

**MINUTES  
ENVIRONMENTAL QUALITY BOARD  
NOVEMBER 13, 2013  
MUSKOGEE CIVIC CENTER  
MUSKOGEE, OKLAHOMA**

Official EQB Approval  
On February 21, 2014

**Notice of Public Meeting** – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Muskogee Civic Center, 425 Boston Avenue, Muskogee, 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 16, 2012. The agenda was mailed to interested parties on November 1, 2013, and was posted at the DEQ and the facility on November 12, 2013. Mr. John Wendling, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed. Mr. Jimmy Givens, Interim Executive Director, talked on safety precautions in case of an emergency.

**MEMBERS PRESENT**

David Griesel  
Tracy Hammon  
Jerry Johnston  
James Kinder  
Jan Kunze  
Steve Mason  
Tim Munson  
Billy Sims  
John Wendling

**DEQ STAFF PRESENT**

Jimmy Givens, Interim Executive Director  
Martha Penisten, General Counsel  
Wendy Caperton, Administrative Services Division  
Catherine Sharp, Administrative Services Division  
Amber Miller, Administrative Services Division  
Eddie Terrill, Air Quality Division  
Gary Collins, Environmental Complaints & Local Services  
Scott Thompson, Land Protection Division  
Jon Roberts, Land Protection Division  
Mike Edwards, Land Protection Division  
Shellie Chard-McClary, Water Quality Division  
Carl Parrott, Water Quality Division  
Mark Hildebrand, Water Quality Division  
Chris Armstrong, State Environmental Laboratory Services  
Skylar McElhaney, Public Information Officer  
Mista Burgess, Environmental Attorney Supervisor  
Rick Austin, Environmental Complaints & Local Services  
Cindy Przekurat, Executive Director's Office  
Quiana Fields, Board & Council Secretary

**MEMBERS ABSENT**

Mike Cassidy  
Tony Dark

**OTHERS PRESENT**

Tyler Powell, Office of the Secretary of Energy and Environment  
Carly Schnaithman, Office of the Secretary of Energy and Environment  
Craig Sundstrom, Office of the Secretary of Energy and Environment  
George MacDurmon, Radiation Management Advisory Council  
Lee Grater, Hazardous Waste Management Advisory Council  
Steve Landers, Solid Waste Management Advisory Council  
Arthur Hulbert, Oklahoma House of Representatives  
Christy Myers, Court Reporter

**Approval of Minutes** – Mr. Johnston moved to approve the Minutes from the August 20, 2013 Regular Meeting. Mr. Griesel made the second.

*transcript pages 7 - 8*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Approval of Minutes – Mr. Griesel moved to approve the Minutes from the September 19, 2013 Special Meeting. Mr. Mason made the second.**

*transcript pages 8 - 9*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:205 Hazardous Waste Management – Mr. Wendling called upon Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC) to present the rule. Mr. Grater stated the DEQ proposes to revoke a portion of Subchapter 19 of its Hazardous Waste Management Rules in order to make them consistent with changes to the Oklahoma Statutes during the most recent legislative session. Previously, the Oklahoma Hazardous Waste Management Act prohibited, as a form of recycling, the burning of hazardous waste with a low heating value, or the blending of low-Btu fuel with other materials or wastes to create a hazardous waste fuel. However, the Legislature revoked the prohibition, making this proposed rulemaking necessary. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Mason moved to approve and Mr. Griesel made the second.**

*transcript pages 9 – 13*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:301 Laboratory Accreditation – Mr. Wendling stated Ms. Elaine Stebler, Chair of the Laboratory Services Advisory Council (LSAC) is not in attendance so Mr. Chris Armstrong, Division Director of the State Environmental Laboratory Services (SELS) will present the Laboratory rules. Mr. Armstrong stated the DEQ proposes to amend Subchapter 9 of its Laboratory Accreditation Rules to incorporate by reference the most recent EPA required analytical methodologies for drinking water, wastewater and solid waste. If adopted, these amendments will update the list of approved methods for environmental testing and provide new quality assurance and quality control requirements. These new and revised methods will provide increased flexibility to the regulated community and laboratories in their selection of analytical methods. The proposed amendments also remove redundant and unnecessary references. Following a comment by the Board and none by the public, Mr. Wendling called for a motion. Mr. Sims made a motion to adopt and Mr. Johnston made the second.**

*transcript pages 13 – 16*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:302 Field Laboratory Accreditation – Mr. Armstrong stated the DEQ is proposing to amend Subchapter 9 of its Field Laboratory Accreditation Rules to incorporate by reference the most recent EPA required analytical methodologies for wastewater. If adopted, these changes would expand the list of approved methods for environmental testing and provide new quality assurance and quality control requirements. These new and revised methods will provide increased flexibility to the regulated community and laboratories in their selection of analytical methods. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Griesel moved to approve and Dr. Hammon made the second.**

*transcript pages 17- 19*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:410 Radiation Management** – Mr. Wendling called upon Mr. George MacDurmon, Chair of the Radiation Management Advisory Council to present the rule. Mr. MacDurmon stated the DEQ is proposing to update Subchapter 1 to change the date of the incorporation of federal regulation by reference to January 1, 2013, as well as make related amendments to Subchapters 10 and 20 to maintain consistency with federal regulations. The changes include: (a) making improvements to decommissioning planning; (b) clarifying definitions related to materials licensing; (c) requiring licensees to provide advance notice to tribal governments regarding shipments of irradiated reactor fuel and certain nuclear wastes; (d) making requirements for distributors of byproduct material clearer; and (e) making technical changes and correcting errors. Following questions and comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Johnston moved to approve and Mr. Munson made the second.

*transcript pages 19 - 25*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards** – Mr. Wendling called upon Ms. Shellie Chard-McClary, Division Director of the Water Quality Division (WQD) to present the water rules. Ms. Chard-McClary stated the DEQ WQD held informal public meetings on August 21 in Oklahoma City and August 22 in Tulsa to present the rulemaking recommendations for Chapter 606, 626, 631 and 690. This was done in an effort to solicit comments from interested parties prior to the official comment period which was September 3 through October 4 and then was heard by the Water Quality Management Advisory Council (WQMAC) on October 8. DEQ responded verbally to comments received during the public meetings and made appropriate changes to the rules before the official comment period started. Ms. Chard-McClary stated the DEQ is proposing to amend the OPDES Standards, Subchapters 1, 5 and 11 and to add a new Appendix G. The proposed amendments would: update the date of incorporation by reference for federal regulations from July 1, 2012 to July 1, 2013; add a requirement for a weekly average of 135mg/l total dissolved solids (TSS) for municipal lagoon effluent; and include process control testing requirements for public water supply residuals lagoons. During the public comment period the Department had three issues that were raised: 1) was the increase in frequency for sampling of the public water supply backwash lagoons; 2) whether public water supply discharge water is considered wastewater and if stream monitoring is required; and 3) should coliform be replaced by E.Coli. These changes are recommended to the Board with a unanimous vote by the WQMAC. Following questions and comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Sims moved to approve and Dr. Hammon made the second.

*transcript pages 25 – 32*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:626 Public Water Supply Construction Standards** – Ms. Chard-McClary mentioned the DEQ is proposing to amend the Public Water Supply Construction

Standards, Subchapters 3, 5, 9, 11 and 19. The proposed amendments would: require that at least one set of plans be submitted on 11"x 17" paper; require a public water system to submit a copy of its water rights verification or its purchase water contract when submitting an engineering report; update the analytical testing equipment's capability requirements for iron and manganese removal plants; add fluoride concentration testing requirement for certain plants; clarify that test equipment must be able to measure certain phosphate levels when poly or orthophosphates are added; clarify monitoring and recording requirements for chlorine residuals; clarify that chloramines cannot be used to meet contact time requirements; move fluoridation requirements from Subchapter 9 to Subchapter 11; add a requirement for tracer wire for certain waterline installations; and make other minor corrections and clarifications. During the public comment period the Department had comments on two issues: 1) was related to the addition of iron and manganese limits and 2) was related to the addition of treatment for iron and manganese control. The Department also received a letter of support from the American Chemical Council on handling the various chemicals associated with drinking water treatment facilities. These changes are recommended to the Board with a unanimous vote by the WQMAC. Following comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Johnston moved to approve and Mr. Kinder made the second.

*transcript pages 32 - 40*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:631 Public Water Supply Operation** – Ms. Chard-McClary stated the DEQ is proposing to amend the Public Water Supply Operation Rules, Subchapters 1 and 3. The proposed amendments would: update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2012 to July 1, 2013; move fluoridation process control language relating to disinfection from 252:631-3-3 to 252:631-3-10 which relates to process control tests; add requirement for non-community water systems to record chlorine residuals twice daily in the distribution system and once daily at the point-of-entry; add requirement for certain purchase water systems to record chlorine residuals; remove language applicable to minor water systems which are regulated in 252:624; and make other minor clarifications. During the public comment period the Department received a comment which was related to the burden of purchased water systems having to collect chlorine residuals at multiple point-of-entries. The proposed changes were part of the recommendation that WQMAC is recommending to the Board by a unanimous vote. Following comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Griesel moved to approve and Mr. Munson made the second.

*transcript pages 40 - 46*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:690 Water Quality Standards Implementation** – Ms. Chard-McClary stated the DEQ is proposing to amend its Water Quality Standards Implementation Rules, Subchapters 1 and 3, as well as Appendices B and J. The proposed amendments would: update the publication date of the federal rules incorporated by reference from July 1, 2012 to July 1, 2013; update the definition of "Qe(D)"; clarify potential temperature requirements for municipalities treating industrial wastewater having a thermal component; update the rules on regulatory flow to be consistent with the Water Quality Standards (WQS); update text to be

consistent with new definition of Qe(D); remove fecal coliform as the bacteriological indicator organism for discharge permits to be consistent with a change to WQS; clarify that the exception in 252:690-3-86(e) does not apply if it is determined that the discharge is not in compliance with WQS; add color implementation to comply with changes to WQS; update Appendix B to be consistent with WQS; and update Appendix J to include all formulas referenced in the text. During the public comment period the Department received two comments: 1) relates to the use of E.Coli as indicator bacteria instead of fecal coliform and 2) relates to the implementation of the Water Resources Board narrative criterion for color. The proposed changes were recommended by the WQMAC to the Board by a unanimous vote. Following comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Mason moved to approve and Ms. Kunze made the second.

*transcript pages 46 – 56*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Consideration of and Action on the Annual Environmental Quality Report** – Mr. Givens, gave a presentation on the Annual Environmental Quality Report. The purpose of this report is to outline DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize statutory changes. The statute requires DEQ to present to the Governor, Speaker of the House and Senate President Pro Tempore by January 1. Following discussion, Mr. Wendling called for a motion. Mr. Johnston moved to approve and Mr. Sims made the second.

*transcript pages 56 – 102*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**Executive Director’s Report** – Mr. Givens stated the Annual Report is a look back at what DEQ has accomplished in fiscal year 2013 and invited individuals to take the opportunity to look through the report. Mr. Givens spoke on the LSAC and the Waterworks and Wastewater Works Advisory Council (WWWAC) that were eliminated by a bill that passed this legislative session and took effect November 1. Therefore, any rules that relate to LSAC or WWWWAC will go through the WQMAC, which is now a twelve person Council rather than nine. Also, Mr. Givens spoke on new rulemaking requirements, legislative interim study on the compensation for state employees and the federal government shutdown.

*transcript pages 102 - 108*

**Mr. Wendling mentioned the next item will take time so everyone took a ten minute break.**

*transcript page 108 – 109*

**Report of Executive Director Search Committee** – Mr. Wendling asked Ms. Jan Kunze, Chair of the Search Committee, to give a report on the Executive Director Search. Ms. Kunze gave an update and spoke on the process on ad placement, statistics on applications received, timelines and recommendations on the Executive Director Search. Ms. Kunze stated she has additional information that is specific and would like to present to the Board in Executive Session if everyone agrees. Mr. Griesel made a motion to go into Executive Session and Mr. Munson made the second. Dr. Hammon was designated as the scribe for Executive Session.

*transcript pages 109 - 119*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes

James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

The Board reconvened. Mr. Wendling called for a motion to resume the Board meeting. Mr. Johnston moved to approve and Ms. Kunze made the second.

*transcript page 120 - 121*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

Ms. Kunze stated as the Executive Director Search Committee work through this process there is a lot of value to having multiple inputs in decision making so Ms. Kunze asked Mr. Billy Sims to fill the position on the Search Committee and he agreed.

*transcript page 121*

Mr. Wendling expressed his appreciation on behalf of the Board for the work done thus far by the Executive Director Search Committee.

*transcript page 121 - 122*

Mr. Sims read the Board's recommendation into the record as a motion to accept the Executive Director Search Committee report and update and authorize the committee to continue the process including setting a date for interviews and possible dates for further action. Mr. Munson made the second.

*transcript pages 122 - 123*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

**New Business – None**

**Next Meeting** – The next schedule meeting will be Friday, February 21, 2014 in Oklahoma City.

**Adjournment** – Mr. Wendling called for a motion to adjourn. Mr. Griesel moved to approve and Mr. Munson made the second. Meeting adjourned at 1:10 p.m.

*transcript pages 124 - 125*

David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Tim Munson	Yes
Jerry Johnston	Yes	Billy Sims	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes		

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

# Condensed Transcript

Sheet 1 Page 1

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE OKLAHOMA ENVIRONMENTAL QUALITY  
BOARD MEETING  
ON NOVEMBER 13, 2013, AT 9:30 A.M.  
IN MUSKOGEE, OKLAHOMA

\* \* \* \* \*

# Condensed Transcript

Sheet 2 Page 2

## MEMBERS OF THE BOARD

Jan Kunze, Member  
Tim Munson, Member  
Tracy Hammon, Member  
Jimmy Kinder, Member  
Billy Sims, Member  
Jerry Johnston, Member  
Mike Cassidy, Member  
John Wendling, Chair  
Tony Dark, Member  
David Griesel, Member  
Steve Mason, Member  
Terri Savage, Member

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1 Only matters appearing on  
2 the posted agenda may be considered.  
3 If this meeting is continued or  
4 reconvened, we must announce today  
5 the date, and time and place of the  
6 continued meeting and the Agenda for  
7 such continuation will remain the  
8 same as today's Agenda.  
9 Quiana, roll call, please.  
10 MS. FIELDS: Mr. Cassidy is  
11 absent. Mr. Dark is absent. Mr.  
12 Griesel.  
13 MR. GRIESEL: Here.  
14 MS. FIELDS: Dr. Hammon.  
15 DR. HAMMON: Here.  
16 MS. FIELDS: Mr. Johnston.  
17 MR. JOHNSTON: Here.  
18 MS. FIELDS: Mr. Kinder.  
19 MR. KINDER: Here  
20 MS. FIELDS: Ms. Kunze.  
21 MS. KUNZE: Here.  
22 MS. FIELDS: Mr. Mason.  
23 MR. MASON: Here.  
24 MS. FIELDS: Mr. Munson.  
25 MR. MUNSON: Here.

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## PROCEEDINGS

1  
2  
3 MR. WENDLING: All right.  
4 We'll get ready to begin our meeting.  
5 All right. I want to welcome  
6 everyone to the November 13, 2013  
7 meeting of the Environmental Quality  
8 Board. Last date we'll be here.  
9 Let's see, the protocol  
10 statement of the meeting.  
11 The November 13, 2013 Regular  
12 Meeting of the Environmental Quality  
13 Board has been called according to  
14 the Oklahoma Open Meeting Act,  
15 Section 311 of Title 25 of the  
16 Oklahoma Statutes. Notice was filed  
17 with the Secretary of State on  
18 November 16, 2012. Agendas were  
19 mailed to interested parties on  
20 November 1, 2013 and were posted at  
21 the DEQ and this facility on November  
22 12, 2013.

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1 MS. FIELDS: Mr. Sims.  
2 MR. SIMS: Here.  
3 MS. FIELDS: Mr. Wendling.  
4 MR. WENDLING: Here.  
5 MS. FIELDS: We have a  
6 quorum.  
7 MR. WENDLING: All right,  
8 thank you. Before we move to the  
9 main part of the Agenda, I would --  
10 I want to do a safety -- safety  
11 reminder to everyone so I've asked  
12 Jimmy to review for everyone some  
13 safety precautions.  
14 MR. GIVENS: We did have a  
15 chance to talk with the building  
16 manager before the meeting began this  
17 morning. If there is any certain  
18 emergency -- fire emergency,  
19 something along that line, there will  
20 be a speaker system that will  
21 announce the emergency. The nearest  
22 exits are right back in that corner  
23 which takes you immediately outside;  
24 and if you're up toward this end,  
25 you go out this door and take a

# Condensed Transcript

Sheet 3 Page 6

1 slight right and down the stairs to  
2 the nearest emergency exits. And  
3 while this probably doesn't qualify  
4 as an emergency, the two restrooms  
5 are the men's right out here and the  
6 women's at the other end of the  
7 hall.

8 MR. WENDLING: All right.  
9 Thank you, Jimmy. All right.  
10 First, just welcome to Muskogee. I  
11 don't know how many of the Board  
12 Members have been to Muskogee in the  
13 past. When I drove in yesterday it  
14 brought back some memories. I think  
15 I shared with a few people that my  
16 first visit to Muskogee was in 1980  
17 and I happened to be fresh out of  
18 college and had an opportunity to  
19 spend two weeks in Muskogee to train  
20 and it's definitely changed a lot  
21 over the years. So there's a lot of  
22 things to see and I think the main  
23 thing that I remember is the annual  
24 Azalea Festival is the -- is the big  
25 -- one of the big attractions for

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1 the town of Muskogee. So anyway,  
2 welcome to Muskogee and I hope we  
3 will have a good meeting. And I  
4 thank everyone that is here, for  
5 attending our meeting today.

6 First on the Agenda is Approval  
7 of the Minutes from our August 20,  
8 2013 Regular Meeting. I hope  
9 everyone had a chance to review it.  
10 I will entertain --

11 MR. JOHNSTON: Move to  
12 approve.

13 MR. GRIESEL: Second.  
14 MR. WENDLING: All right.  
15 Thank you. Roll call, please.

16 MS. FIELDS: Mr. Griesel.  
17 MR. GRIESEL: Yes.  
18 MS. FIELDS: Dr. Hammon.  
19 DR. HAMMON: Yes.  
20 MS. FIELDS: Mr. Johnston.  
21 MR. JOHNSTON: Yes.  
22 MS. FIELDS: Mr. Kinder.  
23 MR. KINDER: Yes.  
24 MS. FIELDS: Ms. Kunze.  
25 MS. KUNZE: Yes.

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1 MS. FIELDS: Mr. Mason.  
2 MR. MASON: Yes.  
3 MS. FIELDS: Mr. Munson.  
4 MR. MUNSON: Yes.  
5 MS. FIELDS: Mr. Sims.  
6 MR. SIMS: Yes.  
7 MS. FIELDS: Mr. Wendling.  
8 MR. WENDLING: Yes.  
9 MS. FIELDS: Motion passed.  
10 MR. WENDLING: All right.

11 Thank you. Now we have -- the next  
12 item is the Approval of our Minutes  
13 of our September 19th meeting --  
14 special meeting we held. So can I  
15 have a motion on those Agenda items.

16 MR. GRIESEL: So moved.  
17 MR. MASON: Second.  
18 MR. WENDLING: Second. All  
19 right. Roll call, please.

20 MS. FIELDS: Mr. Griesel.  
21 MR. GRIESEL: Yes.  
22 MS. FIELDS: Dr. Hammon.  
23 DR. HAMMON: Yes.  
24 MS. FIELDS: Mr. Johnston.  
25 MR. JOHNSTON: Yes.

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1 MS. FIELDS: Mr. Kinder.  
2 MR. KINDER: Yes.  
3 MS. FIELDS: Ms. Kunze.  
4 MS. KUNZE: Yes.  
5 MS. FIELDS: Mr. Mason.  
6 MR. MASON: Yes.  
7 MS. FIELDS: Mr. Munson.  
8 MR. MUNSON: Yes.  
9 MS. FIELDS: Mr. Sims.  
10 MR. SIMS: Yes.  
11 MS. FIELDS: Mr. Wendling.  
12 MR. WENDLING: Yes.  
13 MS. FIELDS: Motion passed.  
14 MR. WENDLING: All right.

15 Thank you. The next part of our  
16 Agenda, we have several rulemaking  
17 items that are on the Agenda for  
18 quite a bit of the meeting, and we  
19 have several.

20 The first one is rulemaking,  
21 OAC 252:205 Hazardous Waste  
22 Management, and that is to be  
23 presented by Lee Grater. Lee, are  
24 you here with us. All right.  
25 MR. GRATER: Good morning.

# Condensed Transcript

Sheet 4 Page 10

1 MR. WENDLING: Good morning.  
2 MR. GRATER: I'm Lee Grater,  
3 Chairman of the Hazardous Waste  
4 Management Advisory Council. On  
5 October 10, 2013 the Council met to  
6 hear and vote on a proposed  
7 revocation of state rule  
8 252:205-19-5. This state rule is  
9 concerned with BTU limitations for  
10 the burning of hazardous waste as a  
11 form of recycling. The DEQ proposed  
12 this revocation in this portion of  
13 Subchapter 19 in order to make the  
14 existing state rules consistent with  
15 changes to the Oklahoma statutes, 27  
16 OAC 2-7-118(b) and (c). Those  
17 citations were revoked during the  
18 2013 regular session of the Oklahoma  
19 Legislature. This statute  
20 prohibited, as a form of recycling,  
21 the burning of hazardous waste with a  
22 low heating value, with the blending  
23 of low-BTU fuel with other materials  
24 -- with other materials would waste  
25 and create hazardous waste fuel.

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1 The revocation of the Oklahoma  
2 Administrative Code 252:205-19-5 is  
3 proposed to reflect (inaudible) and  
4 to conform with the state rules of  
5 the Oklahoma Statutes. This change  
6 is neither more or less restraining  
7 than existing federal rules and,  
8 therefore, will have no substantive  
9 impact on the hazardous waste program  
10 managed by the Department of  
11 Environmental Quality. After a  
12 presentation by the DEQ to the  
13 Council, the Council voted  
14 unanimously to approve the proposed  
15 revocations. The Council  
16 respectfully requests that the  
17 Environmental Quality Board similarly  
18 votes to approve the revocation of  
19 this obsolete state rule.  
20 MR. WENDLING: All right.  
21 Thank you.  
22 Are there any questions from  
23 any Board Members on this particular  
24 rulemaking? Seems pretty standard as  
25 far as the reasoning and (inaudible)

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1 need it.  
2 With that, can I have a motion  
3 from any of the Board Members -- I'm  
4 sorry. Before we do that -- before  
5 we move on, any questions from the  
6 public regarding this particular  
7 rulemaking?  
8 All right. Thank you.  
9 Hearing none, can I have a motion  
10 from any of the Board Members?  
11 MR. MASON: I move approval.  
12 MR. GRIESEL: I'll second.  
13 MR. WENDLING: All right.  
14 Thank you. Roll call, please.  
15 MS. FIELDS: Mr. Griesel.  
16 MR. GRIESEL: Yes.  
17 MS. FIELDS: Dr. Hammon.  
18 DR. HAMMON: Yes.  
19 MS. FIELDS: Mr. Johnston.  
20 MR. JOHNSTON: Yes.  
21 MS. FIELDS: Mr. Kinder.  
22 MR. KINDER: Yes.  
23 MS. FIELDS: Ms. Kunze.  
24 MS. KUNZE: Yes.  
25 MS. FIELDS: Mr. Mason.

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1 MR. MASON: Yes.  
2 MS. FIELDS: Mr. Munson.  
3 MR. MUNSON: Yes.  
4 MS. FIELDS: Mr. Sims.  
5 MR. SIMS: Yes.  
6 MS. FIELDS: Mr. Wendling.  
7 MR. WENDLING: Yes.  
8 MS. FIELDS: Motion passed.  
9 MR. WENDLING: All right.  
10 Thank you. Thank you, Lee,  
11 appreciate it.  
12 All right. Next on the Agenda  
13 we have a couple of rulemakings. If  
14 you notice Item 6 and Item 7 were to  
15 be presented by Elaine Stebler.  
16 She's not with us today so, I  
17 believe, Chris Armstrong is going to  
18 present those to us. Chris.  
19 Again, this is Number 6  
20 Rulemaking, OAC 252:301 Laboratory  
21 Accreditation.  
22 MR. ARMSTRONG: Good morning  
23 and thank you.  
24 First, Elaine Stebler regrets  
25 that she's unable to fulfill her last

# Condensed Transcript

Sheet 5 Page 14

1 duty as the Chairperson for the  
2 Laboratory Service Advisory Council.  
3 She's ill today.

4 The proposed amendment to  
5 Chapter 301, Subchapter 9 Laboratory  
6 Accreditation, incorporates by  
7 reference the most recent EPA  
8 required analytical methods for  
9 drinking water, wastewater, and solid  
10 waste. They will be utilized by the  
11 DEQ in the accreditation of  
12 municipal, industrial, and private  
13 laboratories. These are required  
14 analytical methods for compliance  
15 testing related to the list of  
16 approved methods for environmental  
17 testing for environment -- excuse me.  
18 These are required analytical methods  
19 for compliance testing related to DEQ  
20 programs, public and industrial  
21 facilities, and other state programs.

22 These changes expand the list  
23 of approved methods for environmental  
24 testing and provide new requirements  
25 for analytical quality assurance and

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1 quality control. The amendment  
2 enables the DEQ laboratory  
3 accreditation program and its  
4 officers the ability to accredit  
5 laboratories to new and revised  
6 analytical methods.

7 MR. WENDLING: Well, I  
8 gather from this also that -- these  
9 revised methods provide more  
10 flexibility to many of the  
11 stakeholders?

12 MR. ARMSTRONG: They provide  
13 more flexibility through the addition  
14 -- additional methods that they can  
15 or cannot be lost.

16 MR. WENDLING: All right.  
17 Thank you. Are there any questions  
18 of the Board?

19 All right. Any questions of  
20 the public?

21 All right. Hearing none, can  
22 I have a motion from the Board,  
23 please.

24 MR. SIMS: Motion to adopt.  
25 MR. JOHNSTON: Second.

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1 MR. WENDLING: All right.  
2 Quiana, did you get that?

3 MS. FIELDS: Yes.  
4 MR. WENDLING: Okay. Roll  
5 call, please.

6 MS. FIELDS: Mr. Griesel.  
7 MR. GRIESEL: Yes.  
8 MS. FIELDS: Dr. Hammon.  
9 DR. HAMMON: Yes.  
10 MS. FIELDS: Mr. Johnston.  
11 MR. JOHNSTON: Yes.  
12 MS. FIELDS: Mr. Kinder.  
13 MR. KINDER: Yes.  
14 MS. FIELDS: Ms. Kunze.  
15 MS. KUNZE: Yes.  
16 MS. FIELDS: Mr. Mason.  
17 MR. MASON: Yes.  
18 MS. FIELDS: Mr. Munson.  
19 MR. MUNSON: Yes.  
20 MS. FIELDS: Mr. Sims.  
21 MR. SIMS: Yes.  
22 MS. FIELDS: Mr. Wendling.  
23 MR. WENDLING: Yes.  
24 MS. FIELDS: Motion passed.  
25 MR. WENDLING: All right.

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1 Thank you.

2 Next item on the Agenda is OAC  
3 252:302 Field Laboratory  
4 Accreditation. Mr. Armstrong, please  
5 continue.

6 MR. ARMSTRONG: The proposed  
7 amendment to Chapter 302, Subchapter  
8 9, Field Laboratory Accreditation  
9 incorporates by reference the most  
10 recent EPA required analytical  
11 methods for testing of wastewater.  
12 It expands the list of approved  
13 methods for environmental testing and  
14 provides new quality assurance and  
15 quality control requirements. A  
16 field laboratory accreditation,  
17 accredits small private and public  
18 wastewater laboratories that analyze  
19 compliance samples.

20 MR. WENDLING: All right.  
21 Thank you. Sounds like the same  
22 type of revisions just on the field  
23 side of it.

24 MR. ARMSTRONG: Yes, it is.  
25 MR. WENDLING: All right.

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1 Thank you. Any questions from the  
2 Board?  
3 All right. Any questions from  
4 the public?  
5 All right. Can I have a  
6 motion, please, from the Board.  
7 MR. GRIESEL: So moved.  
8 DR. HAMMON: Second.  
9 MR. WENDLING: Roll call,  
10 please.  
11 MS. FIELDS: Mr. Griesel.  
12 MR. GRIESEL: Yes.  
13 MS. FIELDS: Dr. Hammon.  
14 DR. HAMMON: Yes.  
15 MS. FIELDS: Mr. Johnston.  
16 MR. JOHNSTON: Yes.  
17 MS. FIELDS: Mr. Kinder.  
18 MR. KINDER: Yes.  
19 MS. FIELDS: Ms. Kunze.  
20 MS. KUNZE: Yes.  
21 MS. FIELDS: Mr. Mason.  
22 MR. MASON: Yes.  
23 MS. FIELDS: Mr. Munson.  
24 MR. MUNSON: Yes.  
25 MS. FIELDS: Mr. Sims.

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1 MR. SIMS: Yes.  
2 MS. FIELDS: Mr. Wendling.  
3 MR. WENDLING: Yes.  
4 MS. FIELDS: Motion passed.  
5 MR. WENDLING: All right.  
6 Thank you, Mr. Armstrong.  
7 All right. Next item on the  
8 Agenda is rulemaking OAC 252:410  
9 Radiation Management. Presentation  
10 today is by George MacDurmon.  
11 MR. MACDURMON: Good  
12 morning. My name is George  
13 MacDurmon. I'm the Chair of the  
14 Radiation Management Advisory  
15 Council.  
16 The Nuclear Regulatory  
17 Commission requires all agreement  
18 states to have a program that is  
19 compatible with the federal rules.  
20 The DEQ adopts these federal rules by  
21 reference, so that periodically we're  
22 required to update the version of the  
23 NRC rules that we are using. This  
24 rulemaking brings us up to date with  
25 the federal rules as of January 1,

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1 2013. None of these changes are  
2 considered to be onerous and none  
3 have been controversial to my  
4 knowledge.  
5 The major changes resulting  
6 from this rulemaking are shippers of  
7 certain types of irradiated nuclear  
8 reactor fuel and other high-level  
9 radioactive waste are required to  
10 notify Indian Tribes that have  
11 requested notification of shipments  
12 that could impact tribal lands. This  
13 notification will not be required for  
14 tribes that do not request this  
15 notification. Receiving the  
16 notification imposes an obligation to  
17 protect this sensitive information  
18 and so it's not likely that we will  
19 be getting many requests for  
20 notifications. To date, no Oklahoma  
21 Tribe has requested to receive  
22 notification.  
23 Changes were made to simplify  
24 and clarify the rules for  
25 distribution of certain types of

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1 radioactive devices, and some  
2 definitions have been added for terms  
3 not previously defined. Changes are  
4 made to clarify and improve  
5 requirements for decommissioning,  
6 planning, and recordkeeping. This is  
7 probably the most important change  
8 for Oklahoma licensees because  
9 several sites that have had  
10 decommissioning troubles have been  
11 because of poor financial and  
12 recordkeeping practices. The new  
13 regulations will reduce the  
14 likelihood that facilities under DEQ  
15 jurisdiction will become legacy  
16 sites.  
17 The undefined term,  
18 "radioactive material" is replaced  
19 with "residual radioactivity", a term  
20 already defined in the regulations  
21 and this term includes subsurface  
22 contamination.  
23 The changes remove certain  
24 types of financial assurance for  
25 instruments that licensees were

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1 previously able to use for financial  
2 assurance. This will require funds,  
3 for long-term care and maintenance of  
4 a restricted release site, must be  
5 placed in a trust separated from the  
6 licensee's assets and administrative  
7 controls.

8 Some minor administrative  
9 changes are made including updating  
10 an address of an NRC Regional Office.  
11 Definitions of construction,  
12 commencement of construction, Indian  
13 Tribe, and Tribal Official with  
14 respect to materials licensing have  
15 been added.

16 And then finally, and with all  
17 these changes it's necessary to make  
18 some numerical and formatting changes  
19 to our rules to fit them into the  
20 existing regulations.

21 MR. WENDLING: All right.  
22 Thank you. I did have a question,  
23 Mr. MacDurmon, when I was going  
24 through this -- and this may just be  
25 more of an education for me -- I

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1 noticed on Part 31, on Page 3, under  
2 (2) "General Licenses", I believe is  
3 struck-out and in place of that was  
4 put the term "reserved". Was that  
5 meant to be struck and renumbered or  
6 is reserved for insertion of another  
7 item in the future?

8 MR. MACDURMON: Well, I'm  
9 not looking at them, but Mr.  
10 Broderick?

11 MR. BRODERICK: It's an  
12 administrative thing. If we had  
13 struck that out we would have had to  
14 renumber all the (b), (c), (d) and  
15 so forth under that -- (a), and it's  
16 complicated, it increases problems  
17 for errors and basically it's more  
18 trouble than it's worth. So we just  
19 struck it and put reserved. I doubt  
20 we would put something there the  
21 future but I -- unless the lawyers  
22 have a reason we couldn't, I suppose  
23 we could.

24 MR. WENDLING: All right.  
25 Thank you. Are there any other

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1 questions from any Board Members?  
2 All right. Any questions from  
3 the public on any of the changes in  
4 this regulation?

5 All right. Hearing none, can  
6 I have a motion for approval.

7 MR. JOHNSTON: Move  
8 approval. Jerry Johnston.

9 MR. MUNSON: Second.

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

12 MS. FIELDS: Mr. Griesel.

13 MR. GRIESEL: Yes.

14 MS. FIELDS: Dr. Hammon.

15 DR. HAMMON: Yes.

16 MS. FIELDS: Mr. Johnston.

17 MR. JOHNSTON: Yes.

18 MS. FIELDS: Mr. Kinder.

19 MR. KINDER: Yes.

20 MS. FIELDS: Ms. Kunze.

21 MS. KUNZE: Yes.

22 MS. FIELDS: Mr. Mason.

23 MR. MASON: Yes.

24 MS. FIELDS: Mr. Munson.

25 MR. MUNSON: Yes.

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1 MS. FIELDS: Mr. Sims.

2 MR. SIMS: Yes.

3 MS. FIELDS: Mr. Wendling.

4 MR. WENDLING: Yes.

5 MS. FIELDS: Motion passed.

6 MR. WENDLING: Thank you.

7 Thank you, Mr. MacDurmon.

8 MR. MACDURMON: Thank you.

9 MR. WENDLING: All right.

10 Looking on the Agenda for the next  
11 five rulemakings, if you all noticed  
12 it was originally scheduled for Mike  
13 Paque to address those to the Board.  
14 As of right now, Shellie  
15 Chard-McClary is going to be doing  
16 that for us.

17 All right. First one is going  
18 to OAC 252:606 Oklahoma Pollution  
19 Discharge Elimination System, OPDES  
20 Standards. Shellie.

21 MS. CHARD-MCCLARY: Mr.

22 Paque sends his regrets. When I  
23 spoke with him on Friday he assured  
24 me he would much rather be here than  
25 in Washington D.C. with EPA.

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1 However, that is where he is this  
2 morning and will not make it back.  
3 So he asked that the Vice-Chair  
4 present for him and he's on the west  
5 coast, so you all have me instead.  
6 I do want to let you know this  
7 actually applies to 9, 10, 11, and  
8 12, that the DEQ Water Quality  
9 Division held informal public  
10 meetings on August 21st in Oklahoma  
11 City, and August 22nd in Tulsa to  
12 present the rulemaking  
13 recommendations for Chapter 606, 626,  
14 631, and 690. This was done in an  
15 effort to solicit comments from  
16 interested parties prior to the  
17 official comment period which ran  
18 September 3rd through October 4th;  
19 and then was heard by the Water  
20 Quality Management Advisory Council  
21 on October 8th. DEQ responded  
22 verbally to comments received during  
23 the public meetings and made  
24 appropriate changes to the rules  
25 before the official comment period

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1 started. The recommendation by the  
2 Council on comments received during  
3 the official comment period will be  
4 outlined in the individual chapters  
5 as we move through the rulemaking  
6 item.  
7 MR. WENDLING: Okay.  
8 MS. CHARD-MCCLARY: So for  
9 Chapter OAC 252:606, the Water  
10 Quality Management Advisory Council  
11 is recommending the following  
12 proposed changes for adoption. The  
13 update the date of the incorporation  
14 by reference for federal regulations  
15 being updated from July 1, 2012, to  
16 July 1, 2013. They're adding a  
17 requirement for the weekly average of  
18 135 milligrams per liter for lagoon  
19 effluent. These are the current  
20 limits that are in effect. These  
21 were just simply omitted for this one  
22 particular class of dischargers. I'm  
23 not sure how that happened but we're  
24 just simply inserting that.  
25 And then we are replacing the

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1 process control testing requirements  
2 for public water supply residual  
3 lagoons. Currently they're the same  
4 as municipal wastewater lagoons, but  
5 this narrows down the focus of the  
6 contaminants we're actually concerned  
7 with, so it's just much more specific  
8 to that class of discharger and then  
9 there were some other minor  
10 clarifications and corrections that  
11 we found throughout the chapter.  
12 During the public comment  
13 period the Department did have three  
14 issues that were raised.  
15 The first was the increase in  
16 frequency for sampling of the public  
17 water supply backwash lagoons. The  
18 frequency of sampling in the new  
19 Appendix G has been created  
20 specifically for the residual lagoon  
21 discharges. Currently, we were  
22 referring to Appendix A, Table 1.1,  
23 which was actually for municipal  
24 wastewater as opposed to the drinking  
25 water and was much more extensive and

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1 had monitoring requirements for  
2 oxygen demanding substances and  
3 bacteria which are not appropriate or  
4 needed for PWS backwash lagoons.  
5 The second issue was whether a  
6 public water supply discharge water  
7 is considered wastewater and if  
8 stream monitoring is required. Based  
9 on this comment, DEQ did modify the  
10 proposed language to clarify that  
11 although backwash water is considered  
12 a discharge, stream monitoring is  
13 only required if the permit  
14 specifically requires it.  
15 The third issue is whether  
16 "coliform" should be replaced by  
17 "E.coli". And even though we are in  
18 the process of transition away from  
19 the use e-coli it takes five years  
20 to go through a permit cycle, so we  
21 will have permanents that will  
22 continue to have the E.coli limits in  
23 place for the next five years but  
24 then we will switch the language to  
25 indicator bacteria so that way it's

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1 just whichever is most appropriate  
2 and that way no one is out of  
3 compliance with an existing permit.  
4           These changes were recommended  
5 to you with a unanimous vote by the  
6 Water Quality Management Advisory  
7 Council.  
8           MR. WENDLING: All right.  
9 Thank you very much. I guess the  
10 list that you're talking about was  
11 that weekly average of 135 milligrams  
12 per liter?  
13           MS. CHARD-MCCLARY: Yes.  
14           MR. WENDLING: Okay. All  
15 right. And that's what we're using  
16 today, it's just not in the  
17 regulations?  
18           MS. CHARD-MCCLARY: Yes.  
19 It's a calculation. It is a  
20 standard permit condition that EPA  
21 requires. We've required, I know, at  
22 least since 1992, it was just not  
23 specific in the rules and rather than  
24 discussing how you calculate it, we  
25 just said this is the number.

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1           MR. WENDLING: Okay. All  
2 right. Thank you. Any questions  
3 from the Board on this particular  
4 item?  
5           All right. Any questions of  
6 the public?  
7           All right. Hearing none, I  
8 entertain a motion for approval.  
9           MR. SIMS: Motion to  
10 approve.  
11           DR. HAMMON: Second.  
12           MR. WENDLING: All right.  
13 Thank you. Roll call.  
14           MS. FIELDS: Mr. Griesel.  
15           MR. GRIESEL: Yes.  
16           MS. FIELDS: Dr. Hammon.  
17           DR. HAMMON: Yes.  
18           MS. FIELDS: Mr. Johnston.  
19           MR. JOHNSTON: Yes.  
20           MS. FIELDS: Mr. Kinder.  
21           MR. KINDER: Yes.  
22           MS. FIELDS: Ms. Kunze.  
23           MS. KUNZE: Yes.  
24           MS. FIELDS: Mr. Mason.  
25           MR. MASON: Yes.

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1           MS. FIELDS: Mr. Munson.  
2           MR. MUNSON: Yes.  
3           MS. FIELDS: Mr. Sims.  
4           MR. SIMS: Yes.  
5           MS. FIELDS: Mr. Wendling.  
6           MR. WENDLING: Yes.  
7           MS. FIELDS: Motion passed.  
8           MR. WENDLING: All right.  
9 Continuing, next we have OAC 252:626  
10 Public Water Supply Construction  
11 Standards.  
12           MS. CHARD-MCCLARY: Okay.  
13 The Water Quality Management Advisory  
14 Council is recommending the following  
15 proposed changes to Chapter 626 for  
16 adoption.  
17           The first is that you require  
18 that at least one set of construction  
19 plans be submitted on 11 by 17 paper  
20 and at least one set of  
21 specifications be loosely bound.  
22 We're making this change in order to  
23 allow us to much easier digitize the  
24 records so we can move away from  
25 storing all of the very large plans,

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1 the large HAA (phonetic) reports and  
2 having to unbind those in order to  
3 make those records electronic.  
4           It's require that a public  
5 water supply system -- they must  
6 submit a copy of its water rights  
7 verification form and/or its purchase  
8 water contract when submitting an  
9 engineering report. What we found is  
10 we were getting requests for projects  
11 and we would go through this very  
12 lengthy process. Permits would be  
13 issued and it would be time to  
14 construct -- in some cases  
15 construction would start and then the  
16 facility would realize they did not  
17 have the required water rights. In  
18 some cases they could get them, and  
19 then with a delay in some cases they  
20 could not. So this is just that  
21 upfront assurance.  
22           We are requiring that analytic  
23 -- testing equipment capability  
24 requirements for iron and manganese  
25 removal plants. EPA has changed the

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1 minimum qualification levels. So  
2 this is just requiring that systems  
3 have equipment that will measure down  
4 to those new levels. We are  
5 proposing to add fluoride  
6 concentration testing requirements  
7 for plants that treat or blend for  
8 the reduction of naturally occurring  
9 fluoride. Clarify that test  
10 equipment must be able to measure  
11 phosphate from 0.1 to 20.0 milligrams  
12 per liter when polyphosphates or  
13 orthophosphates are added. Again,  
14 that's a detection limit issue.  
15 Clarify that chlorine residual  
16 needs to be continuously monitored  
17 and recorded at the point of entry  
18 to distribution systems for systems  
19 with a population of 3,300 or more.  
20 This is part of the federal  
21 requirements; this is part of new  
22 rules impacting purchased water  
23 systems in disinfection byproducts  
24 rules.  
25 Clarify that disinfection of

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1 chloramines is not allowed for  
2 primary disinfection to meet contact  
3 time requirements. Again, that goes  
4 back to federal requirements.  
5 Move the disinfection  
6 requirements from Subchapter 9 to  
7 Subchapter 11, Chemical Application.  
8 That's just where it belongs, it was  
9 out of place.  
10 We are removing some language  
11 that we had in our rules, it's  
12 actually an Oklahoma State Department  
13 of Health requirement. There's no  
14 reason for it to be in our rules.  
15 But they can change their rules  
16 whenever they want. It doesn't  
17 create a conflict.  
18 Add a requirement for the  
19 inclusion of tracer wire for  
20 non-ferrous waterline installations.  
21 As we're getting more and more PVC  
22 pipe installed it's sometimes  
23 difficult to go back and find those  
24 lines, the tracer wire allows for  
25 that, and then we also have some

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1 other minor modifications.  
2 During the official public  
3 comment period, we did have comments  
4 on two issues. The first was  
5 related to the addition of iron and  
6 manganese limits. The proposed  
7 amendments for measuring iron and  
8 manganese are not related to it being  
9 detectable. It is simply stating the  
10 minimum concentration levels. So  
11 there's just a little bit of  
12 confusion about what we were trying  
13 to do.  
14 And the second issue was  
15 related to the addition of treatment  
16 for iron and manganese control. This  
17 section is not new, and the proposed  
18 changes related to the range of the  
19 testing equipment that must be used.  
20 If a construction standard, it is not  
21 a new requirement for operation.  
22 There was some confusion that this  
23 would apply to all plants and that  
24 was not the case. It is only when  
25 those are initially built.

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1 We also received a letter of  
2 support from the American Chemical  
3 Council related to how we were  
4 handling the various chemicals  
5 associated with drinking water  
6 treatment facilities and these  
7 changes were recommended to you with  
8 a unanimous vote by the Water Quality  
9 Council.  
10 MR. WENDLING: All right.  
11 Thank you very much. This really on  
12 the surface looks like several of the  
13 items are easier administration,  
14 expedites and crosses most of the  
15 applicant, and the Agency.  
16 MS. CHARD-MCCLARY: Yes.  
17 MR. WENDLING: All right.  
18 Any questions by the Board Members?  
19 DR. HAMMON: I have a  
20 question.  
21 MR. WENDLING: All right.  
22 DR. HAMMON: Sorry, I have  
23 to talk this way to get into the  
24 microphone. Given that you're  
25 working on digitizing these sort of

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1 files, is there any consideration  
2 given to electronic submissions?  
3 MS. CHARD-MCCLARY: Yes.  
4 And we have been working on that and  
5 we are continuing to work. The  
6 issues that we have come up with is  
7 there are a lot of the smaller  
8 facilities, and smaller engineering  
9 firms have difficulty in providing us  
10 these very large construction plans.  
11 They don't have the capability to  
12 digitize them and send them  
13 electronically. We are working on --  
14 that's a long-term goal to get there.  
15 So we could -- in this particular  
16 program, it's baby steps in trying to  
17 get those very large plans at least  
18 to a 11 by 17 paper and that way  
19 it's very easy to manage, and for us  
20 to digitize them and make them  
21 available. And here's what we find  
22 is when the systems need them in  
23 five years and they no longer have  
24 them, or the engineer will be asking  
25 for those. We have moved to a lot

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1 of electronic records in some of the  
2 other programs because they come on  
3 letter size paper or legal size paper  
4 and they convert nicely to  
5 established data systems. But this  
6 one we're working on, we're just not  
7 there yet.  
8 DR. HAMMON: Thank you.  
9 MR. WENDLING: Any further  
10 questions from the Board? All right.  
11 Questions from the public?  
12 Hearing none, can I have a  
13 motion for approval.  
14 MR. JOHNSTON: Move to  
15 approve. Jerry Johnston.  
16 MR. KINDER: Second. Jimmy  
17 Kinder.  
18 MR. WENDLING: All right.  
19 Roll call, please.  
20 MS. FIELDS: Mr. Griesel.  
21 MR. GRIESEL: Yes.  
22 MS. FIELDS: Dr. Hammon.  
23 DR. HAMMON: Yes.  
24 MS. FIELDS: Mr. Johnston.  
25 MR. JOHNSTON: Yes.

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1 MS. FIELDS: Mr. Kinder.  
2 MR. KINDER: Yes.  
3 MS. FIELDS: Ms. Kunze.  
4 MS. KUNZE: Yes.  
5 MS. FIELDS: Mr. Mason.  
6 MR. MASON: Yes.  
7 MS. FIELDS: Mr. Munson.  
8 MR. MUNSON: Yes.  
9 MS. FIELDS: Mr. Sims.  
10 MR. SIMS: Yes.  
11 MS. FIELDS: Mr. Wendling.  
12 MR. WENDLING: Yes.  
13 MS. FIELDS: Motion passed.  
14 MR. WENDLING: All right.  
15 Thank you. All right.  
16 The next rulemaking is OAC  
17 252:631 Public Water Supply  
18 Operation. Shellie.  
19 MS. CHARD-MCCLARY: The  
20 Water Quality Management Advisory  
21 Council is recommending the following  
22 proposed changes to update the  
23 incorporation by reference for  
24 federal regulations from July 1, 2012  
25 to July 1, 2013.

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1 To move the disinfection  
2 process control requirements from  
3 631-3-3 which relates to  
4 disinfection, to 631-3-10 which  
5 relates to process control tests and  
6 that's what this really is. It's  
7 really kind of out of place. We are  
8 adding non-community water systems  
9 that chlorinate, to the list of  
10 systems required to record chlorine  
11 residuals twice daily in the  
12 distribution system and once daily at  
13 the point-of-entry. Again, this is  
14 part of disinfection byproducts more  
15 than in federal rules that Oklahoma  
16 has taken on this year.  
17 We're adding a requirement for  
18 purchase water systems that provide  
19 supplemental chlorination to record  
20 chlorine residual monitoring results.  
21 They're required to do that testing  
22 but they were not required to record  
23 that and provide it or make it  
24 available for review.  
25 We are also removing language

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1 that applied to minor water systems.  
2 These are actually regulated in  
3 Chapter 624. Several years ago we  
4 went through a rulemaking action to  
5 move those requirements and somehow  
6 this just didn't get moved. And  
7 then we had some other just minor  
8 clarifications and corrections.

9           During the public comment  
10 period we did receive a comment which  
11 was addressed at the informal meeting  
12 and then we also addressed it again  
13 in the comment period and it's in  
14 your Response to Comments. It was  
15 related to the burden of purchased  
16 water systems having to collect  
17 chlorine residuals at multiple sites  
18 because they had multiple points-of-  
19 entry. The Water Quality Management  
20 Advisory Council changed the proposed  
21 language based on this comment that  
22 would allow DEQ to approve a sampling  
23 plan in lieu of having to sample at  
24 every point so that we could do a  
25 technical evaluation and determine if

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1 it was appropriate for every point-  
2 of-entry every day or at some other  
3 schedule that made sense and that was  
4 appropriate.

5           The proposed changes were part  
6 of the recommendation that that  
7 Council is sending you today by a  
8 unanimous vote.

9           MR. WENDLING: All right.

10 Thank you. I did have a question on  
11 -- you mentioned on the requirements  
12 was to add non-community water  
13 systems as part of this. What would  
14 be an example of a non-community  
15 water system that requires that?

16           MS. CHARD-MCCLARY: It could  
17 be a strip mall -- shopping mall,  
18 but it's not a community. It's not  
19 serving people who are living there  
20 but it is serving a significant  
21 number of people who work there, who  
22 shop there, who are visiting. It's  
23 -- they're not served all day/every  
24 day the same number of people.

25           MR. WENDLING: Okay. So

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1 you could have some of their own  
2 water supply, is what you're saying?

3           MS. CHARD-MCCLARY: Yes.

4 Some of them do. If you're in the  
5 middle of Oklahoma City or Tulsa,  
6 those are few and far between. If  
7 you're maybe out in a little bit  
8 more of an outlying suburb area where  
9 the public water system hasn't come  
10 all the way out which you had broke,  
11 you may have three or four or ten  
12 buildings that are served by a  
13 purchase water system. In some  
14 cases, most of the colleges and  
15 universities have now -- they are a  
16 community system now. It's possible  
17 that you would people that don't have  
18 dormitory residences.

19           MR. WENDLING: Okay. Thank  
20 you. All right. Any other  
21 questions?

22           MR. KINDER: Yeah, I've got  
23 a question to kind of follow up on  
24 that.

25           MS. CHARD-MCCLARY: Sure.

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1           MR. KINDER: That would not  
2 include or would include what I would  
3 call residential private wells?

4           MS. CHARD-MCCLARY:  
5 Residential private wells, if you're  
6 talking about your house or my house,  
7 no.

8           MR. KINDER: Okay.

9           MR. WENDLING: All right.

10 Any other questions from the Board?

11 All right. Questions from the  
12 public?

13           All right. Can I have a  
14 motion for approval?

15           MR. GRIESEL: So moved.

16           MR. WENDLING: Okay.

17 Second?

18           MR. MUNSON: Second.

19           MR. WENDLING: All right.

20 Thank you.

21           MS. FIELDS: Mr. Griesel.

22           MR. GRIESEL: Yes.

23           MS. FIELDS: Dr. Hammon.

24           DR. HAMMON: Yes.

25           MS. FIELDS: Mr. Johnston.

# Condensed Transcript

<p>Sheet 13 Page 46</p> <p>1 MR. JOHNSTON: Yes. 2 MS. FIELDS: Mr. Kinder. 3 MR. KINDER: Yes. 4 MS. FIELDS: Ms. Kunze. 5 MS. KUNZE: Yes. 6 MS. FIELDS: Mr. Mason. 7 MR. MASON: Yes. 8 MS. FIELDS: Mr. Munson. 9 MR. MUNSON: Yes. 10 MS. FIELDS: Mr. Sims. 11 MR. SIMS: Yes. 12 MS. FIELDS: Mr. Wendling. 13 MR. WENDLING: Yes. 14 MS. FIELDS: Motion passed. 15 MR. WENDLING: All right. 16 Thank you. All right, now this will 17 be our last rulemaking item. OAC 18 252:690 Water Quality Standards 19 Implementation. 20 MS. CHARD-MCCLARY: The 21 Water Quality Management Advisory 22 Council is recommending the following 23 proposed changes to Chapter 690 for 24 adoption. 25 Update the definition of</p>	<p>Page 48</p> <p>1 consistent with the updated 2 definition of Qe(D). We're removing 3 fecal coliform as the bacteriological 4 indicator organism for discharge 5 permits in order to be consistent 6 with the changes of the Oklahoma 7 Water Resources Board made to Water 8 Quality Standards. 9 We're clarifying with the 10 exception in 690-3-86(e) does not 11 apply if it is determined that the 12 discharge is not in compliance with 13 Water Quality Standards as 14 established by the Oklahoma Water 15 Resources Board. And that exception 16 states that if a discharge in the 17 main system is constructed properly 18 with (inaudible) with 120-day 19 detention time in accordance with our 20 Chapter 656 Construction Standards 21 that they could be exempt from 22 capping this bacteria limit, but if 23 the strain had a bacteria impairment 24 as listed in the 303(d) list, which 25 is compiled by the three state water</p>
<p>Page 47</p> <p>1 "Qe(D)" which is the design flow 2 rate. This is the most technical of 3 all the things we're going to talk 4 about, so I apologize in advance for 5 that. 6 We're going to update the 7 definition of Qe(D) to be the lesser 8 of the design flow for a municipal 9 POTW for the design flow listed in 10 the Section 208 Areawide Basin Plan. 11 Update the publication date of 12 the federal rules incorporated by 13 reference from July 1, 2012 to July 14 1, 2013. It will clarify potential 15 temperature requirements for 16 municipalities that are treating 17 industrial wastewater that have a 18 thermal component. 19 Update the rules on regulatory 20 flow to be consistent with the Water 21 Quality Standards which are 22 established by the Oklahoma Water 23 Resources Board, which were changed 24 in the last year. 25 Update the text to be</p>	<p>Page 49</p> <p>1 agencies, that they could still have 2 to address that in order to comply 3 with Water Quality Standards and 4 (inaudible). 49:49 5 We also have added a color 6 implementation language. In order to 7 comply with Water Quality Standards, 8 the Water Board moved to a narrative 9 standard and then said the numbers 10 need to be in the implementation 11 language, which is leading us to that 12 change. 13 We were updating Appendix B to 14 be consistent with changes made by 15 the Water Resources Board and the 16 Water Quality Standards. 17 We were updating Appendix J to 18 include all formulas referenced in 19 the text. At some point, some of 20 the formulas have dropped out of the 21 rules. Don't know exactly when that 22 error occurred. They were still 23 being referenced, so we're just 24 inserting those back. And, again, 25 those come from Water Quality</p>

# Condensed Transcript

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1 Standards from the Water Resources  
2 Board and the continuing planning  
3 process documents.  
4 We also had just a few other  
5 minor clarifications and error  
6 corrections that we found.  
7 We did receive two comments  
8 during the official comment period.  
9 Each comment was addressed and you  
10 will find that in Response to  
11 Comments. The first relates to the  
12 use of E.Coli as an indicator  
13 bacteria instead of fecal coliform.  
14 We proposed this language as a result  
15 of the Oklahoma Water Resources  
16 Board, removing fecal coliform from  
17 the Water Quality Standards, which  
18 became a effective July 1, 2011.  
19 There is no longer a basis to put  
20 fecal coliform limits in permits.  
21 The proposed regulation will allow  
22 the use of the two indicator  
23 bacteria, E.Coli and enterococci.  
24 Facilities will be able to choose  
25 which they prefer or which is more

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1 appropriate for their particular  
2 facilities.  
3 And the second comment was  
4 related to the implementation of the  
5 Water Resources Board's narrative  
6 criterion for color. Previously, the  
7 Water Quality Standards contained a  
8 numeric criterion for color, which  
9 was 70 Platinum-cobalt true color  
10 units. The Water Board negotiated  
11 with DEQ and EPA to change the  
12 Standard from numeric to narrative so  
13 that numerous lakes would not be on  
14 the 303(d) list of impaired for color  
15 because of naturally (inaudible).  
16 DEQ agreed to include in the stream  
17 concentration of 70 Platinum-cobalt  
18 true color units in our Chapter 690  
19 as an implementation of the narrative  
20 color criterion. Because the  
21 criterion has simply been moved from  
22 the Water Board Standards to DEQ  
23 rules, DEQ does not expect this to  
24 impact any existing permittees. DEQ  
25 did modify the language to clarify

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1 that this only applies to industries  
2 that contain true color.  
3 The proposed changes were  
4 recommended by a unanimous vote by  
5 the Water Quality Management Advisory  
6 Council.  
7 MR. WENDLING: All right.  
8 Thank you very much. From my stand  
9 point that -- that was a lot to try  
10 to absorb.  
11 MS. CHARD-MCCLARY: Sorry.  
12 This --  
13 MR. WENDLING: Any --  
14 MS. CHARD-MCCLARY: -- one  
15 is always tough.  
16 MR. WENDLING: All right.  
17 Any questions from the Board?  
18 MR. MASON: Shellie, I have  
19 a question.  
20 MS. CHARD-MCCLARY: Yes.  
21 MR. MASON: I believe this  
22 rule deletes the definition of fecal  
23 coliform?  
24 MS. CHARD-MCCLARY: The  
25 Water Resources Board and the Water

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1 Quality Standards took out fecal  
2 coliform as a bacteria that is used  
3 for the various permit limits. And  
4 so --  
5 MR. MASON: Okay. I  
6 remember that.  
7 MS. CHARD-MCCLARY: Okay.  
8 MR. MASON: Earlier in the  
9 response to public on an earlier rule  
10 today, you said we needed to keep  
11 the definition of fecal coliform  
12 until all existing permits have been  
13 renewed. So do we need it for those  
14 existing permits?  
15 MS. CHARD-MCCLARY: This one  
16 applies to wastewater discharges.  
17 That issue applied to drinking water  
18 treatment plants. And so on the  
19 drinking water treatment plants, we  
20 needed to leave the language as  
21 indicator bacteria, but the Water  
22 Resources Board change was effective  
23 in 2011. And so we've already been  
24 transitioning and moving, and we have  
25 to comply with what their rules say

# Condensed Transcript

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1 so we will not be reopening permits.  
2 But we're already to a point where  
3 we have most of them already renewed  
4 or their applications are in-house  
5 and by the time that this rule would  
6 become effective, we're kind of  
7 outside that window.  
8 MR. MASON: So this response  
9 -- where we are at right now applies  
10 to wastewater. Your earlier response  
11 applied to drinking water.  
12 MS. CHARD-MCCLARY: That's  
13 correct.  
14 MR. MASON: And we still  
15 have a drinking water fecal coliform  
16 definition?  
17 MS. CHARD-MCCLARY: We are  
18 going to indicator bacteria for  
19 drinking water. And on wastewater we  
20 do still have the E.Coli.  
21 MR. MASON: Okay. Thank  
22 you.  
23 MR. WENDLING: All right.  
24 Thank you. Any other questions from  
25 the Board? Any questions from the

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1 public?  
2 All right. Hearing none, can  
3 I have a motion from the Board?  
4 MR. MASON: I move approval.  
5 MR. WENDLING: All right.  
6 MS. KUNZE: Second.  
7 MR. WENDLING: All right.  
8 Thank you. Roll call, please.  
9 MS. FIELDS: Mr. Griesel.  
10 MR. GRIESEL: Yes.  
11 MS. FIELDS: Dr. Hammon.  
12 DR. HAMMON: Yes.  
13 MS. FIELDS: Mr. Johnston.  
14 MR. JOHNSTON: Yes.  
15 MS. FIELDS: Mr. Kinder.  
16 MR. KINDER: Yes.  
17 MS. FIELDS: Ms. Kunze.  
18 MS. KUNZE: Yes.  
19 MS. FIELDS: Mr. Mason.  
20 MR. MASON: Yes.  
21 MS. FIELDS: Mr. Munson.  
22 MR. MUNSON: Yes.  
23 MS. FIELDS: Mr. Sims.  
24 MR. SIMS: Yes.  
25 MS. FIELDS: Mr. Wendling.

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1 MR. WENDLING: Yes.  
2 MS. FIELDS: Motion passed.  
3 MR. WENDLING: Thank you.  
4 Thank you, Ms. McClary.  
5 All right. We will move out  
6 of rulemaking to the next Agenda --  
7 Agenda Item Number 13, which is  
8 Consideration of and action on the  
9 Annual Environmental Quality Report.  
10 And this presentation will be by  
11 Jimmy Givens, our interim Executive  
12 Director, Mr. Givens.  
13 MR. GIVENS: For those of  
14 you who are up at the front table  
15 may want to slide to the side. I  
16 put together a short PowerPoint  
17 primarily for those who are in the  
18 audience who have not had the chance  
19 to maybe read the Environmental  
20 Quality Report. Those of you on the  
21 Board, of course, got it in advance.  
22 And so I'll run through this pretty  
23 quickly.  
24 That may not show up on the  
25 bottom of this.

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1 (Discussion about the lights)  
2 MR. GIVENS: Let me just  
3 say that, first of all, for those of  
4 you who are on the Board this -- and  
5 Shellie has mentioned, but it  
6 probably was a touch of Deja Vu all  
7 over again. Because a lot of the  
8 topics that we're going to talk about  
9 briefly here this morning,  
10 particularly relating to federal  
11 mandates, we covered the same sorts  
12 of things last year at this time.  
13 This is only a reminder the  
14 Environmental Quality Report is a  
15 look forward. What we expect over  
16 the course of the next year or so in  
17 terms of budget, in terms of mandates  
18 coming down from the federal  
19 government, and in terms of proposals  
20 from Legislation.  
21 The budget piece of this as  
22 it's put in the statute recap the  
23 annual needs you acted on in August.  
24 You may recall that we have to  
25 submit a budget to the Governor for

# Condensed Transcript

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1 the Office of Management and  
2 Enterprise Services by October 1st.  
3 So it we necessarily act on this at  
4 the August Board meeting.

5 We had requested a standstill  
6 budget of a little over \$9 million.  
7 That includes the initial 1.5 million  
8 that we received in general revenue  
9 for our Public Water Supply Program,  
10 beginning with FY 14, which we're  
11 currently in.

12 And I know some of you have  
13 been interested in a little bit  
14 forward look at our total budget  
15 picture, rather than focusing  
16 strictly on our general  
17 appropriations. And so I mention  
18 here, and also have a sheet at your  
19 table that gives a little bit more  
20 detail on how the budget figures  
21 break out by federal funding, fee  
22 funding, and general revenue. We  
23 have a break out by division.  
24 Certainly willing, either today or  
25 some other time, after you've had a

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1 chance to look that over, to answer  
2 any questions you have about that.  
3 But the synopsis of it is that the  
4 general revenue funding is about \$9  
5 million; Federal funding, about 17  
6 million; and fee, actually revolving  
7 fund funding, which is overwhelming  
8 with fees, about 48 million. I  
9 think those break out to around 12  
10 percent, general revenue; 24 percent,  
11 federal; and 64 percent, fee funding.  
12 And those vary from year to year a  
13 little bit. But that will give you  
14 a sense of how our budget is put  
15 together. And let me add that these  
16 budget figures are, in fact, figures  
17 that represent what we put down in  
18 the budget that we send to OMES.  
19 Our actual expenditures will be a  
20 little bit less than this, because  
21 some of the items in the budget will  
22 actually end up carried over from one  
23 year to another. Maybe a cleanup  
24 project, for example, will get  
25 budgeted one year, we end up not

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1 getting any or all of it done until  
2 the subsequent year. So it will end  
3 up being budgeted in more than one  
4 year. Our actual expenditures,  
5 instead of being 74 million are  
6 probably in the nature of somewhere  
7 in the 60's each year.

8 Let's quickly run through some  
9 of the federal mandates. And, again,  
10 you will have heard many of these  
11 before.

12 The ozone, NAAQS, the National  
13 Ambient Air Quality Standard for  
14 ozone is still 75 parts per billion.  
15 You will recall that that is measured  
16 at each monitor. It's the fourth  
17 highest value over a three-year  
18 period, the average of that.  
19 Currently, the entire state is in  
20 attainment. That is at some risk,  
21 particularly, if EPA does carry  
22 through with their intention, or  
23 stated intention, to take a look at  
24 lowering it. That, however, will  
25 probably not happen now, until at

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1 least late in 2014. We do have some  
2 voluntary participation out of  
3 Oklahoma City and Tulsa in a program  
4 to try to curtail ozone emissions.  
5 And we're hopeful that that will give  
6 us a look -- get us a little bit  
7 ahead of the game in trying to stay  
8 in attainment. It is fair to say  
9 that we are on the borderline and if  
10 we have another summer like we had  
11 in 2011 and 2012 as opposed to the  
12 summer that we had this year, we  
13 will have problems.

14 Sulfur Dioxide. The main point  
15 I want to make here is when we  
16 talked a year ago, there was a sense  
17 that EPA might base their  
18 determinations of attainments solely  
19 on modeling. It looks like that  
20 they're moving toward some  
21 combination of modeling and actual  
22 monitoring to make that  
23 determination. Final designations  
24 have been put off. We are working  
25 with major sources to try, again, to

# Condensed Transcript

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1 get ahead of a curb on the  
2 determination of attainment; or  
3 maintaining attainment, I should say.  
4 Cross-State Air Pollution Rule.  
5 Most of you probably are aware that  
6 the Court of Appeals vacated the  
7 rules. Supreme Court has agreed to  
8 hear that. We will know more  
9 probably sometime in 2014 after the  
10 Court hearing in December of this  
11 year, don't know exactly when the  
12 ruling will come out. It will come  
13 sometime in 2014. Oklahoma was not  
14 included in the original final rule  
15 for, what has come to be called  
16 CSPP, but was included in the  
17 supplemental part of that and,  
18 frankly, probably will be (inaudible)  
19 in the future rule relating to the  
20 transport across state lines for at  
21 least with respect to ozone.  
22 Regional Haze Federal  
23 Implementation Plan. Again, you know  
24 that it was partially rejected by EPA  
25 in 2011 and they issued a FIP in

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1 late 2011. The Attorney General's  
2 office and OG&E challenged the FIP.  
3 The Tenth Circuit did recently uphold  
4 it and it is undetermined at this  
5 point, as far as I know, whether  
6 those parties will appeal to the  
7 Supreme Court. They were considering  
8 that.  
9 In June of 2013, DEQ submitted  
10 a proposed SIP that represented a  
11 negotiated agreement with PSO, EPA,  
12 and DEQ. And EPA has proposed  
13 approval for that and is in the  
14 process of -- I think they're in the  
15 process, actually, of responding to  
16 comments after the public comment  
17 period.  
18 MR. EUBANKS: And we will  
19 be filing a petition so gets heard  
20 in the Supreme Court (inaudible).  
21 MR. GIVENS: Carbon Standards  
22 for Electric Utilities. This is a  
23 new item that not very long ago at  
24 all, as you're aware, EPA proposed  
25 carbon standards for new electrical

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1 generation units. They will be  
2 proposing standards for existing  
3 units next year. The State  
4 Implementation Plans are due by 2016.  
5 And suffice it to say that is a very  
6 aggressive schedule if, in fact,  
7 these rules are promulgated and  
8 upheld, that would be a challenge  
9 both to the state and the industry  
10 to meet those deadlines.  
11 On the land protection side of  
12 things -- moving away from air for a  
13 moment. The main thing that we have  
14 on that horizon right now is a  
15 carryover on coal combustion  
16 residues. The proposal that EPA had  
17 that would have included an options  
18 to regulate those as hazardous waste  
19 is still pending. It has been for a  
20 few years now. As we mentioned, we  
21 have -- along with a number of other  
22 states and industries, have expressed  
23 some concern that beneficial use  
24 could be impeded if these residues  
25 were denominated as RCRA hazardous

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1 waste. EPA has said that they're  
2 going to do an analysis of potential  
3 health risks and that may further  
4 inform the decision that they make  
5 about exactly what the final rule  
6 will look like. However, it's still  
7 possible that congress will intervene  
8 because there is at least one bill,  
9 and there have been more than that,  
10 that are pending. There is one that  
11 is pending now, there have been some  
12 in the past, but we have taken this  
13 out of the hands of EPA and  
14 essentially put it back in the hands  
15 of the state to regulate this  
16 particular residue.  
17 Water Quality. EPA continues  
18 to be very active on the water  
19 quality front. One thing I do want  
20 to mention is an update that is sort  
21 of tangentially related to this, and  
22 that is that DEQ has now received  
23 what I would call provisional  
24 primacy; we expect to receive full  
25 primacy for the Safe Drinking Water

# Condensed Transcript

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1 Act provisions that we did not  
2 already have. The three rules that  
3 we've talked to you about many times  
4 and that were a large part of the  
5 reason for the increase in general  
6 revenue and the increase in fees that  
7 occurred back in July -- July the  
8 1st. EPA has recognized that we do  
9 have the resources in place now to  
10 accept the delegation of primacy for  
11 those rules, so we now do have full  
12 primacy for the Safe Drinking Water  
13 Act for Oklahoma.

14 There are some new rules and  
15 some carryover proposals like for  
16 chlorate and chromium 6, the arsenic  
17 rule, that continue to -- plan to  
18 move ahead with regulation of those  
19 that will add a burden to both state  
20 and to the effected systems.

21 Unregulated Contaminant  
22 Monitoring Rule 3, again, is an  
23 opportunity for EPA to take a look  
24 at contaminants for -- or chemicals,  
25 I should say, but they might want to

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1 regulate under the Safe Drinking  
2 Water Act in the future. That will  
3 capture some smaller communities. It  
4 already has captured some smaller  
5 communities.

6 And then the one that is right  
7 around the corner, Reduction of Lead  
8 in Drinking Water Act has effective  
9 date of January 4. Basically, as I  
10 understand it -- and by the way, all  
11 the Division Directors are here. I'm  
12 giving you the -- I started to say  
13 the 30,000 foot view, this is  
14 probably more like 50,000 foot view.  
15 If you have any questions about any  
16 of these, certainly the Directors can  
17 give you a more detailed answer than  
18 I'm capable of.

19 What I think what this rule --  
20 or this Act essentially does, is to  
21 say that we are going to phase out  
22 the use of components that have lead  
23 in them and actually they will no  
24 longer be allowed to be sold after  
25 January the 4th, as I understand it.

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1 Is that right, Shellie?  
2 MS. CHARD-MCCLARY: Yes.  
3 MR. GIVENS: Okay. So that  
4 will, again, increase costs for  
5 systems.

6 On the wastewater side, Clean  
7 Water Act. Cooling Water Intake Rule  
8 has been around for -- the proposal  
9 has been around for a couple or  
10 three years now. We do expect it to  
11 be finalized very soon. I'm not  
12 sure exactly what it's going to say.

13 The Electronic Reporting Rule  
14 we talked about last year as well.  
15 It's also scheduled to be final in  
16 2014. That will require electronic  
17 filing of many of the reports and so  
18 forth that are mandated by NPDES.  
19 It has the potential to be a benefit  
20 but also has the potential to be a  
21 challenge to smaller systems.

22 The Program Update Rule is a  
23 process rule that will take some  
24 adjustment on the part of the  
25 regulated community, as well as DEQ.

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1 Effluent Limitation Guidelines  
2 recently came out for the Steam  
3 Electric Power Generator Point Source  
4 Category. I will let you ask  
5 Shellie or one of her people about  
6 that, because I don't know much about  
7 it. I just know it's brand new.  
8 And (inaudible) you will be highly  
9 interested in it.

10 And one of the carryovers from  
11 court cases from several years has  
12 been a continuing effort to define  
13 what waters are captured in the  
14 waters of the U.S. under the Clean  
15 Water Act.

16 We know now that after a  
17 series of efforts to issue guidance  
18 and some lower court cases trying to  
19 interpret what is captured under the  
20 Clean Water Act. After a couple of  
21 early, so called -- what was it --  
22 (inaudible) decision, I think was the  
23 original one. But EPA now apparently  
24 has a rule proposing that we attempt  
25 to address the issue of waste

# Condensed Transcript

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1 captured under the Clean Water Act.  
2 It's a jurisdictional water.  
3 We don't know exactly what is  
4 says yet because we found out about  
5 it by a Press Release. We will know  
6 more about it, hopefully, soon but  
7 it's something that all of you are  
8 going to want to keep your eyes on  
9 especially if you have a district.  
10 The Environmental Lab -- I'm  
11 not going to cover these in any  
12 detail. They actually relate largely  
13 to what we covered in the Water  
14 Quality. Many of these relate to  
15 the new rules that we now have  
16 primacy for. Has some advantage that  
17 we have primacy in that we can  
18 provide more direct customer  
19 assistance instead of trying to  
20 interpret or mediate between EPA and  
21 the systems but, of course, it does  
22 mean that we have a little bit more  
23 customer assistance to provide now,  
24 because we are responsible for those  
25 particular rules -- implementation of

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1 them.  
2 In the Methods Update Rule, Lab  
3 Competency Policies, I put these up  
4 here just to illustrate the fact that  
5 anytime there's a rule change in one  
6 of our other programs, it has the  
7 potential, not only to effect that  
8 particular division but the  
9 environmental lab as well.  
10 You've seen this before. I  
11 leave it in every year because I  
12 think it represents a fairly accurate  
13 summary of why we cover these federal  
14 mandates. And that is, they often  
15 do, not only effect DEQ and  
16 municipalities, industries in the  
17 state, but they also in some fashion,  
18 typically, end up coming before you  
19 because we end up adopting rules that  
20 are state derivatives of federal  
21 requirements. We do have to absorb  
22 additional responsibilities under  
23 these and we often have to seek, as  
24 we have in the past year, either  
25 additional fee funding or additional

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1 general revenue to try to make ends  
2 meet to accomplish these.  
3 Finally, we have three items  
4 that I want to mention as proposals  
5 that we would like to take to the  
6 Legislature this year.  
7 The first relates to solid  
8 waste permits. This -- the Solid  
9 Waste Management Act, to put it  
10 kindly, has been cobbled together  
11 over a number of years -- over many  
12 years. And when you do that, you  
13 end up with some provisions that  
14 relate to one thing pretty well, and  
15 maybe not to some others. So that's  
16 what we're trying to address here.  
17 Right now the Solid Waste Management  
18 Act says that solid waste permits are  
19 issued for "life of site". When the  
20 Solid Waste Act was first adopted  
21 back in whenever -- the '70s or so,  
22 that probably made pretty good sense  
23 because when you're talking about  
24 landfills you can take a look at the  
25 footprint; you can take a look at

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1 the permitted area, and you can take  
2 a look at the permissible slopes and  
3 you can kind of figure out what the  
4 life of site might mean. It doesn't  
5 make as much sense when you're  
6 talking about a transfer station, for  
7 example, which is now considered to  
8 be a permitted solid waste facility.  
9 So we're proposing to do a couple of  
10 things and it wouldn't actually  
11 change the statute to affect the term  
12 of these permits directly, but it  
13 would allow us to go to the Solid  
14 Waste Management Advisory Council and  
15 get their input on what makes the  
16 most sense.  
17 So the Life of Site Permit  
18 duration would go before the Council  
19 and they could determine whether it  
20 continues to make sense for "life of  
21 site" to apply to all forms of solid  
22 waste permitted facilities or whether  
23 that should be tailored to where life  
24 of site applies to landfills, and  
25 something else applies to other forms

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1 of facilities. And also it would  
2 allow the adoption of rules to  
3 address something that hasn't created  
4 a major problem for us so far, but  
5 we are afraid could, and that is the  
6 fact that there are actually permits  
7 that are issued, and because there  
8 are currently no provisions for  
9 requiring someone to act on a permit  
10 with any given period of time, they  
11 literally can exist in perpetuity.  
12 We would like the Solid Waste Council  
13 to take a look at whether it makes  
14 sense to put some sort of timeline  
15 on how long before a permittee has  
16 to end construction so that these  
17 aren't sitting out there forever and  
18 perhaps someone comes along years  
19 later and tries to do something after  
20 all the rules have changed.

21 Almost finished. I promise.  
22 Brownfields Revolving Loan Fund.  
23 This is a fairly simple proposal.  
24 Right now the money that is in our  
25 Brownfields Revolving Loan Fund that

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1 was loaned out to municipalities,  
2 non-profit groups, and in some cases  
3 industry to redevelop properties.  
4 Our loan fund is largely loaned out  
5 right now. But that money, because  
6 of when it came into existence and  
7 the terms of those loans, that money  
8 is going to start being repaid in  
9 2015, and we would like for that  
10 money, instead of going into an  
11 account that essentially sits there,  
12 to go into an interest bearing  
13 account and apply the interest back  
14 into future loans. We have to have  
15 the statutory authority to do that.  
16 So that provision is simply to, in  
17 essence, enhance our ability to make  
18 loans for Brownfields by the amount  
19 of interest that we would draw on  
20 these funds.

21 And finally, the Good Samaritan  
22 Provision. Many states are in the  
23 process or have adopted Good  
24 Samaritan Provisions related to  
25 cleanup of contaminated properties.

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1 The reason this has come up  
2 for us is largely because of Morgan  
3 (inaudible) and the Tar Creek area,  
4 and in particular the universities  
5 that are working with us on some  
6 innovative solutions for some the  
7 problems up there. They are a  
8 little reluctant to get involved in  
9 some innovative projects without some  
10 assurance that they won't end up  
11 being held liable in some fashion.  
12 And so this particular provision is  
13 primarily directed at that. In the  
14 long-term it could turn out to apply  
15 to more than that, but the important  
16 point is it would never apply to  
17 anyone who created the problem in the  
18 first place, but also would not want  
19 to exempt the owners of the property  
20 from any CERCLA liability that they  
21 might have. But it would allow  
22 somebody who is an innocent third  
23 party to assist in a cleanup. It  
24 would allow them to have some  
25 assurance that they would not, by

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1 doing so, become liable under CERCLA  
2 (inaudible) permit cleanup provision.

3 With that, I will stop and  
4 take any questions that you may have.  
5 And, again, if you have some detailed  
6 questions, we can certainly get  
7 Division Directors up here to help  
8 you with that.

9 MR. WENDLING: Jimmy, I have  
10 a question for you. When you were  
11 going through this, one of the items  
12 at the beginning had to do with the  
13 ozone. So my question is, if we do  
14 fall into nonattainment at some  
15 point, what are the potential actions  
16 that need to be made, either by us  
17 or by the State, and -- or what have  
18 other states done that have fallen  
19 into nonattainment? Just out of  
20 curiosity.

21 MR. GIVENS: Eddie, you're  
22 better equipped to handle that one  
23 than I am.

24 MR. TERRILL: It depends on  
25 the severity. If you're a moderate

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1 or marginal -- marginal is -- it's  
2 fairly prescriptive in the Act. It  
3 details what you have to do. It'll  
4 mainly have to do with new sources  
5 that are permitted or modifications  
6 that are made, and the offsets you  
7 have to get, but you really won't  
8 see a whole lot of change. And the  
9 good thing about this summer is it  
10 brought our level down, so even if  
11 we have a more true summer next year  
12 -- what we normally have, we're still  
13 not likely to be back up in the area  
14 that would stick us in the moderate  
15 category. So as long as we stay  
16 marginal, it's fairly -- well, it  
17 will be somewhat of a change but it  
18 won't be near as drastic as if we  
19 were marginal. It's all prescriptive  
20 in the Act and it's not something  
21 that we really would have to do a  
22 rulemaking, just -- not mainly the  
23 permitting processing which I believe  
24 is the difference.  
25 MR. GIVENS: Are you ready

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1 to turn the questions to the audience  
2 yet or --  
3 MR. WENDLING: Yeah. I'm  
4 trying to get there.  
5 MR. GIVENS: -- stay with  
6 the Board? Okay.  
7 MR. WENDLING: All right.  
8 Are there any -- again, this is a  
9 report that will go to the Governor,  
10 so are there any additional questions  
11 or modifications from the Board on  
12 this -- or concerns on this  
13 particular report?  
14 All right. Any questions or  
15 comments on this from the public?  
16 Yes. Can you please -- I  
17 think we have this individual over  
18 here, can you please -- yes. Stand  
19 up and state your name please.  
20 MS. SWAN: Yes. My name is  
21 Silvia Swan. I'm a resident here in  
22 Muskogee. I don't work for any  
23 particular agency. I'm an  
24 independent person that is attending  
25 today.

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1 In regard to the Annual Quality  
2 Report, are the changes based on  
3 economics or on budget issues and  
4 would that be state-wise -- state  
5 level or federal level? The  
6 recommendations in this report, were  
7 they based on dollars and from state  
8 accumulative dollars, tax revenues,  
9 or from the federal government?  
10 MR. GIVENS: Are you  
11 referring to some particular item in  
12 the report?  
13 MS. SWAN: Generally. I  
14 mean, all of this is based on public  
15 concerns?  
16 MR. GIVENS: If you're  
17 talking about the proposals for new  
18 laws -- the legislative part of it?  
19 MS. SWAN: Correct.  
20 MR. GIVENS: They are not  
21 necessarily based on budget concerns,  
22 they are more based on -- well, I  
23 guess I should maybe look at them  
24 one by one. The interest on  
25 Brownfields is not so much a budget

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1 concern as simply an opportunity for  
2 us to enhance our ability to make  
3 loans. I guess, it has a financial  
4 component to it but it's not based  
5 on bringing more money to DEQ. It  
6 would actually bring us the  
7 opportunity to loan more money out.  
8 It doesn't enhance our operational  
9 capability.  
10 The Life of Site Provisions in  
11 the Solid Waste Program do not relate  
12 to financial concerns. It's simply a  
13 matter of trying to make sure that  
14 we clarify how long the term of the  
15 permit exists.  
16 And the Good Samaritan part of  
17 it, again, doesn't really have a  
18 financial component to it for us.  
19 It's more of a liability concern on  
20 the part of the colleges and  
21 universities and the people like  
22 that.  
23 Now if I didn't understand your  
24 question, I'll try again.  
25 MS. SWAN: No. It was

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1 close enough.  
2 MR. GIVENS: Okay.  
3 MS. SWAN: I'm familiar with  
4 the Brownfields from California.  
5 MR. GIVENS: Uh-huh.  
6 MS. SWAN: The other  
7 question I have is on regional haze.  
8 Is that -- is this by region, by  
9 district within the state of  
10 Oklahoma, or statewide?  
11 MR. GIVENS: Well --  
12 MS. SWAN: (Inaudible) that  
13 you're applying.  
14 MR. GIVENS: The Regional  
15 Haze Rule actually is not a region  
16 within the state. They look at  
17 national parks and determine whether  
18 visibility is being impaired in  
19 national parks and other national  
20 recreation areas. And that can be -  
21 - the sources that might be affected  
22 by the rule are not necessarily  
23 within Oklahoma, they could be in  
24 other states that would impact, say  
25 the Wichita Mountains Wild Life

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1 Recreation Area.  
2 MS. SWAN: Okay. On the  
3 Water Quality Division --  
4 MR. GIVENS: Uh-huh.  
5 MS. SWAN: -- would we --  
6 let's see, I wrote, submit to region  
7 or to Washington. The last  
8 paragraph, it says EPA currently has  
9 almost 30 rulemaking actions. In  
10 regard to that paragraph, would we  
11 submit public letters to the U.S.  
12 government or would we submit them to  
13 your state agency?  
14 MR. GIVENS: Well, if they  
15 are federal rulemaking, you would  
16 submit them to the federal  
17 government. Yes.  
18 MS. SWAN: But, I mean, if  
19 it just impacts Oklahoma or a city  
20 within Oklahoma would it go to the  
21 city office?  
22 MR. GIVENS: Well, the  
23 proposals that we're talking about  
24 now would be at the federal level.  
25 So regardless of who it might impact,

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1 those comments, at this point, would  
2 go to EPA --  
3 MS. SWAN: Okay.  
4 MR. GIVENS: -- for any  
5 proposals that are pending. Now at  
6 some point, we might end up adopting  
7 those by reference and in that case  
8 -- or something similar to them, that  
9 would come to the Board here for  
10 adoption. Preceding that, it would  
11 go before the Water Quality  
12 Management Advisory Council and you  
13 would have an opportunity to make  
14 comments at the state level about  
15 them.  
16 MS. SWAN: Okay. And is it  
17 possible to have a group from, let's  
18 say Muskogee, present a video  
19 presentation and send it to you and  
20 you could have it aired if we're not  
21 able to make that jaunt all the way  
22 to Oklahoma City?  
23 MR. GIVENS: To the best of  
24 my knowledge, our rules do not make  
25 a provision for that. I think we

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1 would have to discuss that with the  
2 Board and determine whether they  
3 would be willing to allow that. Or  
4 -- actually, the Council in the first  
5 instance, whether they would be  
6 interested in entertaining a video  
7 presentation. My initial concern,  
8 quite honestly, is that takes away  
9 from the opportunity for give and  
10 take that is a part of the public  
11 comment process. But that's not my  
12 decision to make. So --  
13 MS. SWAN: And my -- my  
14 question is in the context of -- my  
15 concern is the fact of more vehicles  
16 on the road added to the burden  
17 already of the air quality in the  
18 state and being able to make it more  
19 accessible to public participation.  
20 I think one of the reasons that I'm  
21 speaking to you today or addressing  
22 these issues is to encourage people  
23 to stand up. It doesn't matter how  
24 foolish you might sound, or how  
25 ill-informed you might be or

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1 uneducated on the subject, the part  
2 that is important is that legislators  
3 and people that are in charge of  
4 these issues to make regulations for  
5 the state of Oklahoma, and see that  
6 somebody is willing to stand up and  
7 talk about it.

8 MR. GIVENS: You raise a  
9 very good point which -- a very good  
10 point that I should have mentioned  
11 earlier is that we do have the  
12 opportunity, of course, for public  
13 forums. And even if a rule is not  
14 on the Agenda for a particular Board  
15 meeting, there is the opportunity for  
16 us for an open forum about concerns  
17 that may be out there on the part of  
18 the public. So that's another  
19 opportunity for comment.

20 I'm sorry. Let me --

21 MS. CHARD-MCCLARY: Well, I  
22 just wanted to add that for at least  
23 the Water Quality rules we do -- any  
24 time we're doing any new rule or if  
25 an amendment changes, we do have

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1 public meetings, at a minimum, in  
2 Oklahoma City and in Tulsa, so that  
3 we do try to bring one car to Tulsa  
4 to encourage people to come and hear  
5 what the proposals are and to provide  
6 either comments, questions, or  
7 anything along those lines. So --  
8 and then when we have a really  
9 significant major change, we have  
10 done two or three different locations  
11 throughout the state so that we have  
12 one car traveling two hours, as  
13 opposed to a large number of cars  
14 traveling only to Oklahoma City. So  
15 that is something that we try to do.

16 MS. SWAN: Okay. And --  
17 and I apologize for being so badly  
18 prepared for this morning. I'm --  
19 I'm embarrassed because I should have  
20 looked at all of this beforehand to  
21 address my questions before I came  
22 today.

23 When you ask for public support  
24 from the voters, are you asking for  
25 us to put a petition together within

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1 Muskogee in support of the things  
2 that you're trying to help pass  
3 legislatively?

4 MR. GIVENS: No. I'm not  
5 asking for that. Although, anytime  
6 you have the opportunity to encourage  
7 a local legislator on anything we  
8 propose, we certainly appreciate  
9 that. But our action today is  
10 something to ask the Board to approve  
11 what we intend to take to the  
12 Legislature. And then during the  
13 legislative session there may be  
14 opportunity for you to comment to  
15 your local legislator at that point.

16 MS. SWAN: Okay.

17 MR. GIVENS: But it wouldn't  
18 be in the form of a petition  
19 necessarily, it would be in the form  
20 of putting in a good word for what  
21 we're trying to accomplish.

22 MS. SWAN: Okay. And so  
23 based on today's vote, that is what  
24 is going to be submitted? There  
25 won't be any reconsideration on that

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1 vote?

2 MR. GIVENS: Well, the Board  
3 has not voted on it yet, so that --

4 MS. SWAN: But that will be  
5 --

6 MR. GIVENS: Yes. Whatever  
7 they approve, we would intend to  
8 carry forward as a legislative  
9 proposal.

10 MS. SWAN: And on the  
11 protection for Good Samaritan, is  
12 there a list available; and does that  
13 include any radioactive sites?

14 MR. GIVENS: No. I don't  
15 think we -- I --

16 MS. SWAN: Is it on the  
17 Superfund?

18 MR. GIVENS: -- I don't  
19 think we have any list available, and  
20 what we are looking at is more in  
21 the nature of polluted sites like Tar  
22 Creek; not radioactive waste sites or  
23 radioactive sites.

24 MS. SWAN: Okay. So within  
25 our community, if we were to

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1 determine that there were -- that you  
2 might already be aware of or that we  
3 discover then there are several sites  
4 that would be applicable to the  
5 Brownfields Act -- would we then  
6 submit that to your agency and then  
7 you would kind of put us in touch  
8 with a Good Samaritan who might be  
9 able to help if we're able to put up  
10 the labor force?

11 MR. GIVENS: I -- I'm not  
12 sure that we would be in the  
13 position to put you in contact with  
14 someone who might act as a Good  
15 Samaritan. We --

16 MS. SWAN: I'm trying to  
17 see how we get the connection.

18 MR. GIVENS: Now, honestly,  
19 I had not thought that through, but  
20 I suppose if we knew of someone that  
21 was interested in a particular site,  
22 we would certainly point that entity  
23 in the direction in the sites we're  
24 aware of. But we do not have a list  
25 of sites right now, other than the

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1 fact that we are looking at the Tar  
2 Creek area.

3 If you have sites of concern,  
4 we're certainly happy to listen to  
5 your concerns and see if there is  
6 something that we can do to help  
7 address those concerns.

8 MS. SWAN: Well, I'm looking  
9 at what -- what I'm concerned about  
10 is there's -- you know, we  
11 (inaudible) -- we know nationally  
12 what our employment situation is and  
13 it's in direr need of a boost and if  
14 there's a possibility of income and  
15 there's an opportunity for people to  
16 learn how to better take care of  
17 their environment, it seems to me  
18 that we would want to put those two  
19 forces together in order to be able  
20 to not only create income, but also  
21 the opportunity for young people to  
22 become involved and become informed  
23 on how important it is for them to  
24 step up to the plate. We fell  
25 asleep on our watch but maybe we can

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1 help young people to be awake on  
2 theirs.

3 And I thank you for allowing  
4 the time.

5 MR. GIVENS: Thank you.

6 MR. WENDLING: All right.

7 Are there any other questions from  
8 the public on this particular report?  
9 If you can keep it to the report, I  
10 would appreciate it.

11 MR. SMOOT: Thank you.

12 Dewayne Smoot. I'm with the Muskogee  
13 Phoenix and is particularly concerned  
14 on the (inaudible).

15 REPORTER: I'm sorry.

16 You're with who?

17 MR. SMOOT: Dewayne Smoot.

18 REPORTER: And you're with  
19 who?

20 MR. SMOOT: Muskogee Phoenix  
21 Newspaper.

22 REPORTER: Thank you.

23 MR. SMOOT: On the federal  
24 mandate portion, sulfur dioxide,  
25 Ambient Air Quality Standard on the

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1 first sentence -- the first couple of  
2 sentences on the second paragraph.  
3 It says, based on monitored data in  
4 2011 the Governor recommended  
5 Muskogee and Tulsa counties to be  
6 designated unclassifiable for SO<sub>2</sub>,  
7 and the rest of the state be  
8 designated in attainment as AQD has  
9 compiled a list of sources deemed  
10 likely based on modelings that  
11 violate the standard. And we'll work  
12 with each of these sources to confirm  
13 this analysis.

14 So with regard to the first  
15 sentence, what does that mean to the  
16 public and, I guess, the utilities or  
17 other emitters designated  
18 unclassifiable? What's it -- can you  
19 explain that?

20 MR. GIVENS: Well, I think  
21 I know, but go ahead. You're better  
22 equipped than I am.

23 MR. TERRILL: Well, what it  
24 really means is there was data to  
25 indicate that there could be a

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1 problem, but there wasn't enough data  
2 to indicate that we have a problem.  
3 So it's a way to -- without  
4 designating the whole state as  
5 unclassifiable, we broke down just  
6 the areas where we had maybe one  
7 value over a period of three or four  
8 years that indicated we would be  
9 close to a problem and it's just a  
10 way of flagging it more than anything  
11 else.

12 MR. SMOOT: So -- so does  
13 this mean that there's going to be  
14 more tests and more data collected to  
15 see if there actually is a problem  
16 and to identify where that problem  
17 exists --

18 MR. TERRILL: We collect --

19 MR. SMOOT: -- or --

20 MR. TERRILL: -- we collect  
21 data continuously; monitor data in  
22 the area. It depends on how EPA  
23 structures this rule. If they allow  
24 modeling and monitoring, then we'll  
25 do modeling to identify hotspot areas

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1 that might occur around a particular  
2 plant; and then we might do  
3 monitoring -- either that or maybe do  
4 further analysis on the modeling. So  
5 a lot of this is still unclear until  
6 EPA proposes the final rule. But  
7 right now the one thing I want to be  
8 clear about, we have no areas in the  
9 state of Oklahoma that are violating  
10 the SO2 Standard. We do not have  
11 anywhere in the state that is  
12 violating the SO2 Standards.

13 MR. SMOOT: So this is a  
14 concern that might occur if the EPA  
15 changes its rules?

16 MR. TERRILL: If they change  
17 their rule to require modeling  
18 instead of monitoring, then not only  
19 will we have a problem in Oklahoma,  
20 that would be a nationwide problem.  
21 So that's the reason they're going  
22 back and rethinking that and they'll  
23 probably do a combination of modeling  
24 and monitoring so we can verify that  
25 we really have an issue outside the

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1 boundaries of a particular facility.  
2 MR. SMOOT: Okay. And then  
3 can you clarify the difference  
4 between modeling and monitoring? I  
5 mean, I have an idea but if you  
6 could just kind of --

7 MR. TERRILL: Modeling is a  
8 best guess based on a mathematical  
9 equation and various inputs into that  
10 -- into the model itself; where a  
11 monitor is actually monitoring the  
12 actual values of a particular  
13 location.

14 The concern EPA has is SO2 is  
15 very much a source oriented pollutant  
16 and unless you had monitors at  
17 various points around that plant,  
18 depending on which way the wind  
19 blows, you could miss issues that  
20 might be impacting areas offsite.  
21 That's the reason you do a model,  
22 that gives you an idea of where the  
23 likely points of exceedances might be  
24 -- or violations might be and then  
25 you can locate monitors in that to

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1 verify the model is either accurate  
2 or it wasn't.

3 MR. SMOOT: Okay.

4 MR. TERRILL: And models are  
5 very conservative. So you've got to  
6 take them with a grain of salt.

7 MR. SMOOT: Okay. And so  
8 is there any particular reason why  
9 Muskogee and Tulsa county are in  
10 jeopardy of being in exceedance under  
11 the modeling rather than in --

12 MR. TERRILL: We found that  
13 --

14 MR. SMOOT: -- other places  
15 in the state?

16 MR. TERRILL: We've got a  
17 large number of SO2 sources, both  
18 large emitters and just the sheer  
19 quantity. We -- and we had monitors  
20 in those areas that indicate we could  
21 have a problem and it was high  
22 enough that we felt like that we  
23 couldn't legitimately say that it was  
24 in attainment, but it wasn't high  
25 enough or we didn't have a violation.

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1 So that's the reason we settled on  
2 unclassifiable. EPA would prefer we  
3 said -- declared the whole state  
4 unclassifiable because in their  
5 estimation we did not have enough SO2  
6 monitors around all of our SO2 sites  
7 to actually verify compliance and we  
8 felt like that was an unreasonable  
9 interpretation of the rule. But we  
10 did feel like that we did have  
11 enough monitored evidence to say that  
12 Tulsa and Muskogee, we could have an  
13 issue in the future, so we  
14 compromised by declaring those areas  
15 unclassifiable and the rest of the  
16 state in attainment.  
17 MR. SMOOT: Okay. And said  
18 a large --  
19 MR. GIVENS: I'm sorry to  
20 interrupt but I'm -- I'm concerned  
21 that we are covering a lot of  
22 territory that the Board is already  
23 familiar with. So is there -- is  
24 there a way to go ahead and cover  
25 the rest of this with Eddie

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1 individually?  
2 MR. SMOOT: That's -- that  
3 would be fine, yes.  
4 MR. GIVENS: Okay. I'd  
5 appreciate it.  
6 MR. SMOOT: All right.  
7 Thank you.  
8 MR. GIVENS: We had one  
9 more out there I think I saw.  
10 MR. WENDLING: Let's just do  
11 one more comment before we move on.  
12 Thank you.  
13 MR. GROUND: I'm Bud Ground  
14 with Public Service Company of  
15 Oklahoma.  
16 And, Jimmy, one slide you had  
17 about coal combustion residuals, and  
18 you talked about the possibility of  
19 reclassification of that waste and  
20 there is statement on there that DEQ  
21 was concerned about beneficial reuse.  
22 I was wondering what that concern is?  
23 MR. GIVENS: Well, I -- if  
24 it was stated we're concerned about  
25 beneficial reuse, that was a poor

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1 phrasing. What we were concerned  
2 about was that if EPA decided to  
3 classify those residuals as RCRA  
4 hazardous waste, that would diminish  
5 the possibility that they're being  
6 recycled in a variety of fashions.  
7 MR. GROUND: Okay. And I'm  
8 -- I haven't read the report, so  
9 does it actually state that in the  
10 report?  
11 MR. GIVENS: I believe it  
12 does.  
13 MR. GROUND: Okay.  
14 MR. WENDLING: All right.  
15 Thank you, Eddie.  
16 Any other questions of the  
17 Board on this report? If not,  
18 again, a general comment from me is  
19 that it's a very comprehensive  
20 report. I believe it's a good  
21 overview of the environmental  
22 challenges ahead of us not only  
23 nationally, but as a state, and it  
24 lets us know some of the future  
25 impacts. I look at this as, right

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1 now, a good overview from us to the  
2 Governor what's in front of us.  
3 So with that, can I have a --  
4 hearing no comments further on the  
5 report, can I have a motion to  
6 approve this report for distribution  
7 to the Governor?  
8 MR. JOHNSTON: Jerry  
9 Johnston, move to approve the report.  
10 MR. WENDLING: Okay. All  
11 right.  
12  
13 MR. SIMS: Second.  
14 MR. WENDLING: All right.  
15 Thank you. Roll call, please.  
16 MS. FIELDS: Mr. Griesel.  
17 MR. GRIESEL: Yes.  
18 MS. FIELDS: Dr. Hammon.  
19 DR. HAMMON: Yes.  
20 MS. FIELDS: Mr. Johnston.  
21 MR. JOHNSTON: Yes.  
22 MS. FIELDS: Mr. Kinder.  
23 MR. KINDER: Yes.  
24 MS. FIELDS: Ms. Kunze.  
25 MS. KUNZE: Yes.

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1 MS. FIELDS: Mr. Mason.  
2 MR. MASON: Yes.  
3 MS. FIELDS: Mr. Munson.  
4 MR. MUNSON: Yes.  
5 MS. FIELDS: Mr. Sims.  
6 MR. SIMS: Yes.  
7 MS. FIELDS: Mr. Wendling.  
8 MR. WENDLING: Yes.  
9 MS. FIELDS: Motion passed.  
10 MR. WENDLING: All right.  
11 Thank you. I have a follow up from  
12 a comment that Jimmy made when he  
13 went through the report. If you  
14 remember -- in front of you is a  
15 Summary Budget Sheet, so as you --  
16 as we go through the meeting and go  
17 about our business, if you get some  
18 time to review that, there's a list  
19 of comments. I think how I would  
20 look at this, this is a work in  
21 progress to hopefully provide you  
22 with a little more information on the  
23 budget issues surrounding the  
24 Department. So we'll get feedback  
25 from you on that. Thank you.

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1 All right next on the Agenda  
2 is the Executive Director's Report.  
3 I'll turn it back to Jimmy.  
4 MR. GIVENS: I promise this  
5 will be shorter. For those of you  
6 on the Board, you should have a copy  
7 of what is called our Annual Report  
8 in front of you and I think there  
9 probably were some extra copies back  
10 there on the table for those of you  
11 who are in the audience.  
12 I didn't choose the names for  
13 these two reports. They're so  
14 similar it's a little bit confusing.  
15 The Environmental Quality Report that  
16 we just talked about is essentially a  
17 look forward at what we plan to do  
18 in the next year or two.  
19 The Annual Report is a look  
20 back at what have we accomplished in  
21 FY 2013. So I hope you will take  
22 the opportunity to like through that  
23 report if you have a chance.  
24 I wanted to mention that  
25 effective November 1st the Act took

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1 effect that eliminated two of our  
2 Councils -- our Advisory Councils.  
3 The Laboratory Services Advisory  
4 Council and the Water and Wastewater  
5 Works Advisory Council were  
6 eliminated by a bill that passed this  
7 last legislative session. That took  
8 effect November the 1st. So from  
9 henceforth, any rules that relate to  
10 Laboratory Services, Laboratory  
11 Accreditation, or Water and  
12 Wastewater Works Operators will go  
13 through the Water Quality Management  
14 Advisory Council, which is now a 12-  
15 person council rather than a 9-person  
16 council.  
17 There are some new rulemaking  
18 requirements that are in effect by  
19 virtue of another bill that passed  
20 this last legislative session. It  
21 does not affect the Board so much,  
22 but it does affect the DEQ in that  
23 we have a much earlier timeline now  
24 for actually getting the text of the  
25 rules. They actually have to be

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1 sent to the Governor in advance  
2 instead of after the fact. So that  
3 is something that we will have to  
4 adjust to. And it may affect the  
5 timing of the effective date of our  
6 rules. Because of the way that bill  
7 works it's possible we will need to  
8 make the effective date more like  
9 September the 1st instead of July the  
10 1st. So if you see some rules  
11 coming to you in the future that  
12 have an effective date of September  
13 the 1st, that is the reason why.  
14 It's convenient to have it coincide  
15 with the fiscal year, but it may not  
16 be possible in the new rulemaking  
17 process.  
18 Let me just mention a couple  
19 of other things in passing. There  
20 is an interim study -- a legislative  
21 interim study that is looking at the  
22 fund -- or the compensation for state  
23 employees. There is actually a study  
24 being done by the Office of  
25 Management and Enterprise Services

# Condensed Transcript

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1 through a contractor. We expect to  
2 hear something more about that by the  
3 end of the month. But state  
4 employees, in general, have not had  
5 any sort of compensation increase  
6 since 2006, I believe, something like  
7 that. And it is getting to a point  
8 where we welcome the fact that the  
9 Legislature and OMES are taking a  
10 look at this and trying to see what  
11 makes sense and how it compares to  
12 the private sector. So, hopefully,  
13 we will have more to report to you  
14 on that in a coming Board meeting.

15 The last thing I will mention  
16 is that all of you are aware that  
17 the federal government did largely  
18 shut down effective October the 1st  
19 through October the 15th, something  
20 like that. Some of you may have  
21 questioned how we managed during that  
22 time frame. And the answer is that,  
23 in general, we did okay in the sense  
24 that much of what -- obviously, much  
25 of our funding is, of course, the

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1 state funding and the fee funding.  
2 For the federal funding piece we  
3 actually operate on a reimbursement  
4 basis, and so as long as they are  
5 not shut down too long we are in  
6 good shape. I think if they shut  
7 down for months it would have been  
8 problematic; a couple of weeks we can  
9 handle. The other aspect of that,  
10 of course, is that when the federal  
11 government, in particular EPA, which  
12 was in the first or second in the  
13 number or the percentage of employees  
14 that were furloughed for that time  
15 period, they do not -- when they're  
16 not on the job, then things that we  
17 have pending with them and some of  
18 the databases that they operate and  
19 so forth, are not available. So it  
20 slows down what we have with EPA,  
21 like if we have a permit down there  
22 for review or whatever, but it also  
23 slows down our ability to do things  
24 we would otherwise be able to do,  
25 because we can't access some of the

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1 data that's provided by the federal  
2 databases. So it threw us back on  
3 some of our timing, but other than  
4 that, we survived it fairly well. I  
5 thought you would want to be aware  
6 of what the impact was.

7 I think I will stop with that  
8 and see if anybody has any questions  
9 about any of those items.

10 MR. WENDLING: Any questions  
11 from the Board? Jimmy, I appreciate  
12 the update and especially the items  
13 on the -- just when we get a chance  
14 I'll spend some time reviewing the  
15 Annual Report as always, but I like  
16 the title, it's definitely timely in  
17 regards to the changes that have  
18 taken place as far as taking a look  
19 back.

20 I have a question, we're to  
21 the next item and I anticipate the  
22 next item on the Agenda to possibly  
23 take up a little time. We could  
24 take a break at the moment now;  
25 resume in about ten minutes for the

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1 Search Committee Report.

2 So we'll need a vote to go out  
3 of session.

(Comment)

5 MR. WENDLING: All right.  
6 All right. Let's take a ten minute  
7 break. Thank you.

(Break)

9 MR. WENDLING: All right.  
10 I guess my ten minute break turned  
11 out to be 20 minutes but I don't  
12 think anyone minded that. So let's  
13 get back together.

14 The next item on the Agenda is  
15 the Report of the Executive Director  
16 Search Committee. I know this has  
17 been a topic the last two meetings  
18 we've had and we're continuing to  
19 move the bar down the court, so to  
20 speak. So with that, I'm going to  
21 let Jan Kunze, the Chair of the  
22 Search Committee, provide a report to  
23 you now.

24 With that, Jan.

25 MS. KUNZE: Okay. Thank

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1 you, John. At our Special Meeting  
2 on September 19th, the Search  
3 Committee represented a plan of  
4 action that will take us through this  
5 search. And we included in that the  
6 steps in the process as well as a  
7 timeline. And I think the Board  
8 even questioned whether we could meet  
9 that timeline, it was somewhat  
10 aggressive. So I'm going to start  
11 off with, the Search Committee  
12 included David and Jerry and Jimmy  
13 and myself. And I also want to  
14 mention Clayton has been available to  
15 us anytime we had questions, and I  
16 want to thank them because they put  
17 up with -- and the time -- since  
18 September 19th they have put up with  
19 a lot of pushing and adjusting  
20 schedules and stuff and tolerating of  
21 me. We did that because we  
22 recognized this assignment placed a  
23 level of trust that the Board had in  
24 us to get this job done, and I want  
25 you to know we've been very busy on

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1 it. We took it seriously and have  
2 made this commitment.  
3 I could say we started the  
4 next day, but that's not true. We  
5 actually started later that same  
6 afternoon with the coordination, and  
7 we set up weekly conference calls,  
8 that we would all be available so  
9 that we kept communication going and  
10 we kept the decision-making going and  
11 then have been actively coordinating  
12 with the Human Capital Management  
13 Group which is -- and I'll call it  
14 HCM as we go forward, but that is  
15 the group, the State Agency, that  
16 supports personnel issues and has  
17 assisted us as we've gone through the  
18 search process.  
19 What I'd like to do is jump in  
20 and I'm going to kind of go through  
21 in order, and provide you guys with  
22 an update of the specific details and  
23 what the Committee has been doing.  
24 Our first step was to look at  
25 the state statutes and prepare a job

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1 description that we could use in the  
2 advertisements and setting the  
3 minimum requirements for this job.  
4 And we got that done, and what we  
5 came up with was an application form;  
6 and the application, itself,  
7 consisted of an application form, a  
8 resume, and then with HCM's help we  
9 also were able to talk about those  
10 skills and experience and stuff that  
11 we felt had the highest priority for  
12 this job and we developed a  
13 supplemental questionnaire that  
14 helped in being able to rank the  
15 applications.

16 Pushing through that process,  
17 we were able to, first, get that  
18 listed on the State HCM Website on  
19 Thursday, October the 10th, and we  
20 kept the application period open  
21 through midnight on Sunday November  
22 the 3rd.

23 The advertisements, themselves,  
24 kind of a coordination effort. Some  
25 of the sites that we used to

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1 advertise the job had a fee, and  
2 Martha helped me and we coordinated  
3 back through the DEQ, to get ads  
4 placed in -- the newspapers we used  
5 were the Oklahoman and the Tulsa  
6 World. We had two Sundays that  
7 actually ran the ads. That was on  
8 Sunday October the 20th, and Sunday  
9 October 27th. We also posted the  
10 site on Career Builder and Monster.

11 The free sites we used, we  
12 targeted those that got professional  
13 groups, environmental professional  
14 groups, as well as the  
15 oklahomajobmatch.com; and then four  
16 different professional groups from  
17 ecosystem.org, 4cleanair.org, ac-  
18 waus.org, astswmo.org; and, I think,  
19 I have already mentioned  
20 oklahomajobmatch.com.

21 During that application period,  
22 the Committee continued to hold our  
23 conference calls as well as call  
24 meetings so that we could meet face  
25 to face for weekly discussions. We

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1 used quality ads. And when the  
2 application period was running, we  
3 utilized that time to kind of go  
4 through and get prepared for the next  
5 step, which would be rating of those  
6 applications, interviews, that type  
7 of things. We actually had a  
8 session on dos and don'ts -- I  
9 called it -- of interviews, kind of  
10 a refresher/reminder. And HCM  
11 actually conducted some of that  
12 training for us as well as lengthy  
13 discussions so that we could place  
14 priorities on the types of experience  
15 and skills that we're looking for in  
16 the new Executive Director.

17 When the application period  
18 closed on Sunday November the 3rd,  
19 being very generous, we gave HCM one  
20 day to complete their review of that.  
21 And we figured there's 24 hours in a  
22 day, and they could have that ready  
23 for us by Tuesday November the 5th  
24 and we set up a committee meeting at  
25 that time.

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1 What we asked them to do was  
2 to allow HCM, and I will say that  
3 the coordination with that group has  
4 been with the Director of that  
5 section, as well as his lead -- his  
6 lead person so that someone that's  
7 experienced in doing the review of  
8 those applications and checking for  
9 minimums, one person handled those  
10 for us and it was a top level  
11 person.

12 We had, and what we asked them  
13 to do, was to go through all of the  
14 applications, screening for the  
15 people that met our minimum  
16 requirements. And those are the only  
17 applications that the Committee,  
18 themselves, looked at.

19 Number-wise we had eleven  
20 applications that were brought to us.  
21 One of those was from an active  
22 Board Member and with Clayton's help  
23 and the research on the Ethics  
24 Commission Act, there is a  
25 requirement that there be a one year

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1 interval between serving on active  
2 duty on the Board and being in that  
3 position. So, in the end, we had  
4 ten applications to review and there  
5 were eleven other applications that  
6 were either screened out by HCM for  
7 not meeting the minimum requirements.  
8 And in a couple of cases the person  
9 submitting the application screened  
10 themselves out that they did not meet  
11 the qualifications.

12 The Committee then met on  
13 November the 5th, and our step was  
14 to only take the applications that  
15 were presented to us as meeting the  
16 minimum requirements and being  
17 eligible for the job. And we had  
18 some lengthy discussion on  
19 development of a -- I'm going to  
20 call it a score card or a rating  
21 system, and placed points on those  
22 job qualifications, the experience,  
23 skills, that we thought most  
24 important, or weighed more heavily  
25 than some of the other skills. And

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1 we decided that individually we would  
2 like to take the ten applications, as  
3 well as the score card, and by  
4 ourselves individually sit down and  
5 go through those applications and do  
6 the ranking. And so when we  
7 finished that process, we turned  
8 those back -- independently back to  
9 HCM who was about then to take --  
10 composite the scores and come up with  
11 an average for each one of the ten  
12 applicants.

13 The Committee then looked at  
14 the scores that we had, and without  
15 any names being attached to that, we  
16 were able to see where there was a  
17 very logical break in the scores and  
18 we set a standard of everyone above  
19 that line that we would like to come  
20 back to the Board today with some  
21 recommendations and proceed with the  
22 rest of the process which would  
23 include the interviews.

24 And I have quite a bite of  
25 additional information that's very

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1 specific that I would like to present  
2 to the Board but I'd like to do that  
3 in Executive Session if everyone  
4 agrees.  
5 MR. WENDLING: Okay. Any  
6 questions on what Jan has provided so  
7 far?  
8 MR. GRIESEL: I'd like to  
9 make a motion to go into Executive  
10 Session.  
11 MR. WENDLING: Okay.  
12 MR. MUNSON: Second.  
13 MR. WENDLING: All right.  
14 Let's do a roll call then.  
15 MS. FIELDS: Mr. Griesel.  
16 MR. GRIESEL: Yes.  
17 MS. FIELDS: Dr. Hammon.  
18 DR. HAMMON: Yes.  
19 MS. FIELDS: Mr. Johnston.  
20 MR. JOHNSTON: Yes.  
21 MS. FIELDS: Mr. Kinder.  
22 MR. KINDER: Yes.  
23 MS. FIELDS: Ms. Kunze.  
24 MS. KUNZE: Yes.  
25 MS. FIELDS: Mr. Mason.

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1 MR. MASON: Yes.  
2 MS. FIELDS: Mr. Munson.  
3 MR. MUNSON: Yes.  
4 MS. FIELDS: Mr. Sims.  
5 MR. SIMS: Yes.  
6 MS. FIELDS: Mr. Wendling.  
7 MR. WENDLING: Yes.  
8 MS. FIELDS: Motion passed.  
9 MR. WENDLING: One of the  
10 things that we'll need to do is  
11 designate someone to keep minutes.  
12 DR. HAMMON: I would be  
13 happy to keep minutes.  
14 MR. WENDLING: All right.  
15 Thank you, Tracy.  
16 All right. Just to the Board,  
17 I believe there's a room on the  
18 other side of that wall that we  
19 would meet in. And just for those  
20 that are in the audience, I can't  
21 tell you how long we will be in  
22 Executive Session, so just be mindful  
23 of that.  
24 (Whereupon, the Board went into  
25 Executive Session)

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1 (Whereupon, the Board returned  
2 from Executive Session)  
3 MR. WENDLING: All right.  
4 We'll get ready to resume our  
5 meeting.  
6 Can I have motion to resume.  
7 MR. JOHNSTON: So moved.  
8 MS. KUNZE: Second.  
9 MR. WENDLING: All right.  
10 Roll call, please.  
11 MS. FIELDS: Mr. Griesel.  
12 MR. GRIESEL: Yes.  
13 MS. FIELDS: Dr. Hammon.  
14 DR. HAMMON: Yes.  
15 MS. FIELDS: Mr. Johnston.  
16 MR. JOHNSTON: Yes.  
17 MS. FIELDS: Mr. Kinder.  
18 MR. KINDER: Yes.  
19 MS. FIELDS: Ms. Kunze.  
20 MS. KUNZE: Yes.  
21 MS. FIELDS: Mr. Mason.  
22 MR. MASON: Yes.  
23 MS. FIELDS: Mr. Munson.  
24 MR. MUNSON: Yes.  
25 MS. FIELDS: Mr. Sims.

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1 MR. SIMS: Yes.  
2 MS. FIELDS: Mr. Wendling.  
3 MR. WENDLING: Yes.  
4 MS. FIELDS: Motion passed.  
5 MR. WENDLING: All right.  
6 Thank you. Jan, did you have  
7 something you wanted to say?  
8 MS. KUNZE: Yes. I wanted  
9 to do a little bit of up date. The  
10 Committee, and I think as we work  
11 through this there's a lot of value  
12 to having the -- a multiple input in  
13 decision-making. And I would ask  
14 Billy Sims to fill the position we  
15 have on the Search Committee and he's  
16 agreed to that. I just wanted to  
17 bring that up date.  
18 MR. WENDLING: All right.  
19 Thank you. Any more questions for  
20 Jan?  
21 All right. One of the -- to  
22 make a public statement in general  
23 about the activity of the Search  
24 Committee. What I wanted everyone to  
25 know, Jan has briefed me as they've

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1 moved along in the process as far as  
2 time lines and where they were. So  
3 from my standpoint, the Committee has  
4 been focused on the task at hand.  
5 It's obvious from my vantage point.  
6 They've been diligent in their  
7 effort, they took their assignment to  
8 heart. So, I really appreciate what  
9 you guys have put into the process  
10 and you've presented it to the Board  
11 with robust. And I think you've  
12 done an outstanding job. So with  
13 that, I want to express my  
14 appreciation on behalf of the Board  
15 for the work you've done to date.

16 So with that, if there's no  
17 discussion had in meeting, is there a  
18 motion for the subcommittee?

19 MR. SIMS: I make a motion  
20 that we accept the Committee's Report  
21 and Update and authorize them to  
22 continue the process including  
23 setting a date for interviews and  
24 possible date for further action.

25 MR. MUNSON: Second.

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1 MR. WENDLING: Roll call,  
2 please.  
3 MS. FIELDS: Mr. Griesel.  
4 MR. GRIESEL: Yes.  
5 MS. FIELDS: Dr. Hammon.  
6 DR. HAMMON: Yes.  
7 MS. FIELDS: Mr. Johnston.  
8 MR. JOHNSTON: Yes.  
9 MS. FIELDS: Mr. Kinder.  
10 MR. KINDER: Yes.  
11 MS. FIELDS: Ms. Kunze.  
12 MS. KUNZE: Yes.  
13 MS. FIELDS: Mr. Mason.  
14 MR. MASON: Yes.  
15 MS. FIELDS: Mr. Munson.  
16 MR. MUNSON: Yes.  
17 MS. FIELDS: Mr. Sims.  
18 MR. SIMS: Yes.  
19 MS. FIELDS: Mr. Wendling.  
20 MR. WENDLING: Yes.  
21 MS. FIELDS: Motion passed.  
22 MR. WENDLING: All right.

23 Thank you.

24 Next on the Agenda, as we move  
25 along, is New Business. And that is

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1 any matter not known about which  
2 could not have reasonably been  
3 foreseen prior to the time of posting  
4 the Agenda. And those are typically  
5 emergency-type measures.

6 Any new business?

7 All right. Hearing none, we'll  
8 proceed forward. The next meeting on  
9 your agenda is right now scheduled --  
10 the next regular meeting is now  
11 scheduled for February 21, 2014 in  
12 Oklahoma City at the DEQ in the  
13 multipurpose room. That is the  
14 official time of our next regular  
15 meeting.

16 And with that, I would like to  
17 get a motion to adjourn the meeting.

18 MR. GRIESEL: So moved.

19 MR. MUNSON: Second.

20 MR. WENDLING: All right.

21 Roll call, please.

22 MS. FIELDS: Mr. Griesel.

23 MR. GRIESEL: Yes.

24 MS. FIELDS: Dr. Hammon.

25 DR. HAMMON: Yes.

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1 MS. FIELDS: Mr. Johnston.  
2 MR. JOHNSTON: Yes.  
3 MS. FIELDS: Mr. Kinder.  
4 MR. KINDER: Yes.  
5 MS. FIELDS: Ms. Kunze.  
6 MS. KUNZE: Yes.  
7 MS. FIELDS: Mr. Mason.  
8 MR. MASON: Yes.  
9 MS. FIELDS: Mr. Munson.  
10 MR. MUNSON: Yes.  
11 MS. FIELDS: Mr. Sims.  
12 MR. SIMS: Yes.  
13 MS. FIELDS: Mr. Wendling.  
14 MR. WENDLING: Yes.  
15 MS. FIELDS: Motion passed.  
16 MR. WENDLING: All right.

17 Thank you.

18 (Proceedings concluded)  
19

# Condensed Transcript

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

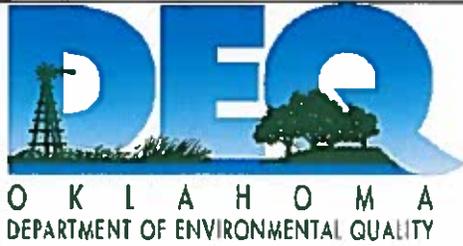
STATE OF OKLAHOMA     )  
                                  )   ss:  
COUNTY OF OKLAHOMA   )

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceeding is the truth, the whole truth, and nothing but the truth; that the foregoing meeting was taken down in shorthand and thereafter transcribed by me; that said proceeding was taken on the 13th day of November, 2013, at Muskogee, Oklahoma; and that I am neither attorney for, nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 26th day of December, 2013.

*Christy A. Myers*

CHRISTY A. MYERS, CSR  
Certificate No. 00310



# ENVIRONMENTAL QUALITY BOARD

Attendance Record

**November 13, 2013**

Muskogee, Oklahoma

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Diana Field	DEQ
Jerry Johnston	DEQ BOARD
Wendy Johnston	DEQ
Amber Miller	DEQ
Skylar McElhanev	DEQ
FBI: Terr. 11	DEQ
Billy Sims	DEQ BOARD
Cindy Parker	DEQ
Shelley Bud McCleary	DEQ
Carl Parrott	DEQ
HORACE E. Lindley	Town of Gore.
GEORGE MacDURMON	RMAC
Jon Roberts	DEQ
Mista Burgess	DEQ
Tracy Hammon	DEQ Board
Bud Ground	PSO
Jan Kunze	EQ Board
Clayton Eubanks	OAG
Jean McMahon	
Andrew Eaton	Yatte Iron & Metal
Jim Munson	DEQ
James Kinder	DEQ Board
Lee Grader	Deq Hwy Waste Adm Board.
Francie Martin	City of Muskogee - Public Works
Ryan Bladen	City of Muskogee
Griego David K	DEQ Board



ENVIRONMENTAL QUALITY  
BOARD

Attendance Record

November 13, 2013

Muskogee, Oklahoma

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Bill Csizmadia	3309 HYDE PARK AVE. MUSKOGEE 74403
Milky Edwards	707 N. Robinson 702-5226
Steve Landers	4501 Chandler Rd. Musk
Mark Hildebrand	DEQ - WQD
Arthur Hulbert	State Rep. Dist. 14
D.E. Smoot	Muskogee Phoenix dsmoote@muskogee phoenix.com
Dean Swan	727 Capital Pl. Muskogee 74401
Sylvia Swan	" " "
PAIGE FRIX	PO Box 1039 Muskogee OK 74402
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Ford Benham	OKC benhamf@oge.com
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CHRIS ARMSTRONG	DEQ SELSO
Jimmy Givens	DEQ