
3 since 2008.

4 I know you have a busy agenda,
5 but if you do get a chance to walk
6 around campus, I encourage you to
7 walk south and east a little bit.
8 The McMahon Centennial Complex, our
9 new Student Union is a great new
10 facility on campus and right next to
11 that Bentley Gardens. I mention that
12 Veteran's Day is one of the events
13 Cameron does really well. If you
14 haven't been to Bentley Gardens, they
15 put out the 6,300-plus flags, one for
16 each of our soldiers that have been
17 lost since 9/11, it's really a
18 spectacular sight to see. Maybe
19 General Mark McDonald will be here
20 Monday with Veteran's Day to help us
21 celebrate that event even better.

22 I hope that you have a great
23 meeting. Thank you for being at
24 Cameron University.
25 Thank you.

Page 7

1 MR. JOHNSTON: Thank you.
2 (Applause)

3 MR. JOHNSTON: I'd also like
4 to introduce a dignitary and a
5 personal friend, Tyler Powell, from
6 the Office of the Environmental
7 Secretary's office. How about that.
8 Looks like we're ready for the
9 Approval of the Minutes of the August
10 21, 2012 Regular Meeting. Entertain
11 a motion to approve.

12 MR. KINDER: Move to
13 approve.

14 DR. HAMMON: Second.
15 MR. JOHNSTON: Okay. Moved
16 and a second.

17 Did you get the second? Tracy
18 did the second.

19 Roll call vote.

20 MS. NANCE: Ms. Cantrell.
21 MS. CANTRELL: Abstain.
22 MS. NANCE: Mr. Cassidy.
23 MR. CASSIDY: Abstain.
24 MS. NANCE: Mr. Griesel.
25 MR. GRIESEL: Yes.

Page 8

1 MS. NANCE: Dr. Hammon.
2 DR. HAMMON: Yes.
3 MR. NANCE: Mr. Kinder.
4 MR. KINDER: Yes.
5 MS. NANCE: Ms. Kunze.
6 MS. KUNZE: Yes.
7 MS. NANCE: Mr. Wendling.
8 MR. WENDLING: Abstain.
9 MS. NANCE: Mr. Johnston.
10 MR. JOHNSTON: Yes.
11 (Inaudible discussion)
12 MR. EUBANKS: Okay. At the
13 last meeting we had the same issue,
14 I'm assuming. What we did at the
15 last meeting, we had the same issue.
16 We asked the members that abstained
17 on their vote to look at the package
18 or to ask -- or we asked them if
19 they had read the package prior to
20 coming to the meeting. Both of
21 those members acknowledged that they
22 did read the Minutes -- and did read
23 the package and did read the Minutes
24 from the last meeting and they
25 approved it -- voted to approve the

Page 9

1 Minutes. So, I guess, we would ask
2 that you do the same thing on this
3 occasion.

4 MR. THOMPSON: I would
5 recommend that we -- for those folks
6 that abstained, we give them some
7 time to do that and we revisit the
8 Approval of Minutes at the end of
9 the meeting as opposed to right now.

10 So let's defer that until the
11 end, and give those that abstained an
12 opportunity to look at those and then
13 we will come back to it.

14 MR. JOHNSTON: Okay. Number
15 5, Rulemaking OAC 252:205 Hazardous
16 Waste Management. The DEQ has
17 proposed to amend Subchapter 3 of its
18 Hazardous Waste Management rules to
19 incorporate by reference the federal
20 hazardous waste regulations found in
21 40 CFR Parts 124, 260 and 279, as of
22 July 1, 2012. The changes are
23 non-substantive and are not expected
24 to have significant impact on DEQ's
25 Hazardous Waste Program.

Myers Reporting

Sheet 4 Page 10

1 The presenter this morning is
2 Lee Grater, Chairman of the Hazardous
3 Waste Management Advisory Council.
4 Lee.
5 MR. GRATER: Good morning.
6 MR. JOHNSTON: Good morning.
7 MR. GRATER: I'm Lee Grater,
8 Chairman of the Hazardous Waste
9 Management Advisory Council. Our
10 Council met on October 19th and the
11 proposed amendments for the hazardous
12 waste rules were passed unanimously.
13 As usual, the primary purpose of the
14 amendment was to incorporate by
15 reference the federal hazardous waste
16 regulations found in 40 CFR Parts 124
17 and 260 through 279, revised as of
18 July 1, 2012. With this year's
19 rulemaking, there were two specific
20 changes that were required to be
21 incorporated in order for the DEQ to
22 maintain the status as an authorized
23 program.
24 These changes were, first of
25 all, the correction of the

Page 11

1 typographical error in the K107
2 listing, specific to hazardous waste
3 found in 261.32. Specifically, EPA
4 omitted the word acid from the entry
5 for carbon silicate and acid
6 hydrazides and the new rule corrects
7 this mistake.
8 The second case is the new
9 rule is a conforming change to 40
10 CFR 266.20 Subsection B. More
11 specifically, EPA omitted a
12 requirement for recyclers using
13 recyclable materials in a matter
14 constituting disposal to notify and
15 certify their activities under 40 CFR
16 266.20(b). In the new rule being
17 incorporated, EPA revised 40 CFR
18 266.20(b) by adding the phrase, "and
19 the recycler" compliance with
20 268.7(B)(6) of this chapter. The DEQ
21 is required to make -- to incorporate
22 this rule in order to maintain
23 equivalency of the federal program.
24 Since both of these rule
25 changes are essentially fixing

Page 12

1 typographical errors or omissions in
2 the federal register, the DEQ does
3 not anticipate any impacts resulting
4 from the incorporation by reference.
5 Thank you for your
6 consideration.
7 MR. JOHNSTON: Okay.
8 Questions and discussion by the
9 Board? Any questions from the Board?
10 Any questions, comments,
11 discussion by the public?
12 Okay, we're back --
13 MR. WENDLING: Jerry, I just
14 had a clarification.
15 MR. JOHNSTON: Okay.
16 MR. WENDLING: When I was
17 reading the packet and there was a
18 statement made and I just want to
19 understand the definition. and maybe
20 more for education than anything
21 else.
22 It says failure of state
23 program to maintain consistency with
24 the federal program may result in
25 loss of authorization of the state

Page 13

1 program.
2 What do they mean by loss of
3 authorization?
4 MR. GRATER: I think Steve
5 would probably be the best person to
6 answer that.
7 MR. THOMPSON: Well, in each
8 of our programs -- wastewater
9 program, drinking water program,
10 hazardous waste program, air quality
11 program, we have to maintain
12 equivalent rules at the state level
13 that the federal government has so
14 that they are enforceable. We're
15 authorized in that program and if we
16 fail to -- there are really two
17 issues that the Department has to
18 address in order to maintain the
19 ability to act in lieu of the
20 federal government through an
21 authorization or delegation program.
22 One is that we have to
23 maintain the level of fiscal
24 resources necessary to operate the
25 program, and the other one is to

Myers Reporting

Sheet 5 Page 14

1 maintain the legal capability to
 2 carry out the program. What they're
 3 talking about there is our ability to
 4 maintain the legal capability so we
 5 have to have -- if we don't maintain
 6 state law that reflects the federal
 7 law then there is an -- and we can't
 8 enforce that, there's an opportunity
 9 that the Feds would take that
 10 approach.
 11 MR. WENDLING: All right.
 12 Thank you.
 13 MS. CANTRELL: Move
 14 approval.
 15 MR. JOHNSTON: Is there a
 16 second?
 17 MR. GRIESEL: I'll second.
 18 MR. JOHNSTON: David is the
 19 second. Roll call vote please.
 20 MS. NANCE: Ms. Cantrell.
 21 MS. CANTRELL: Yes.
 22 MS. NANCE: Mr. Cassidy.
 23 MR. CASSIDY: Yes.
 24 MS. NANCE: Mr. Griesel.
 25 MR. GRIESEL: Yes.

Page 15

1 MS. NANCE: Dr. Hammon.
 2 DR. HAMMON: Yes.
 3 MS. NANCE: Mr. Kinder.
 4 MR. KINDER: Yes.
 5 MS. NANCE: Ms. Kunze.
 6 MS. KUNZE: Yes.
 7 MS. NANCE: Mr. Wendling.
 8 MR. WENDLING: Yes.
 9 MS. NANCE: And Mr.
 10 Johnston.
 11 MR. JOHNSTON: Yes.
 12 MS. NANCE: Motion passed.
 13 MR. JOHNSTON: Go to Number
 14 6.
 15 MR. GRATER: Thank you.
 16 MR. JOHNSTON: Thank you.
 17 OAC 252:303, TNI Laboratory
 18 Certification. And the presenter is
 19 Elaine Stebler, Chair of the
 20 Laboratory Services Advisory Council.
 21 Elaine.
 22 MS. STEBLER: Good morning.
 23 New rules for the accreditation of
 24 private and public laboratories that
 25 analyze water and wastewater

Page 16

1 compliance samples for DEQ were
 2 promulgated and adopted in 2011 with
 3 a delayed effective date of January
 4 2013. The new OAC 252:303 TNI
 5 Laboratory Accreditation Program Rule
 6 was to incorporate the NELAC
 7 Institute TNI Standards by reference
 8 in the DEQ Laboratory Accreditation
 9 Program.
 10 In early March 2012, the DEQ
 11 learned that other states that had
 12 adopted rules consistent with the
 13 national program found a lack of
 14 regulatory language within the TNI
 15 Standards and were unable to provide
 16 the effective enforcement due to the
 17 ambiguity and uncertainty in the TNI
 18 Standards. Therefore, DEQ decided
 19 not to submit its application to
 20 become a TNI accreditation body until
 21 these issues could be resolved and
 22 new proposed rules could be developed
 23 to address the ambiguity.
 24 The DEQ discussed these issues
 25 with the Laboratory Services Advisory

Page 17

1 Council at its regular meeting on
 2 March 13, 2012. And at a special
 3 meeting convened on July 26, 2012,
 4 the Council voted to recommend this
 5 proposed rule which will change the
 6 implementation date from January 1,
 7 2013 to January 1, 2016. This
 8 additional time will allow the DEQ
 9 and the Council to modify Chapter 303
 10 and possibly amend Chapter 301, the
 11 current laboratory accreditation
 12 rules, in a manner that ensures the
 13 enforceability of Oklahoma State
 14 Statute TNI Standards. This would
 15 benefit private and public
 16 laboratories with fair, enforceable,
 17 and nationally recognized
 18 accreditation standards.
 19 Thank you for your
 20 consideration.
 21 MR. JOHNSTON: Thank you.
 22 Any questions or discussion by the
 23 Board?
 24 Any questions, comments, or
 25 discussion by the public?

Myers Reporting

Sheet 6 Page 18

1 Back to the Board.
2 MR. GRIESEL: Mr. Chairman,
3 I'd make a motion to approve.
4 MR. JOHNSTON: Thank you,
5 David.
6 DR. HAMMON: I second.
7 MR. JOHNSTON: Thank you,
8 Doctor.
9 Roll call, please.
10 MS. NANCE: Ms. Cantrell.
11 MS. CANTRELL: Yes.
12 MS. NANCE: Mr. Cassidy.
13 MR. CASSIDY: Yes.
14 MS. NANCE: Mr. Griesel.
15 MR. GRIESEL: Yes.
16 MS. NANCE: Dr. Hammon.
17 DR. HAMMON: Yes.
18 MS. NANCE: Mr. Kinder.
19 MR. KINDER: Yes.
20 MS. NANCE: Ms. Kunze.
21 MS. KUNZE: Yes.
22 MS. NANCE: Mr. Wendling.
23 MR. WENDLING: Yes.
24 MS. NANCE: And Mr.
25 Johnston.

Page 19

1 MR. JOHNSTON: Yes.
2 MS. NANCE: Motion passed.
3 MR. JOHNSTON: Number 7,
4 rulemaking OAC 252:303. Again,
5 Elaine.
6 MS. STEBLER: The emergency
7 rule for Chapter 303 is companionable
8 to the permanent rule. The DEQ
9 determined that the implementation
10 dated January 2013 should be extended
11 to January 2016 so that public and
12 private laboratories currently
13 accredited by DEQ or applying to be
14 accredited by DEQ, will not be
15 subject to unenforceable or ambiguous
16 and uncertain TNI Standards in
17 January 2013. The DEQ finds that
18 the emergency rulemaking is required
19 to ensure the avoidance of serious
20 prejudice to public interest. If the
21 Board approves this proposal to
22 modify the implementation date from
23 2013 to 2016, this rule will go
24 directly to the Governor for
25 signature, thus precluding

Page 20

1 implementation of Chapter 303 on
2 January of 2013.
3 MR. JOHNSTON: We're voting
4 on the emergency?
5 MS. STEBLER: Yes.
6 MR. JOHNSTON: Any questions
7 from the Board?
8 Any questions from the
9 audience? From the public?
10 We're back to the Board.
11 MR. KINDER: Mr. Chairman, I
12 move to approve.
13 MR. JOHNSTON: Okay.
14 DR. HAMMON: I second.
15 MR. JOHNSTON: Okay. Thank
16 you, Doctor. Did you get both of
17 those?
18 MS. NANCE: Yes.
19 MR. JOHNSTON: Okay. Roll
20 call, please.
21 MS. NANCE: Ms. Cantrell.
22 MS. CANTRELL: Yes.
23 MS. NANCE: Mr. Cassidy.
24 MR. CASSIDY: Yes.
25 MS. NANCE: Mr. Griesel.

Page 21

1 MR. GRIESEL: Yes.
2 MS. NANCE: Dr. Hammon.
3 DR. HAMMON: Yes.
4 MS. NANCE: Mr. Kinder.
5 MR. KINDER: Yes.
6 MS. NANCE: Ms. Kunze.
7 MS. KUNZE: Yes.
8 MS. NANCE: Mr. Wendling.
9 MR. WENDLING: Yes.
10 MS. NANCE: And Mr.
11 Johnston.
12 MR. JOHNSTON: Yes.
13 MS. NANCE: Motion passed.
14 MS. STEBLER: Thank you very
15 much.
16 MR. JOHNSTON: Thank you,
17 Elaine.
18 Consideration and action on the
19 Annual Environmental Quality Report.
20 Jimmy Givens.
21 MR. GIVENS: Mr. Chairman,
22 Members of the Board, and members of
23 the audience, I wish I could say
24 that this meeting will continue along
25 as concisely and smoothly as it has

Myers Reporting

Sheet 7 Page 22

1 up until now, but that won't be the
2 case because this gets a little more
3 complicated I think, as we talk about
4 what is called the Environmental
5 Quality Report.
6 It probably has been useful at
7 the beginning, especially for those
8 of you who are new to the Board, to
9 distinguish between a couple of
10 different reports that we present.
11 And those of you who have been on
12 the Board a while will recognize
13 these. But we have -- by statute,
14 we are required to present two
15 reports each year. Two Agency-wide
16 reports.
17 One is called the Annual
18 Report. And Steve will probably
19 mention this later on so I won't
20 talk any more about it, except just
21 to say that the Annual Report is
22 more a look back at what has
23 happened in the previous fiscal year.
24 What we're talking about right
25 now is called the Environmental

Page 23

1 Quality Report. That may be a
2 little bit of a misnomer because it
3 is focused on three specific items
4 that statute requires us to present
5 to you and for you to approve, to go
6 then to the Legislature and to the
7 Governor on or before January 1st.
8 Those three items are an overview --
9 an overview of those three items,
10 recap of annual needs, federal
11 mandates, and legislative
12 recommendations. This is more of a
13 forward-looking document. What is it
14 that we anticipate doing in the next
15 year or so and what do we anticipate
16 the federal government presenting us
17 with, that will cause us either
18 significant works, significant
19 challenge, or maybe something that
20 will be of significance to the
21 regulated community.
22 The legislative recommendations
23 we present to you as what we
24 anticipate presenting to the
25 Legislature are our request bills in

Page 24

1 the coming legislative session.
2 For those of you who were here
3 last year, look at the words of Yogi
4 Berra, this may seem like a touch of
5 deja vu all over again because many
6 of these things that we're talking
7 about today are carryovers from what
8 we talked about last year. They're
9 -- and every year, to a certain
10 extent, that becomes the case because
11 we never know exactly how quickly
12 things will move, both on the
13 legislative front and in particular
14 when it comes to EPA's promulgation
15 of new rules and regulations. It
16 maybe is a little bit more so this
17 year because, as you probably are
18 aware, there was an election
19 yesterday and things tend to move a
20 little slower in the year leading up
21 to an election. Everybody is kind
22 of on pins and needles, not wanting
23 to venture out too far, until the
24 election is held. So things maybe
25 have moved a little bit more slowly

Page 25

1 over the past year than they would
2 have in other years.
3 So as I say, some of what we
4 will cover, maybe a large part of
5 what we will cover will be a little
6 bit of a repeat of what you heard
7 last year. But I do think it's
8 helpful to refresh our memories about
9 some of the things that we're
10 attempting and take a look at what
11 we anticipate in the next year or
12 so.
13 On the appropriation part of
14 this, the annual meetings part of it,
15 really there is not a need to spend
16 a whole lot of time on that. We
17 have to present this as part of the
18 Environmental Quality Report. It has
19 to be included within it. But
20 because of the way the State Budget
21 System works, we actually have to
22 send over this piece by about October
23 the 1st. So you will recall, those
24 of you who were able to attend the
25 August meeting, that we actually

Myers Reporting

Sheet 8 Page 26

1 covered the appropriation request at
2 that time. Here is a summary of it
3 and you're asking for a general
4 appropriation baseline request of
5 about seven-and-a-half million
6 dollars (\$7.5 million). You will
7 recall that the specific additional
8 request were made for about \$2.2
9 million for the Public Water Supply
10 program, for a total of about 9.8 or
11 so.

12 The one thing that I want to
13 point out is even though that sounds
14 like a pretty significant amount of
15 money and certainly it is,
16 nevertheless, even -- well, the 7.5
17 million would be equivalent to what
18 the Agency received in FY 2004.
19 Even if we were to receive the
20 entire 9.7 or 9.8, we would be back
21 to where we were in fiscal year
22 2006/7. So we're playing catchup.
23 This is not -- even with the
24 additional 2.2 million this is not
25 going to take us where we once were

Page 27

1 in terms of general appropriations.
2 Maybe it's a good time to
3 pause right there because we're ready
4 to switch gears.
5 Anything that we need to cover
6 about the appropriations request that
7 was approved in August? Okay.
8 Let's switch gears then. The
9 second of the three elements that has
10 to go in the Environmental Quality
11 Report is federal mandates. These
12 are things that are imposed,
13 generally by EPA, to a certain --
14 much lesser extent by the Nuclear
15 Regulatory Commission with respect to
16 our radiation program, but mostly EPA
17 -- things that, as we were talking
18 about earlier, we're going to have to
19 implement in some fashion or deal
20 with in some fashion, in order to
21 maintain delegation of federal
22 programs in air, water, wastewater,
23 and RCRA.
24 Let me start out by talking a
25 little bit about air quality. This

Page 28

1 again, is something that you've heard
2 about before. The Ozone Standard
3 remains at 75 parts per billion.
4 EPA did propose to lower that to 70
5 ppb a couple of years ago. The
6 President asked EPA to withdraw that
7 particular proposal and wait for the
8 normal five year update which would
9 be scheduled for 2013. Probably is
10 going to be 2014 before that actually
11 happens.

12 As far as Oklahoma is concerned
13 the point to be aware of here is
14 that we are right on the cusp of
15 going into non-attainment in our
16 metropolitan areas. And so we're
17 working diligently with the COGs,
18 with municipalities. We're trying to
19 encourage voluntary measures to
20 assist as much as we can with
21 maintaining attainment with the Ozone
22 Standard, but some of you may have
23 noticed, the last two summers have
24 been very hot and very dry and that
25 has a tendency to mean that the

Page 29

1 ozone levels go up. Right now the
2 standard -- right now the attainment
3 measure is based on 2008 to 2010 and
4 as we have to calculate in 2011/2012
5 it's going to become more problematic
6 for us. So that is a challenge that
7 we will be facing in the coming
8 years, and especially so, if the
9 standard is lowered below 75 ppb,
10 which in all likelihood it will be.
11 MR. THOMPSON: So, I think,
12 just one comment, Jimmy. I think
13 it's important for both the Board and
14 the public to know, if they don't
15 know this already, that EPA is
16 required by the Clean Air Act to
17 review the National Ambient Air
18 Quality Standards every five years.
19 So this is not a decision independent
20 of the requirement of the law.
21 MR. GIVENS: Talking now
22 about the same sort of item in the
23 sense that it is another National
24 Ambient Air Quality Standard, this
25 one related to sulfur dioxide.

Myers Reporting

Sheet 9 Page 30

1 Again, the standard is set for this
2 particular component at 75 ppb.
3 The issue here is that
4 Oklahoma, in general, is doing okay
5 based on monitoring. There are a
6 couple of areas, I think it's Tulsa
7 and Muskogee, that the Governor
8 recommended be designated as
9 unclassifiable because we don't have
10 enough data right now; other areas of
11 the state designated to be in
12 attainment.

13 The issue here is more one of
14 how do you go about determining
15 attainment because EPA, for some
16 time, has insisted that monitoring be
17 supplemented with modeling. Modeling
18 is fairly conservative, which means
19 that we run a higher risk of having
20 a problem that are based strictly on
21 our monitored values. And I think
22 that EPA is having some second
23 thoughts about that. I understand
24 from Air Quality that EPA seems to
25 be a little bit more amenable than

Page 31

1 they did a few years ago, to taking
2 another look at this. But that is
3 something that we will have to keep
4 our eye on and, again, the potential
5 is there for us to have a problem
6 with SO₂, just as we do with ozone.

7 MR. CASSIDY: Jimmy?

8 MR. GIVENS: Yes, sir.

9 MR. CASSIDY: Am I reading
10 this correctly? We've had no
11 monitored violations and now they're
12 even going to come in and say well,
13 it doesn't matter if you violated,
14 you've got the potential to violate
15 it, then we're going to fine you for
16 that too?

17 MR. GIVENS: Well, probably
18 it would be a disservice to say that
19 we're going to fine you for it.
20 Because what we're looking at now is
21 simply to determine whether the state
22 is in attainment or not, which we
23 could require additional measures for
24 the state to try to achieve
25 attainment.

Page 32

1 But, yes, the issue is whether
2 monitoring is sufficient or whether
3 modeling is a more robust view, I
4 guess would be the way EPA would
5 envision it. Steve?

6 MR. THOMPSON: I don't think
7 we argue, Mike, that modeling is a
8 good tool to target monitoring. In
9 other words, you do a model. You
10 determine where you may have problems
11 and then you set up monitors to
12 determine if that's the case. But
13 to determine non-attainment and
14 really the penalty for non-attainment
15 is the cost to industry. That's the
16 penalty for coming back into -- for
17 meeting the new standard. And we
18 just think that models are -- some
19 are conservative, some are less
20 conservative, some are -- I mean,
21 there's all kinds of things that can
22 happen with models. They just are
23 not monitored values. So the
24 Department, along with a number of
25 other states, have made that

Page 33

1 argument.

2 Okay. They want us to do a
3 model to target where we might set
4 up a monitor, that's fine. But to
5 actually determine non-attainment
6 based on model, we just think is
7 inappropriate. And I think Jimmy is
8 right. We've seen -- my
9 understanding is that EPA is
10 beginning to take into consideration
11 what we've said. So we'll see.
12 We'll see what happens in the future,
13 but that would have been a -- we
14 just don't believe that's the
15 appropriate way. If you monitor it
16 and you're out of attainment, you
17 are. But if you model it based on
18 the model, you either are or you
19 aren't. And we need to know before
20 we are going to cost regulated
21 facilities that kind of money to meet
22 those standards.

23 MR. CASSIDY: But now they
24 say now that you have the potential
25 --

Myers Reporting

Sheet 10 Page 34

1 MR. THOMPSON: No. I --
2 MR. CASSIDY: -- (inaudible)
3 non-attainment.
4 MR. THOMPSON: Well, if you
5 use a model it could be the
6 potential because you really don't
7 have a monitored value. You just
8 really don't know what the issue is
9 unless you have a monitor out there
10 gathering that data. That's the way
11 you know, one way or the other. A
12 model doesn't do that. It doesn't
13 tell you with any -- there are
14 different levels of certainty in
15 which you would know that you were
16 in attainment or not based on the
17 model. And we just -- along with a
18 number of states, Texas filed suit on
19 this issue and we -- we wrote a
20 brief in support of Texas' position
21 on that. So we'll see.
22 MR. CASSIDY: Okay. I read
23 all this EPA crap. I don't see how
24 you all keep up with it. It's just
25 flabbergasting what they can come up

Page 35

1 with and it gets worse and worse and
2 we'll have four more years at least
3 for it to get worse and worse, so I
4 can't believe what's coming down the
5 pike next.
6 MR. THOMPSON: Well, Mike,
7 you know -- you've known me long
8 enough to know that it's not me. We
9 just have really good people.
10 MR. CASSIDY: Yeah. You've
11 got that right.
12 MR. KINDER: Jimmy, on a
13 more technical note, I was just kind
14 of curious. Is there something
15 inherent -- deficient in the
16 monitoring that would make the EPA
17 want to go to a modeling system? I
18 guess that's more of, maybe, a
19 technical question. Do they feel
20 like the --
21 MR. THOMPSON: If I could
22 --
23 MR. GIVENS: I will defer
24 to anybody on a really technical
25 question.

Page 36

1 MR. THOMPSON: It is fair
2 to say that there is a -- there's
3 pretty significant cost in monitoring
4 this particular issue. And while we
5 and any number of other states have
6 argued against the model, there are
7 states -- if you can imagine what
8 those states are -- that have argued
9 that it is appropriate to use a
10 model. Mainly, I think, because of
11 the cost. Well, if you -- we think
12 if you balance -- I mean, we might
13 have to ask regulated community to
14 help us with monitoring. We might
15 have to do that, but if you measure
16 that cost against the cost of
17 compliance with a model value it --
18 the cost of monitoring, I guess it
19 would be up to the regulated
20 community, but we believe it would be
21 much cheaper. So this is a -- I
22 don't know that it's -- really the
23 cause and effect is really some
24 inherent problem with the monitoring
25 itself. I think the problem is that

Page 37

1 they are -- there are states that
2 believe that modeling is appropriate.
3 I think it's more of a policy issue
4 as opposed to a technical issue.
5 MR. JOHNSTON: Good
6 question.
7 DR. HAMMON: Jimmy, I had a
8 question. About two-thirds of the
9 paragraph down, it says based on
10 monitored data the Governor
11 recommended that Muskogee and Tulsa
12 county be designated as
13 unclassifiable. Is that actually
14 monitored data, which it indicates we
15 haven't had any violations or was
16 that based on modeling?
17 MR. GIVENS: Eddie, I'm
18 going to need some help with that
19 one.
20 MR. TERRILL: It's monitored
21 data. There's some sources in both
22 of those counties -- SO2, unlike
23 ozone, is a very source-specific
24 issue. That goes to the other
25 question that was asked about do we

Myers Reporting

Sheet 11 Page 38

1 have enough monitors?
2 Well, the answer is no, because
3 with the understanding -- or the
4 belief in the environmental community
5 is you can't monitor continuously
6 completely around the area of a
7 source. So modeling you can do
8 that. You can monitor, if you will,
9 with a model around all of the
10 source and know -- or guess whether
11 or not you've got a possible
12 non-attainment situation at the fence
13 line. These were actually monitored
14 violations of the standard and that's
15 the reason we felt like it was
16 appropriate to recognize classifiable
17 because we did have actual monitored
18 data that showed a problem. However,
19 we're working with both of those
20 facilities. They're aware of it and
21 we believe they will take steps to
22 make sure that we don't have a
23 situation that will cause a -- a
24 monitored non-attainment problem.
25 DR. HAMMON: Thank you.

Page 39

1 MR. THOMPSON: I think that
2 designation that way gives us the
3 opportunity to work out the problems.
4 So we -- that's what we did and
5 that's what we're doing.
6 MR. GIVENS: Okay. It
7 looks like I got ahead of myself. I
8 apologize if I had the wrong slide
9 up there while we were talking about
10 SO2.
11 Cross-State Air Pollution Rule.
12 Sometimes referred to as CSAPR
13 (Casper) (phonetic). Sometimes
14 referred to as CSAPR (See-sap-er)
15 (phonetic). It is the offspring of
16 what used to be the Clean Air
17 Interstate Rule. The idea is to
18 reduce the precursors of ozone and
19 particulate matter in power plants,
20 basically in the eastern half of the
21 US.
22 When the rule first came out,
23 Oklahoma was not included. There was
24 a supplemental rule that did include
25 Oklahoma based on model impacts on a

Page 40

1 county in Michigan, which for a lay
2 person like me is a little hard to
3 understand, but nevertheless, that's
4 what it was based on. We commented
5 to the effect that the way this was
6 written and because it came out later
7 than the original rule, it was going
8 to be practically impossible for
9 utilities in the state to comply
10 with. There was a Court challenge
11 to it. It was recently vacated.
12 EPA has asked the Court, the full
13 Court, to rehear that, to reconsider
14 that. But for now the original
15 so-called CAIR rule is back in place
16 that does not include Oklahoma and we
17 will just have to watch what happens
18 with the appeal of the Cross-State
19 Air Pollution Rule.
20 This is an issue that needs to
21 be addressed. I mean, nobody -- I
22 shouldn't say nobody. I think many
23 people would agree that there is an
24 issue to be addressed there, but
25 the question is how to do it. And

Page 41

1 so this will continue to play out
2 over the next several years I
3 suspect.
4 MR. CASSIDY: Jimmy, just
5 out of curiosity, that supplemental
6 rule, did it add any states other
7 than Oklahoma?
8 MR. GIVENS: Yes. I think
9 there were another five or six.
10 MR. TERRILL: Five.
11 MR. GIVENS: Five.
12 MR. CASSIDY: I'm like you,
13 what does that have to do with us?
14 A county in Michigan, that's crazy.
15 MR. GIVENS: Well, again,
16 we're getting back to the modeling.
17 Modeling can show things that maybe
18 logically we wouldn't expect.
19 MR. THOMPSON: I agree that
20 that is odd. But the concept of the
21 Cross-State Air Pollution Rule, we
22 think has value or something -- some
23 rule or legislation to address
24 pollution transport because of our
25 good neighbors to the south we think

Myers Reporting

Sheet 12 Page 42

1 is a good idea. In this case we
2 just think it was poorly done. But
3 there may come a time when someone
4 proposes a pollution transport rule
5 that you would see us -- may see us
6 support because we have to address
7 impacts to our local industries from
8 other states. And the process right
9 now is very difficult. It's very
10 difficult to take on another state.
11 You need a lot of money and a lot of
12 expertise if you're going to take on
13 cross-state pollution. So while we
14 weren't particularly proud of this
15 effort, we think the effort to do
16 something about, particularly ozone
17 transport, is important.
18 MR. GIVENS: Finally, as far
19 as air quality goes, and again we're
20 only touching the tip of the iceberg
21 if you would. There are a lot more
22 things that we could talk about but
23 we tried to focus on the ones that
24 are the most highly visible, and in
25 some cases, the most controversial.

Page 43

1 The Regional Haze Federal
2 Implementation Plan. The State
3 prepared an implementation plan to
4 address the requirements of EPA for
5 controlling regional haze a couple of
6 years ago. And EPA rejected that in
7 March of 2011, and issued what is
8 called a Federal Implementation Plan
9 in December.

10 The Attorney General of
11 Oklahoma challenged that. I won't
12 get into the legal arguments
13 entirely, but in essence saying the
14 State didn't have its proper chance
15 to propose and even revise and
16 re-propose the plan. And the Court
17 has stayed implementation pending
18 further litigation.

19 So that is on hold right now.
20 In the meantime, DEQ along with other
21 state agencies, continues to discuss
22 this issue with the impacted
23 utilities. And once again, I feel
24 like a broken record but we're in a
25 little bit of a holding pattern right

Page 44

1 now to see what's going to come out
2 of it.
3 Okay. Moving from Air Quality
4 to Land Protection. Land Protection
5 wins the prize this year for maybe
6 being among the quieter divisions in
7 terms of federal developments. The
8 only one that really stands out at
9 the moment, that we identified, is a
10 continuation of the discussion over
11 coal combustion residues. And the
12 issue is principally whether those
13 should be regulated as hazardous
14 waste or not. Many states, including
15 Oklahoma, essentially have argued to
16 EPA that you shouldn't throw the baby
17 out with the bath water, or in this
18 case throw the baby out with the
19 slurry, which is where this all came
20 about, because of the slurry spill in
21 Tennessee a few years ago. Our
22 concern is that there are some very
23 legitimate recycling uses for this
24 material. And if it is regulated as
25 a hazardous waste, with all the

Page 45

1 strictures that imposes, there is a
2 danger that we are cutting in to
3 that beneficial reuse. So we have
4 been active in trying to comment and
5 say we understand the need for
6 appropriate regulation, but you need
7 to be careful about what you do.
8 Cut off your nose to spite your
9 face, to use another metaphor. And
10 Steve is going to explain what I
11 really mean by that.

12 MR. THOMPSON: Well, no. I
13 would just comment that while this
14 rule that effects the Land Protection
15 Division, while they may have gotten
16 by as opposed -- about numbers they
17 make up a lot of ground related to
18 (inaudible) on this particular rule.
19 Coal combustion waste has a lot of
20 beneficial uses. And to say that by
21 naming this product a hazardous
22 waste, doesn't have impact on
23 liability issues for beneficial uses.
24 It's just not right.

25 Secondly, this was precipitated

Myers Reporting

Sheet 13 Page 46

1 really by a structural issue. There
2 was a dam at a slurry that gave way
3 in the south and it was a big
4 problem. There was a lot of this
5 stuff that got away from them and
6 caused a lot of damage down there.
7 But you don't, in my mind, solve
8 that problem by reclassifying the
9 product. What you do is look at
10 structural integrity. You focus your
11 efforts and resources on structural
12 integrity.

13 The other thing that I think
14 is apparent is that there are those
15 in the country that believe that this
16 material should be regulated at the
17 federal, and not the state, level.
18 By classifying it under Subtitle C,
19 it becomes a federally regulated
20 substance as opposed to classifying
21 it as Subtitle D, which means the
22 state would regulate it. They're
23 using that reclassification for a
24 purpose that really doesn't address
25 the issue. So I think there's

Page 47

1 pretty good horsepower behind some of
2 the -- from the bills in Congress
3 that may address it some. My
4 understanding was that the House
5 passed a bill, it went to the
6 Senate, the Senate didn't like it.
7 There's a surprise. But the Senate
8 has drafted a bill that may be --
9 that the House may be amenable to.
10 So there may be a legislative fix
11 from this.

12 I mean, structural integrity of
13 these kind of things is really,
14 really important, but that's where
15 you spend your time, in my opinion,
16 is looking at that issue. Because
17 you -- the first thing that appeared
18 was, if you call this a hazardous
19 waste and it has to be disposed of
20 at hazardous waste facilities,
21 hazardous waste landfills, there's
22 about six months capacity in the
23 existing landfills to dispose of. So
24 I think there's a way to solve this.
25 I think there's a way to eliminate

Page 48

1 the problems. Certainly those
2 problems should be eliminated but you
3 need to address the problem, in my
4 mind, with the appropriate motives
5 and then you get to the solution.
6 So we'll see what happens.

7 MR. JOHNSTON: All right.

8 MR. THOMPSON: I guess,
9 that's an editorial comment, but
10 there you are.

11 MR. GIVENS: Let's talk a
12 little bit about Water Quality
13 Division and some of the things that
14 we are seeing coming down the pike
15 on that.

16 This is a very active area.
17 And maybe it's worthwhile to point
18 out at this point that what we have
19 talked about up until now in the way
20 of federal mandates, largely impacts
21 industry. We're moving to an area
22 now where it certainly has some
23 impact on industry, particularly on
24 the wastewater side. But this is an
25 area where, in particular,

Page 49

1 municipalities are effected. And
2 maybe the strain in some cases is
3 even greater, particularly on small
4 municipalities in Oklahoma. I
5 suspect if you ask the former Mayor
6 of Braman, for example, he would
7 agree with that.

8 There are approximately 20
9 rulemaking actions, I am told, that
10 are due to go into effect by January
11 of 2014. So just over a year from
12 now.

13 DEQ's primacy status, our
14 delegation, our authorization, is a
15 little bit up in the air, in part,
16 because there are three new rules and
17 I'm not sure I can name all of
18 these; Stage 2 Disinfection
19 Byproducts Rule, Long-term 2 Enhance
20 Surface Water Treatment Rule, and
21 Groundwater Rule, that we haven't
22 even taken on the responsibility for
23 yet. EPA still administers those in
24 Oklahoma because we do not yet feel
25 like we have the resources to

Myers Reporting

Sheet 14 Page 50

1 administer those, and some pressure
2 from EPA to take those, as well as
3 -- actually we're getting a lot of
4 pressure from the EPA to take those
5 as well as to continue to administer
6 all of the elements of delegation for
7 the Safe Drinking Water Act that we
8 already have. As you might expect,
9 there is being added to that EPA's
10 intention to regulate perchlorate,
11 hexavalent chromium, and to change
12 the arsenic rule and they've also
13 announced that they will come up with
14 the next group of contaminants that
15 they're going to consider for
16 regulation under what's called the
17 unregulated contaminant monitoring
18 rule, which will inevitably further
19 impact smaller communities.

20 This is just a sampling of
21 some of the things that are coming
22 down the pike.

23 Let me go ahead and mention,
24 while we're on water, on the
25 wastewater side, Clean Water Act.

Page 51

1 You've heard about the Cooling Water
2 Intake Rule for quite some time now.
3 It's expected to be finalized in the
4 near future. It will have a
5 particular impact on utilities.

6 The Electronic Reporting Rule,
7 EPA is moving toward a system where
8 they will require more and more
9 things to be done electronically
10 rather than in paper fashion.

11 For the Clean Water Act, that
12 schedule will be finalized sometime
13 in 2013.

14 So called, Program Update Rule,
15 basically administrative sorts of
16 changes. All these sorts of things,
17 while we probably don't want or need
18 to get into the details of them
19 today, do a couple of things. They
20 require a lot more work of the
21 Agency and they impose more
22 requirements on communities, and on
23 industry.

24 Before I move to the last item
25 on this slide, let me just go ahead

Page 52

1 and throw it out, that we go through
2 these and I hope I don't bore you to
3 tears by going through these slides
4 and highlighting what we see coming
5 in the foreseeable future. I think
6 there's a couple of reasons just
7 beyond general education to do that.

8 One is it inevitably portends
9 what you're going to have coming
10 before you in the next one, two,
11 three, four years. So you may as
12 well have a heads-up about the kinds
13 of issues that will make their way
14 in some form into proposed rulemaking
15 for the most part. Some of them may
16 go away but many will.

17 Secondly, just in terms of the
18 policy element of this, DEQ has long
19 been and continues to be heavily
20 involved in national policy and
21 regional policy organizations. We
22 think there is value in that. We
23 think that gives us a voice at the
24 table. Sometimes it can't head off
25 things that seem like bad ideas but

Page 53

1 at least sometimes we can help tailor
2 them to be a little bit more
3 suitable to what we perceive the
4 needs of Oklahoma to be. So I hope
5 you kind of keep that in the back of
6 your mind as we work through these
7 slides.

8 Now back to the slide itself.
9 Nineteen guidance documents and
10 initiatives EPA expects to implement
11 in the next year or two.

12 Data Review and Direct
13 Enforcement Action. EPA has
14 indicated that they intend to do a
15 more careful scrutiny of the data
16 elements that we submit to their
17 electronic system, and that they
18 retain and may even become a little
19 bit more aggressive about taking
20 direct enforcement action on those.
21 That is problematic in a number of
22 ways. Certainly, we believe we can
23 do a better job of implementing and
24 enforcing in a fair and more
25 equitable fashion than EPA can. And

Myers Reporting

Sheet 15 Page 54

1 so we will continue to watch about
2 how aggressively they pursue that
3 announced initiative.
4 Integrated planning illustrates
5 something we -- you know, it's not
6 as though every idea EPA comes up
7 with is necessarily a bad idea.
8 Sometimes it's in how it is
9 implemented or the effect it has.
10 Integrated planning, I would
11 argue, in some respects is a pretty
12 good notion, because what it
13 essentially says is that communities
14 need the opportunity to look at their
15 needs in a more holistic fashion and
16 maybe lay out a timeline for how
17 they're going to address each of
18 those to come into full compliance.
19 Thus, the name, Integrated Planning.
20 The problem is that it is a
21 fairly heavy burden on the State
22 Agency to assist communities with
23 questions they have about how to do
24 this and then to track what they are
25 doing because in theory these could

Page 55

1 spread out over decades.
2 So there's that element. But
3 there's also simply in order to get
4 one of these plans approved, it's my
5 understanding, that they are fairly
6 involved just to put together. And
7 so these small communities, while
8 they may want to take advantage of
9 this, may have a challenge in
10 undertaking to put together the plan
11 that will be required to accomplish
12 that. Shellie and her staff will
13 know a lot more about that and can
14 visit with you about it, but I did
15 want to throw it out there because I
16 think it's something that you need to
17 be aware of.
18 Finally, revise state and EPA
19 MOAs. It's part of the delegation
20 that we have of the various federal
21 programs. We enter into memorandums
22 of agreement with EPA, but spell out
23 basically how we will go about
24 implementing the federal program in
25 Oklahoma. And EPA has indicated that

Page 56

1 there is -- it is time that they
2 want to review those MOAs under the
3 Clean Water Act. We don't know what
4 that means yet, but anytime there is
5 a review there will be some changes.
6 And anytime there are changes,
7 there's the potential for additional
8 challenges. So that is something
9 that will play out again over the
10 next year or two and we will see how
11 that develops.
12 Let me go ahead, before I
13 pause, and talk about the
14 Environmental Laboratory -- State
15 Environmental Laboratory, because it
16 also relates to water.
17 Stage 2 Disinfection Byproducts
18 went into effect in 2006.
19 (Inaudible) began applying this to
20 the smaller systems fairly recently.
21 And just to put it very simply, we
22 geared up in our lab to handle the
23 additional volume that we expected,
24 that hasn't entirely developed, and
25 I'm not sure I know the reason for

Page 57

1 that. But there's also been a lack
2 of communication -- a lack of
3 customer assistance, if you will,
4 from EPA on this, and that means
5 that the job of our State
6 Environmental Lab is that much more
7 difficult. Because when questions
8 come up about how do I comply with
9 this, it typically will come into the
10 lab. "How can I manage this?" And
11 they do provide a substantial amount
12 of customer assistance to communities
13 on how to comply with these sorts of
14 requirements.
15 Let me pause there and see if
16 you have any specific questions about
17 what we've talked about in the way
18 of federal mandates up until now, and
19 then I will offer a bit of a summary
20 statement about it.
21 MS. CANTRELL: Jimmy, I have
22 a question.
23 MR. GIVENS: Yes, ma'am.
24 MS. CANTRELL: And thank
25 you, very much for this thorough

Myers Reporting

Sheet 16 Page 58

1 overview and the background
2 information.
3 In reviewing the listing of the
4 federal mandates in the Board's
5 packet, there were two that seemed as
6 if there would be some opportunity
7 for an action item on behalf of the
8 DEQ relative to what we know is
9 coming or what has already been
10 passed on to us to enforce.
11 And the two are the ozone
12 requirements, and then the Safe
13 Drinking Water Act Rules. And in
14 both of those, you report that DEQ
15 is planning to do something. But
16 did the staff consider whether or not
17 there should be more affirmative
18 action item on behalf of the DEQ for
19 those two federal mandates?
20 MR. GIVENS: Well --
21 MS. CANTRELL: More of an
22 action item -- when I say more of an
23 action item, for example, in the
24 study of the ozone non-attainment, it
25 seems that the State of Oklahoma has

Page 59

1 talked for quite a while about
2 non-attainment. And I notice that
3 the only action item that was
4 mentioned in the packet was to
5 undertake a study of non-attainment.
6 Did the DEQ consider whether or not
7 it was appropriate to propose further
8 action item in preventing
9 non-attainment, whether it's sending
10 potential rulemaking to the Air
11 Quality Council or some other more
12 affirmative action item rather than
13 conducting a study?
14 MR. GIVENS: Let me point
15 out two things and I'm sure Steve or
16 Eddie can add to this.
17 One is that, I think, the
18 slide mentioned -- but I'm not sure
19 I covered it -- we have been working
20 on what's called ozone advance. Is
21 that the current name?
22 MR. TERRILL: Yes.
23 MR. GIVENS: Which does
24 fairly aggressively encourage
25 voluntary measures, particularly in

Page 60

1 Oklahoma City and Tulsa. Tulsa --
2 Oklahoma City has opted-in for a
3 while and Tulsa recently opted-in to
4 that program and that is designed to
5 try to help control ozone.
6 The second thing I want to
7 mention is that my understanding is
8 we're still waiting on full
9 implementation guidance from the --
10 even the 2008 standards. Is that
11 correct or not?
12 MR. TERRILL: That's
13 correct. Do you want me to follow
14 up on that?
15 MR. GIVENS: Yeah. Come on
16 up here.
17 MR. TERRILL: I can do it
18 from here. We've BEEN waiting, I
19 guess, to see what happened yesterday
20 because the ozone, as it stands,
21 provides an opportunity for both the
22 metropolitan area and, frankly, we
23 probably need to look at this
24 statewide, because if you look at our
25 monitors, we have basically 2012 --

Page 61

1 2011 data. We've got ozone issues
2 all across the state. But marginal
3 non-attainment is a fairly
4 straightforward, you know what you've
5 got to do. There's not much --
6 well, there is no room for additional
7 controls if we were to go into
8 marginal non-attainment. So the
9 problem is that you -- we can do a
10 lot of -- we can do anything we want
11 to do voluntarily under these ozone
12 advances, but the reality of it is
13 unless we have a better weather
14 pattern, that's not going to help us
15 come back into attainment next year
16 or the year after. So one of the
17 things that we're going to be looking
18 at through the ozone advance work, is
19 whether or not the metropolitan area,
20 the Chamber, the local officials,
21 industry, want to work with us to
22 look for the things or rules that we
23 might take that would be mandatory
24 requirements, but we could take to
25 account for the Board and on to the

Myers Reporting

Sheet 17 Page 62

1 Legislature for approval, and
2 frankly, that's an uphill sled to ask
3 industry to do things above and
4 beyond what they are required to do
5 otherwise for something that hasn't
6 happened yet. But it's a dialogue
7 that I think we need to have, mainly
8 because I want the metropolitan areas
9 to understand that this is a very
10 real possibility, that we will be
11 designated non-attainment in some
12 time in 2013 or 2014 if the
13 requirements under the Clean Air Act
14 are met. I have no reason to
15 believe that EPA won't move forward.
16 Even if they don't reduce the
17 standard, if the standard stays
18 exactly where it's at, we're
19 violating the standard -- the old
20 standard in Tulsa. So we really
21 need to have that dialogue, but it's
22 a very difficult task for us to
23 undertake and we cannot do it as an
24 agency. We don't have enough
25 political horsepower, if you will, on

Page 63

1 our own to ask areas to do more than
2 they are required to do by law. But
3 the dialogue that we need to have so
4 that the metropolitan areas, and the
5 industry, and all those folks
6 understand, here's the pluses and
7 minuses and here's the pros and cons,
8 do you want to work with us to do
9 things earlier?
10 Now we are -- and I don't want
11 to tell who it is -- but we are
12 talking with some companies about
13 doing -- or some industry actually,
14 about doing some voluntary things
15 that might bring some counties that
16 have violated monitors back into
17 attainment because they're so close,
18 so that they wouldn't be included in
19 part of the designation
20 non-attainment. And so that's
21 something that will have a positive
22 impact on our metropolitan areas. So
23 it's not really that we're not
24 looking at studies, it's we know what
25 we really need to do, it's just

Page 64

1 pretty difficult to make those things
2 happen without some sort of a
3 mandatory requirement for it to
4 happen. Because there is just a lot
5 of uphill convincing that you've got
6 to do.

7 Does that help?

8 MS. CANTRELL: Well, Eddie,
9 for that reason, did the DEQ give
10 any consideration to adding ozone
11 non-attainment to the legislative
12 items that are proposed in our packet
13 today, or is that premature?

14 MR. TERRILL: Well, I'd
15 leave that up to Steve to answer. I
16 mean, I don't know that -- EPA is
17 going to be under pressure from the
18 environmental groups to move forward
19 based on the existing data which is
20 9, 10 -- or 10, 11, 12 and move
21 those areas forward relative to
22 non-attainment. In no discussion
23 that I've had with a senior political
24 EPA officials, that they said that
25 they're going to do that. I believe

Page 65

1 they believe they've got enough to do
2 as it is without bringing those areas
3 out and they're going to be very
4 resistant. So what that means is
5 we've got probably the ozone season
6 of 2013, and more than likely the
7 ozone season of 2014 to come back
8 into attainment. So to -- I don't
9 know that we can put that on -- I
10 don't know that we can legitimately
11 say that we're imminently facing a
12 non-attainment designation because I
13 don't think that's true. So I think
14 we need to kind of work with the
15 metropolitan areas to see if there's
16 something that we can do on a
17 voluntary basis that we might want to
18 make mandatory to help us address
19 that. But the reality of it is,
20 until we address the transport issue
21 and until we have a moderate -- a
22 moderating of our weather pattern, I
23 don't know that the reductions that
24 we could get beyond what are already
25 going to take place from our local

Myers Reporting

Sheet 18 Page 66

1 industry, will help us come back into
2 attainment. I don't think I can say
3 that with any kind of a certainty.
4 And I think that we have to do that
5 in order to be honest about the
6 pluses and minuses and the cost
7 benefits of doing something like
8 that.

9 MS. CANTRELL: So is it
10 your assessment then that -- the
11 Agency's assessment that really our
12 urgency is a two-year urgency and
13 that what you're putting forth now
14 for the state is this urgency in
15 trying to bring onboard the
16 communities most at risk?

17 MR. TERRILL: That's exactly
18 right. Because without them saying,
19 yes, we want you to do something
20 beyond what we would be required to
21 do under a designation or -- what we
22 put out there for discussion is let's
23 do what's called -- what I'll call a
24 non-attainment light. Let's do some
25 of the mandatory things we would have

Page 67

1 to do in the marginal area and make
2 those the mandatory requirements. If
3 nothing else, it shows EPA that we're
4 serious about addressing this problem
5 and give them some discretion to say
6 to the environmental groups and
7 others that we want to move forward
8 on a non-attainment designation
9 earlier, and know the areas are
10 trying to aggressively address this
11 situation and we want to give those
12 measures time to work.

13 I lost my train of thought.
14 But, anyway, in order for us to do
15 that though we've also got to be
16 honest about the fact that more than
17 likely, whether we do anything or
18 not, that the chances of us being
19 designated before late 2013 or 2014
20 are not likely to happen. So you
21 balance that and we will come back
22 in by doing some of these voluntary
23 things that we think we're going to
24 get a couple of industry sectors to
25 do, plus the transport issue, and

Page 68

1 will that bring us back in, plus we
2 hope for better weather, or whether
3 it won't. So it's just a matter of
4 -- it's just a matter of laying the
5 options out there and having a
6 discussion with the metropolitan
7 areas and the areas downwind of them,
8 about whether or not it's worthwhile
9 doing something more aggressive
10 before we're required to do it.

11 MS. CANTRELL: Thank you.

12 MR. THOMPSON: I would just
13 add that when you face something like
14 this, there's always this period of
15 denial that you go through, that
16 industries go through. I think
17 that's true of metropolitan areas.

18 I think what Eddie has done,
19 he's done a pretty good job so far
20 of bringing COG and INCOG to
21 understand that we've got to get past
22 this denial thing. There will be
23 opportunities in Committee in the
24 Legislature for me to begin to
25 educate legislators about giving them

Page 69

1 some sense of inevitability about
2 this so that we set the stage for
3 the kinds of things that you may be
4 talking about. That's -- as Eddie
5 indicated, that is not an easy pull.
6 We can -- so we'll just see if he's
7 done good work with the municipal --
8 with the COGs, we'll do some work
9 with the Legislature and we'll see
10 where that goes, because ultimately
11 it will be the Legislature's
12 decision.

13 MR. GIVENS: Brita, you
14 mentioned the sites ozone -- I've
15 lost my train of thought on what you
16 mentioned the sites, was it Safe
17 Drinking Water?

18 MS. CANTRELL: It was. You
19 had mentioned that there were three
20 prongs to the Safe Drinking Water Act
21 that the DEQ preferred to assume
22 authority to manage at this point.
23 And I had the same question and it
24 may be the same answer that there is
25 still work to be done before we take

Myers Reporting

Sheet 19 Page 70

1 that step.
2 But the question was, is there
3 an action item that the state or the
4 Agency considered with respect to
5 moving us towards -- is there the
6 necessity of some sort of affirmative
7 action to move us towards that goal?
8 MR. GIVENS: Well, the
9 answer to that, I think is you
10 asked, because it's really a resource
11 question at this point and we are --
12 we're pursuing some combination on
13 either general appropriation money or
14 possibly a fee case that would result
15 in our ability to raise the revenue
16 that would be necessary to assume
17 those programs. So that will be
18 something that we will pursue over
19 the course of the next several
20 months. It's possible you could see
21 something in February on that.
22 MS. CANTRELL: And Jimmy,
23 are those issues then tied back into
24 the general appropriation request
25 that's part of this packet? Was

Page 71

1 that -- is that what you -- when you
2 say it's part of the financial
3 measures that the --
4 MR. GIVENS: That's right.
5 We won't -- we are looking --
6 MS. CANTRELL: -- to be
7 determined?
8 MR. GIVENS: -- at some
9 combination and I don't know what the
10 -- even assuming we could be
11 successful in the fee case and/or
12 general appropriations, I don't know
13 what the division might be. That
14 continues to be discussed. But it
15 would be probably some combination of
16 general revenue and public water
17 supply fee increase.
18 MS. CANTRELL: Thank you.
19 MR. JOHNSTON: Let's go on
20 back to some of Eddie's remarks.
21 In our area we're not -- if we
22 don't get it changed in patterns and
23 rain patterns, we're not going to
24 worry about it. We're going to be
25 in the dust bowl days, we're not

Page 72

1 going to worry about safe drinking
2 water, we're going to worry about
3 water to drink, period. A lot of
4 the state has some really tough areas
5 on that, so we just hope we get some
6 rain so we have some water.
7 MR. GIVENS: Okay. Let me
8 wrap up this federal mandate piece.
9 Actually, we're kind of just going
10 straight into the next part, but
11 that's fine. It will be brief.
12 I put this slide up last year
13 and I think it kind of illustrates
14 what we've been talking about. The
15 federal mandates often require state
16 rulemaking. They typically, directly
17 increase our workload. They
18 typically incidentally increase our
19 workload, particularly with respect
20 to answering questions from those who
21 are effected by the new rules. They
22 may present a whole new set of
23 challenges that nobody anticipated
24 and they seldom come with any
25 additional money. Which is -- at

Page 73

1 the end of the day probably the
2 greatest challenge of all is how to
3 continue to implement requirements
4 without additional money. So that's
5 -- that is why we do from time to
6 time have to pursue either a fee
7 case or general revenue increase.
8 Okay. I will be brief on
9 these. We have two recommendations
10 for request bills for the Legislature
11 in this coming session. And back,
12 with respect to your questions,
13 Brita, I think that there are some
14 reasons that we don't pursue some of
15 the things that we've talked about
16 today in legislative fashion and can
17 be handled in other ways in many
18 cases. But also it's probably
19 appropriate to point out that we are
20 in -- coming up on the first year of
21 a two year legislative cycle, as most
22 of you realize the Legislature runs
23 on two-year cycles. This will be
24 the 54th Legislature. Quite
25 honestly, it is often easier to be a

Myers Reporting

Sheet 20 Page 74

1 little bit more conservative in what
2 you ask for in the first year of
3 those two-year cycles because change
4 in leadership. Sometimes you -- many
5 times you have a change in committee
6 leadership and you have to develop
7 those relationships. So we have been
8 somewhat conservative, whereas most
9 years we might have three or four
10 bills, this year we are focusing on
11 just a couple of items. That
12 doesn't mean that during the session
13 there won't be things that come up
14 that we need to address. And at
15 times we even use a request bill for
16 something that comes up during the
17 session. It can be added to or
18 changed to accommodate handing that.

19 But the two things that we
20 know of at this point that we will
21 be asking for.

22 The first one is a repeat of
23 something that we brought before you
24 last year. The Nuclear Regulatory
25 Commission has recommended that

Page 75

1 states take steps to more carefully
2 protect sources of radiation. And in
3 order to do that we feel like we
4 need some amendment to the Open
5 Records Act, that would essentially
6 protect things like the exact
7 location of a major source of
8 radiation, or perhaps the security
9 measures that are in place at sources
10 of radiation. Those sorts of things
11 that could be used for very
12 malevolent purposes ought to be
13 something that the Agency, while it
14 may have a need to have that
15 information for regulatory purposes,
16 the general public does not need
17 access to that sort of information.
18 The average person has no desire to
19 see that sort of information. Those
20 who desire to do us harm might want
21 to see that sort of information. So
22 this is simply a repeat of a request
23 bill that we brought before you last
24 year, to say the NRC recommends
25 certain steps to further protect

Page 76

1 radioactive sources and we'd like to
2 be able to take those same sorts of
3 steps without running afoul of the
4 Open Records Act. And by the way,
5 the reason this didn't make it
6 through last year had nothing to do
7 with any opposition to this concept,
8 rather it was because it was the
9 only one -- the only bill at the
10 time that addressed the Open Records
11 Act and somebody had something else
12 in mind that they wanted to amend
13 the Open Records Act over. This
14 bill got latched onto to try to do
15 that so that's why it died a quiet
16 death last time. But there really
17 doesn't seem to be much opposition in
18 the concept. Steve?

19 MR. THOMPSON: The only
20 thing I would add to that is that we
21 worked closely with the Oklahoma
22 Press Association, who is typically
23 the group that is very concerned
24 about exceptions to the Open Records
25 Act and they were fine with this

Page 77

1 bill because of the nature of the
2 bill. There was an element in the
3 Legislature that thought every
4 conversation in the Legislature
5 should be subject to the Open Records
6 Act. An amendment that made that so
7 was attached to this bill, because as
8 Jimmy said, that's the only bill
9 there was out there to do it and
10 that was a pretty unpopular idea with
11 most legislators. And so we just
12 went to the author and said let's
13 move on.

14 MR. GIVENS: And the second
15 of the two bills we are recommending
16 is simply a cleanup bill. There is
17 a provision in our Oklahoma
18 Environmental Quality Code that
19 really is obsolete. Both federal and
20 state rules have changed and have
21 left this particular provision
22 behind. It was put in there
23 originally many, many years ago, to
24 try to ensure that we weren't having
25 people engage in sham-recycling by

Myers Reporting

Sheet 21 Page 78

1 burning hazardous waste. The air
2 requirements and the hazardous waste
3 requirements have changed over the
4 years now to where this is no longer
5 necessary. It is essentially the
6 same sorts of requirements that apply
7 to reuse of material, reuse of
8 hazardous waste for fuel recovery as
9 for incineration for disposal. So
10 this purely a cleanup measure to try
11 to make the State Statute match what
12 has already been changed at the
13 federal level.

14 And as you might expect, these
15 sorts of bills often do become the
16 vehicle for something else that we
17 might need to accomplish that comes
18 up during the legislative session.

19 With that, I think I have told
20 you even more than I know. So I
21 will stop and see if you have any
22 additional questions and will certain
23 be glad to defer to those with a
24 little more knowledge if you do.

25 MR. JOHNSTON: Are there any

Page 79

1 questions by the Board? Any more
2 questions by the Board?

3 MR. GRIESEL: This is on
4 the Annual Report, itself?

5 MR. GIVENS: This is just
6 on the Environmental Quality Report.
7 I think Steve will probably mention
8 the Annual Report here in a few
9 minutes.

10 MS. CANTRELL: Jimmy, I've
11 got a question. On the last of the
12 legislative recommendations, the
13 repeal of the obsolete hazardous
14 waste burning prohibition, what's the
15 harm in maintaining that as a current
16 standard?

17 MR. GIVENS: Well, I guess
18 the harm would simply be that it
19 does not conform to what federal
20 requirements are now and what other
21 states are doing. But if the state
22 wanted to be more stringent in that
23 respect, it could.

24 MS. CANTRELL: How did this
25 proposal come about? Did this come

Page 80

1 from the Hazardous Waste Council?
2 MR. GIVENS: I don't know
3 that the Hazardous Waste Council
4 specifically discussed this. No. It
5 was simply something that we saw as
6 a cleanup that was proposed by the
7 Department itself.

8 MS. CANTRELL: Thank you.

9 MR. JOHNSTON: Any more
10 questions from up here? This effects
11 everyone in this room. Basically
12 what we're trying to do is protect
13 peoples' lives, so is there any
14 questions from the audience or from
15 anybody in the public?

16 I know this is -- you get
17 tired of hearing these figures but we
18 have to act on them everyday and
19 have to try to protect the peoples'
20 lives and it gets tougher in rural
21 areas where you're -- you don't have
22 that much water supply and it's a
23 lot easier to pollute and we've had
24 big problems with some of the things
25 that's happened. Even though we're

Page 81

1 small, we think our people need good
2 drinking water just as good any
3 anybody in Tulsa or Oklahoma City, so
4 we have to work twice as hard a lot
5 of times.

6 Any more questions anywhere?
7 Back to the Board for approval or
8 disapproval.

9 MS. CANTRELL: Jerry, may I
10 ask one more question?

11 MR. JOHNSTON: Yes.

12 MS. CANTRELL: While we have
13 the opportunity to talk to him.

14 MR. JOHNSTON: Yes. Yes.
15 Yes.

16 MS. CANTRELL: If the
17 hazardous waste burning prohibition
18 remains and we don't take that
19 forward and it remains as
20 legislation, what is the impact of
21 leaving that in there?

22 MR. GIVENS: If you're
23 asking whether it effects our
24 delegation, it would not.

25 MS. CANTRELL: I'm just

Myers Reporting

<p>Sheet 22 Page 82</p> <p>1 asking more of a broad -- just 2 general. What the impact of 3 retaining that standard? 4 MR. THOMPSON: If I could. 5 I think the issue here is that this 6 provision is redundant in the sense 7 that -- I think this deals with -- 8 instead of incineration of hazardous 9 waste, more -- deals more with air 10 quality. And it's clear to me that 11 removing this prohibition, the 12 safeguard is that you still have to 13 meet emissions limits in order to do 14 this. So in a sense, because you 15 have to meet what those emission 16 limits -- just saying this BTU 17 provision seems redundant to me 18 because the safeguard is the air 19 permit itself. 20 MS. CANTRELL: I guess my 21 question is why are we -- why is an 22 agency are we proposing that this be 23 removed? Beyond redundancy has it -- 24 has this impacted negatively -- 25 MR. THOMPSON: I don't know</p>	<p>Page 84</p> <p>1 waste fuel with a BTU value of less 2 than 5,000. The statute talks about 3 hazardous waste. 4 MR. JOHNSTON: Good 5 question. Any more questions at all? 6 MR. GRIESEL: I have one 7 question. On Page 24, the Budget by 8 Fund Source. Is that possible that 9 the Board would be able to obtain an 10 outline of the expenditures in that 11 in that representation in that chart? 12 MR. THOMPSON: What page. 13 I'm sorry. 14 MR. GRIESEL: Page 24. An 15 outline of expenditures? 16 MR. THOMPSON: Yes. I 17 mean, yes. We would -- by program? 18 Is that what you mean? 19 MR. GRIESEL: Yes. 20 MR. THOMPSON: Okay. Sure. 21 No problem. 22 MR. GRIESEL: It's not 23 detailed in the report that we're 24 asked to act on. 25 MR. THOMPSON: Okay. Well,</p>
<p>Page 83</p> <p>1 that we've had -- 2 MS. CANTRELL: -- the State 3 of Oklahoma or (inaudible). 4 MR. THOMPSON: -- I don't 5 know that it's an issue that has 6 arisen? Has it arisen? Does 7 anybody know that? 8 (Comment) 9 MR. THOMPSON: I didn't hear 10 what he said. 11 MR. GIVENS: No. We're not 12 aware of anybody having raised it at 13 this point. 14 MS. JABBER: I have a 15 question. Is it this information as 16 hazardous waste or is it any fuel 17 that has a heat content of less than 18 5,000 BTU? 19 MR. GIVENS: I think the 20 statute talks about hazardous waste. 21 (Comment) 22 MR. GIVENS: And I should 23 have repeated the question. The 24 question is whether this relates to 25 any fuel burned or only to hazardous</p>	<p>Page 85</p> <p>1 this is not the report you're being 2 asked to act on. 3 MR. GRIESEL: Okay. 4 MR. THOMPSON: The report 5 that you're being asked to act on is 6 in the back of the Board packet. 7 This is just some information that 8 I'm going to talk about. 9 MR. GRIESEL: Is it 10 appropriate to ask for that? 11 MR. THOMPSON: Sure. I 12 mean, we can provide the Board -- is 13 this in this report -- as far as 14 questions of the Board, do not 15 hesitate to ask us to provide more 16 detailed information, because we're 17 happy to do that. Absolutely. 18 MR. GRIESEL: They are both 19 labeled Annual Report. 20 MR. THOMPSON: I understand. 21 It is a bit confusing. This is 22 labeled based on the statutory 23 provision and then this is just what 24 we label our Annual Report. 25 MR. GRIESEL: Do you need a</p>

Myers Reporting

<p>Sheet 23 Page 86</p> <p>1 motion?</p> <p>2 MR. THOMPSON: Yes.</p> <p>3 MR. GRIESEL: So moved.</p> <p>4 MR. JOHNSTON: You made a</p> <p>5 motion?</p> <p>6 MR. CASSIDY: Second.</p> <p>7 MS. CANTRELL: I have a</p> <p>8 procedural question. We have two</p> <p>9 legislative recommendations. How do</p> <p>10 we -- how procedurally do we</p> <p>11 distinguish -- isn't there -- are we</p> <p>12 going to take a vote up or down for</p> <p>13 the entire proposal or do we break</p> <p>14 it down according to proposals?</p> <p>15 MR. THOMPSON: Well, if</p> <p>16 there's concern about any portion of</p> <p>17 it, of the report, because this is</p> <p>18 your responsibility to approve it,</p> <p>19 you could offer an amendment to</p> <p>20 remove some portion or to amend some</p> <p>21 portion of the report. This is</p> <p>22 prepared by the Department but it is</p> <p>23 approved by this Board. So if there</p> <p>24 are concerns about the issue with the</p> <p>25 removal of the BTU value, you simply</p>	<p>Page 88</p> <p>1 MS. NANCE: Mr. Kinder.</p> <p>2 MR. KINDER: Yes.</p> <p>3 MS. NANCE: Ms. Kunze.</p> <p>4 MS. KUNZE: Yes.</p> <p>5 MS. NANCE: Mr. Wendling.</p> <p>6 MR. WENDLING: No.</p> <p>7 MS. NANCE: Mr. Johnston.</p> <p>8 MR. JOHNSTON: Yes.</p> <p>9 MR. THOMPSON: Declare the</p> <p>10 vote.</p> <p>11 MS. NANCE: Motion does not</p> <p>12 pass.</p> <p>13 MR. THOMPSON: What was the</p> <p>14 vote?</p> <p>15 MS. NANCE: Five to three.</p> <p>16 MR. THOMPSON: There's seven</p> <p>17 of them.</p> <p>18 (Comments)</p> <p>19 MR. THOMPSON: It did pass.</p> <p>20 It was five to three in favor.</p> <p>21 MS. NANCE: Yes. I'm</p> <p>22 sorry. Motion passed.</p> <p>23 MR. THOMPSON: I will commit</p> <p>24 that we will go back and think about</p> <p>25 this, Brita, and if there are ways</p>
<p>Page 87</p> <p>1 ask for an amendment to remove that</p> <p>2 portion of the report, and we have a</p> <p>3 second, then, you could vote on that</p> <p>4 amendment and then you could come</p> <p>5 back to the approval of this report</p> <p>6 as amended. Although, I will turn</p> <p>7 to my betters on this but</p> <p>8 procedurally now we have a motion on</p> <p>9 the floor so one would have to vote</p> <p>10 on that and if that motion failed</p> <p>11 then you could come back to your</p> <p>12 proposal then. Is that fair?</p> <p>13 MR. JOHNSTON: That is.</p> <p>14 Okay. We're ready for a roll</p> <p>15 call on the motion to vote on this</p> <p>16 -- what we just went through in</p> <p>17 total. Roll call vote.</p> <p>18 MS. NANCE: Ms. Cantrell.</p> <p>19 MS. CANTRELL: No.</p> <p>20 MS. NANCE: Mr. Cassidy.</p> <p>21 MR. CASSIDY: Yes.</p> <p>22 MS. NANCE: Mr. Griesel.</p> <p>23 MR. GRIESEL: No.</p> <p>24 MS. NANCE: Dr. Hammon.</p> <p>25 DR. HAMMON: Yes.</p>	<p>Page 89</p> <p>1 that we can solve your problem we'll</p> <p>2 try to do that.</p> <p>3 MS. CANTRELL: Thank you.</p> <p>4 MR. JOHNSTON: And now we</p> <p>5 have the Executive Director's Report</p> <p>6 by the one and only, Steve Thompson,</p> <p>7 DEQ's Executive Director.</p> <p>8 MR. THOMPSON: Thank you,</p> <p>9 Mr. Chairman. Okay. This has been</p> <p>10 referred to already, this is our</p> <p>11 Annual Report. This is the report</p> <p>12 of the activities of the Agency.</p> <p>13 There's a lot of data in the back of</p> <p>14 the report and there is some, what</p> <p>15 we believe are, very nice stories</p> <p>16 about the activities of the Agency.</p> <p>17 In the front, of course, we list our</p> <p>18 Board Members. I will tell you that</p> <p>19 we've been doing this Annual Report</p> <p>20 for 20 years. And I would say that</p> <p>21 as far as presentation and</p> <p>22 conciseness and providing good</p> <p>23 information with -- and less paper,</p> <p>24 this is the best report that we've</p> <p>25 ever done, in my opinion. And much</p>

Myers Reporting

Sheet 24 Page 90

1 of the credit for that goes -- or
2 the leader of that effort is Skylar
3 McElhane who is our Public
4 Information Officer. That's her
5 right there, the one that's grinning
6 and sort of blushing and sort of --
7 yeah, like that. But she's does a
8 great job for us so I thank her
9 personally for the good effort on
10 this.

11 (Applause)

12 MR. THOMPSON: And if you
13 -- and if that report, as David
14 mentioned, if questions arise, that's
15 what it is supposed to do. So
16 questions arise as a result of that
17 report, please let us know.

18 One of the really neat things
19 that I get to do as Executive
20 Director of the DEQ is I get to go
21 to some events. And in the last
22 couple of weeks there have been a
23 couple of very special events in
24 which this Board has been involved.
25 The first one that I will

Page 91

1 mention is the Keep Oklahoma
2 Beautiful banquet which was held in
3 Oklahoma City last week. I think it
4 was Oklahoma City. I've lost track,
5 I've been so many places. And at
6 that event, three of our Board
7 Members received awards from Keep
8 Oklahoma Beautiful. Jerry Johnston,
9 our Chairman --

10 MR. JOHNSTON: Different
11 towns. In our case, it was our
12 town.

13 MR. THOMPSON: Okay. Thank
14 you, Mr. Chairman. Jerry and the
15 Braman American Legion Post, where
16 Jerry is very active, was the
17 recipient of the Non-profit
18 Organizations Award for Service Area
19 Populations of less than 15,000.
20 That means that the town of Braman,
21 population 250, was up against towns
22 as large as 15,000 and carried off
23 the award. So that was quite an
24 accomplishment.
25 Okay. I'll do it this way.

Page 92

1 Oklahoma's Environmental Management
2 Authority led by David Griesel, was
3 the recipient of the Environmental
4 Projects and Volunteer awards for
5 Businesses with fewer than 150
6 employees. So congratulations to
7 them.

8 And KOB gives out a very
9 prestigious award, which is the Board
10 Commendation Award for the Champion
11 Volunteer for these kind of projects
12 in Oklahoma, and our own Jan Kunze
13 was given that award for her effort
14 on behalf of one of the great events
15 in our state every year and that's
16 Science Fest. Jan Kunze, she will
17 deny this, but was the inventor of
18 Science Fest and she received that
19 award for that. So we should give a
20 hand to all our Board Members for
21 those.

22 (Applause)

23 MR. THOMPSON: In addition,
24 in an event recently, Oklahoma City
25 University and the Meinders School of

Page 93

1 Business has an Oklahoma Commerce and
2 Industry Hall of Fame, or Hall of
3 Honor. And each year they induct a
4 number of people into that Hall of
5 Honor. This year our own Steve
6 Mason, who was -- would have been
7 here except for he had some last
8 minute obligations that he had to
9 attend to. He sends his apologies
10 for not being here. He was the
11 recipient of the Entrepreneurial
12 Spirit Award for the excellent work
13 that he's done in helping to renovate
14 and rejuvenate the bicycle alley area
15 of Oklahoma City in Bricktown. So,
16 Steve, when you see him, congratulate
17 him on the good work there.

18 Typically, when the Agency does
19 fee-making, that fee will have gone
20 to a Council and that Council will
21 have held, most often two and
22 sometimes three, meetings to give the
23 public the opportunity to weigh-in on
24 that fee. There is one exception,
25 or maybe more than one exception, but

Myers Reporting

Sheet 25 Page 94

1 the exceptions are in the Chapter 4
2 fees which are the administrative
3 fees of the Agency. And because
4 there is no Council to review those
5 administrative-type fees they come
6 directly to the Board. So it is
7 important for me at this meeting to
8 give you a heads-up that you may see
9 a fee like that at the February
10 Board meeting where all fees have to
11 be done.

12 In this particular case, we
13 believe that online payments are the
14 wave of the future and they are very
15 convenient to the public to be able
16 to use a credit card or make online
17 payments for our licenses and those
18 kinds of things. We really like the
19 idea, except when some companies want
20 to pay us \$600,000.00 or \$700,000.00
21 in fees on a credit card, and I'll
22 tell you more about that in a
23 minute. Because ok.gov, which is a
24 part of state government, hosts the
25 online payment portal, HR does a

Page 95

1 portal fee from 50 cents to \$2.00
2 for each transaction. In addition,
3 the credit card companies charge us a
4 convenience fee. And to further
5 complicate the issue, they don't --
6 at least one of the credit card
7 companies is reluctant to let us
8 charge a percentage fee. They like
9 flat fees.

10 Now what we are trying to do
11 is to encourage big fee payers to
12 pay us in some other way than by
13 credit cards, because if they don't
14 we have to -- if we do a convenience
15 fee, which we're probably going to
16 ask you to do, we have to spread
17 those costs out over a very small
18 fee-end payers and we think that's
19 inevitable.

20 But assuming we can do that,
21 our costs runs from something like 50
22 cents to \$6.00 per transaction and,
23 you know, in the past the number of
24 transactions was low and the cost was
25 small and the Agency was able to

Page 96

1 absorb those costs. But as budgets
2 have tightened and the number of
3 transactions have increased, and as
4 we anticipate that the number of
5 transactions will more greatly
6 increase over time, the cost to the
7 Agency has risen to about \$50,000.00
8 with a bullet upward. So we're
9 still thinking through this issue.
10 We want to be equitable, some of our
11 licenses, some of our certifications,
12 some of our requirements are as
13 little as \$12.00, some of them are
14 much higher. We're trying to find a
15 balance in that, but we are at a
16 point where we can no longer ignore
17 this cost to the Agency. So you
18 will see us bring to you a fuller
19 explanation of what we're going to do
20 with the convenience fee in February.
21 Or not.

22 Any questions about that?
23 UNIDENTIFIED: Are you
24 required to accept the credit cards?
25 MR. THOMPSON: We are not

Page 97

1 required to accept them. And, in
2 fact, we are encouraging some of our
3 fee payers not to use them. But we
4 have a lot of relatively small --
5 SARA Title 3, for instance. There
6 are lots and lots of those people
7 that it is just very convenient for
8 them to use a credit card.

9 Now there is an argument that
10 if we're going to make it convenient
11 then they ought to pay that fee; and
12 then there's an argument that because
13 it's such a small fee, the
14 convenience fee will be a significant
15 percentage of that. What we're
16 trying to do is figure out what
17 we're going to do that is as
18 equitable to everybody as possible
19 and still recovers our costs. Visa
20 will not allow us to charge a
21 percentage fee. That would be the
22 fair way to do it, but there's a
23 banking agreement that gets in the
24 way of that. Although, we may ask
25 you to do it anyway. But

Myers Reporting

Sheet 26 Page 98

1 nevertheless -- because I think
2 that's the equitable way to do it.
3 But those are the kinds of things
4 that we're thinking through in the
5 Agency and will over the next couple
6 of months and try to bring to you a
7 proposal, show you all the warps that
8 that proposal has so that you can
9 evaluate it and make recommendations
10 to us about that. But the point is,
11 is that as more and more people pay
12 online, I still write a check because
13 it just feels good to write a check
14 to me, but apparently others don't do
15 that. And I anticipate that that
16 thing is just going to explode and
17 our cost, because we can only address
18 fees once a year during the
19 legislative session, I'm very
20 concerned that the cost to the Agency
21 is going to be great. So we're
22 going to think through that as best
23 we can without the benefit of a
24 Council to do that. I really don't
25 like that. I really don't like the

Page 99

1 fact that some of these things have
2 to come to you directly without the
3 benefit of a Council having had
4 public input to it, because that is
5 hugely valuable, not only to us but
6 to you. We just find ourselves in
7 that position on this one particular
8 issue.

9 I don't think in all my almost
10 30 years in government I've ever said
11 that, but I want to say this because
12 it's just sort of against my grain
13 but it's important for me to give a
14 shout out to our attorneys. There
15 have been any number of issues that
16 have come before the Agency recently.
17 I'll talk about some of them in the
18 rest of my report, where the work of
19 Martha, and Sara, and Rob Singletary,
20 our lead Air and Waste attorney, and
21 Mista Turner, our lead ECLS and Water
22 attorney, has been excellent. And so
23 those folks are doing -- I mean,
24 they are really doing a good job for
25 you and I just wanted to particularly

Page 100

1 say how much we appreciated them.
2 For instance, we have been
3 engaged over the last, I don't know,
4 15 years I suppose, in a cleanup of
5 smelter waste in Blackwell. That
6 cleanup has now extended or the
7 assessment for a need for a cleanup
8 has now extended to the entire Kay
9 County. The company and the county
10 were at some odds with each other
11 about this notion. And it was
12 really only with the skill and
13 negotiating skills of Rob Singletary
14 in working with both of them, plus
15 the fact that I threatened if they
16 didn't sign a Consent Order I was
17 going to issue an Administrative
18 Compliance Order that neither one of
19 them would like, that may have had
20 some motivating factor to it. But in
21 any event, he was very skillful and
22 we have reached a Consent Order where
23 a cleanup plan will go forward -- I
24 mean, an assessment will go forward
25 to determine the level of cleanup

Page 101

1 plan that is necessary in the entire
2 county. That's been a big event.
3 It's taken a lot of our time. We
4 are only in the beginnings of the
5 process but at least we have
6 developed the framework under which
7 we're going to proceed with that.

8 Since we last met, Jimmy
9 mentioned that we are -- we think
10 it's important for our people to
11 attend national meetings and be
12 members of national organizations.
13 For my part I am a member of the
14 Environmental Council of the States,
15 which is the National Association of
16 State Environmental Commissioners.
17 And they had their annual meeting
18 this -- since we last met. I will
19 tell you that the main topic of
20 conversation at the ECOS meeting was
21 this financial sequestration or what
22 many people have referred to as the
23 fiscal cliff. This notion that there
24 is going to be some level of cuts
25 and some level of tax increases that

Myers Reporting

Sheet 27 Page 102

1 will automatically occur if Congress
2 and the President don't act.

3 In the case of the DEQ or the
4 case of the cuts that we would take
5 in federal funding, should that
6 occur, we believe we will take about
7 an eight percent cut in funds --
8 federal funds.

9 EPA believes that they can make
10 up that -- they seem to believe that
11 they can make that up through this
12 notion of electronic reporting and
13 the efficiencies that it will bring.
14 I believe electronic reporting has
15 some promise of efficiency but not at
16 that level. I don't think that
17 anybody believes, even if we do not
18 fall off the fiscal cliff, that the
19 amount of funding, the federal
20 funding for programs will decrease.
21 It will go down. I don't know by
22 how much.

23 It is also fair to say that it
24 is becoming more difficult to raise
25 funds for our programs regardless.

Page 103

1 So I made my -- I made it known to
2 the leaders of EPA that while I
3 agree with some efficiencies in
4 electronic reporting, it will not
5 have anything to do -- will not meet
6 our resource requirements.

7 So as a result of that you
8 will -- you may have read that we
9 have a new Regional Administrator in
10 Region 6. A guy name Ron Currie
11 (ps) from the state of New Mexico.
12 It appears he's going to keep his
13 job. Anyway, the five Region 6
14 states which are Texas, Oklahoma,
15 Louisiana, New Mexico and Arkansas,
16 met in Dallas a week or two ago and
17 then we met with the new Regional
18 Administrator that next day.

19 And our message to him was
20 this. You can anticipate that these
21 five states, should we take
22 reductions in federal funding, will
23 anticipate that the level grant
24 requirements that we have to meet
25 will be reduced by that percentage.

Page 104

1 You just cannot continue to believe
2 that states can manufacturer money to
3 run these programs. They listened
4 intently. So we'll see how that
5 works.

6 I have to try to -- if I'm
7 going to ask folks to pay for
8 programs, I have to be seen as
9 trying to reduce the amount of work
10 that has to be done with the federal
11 money that is there. And so they
12 listened intently.

13 Jimmy mentioned Regional Haze.
14 When we were FIP'ed by EPA and in
15 the Governor's comments, she asked
16 that Oklahoma be allowed to develop a
17 plan that would meet both our needs
18 and EPA's. The Public Service
19 Company of Oklahoma stepped forward
20 with a plan -- a conversion plan
21 from coal to natural gas over time.
22 That plan, after some very intense
23 negotiations with both PSO and EPA
24 and others, has come to fruition. A
25 settlement agreement on that was

Page 105

1 signed by me, Secretary Sherrer, PSO,
2 and EPA. That has gone to DOJ. We
3 keep calling DOJ asking when it will
4 come to -- go to Public Notice in
5 the Federal Register; they continue
6 to say any day. Which mean we may
7 be talking about this at this time
8 next year. Nevertheless, from our
9 perspective based on the Governor's
10 call and her instructions to
11 Secretary Sherrer and Secretary of
12 Energy, Mike Ming, we have fulfilled
13 that obligation. So we will see how
14 that goes.

15 Recently there were some
16 comments made by a person about DEQ's
17 resistance to water reuse. There had
18 been a lot of chatter about DEQ's
19 resistance to water reuse which, as
20 Jerry indicates, will be very
21 important as the amount of water that
22 we need in the state to fulfill our
23 obligations increases. It just isn't
24 true. DEQ has approved dozens and
25 dozens of water reuse activities, but

Myers Reporting

Sheet 28 Page 106

1 in doing so the DEQ will always have
2 both eyes on protection of human
3 health and the environment. They're
4 not going to do that which we
5 believe and which others believe is
6 not protective of human health and
7 the environment. And so in a
8 somewhat of a fit of pique I wrote
9 an editorial that has been published
10 in a number of newspapers. We are
11 advocates of water reuse. We will
12 continue to be advocates of
13 beneficial reuse of wastewater but we
14 will only do it when we believe the
15 public is being protected.

16 Skylar said if I said anything
17 that she didn't like, she would give
18 me the grumpy face, and I haven't
19 seen her do that yet so this may be
20 a good time for me to wrap up and
21 ask if there are any questions of
22 the Board on any of that.

23 MS. KUNZE: Steve, I would
24 like to respond both to Jerry and
25 David, real quick to say, hey, it

Page 107

1 wasn't just me on those awards.
2 Steve mentioned this environmental
3 program we have and it is something
4 that I take very seriously and I am
5 extremely proud of, but I think we're
6 in the twelfth year of getting kids
7 at the fourth and fifth grade level
8 to start thinking about the future
9 impact they can have on the
10 environmental activities. Anyway, we
11 get them together and do this
12 hands-on education activity, I think
13 Steve mentioned about 5,000 fourth
14 and fifth graders. So when you give
15 me credit, what I had was an idea --
16 and my mom was a school teacher and
17 I remember her looking right at me
18 when I was explaining this, and said
19 you're crazy. So what --

20 MR. JOHNSTON: Thanks mom.
21 MS. KUNZE: -- and I was
22 shocked. She usually didn't say that
23 to me. But if you took DEQ out of
24 the equation, what we had was an
25 idea that some deemed that I was

Page 108

1 crazy, but in the twelfth year we
2 start planning the next one as soon
3 as one ends and that's because we
4 never question the DEQ's support both
5 in the planning, the implementation,
6 and the resources we need to make
7 that happen. So for right now I'm
8 just going to keep going around
9 accepting awards for it. But I want
10 to thank the DEQ, and Steve
11 especially.

12 MR. THOMPSON: Well, if you
13 want -- if you question our future
14 and you want to get a good feeling
15 about our future and the kids that
16 will be our leaders in the future,
17 take a day and go to Science Fest;
18 5,000 fourth and fifth graders
19 showing up, very orderly, very
20 interested in the stuff that's going
21 on. It is the easiest thing in the
22 world to support because it is very,
23 very cool. It happens at the
24 Oklahoma City Zoo. I go out there
25 and every year wave at the crowd

Page 109

1 like I had something to do with it.
2 But Jan, and really lots and lots of
3 volunteers from the DEQ, help with
4 that thing. So they get the credit
5 for that but it is irrefutable that
6 the idea, even though her mom told
7 her she was crazy, came from Jan.
8 We just jumped on the bandwagon is
9 all we did.

10 MR. JOHNSTON: There is
11 nothing wrong with being a little
12 crazy anyway.

13 MS. KUNZE: That's what I
14 was going to say. April 18th; it's
15 on a Thursday 2013, if you have a
16 chance, like Steve said, please come
17 out.

18 MR. THOMPSON: We need to
19 revisit the Minutes.

20 MR. JOHNSTON: Yeah. I
21 don't know how to do that but we'll
22 do it.

23 MR. THOMPSON: I don't
24 either.

25 MR. JOHNSTON: We need to

Myers Reporting

<p>Sheet 29 Page 110</p> <p>1 revisit the Minutes. 2 MR. THOMPSON: I know this 3 is procedurally awkward. 4 MR. JOHNSTON: Next time 5 read the it. 6 MR. EUBANKS: Well, you have 7 -- I mean, you can have a motion to 8 pass the Minutes to the next meeting 9 for approval after which you may have 10 a quorum of the members that were 11 present at that meeting, or as we 12 said in the last meeting you can 13 have either read the transcript and 14 state on the record that you have 15 read the transcript and you 16 understand the information that is 17 contained therein and that you don't 18 have any issues. As a Member of 19 this Board, I believe you can do 20 that. And make a vote today to 21 approve those Minutes. But it's up 22 to the Board. I mean, you can pass 23 it or you can vote today. 24 MS. CANTRELL: I move 25 passage of the Minutes.</p>	<p>Page 112</p> <p>1 miracle. I apologize. Sometimes I'm 2 like my mother used to be when 3 whenever she voted on something 4 that's what she said. So I'm 5 blaming her. She's gone so I can 6 blame her. 7 Our next meeting is going to 8 be February 22, 2013 at the DEQ 9 Multipurpose room in Oklahoma City. 10 I want you all to be there. If 11 there is nothing else we're up for 12 adjournment. 13 MR. GRIESEL: So moved. 14 MS. KUNZE: Second. 15 MR. JOHNSTON: Do we have 16 to have a roll call on that? We'll 17 do it anyway. Yeah. Do it. Gives 18 you something to do. 19 MS. NANCE: Ms. Cantrell. 20 MS. CANTRELL: Yes. 21 MS. NANCE: Mr. Cassidy. 22 MR. CASSIDY: Yes. 23 MS. NANCE: Mr. Griesel. 24 MR. GRIESEL: Yes. 25 MS. NANCE: Dr. Hammon.</p>
<p>Page 111</p> <p>1 MR. CASSIDY: Second. 2 MR. JOHNSTON: Do we need 3 to do the roll call again? 4 MR. THOMPSON: Yes. 5 MR. JOHNSTON: Okay. We'll 6 have the roll call again to find out 7 if we want to pass the Minutes. 8 MS. NANCE: Ms. Cantrell. 9 MS. CANTRELL: Yes. 10 MS. NANCE: Mr. Cassidy. 11 MR. CASSIDY: Yes. 12 MS. NANCE: Mr. Griesel. 13 MR. GRIESEL: Yes. 14 MS. NANCE: Dr. Hammon. 15 DR. HAMMON: Yes. 16 MS. NANCE: Mr. Kinder. 17 MR. KINDER: Yes. 18 MS. NANCE: Ms. Kunze. 19 MS. KUNZE: Yes. 20 MS. NANCE: Mr. Wendling. 21 MR. WENDLING: Yes. 22 MS. NANCE: Mr. Johnston. 23 MR. JOHNSTON: Yes. 24 MS. NANCE: Motion passed. 25 MR. JOHNSTON: It's a</p>	<p>Page 113</p> <p>1 DR. HAMMON: Yes. 2 MS. NANCE: Mr. Kinder. 3 MR. KINDER: Yes. 4 MS. NANCE: Ms. Kunze. 5 MS. KUNZE: Yes. 6 MS. NANCE: Mr. Wendling. 7 MR. WENDLING: Yes. 8 MS. NANCE: Mr. Johnston. 9 MR. JOHNSTON: Yes. 10 MS. NANCE: Motion passed. 11 (Meeting Adjourned) 12 (Proceeding Concluded)</p>

Myers Reporting

Sheet 30 Page 114

C E R T I F I C A T E

1
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 proceeding is the
9 truth, the whole truth, and nothing
10 but the truth; that the foregoing
11 proceeding was taken down in
12 shorthand and thereafter transcribed
13 by me; that said proceeding was taken
14 on the 7th day of November, 2012, at
15 Lawton, Oklahoma; and that I am
16 neither attorney for, nor relative of
17 any of 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 26th day of
22 November, 2012.

Christy Myers

23
24 CHRISTY A. MYERS, C.S.R.
25 Certificate No. 00310



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
November 7, 2012
Lawton, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Quiana Field	DEQ
Bob Sengstack	DEQ
Tyler Powell	OSE
Carly Schmittman	OSE
UNP the Street	DEQ
Jennifer Wright	DEQ
Ray Walker	IT
Jeremy Aiken	DEQ
Jerry Johnston	BOARD DE
John McArdler	Camera
Tracy Hammon	Board
Steve Thompson	DEQ
Mike Edwards	DEQ
Hyge Kink	DEQ
Lee Grater	Waste Adv Council
Rubel McDall	DEQ
BURK	DEQ
Sarah E. Penn	DEQ
Bud Ground	PSU
Edaine Stepler	LSAC
Shelli Chalk Melkey	DEQ
Deat Throps	DEQ
Christy Myers	Court reporter
David Griesel	DEQ Board
Fel: Terill	DEQ ARD
Chris Armstrong	DEQ SELSD



ENVIRONMENTAL QUALITY BOARD

Attendance Record

November 7, 2012

Lawton, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Catherine Shery	DEQ
Gary Collins	DEQ
John Wudley	DEQ Board
Stylon M	DEQ
Wendy Caperton	DEQ
Mitch Meador	The Lawton Constitution
Jan Kunzer	EQ Board
Mike Cassidy	EQ Board
James W. Kuhn	EQ Board
Doyle Stevens	Rep. Jim Stevens
Ann Ruth Tidwell	
Afsaneh Jobb	
Patricia Hayle	Duncan DEQ
	DEQ
Larry Worcester	CITY of LAWTON
Cynthia Williams	City of Lawton
DAVID DYKE	OGE