

**DRAFT MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 22, 2013
DEPARTMENT OF ENVIRONMENTAL QUALITY
MULTIPURPOSE ROOM
OKLAHOMA CITY, OKLAHOMA**

Official EQB Approved

On August 20, 2013 ~~June 18, 2013 mtg. cancelled~~

Notice of Public Meeting The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m. at the Department of Environmental Quality (DEQ) in the Multipurpose Room, 707 N. Robinson, Oklahoma City, 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 February 8, 2013, and was posted at the DEQ on February 21, 2013. Mr. Jerry Johnston, Chair, called the meeting to order. Jeanette Nance called roll and a quorum was confirmed.

MEMBERS PRESENT

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

DEQ STAFF PRESENT

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

MEMBER ABSENT

Brita Cantrell
Steve Mason

OTHERS PRESENT

Gary Sherrer, Secretary of the Environment
Tyler Powell, Director, Secretary of the Environment
Carly Schnaithman, Special Assistant, Secretary of the Environment

Approval of Minutes – Mr. Johnston called for a motion to approve the Minutes from the November 7, 2012 Regular Meeting. Ms. Kunze made a motion to approve the Minutes and Ms. Savage made the second.

transcript pages 5 - 6

Mike Cassidy	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Kerry Sublette	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes	Jerry Johnston	Yes
Terri Savage	Yes		

Election of Officers – Mr. Johnston made a motion that Mr. Wendling, Vice-Chair, become the new Chair. Mr. Sims made the second. Hearing no other nominees, the Board unanimously approved Mr. Wendling as Chair.

transcript pages 6 – 7

Mike Cassidy	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Kerry Sublette	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes	Jerry Johnston	Yes
Terri Savage	Yes		

Mr. Steve Thompson, Executive Director, DEQ, presented a plaque to Mr. Johnston for his years of service as Chair with the Board.

transcript pages 7 - 9

Mr. Wendling, Chair, took nominations for Vice-Chair. Dr. Hammon moved to nominate Ms. Kunze for Vice-Chair and Mr. Johnston made the second. Hearing no other nominees, Ms. Kunze was unanimously approved as Vice-Chair.

transcript pages 9 - 11

Mike Cassidy	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Kerry Sublette	Yes
James Kinder	Yes	John Wendling	Yes
Jan Kunze	Yes	Jerry Johnston	Yes
Terri Savage	Yes		

Mr. Wendling noted that Board members Tony Dark and David Griesel are now in attendance.

transcript page 11

Rulemaking – OAC 252:4 Rules of Practice and Procedure – Mr. Wendling called upon Martha Penisten, General Counsel, DEQ. Ms. Penisten stated the DEQ proposes to amend OAC 252:4, Subchapters 1, 7 and 9 in order to: update DEQ’s Rules of Practice and Procedure due to recent statutory changes made by the Legislature; to correct errors in the text of the rules; to clarify permit review and correction opportunities for an applicant prior to issuance of a draft permit by the DEQ; to clarify the process for a permit applicant who wishes to seek agency review of a final permit decision and what constitutes the administrative record for such a review; and to clarify that a declaratory ruling request is a prerequisite to seeking judicial review of a final permit decision. These proposed changes are of general applicability to DEQ programs and are not within the jurisdiction of a particular advisory council. Ms. Penisten also stated the DEQ has proposed these amendments to make the procedural rules pertaining to the issuance and agency review of permits clearer and more user-friendly for DEQ and the regulated community. Hearing no comments, Mr. Griesel moved to approve and Mr. Dark made the second.

transcript pages 11 - 16

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

Rulemaking – OAC 252:100 Air Pollution Control – Mr. Wendling called upon Laura Lodes, Chair, Air Quality Advisory Council, to present the Air Quality portion of the rules. Mr. Wendling advised Ms. Lodes to introduce the three rules individually. Ms. Lodes stated the DEQ is proposing to update OAC 252:100, Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation by Reference, by revoking the existing Appendix Q and adding a new Appendix Q to incorporate the latest changes to EPA regulations. Included are changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS), and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). Ms. Lodes mentioned the updated language in Subchapter 2, Incorporation by Reference, reflects the latest date of incorporation for EPA regulations in Appendix Q as of September 13, 2012. Also, the Title 40 CFR, Incorporation by Reference is updated annually by the DEQ Air Pollution Control rules. Hearing no comments, Mr. Dark made the motion to approve and Dr. Hammon made the second.

transcript pages 16 - 21

Mike Cassidy	Yes	Terri Savage	Yes
Tony Dark	Yes	Billy Sims	Yes
David Griesel	Yes	Kerry Sublette	Yes

Tracy Hammon	Yes	John Wendling	Yes
James Kinder	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

Rulemaking – OAC 252:100-13 Open Burning – Ms. Lodes stated that DEQ is proposing to amend OAC 252:100-13, Open Burning, to clarify the requirements and encourage the use of “air curtain incinerators” (ACIs) also known as “air curtain destructors”, and “open-pit incinerators.” The proposed rulemaking would primarily affect the owners and operators of ACIs that are used on a temporary basis to burn trees, brush, and similar materials from land clearing, public health, safety and disaster response activities. The affected entities include private as well as state, county, and municipal governmental entities. The DEQ is proposing changes to add flexibility in the operation of these units, including an extension of the allowed hours of operation. The existing rule requires land clearing operations in current and former nonattainment areas (Tulsa and Oklahoma Counties) to use ACIs. The proposal would expand this requirement to all counties in the Oklahoma City and Tulsa Metropolitan Statistical Areas, and would prohibit open burning in areas under an Ozone or Particulate Matter Watch. Also, the DEQ proposes to amend the rule to allow, under certain conditions, the transport of materials from the site where they are generated to the site where they would be burned. Following discussion, Mr. Johnston moved to approve and Ms. Savage made the second.

transcript pages 21 - 29

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

Rulemaking – OAC 252:100-31 Control of Emission of Sulfur Compounds, to OAC 252:100-25 Visible Emissions and Particulates – Ms. Lodes explained that DEQ is proposing to move an existing continuous opacity monitoring requirement from OAC 252:100-31, Control of Emission of Sulfur Compounds, to OAC 252:100-25, Visible Emissions and Particulates, which is a more appropriate location. The proposal is not intended to add any additional requirements for facilities subject to either subchapter. The existing language of Subchapter 25, Section 5, had to be modified to accommodate the change, to clarify the requirements and applicability, and to remove certain provisions that no longer apply. The notice for proposed changes was published in the Oklahoma Register on September 17, 2012. One written comment was received during the comment period in support of this proposed rule modification. The proposal reflects changes made in response to previous public and Council comments. Following discussion, Dr. Hammon moved to approve and Mr. Dark made the second.

transcript pages 30 - 35

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

Rulemaking – OAC 252:515-1 – Mr. Wendling called upon Jeffrey Shepherd, Chair, Solid Waste Management Advisory Council, to present the Solid Waste portion of the rules individually. The Department is proposing to amend OAC 252:515 Subchapters 1, General Provisions, to exempt the phrases “roofing material recycling facilities” and “used tire recycling facilities” from the definition of “Land Disposal Facility” to clarify existing practices. Hearing no comments, Mr. Kinder moved to approve and Mr. Johnston made the second.

transcript pages 35 - 37

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

Rulemaking – OAC 252:515-19 – Mr. Shepherd stated the Department is also proposing to add a new OAC 252:515-19-50 in response to recent legislative changes to 27A O.S. § 2-10-801.2, pertaining to exterior and interior slopes of solid waste landfills. The statutory changes for Senate Bill 19 became effective July 1, 2012. Hearing no comments, Mr. Griesel moved to approve and Mr. Sims made the second.

transcript pages 37 - 39

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

Rulemaking – OAC 252:515-41 – Mr. Shepherd introduced the final rule for Solid Waste, which is a proposal to add a new Subchapter. Mr. Shepherd stated the Department is proposing to amend OAC 252:515 by adding a new Subchapter 41 in response to recent legislative changes to 27A O.S. § 2-10-802.2, pertaining to roofing materials recycling facilities. Senate Bill 1042 passed under emergency status and became effective upon approval by the Governor in May 2012. Hearing no comments, Mr. Johnston moved to approve and Mr. Griesel made the second.

transcript pages 39 - 41

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

Rulemaking – OAC 252:4 – Rules of Practice and Procedure (Water Quality Tier Rules) – Mr. Wendling called upon Duane Winegardner, Vice-Chair, Water Quality Management Advisory Council (WQMAC) to present the water rules due to Michel Paque’s absence. The proposed changes are to correct unintended consequences from last year’s rulemaking effort to include reclaimed water permits in the Tier classifications. By replacing “wastewater” with “reclaimed water” the DEQ inadvertently caused the land application of “biosolids” and “industrial wastewater” to be omitted from the Tier classifications. Mr. Winegardner mentioned the proposed language corrects the problem by inserting these terms back into the rule. The DEQ received no written comments on the proposed rule changes and no comments were received from the public during the January 8 Council meeting. Hearing no comments, Mr. Wendling called for a motion to approve. Mr. Dark moved to approve and Mr. Cassidy made the second.

transcript pages 41 - 44

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

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Winegardner stated each year DEQ must update its rules to ensure that the appropriate federal rules are incorporated by reference in order to maintain the authority to administer the federal Oklahoma Pollutant Discharge Elimination System (OPDES) program in

Oklahoma. The change proposed to this chapter is to change the effective date of the rules incorporated by reference from July 1, 2011 to July 1, 2012. The DEQ received no written comments on the proposed rule changes and no comments were received from the public during the January 8 Council meeting. Hearing no comments, Mr. Wendling called for a motion to approve. Mr. Kinder moved to approve and Dr. Hammon made the second.

transcript pages 45 - 47

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

Rulemaking – OAC 252:616 Industrial Wastewater Systems – Mr. Winegardner mentioned the DEQ proposes to amend OAC 252:616 to do the following: update the definitions; clarify that the application fees and annual fees for Class III systems apply to applications for coverage under general permits; change the term “flexible membrane liner” to “synthetic liner” throughout the Chapter; eliminate the use of lateral lines for new industrial tank systems; clarify and update the recordkeeping and reporting requirements for land application systems; and update Appendix C with the latest rainfall and evaporation data (revoke current Appendix C and adopt proposed Appendix C). The DEQ received one written comment from American Electric Power (AEP); however, the comment related to a rule that was not included in the Notice of Rulemaking Intent. The Water Quality Division staff spoke with a representative from the facility and explained the particular provision was not open for comment, but committed to meet with AEP to further discuss their concerns. There were no comments received from the public during the January 8 Council meeting. Hearing no comments, Mr. Wendling called for a motion to approve. Mr. Johnston moved to approve and Ms. Kunze made the second.

transcript pages 47 – 50

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

Rulemaking – OAC 252:631 Public Water Supply (PWS) Operation – Before Mr. Winegardner presented the rule, Mr. Thompson requested him to present Item B before Item A, because the capacity to do Item A depends on Item B. Mr. Winegardner presented Item B first stating that DEQ proposes to amend OAC 252:631 to increase the annual fees for PWS systems. The proposed fee increase, along with additional general revenue appropriations, will allow DEQ to generate sufficient resources to continue regulating public water supply systems at the current level plus take on existing rules currently under EPA’s authority. Mr. Winegardner stated DEQ received no written comments on the proposed changes other than comments relating to the fee increases and incorporation by references. Mr. Thompson fielded questions and comments from the Board. Mr. Wendling called for a motion to approve. Mr. Sims moved that motion and Mr. Dark made the second.

transcript pages 50 - 62

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

Mr. Winegardner stated in Item A there are some technical changes that will change from “standard plate counts” to “heterotrophic plate counts” which is accepted scientific practice. The DEQ proposes to amend OAC 252:631 to do the following: update the date of incorporation by reference of certain federal regulations from July 1, 2011 to July 1, 2012, including incorporation of the federal regulations relating to the Ground Water Rule, the Long-term 2 Enhanced Surface Water Treatment Rule, and the Stage 2 Disinfectants and Disinfection Byproducts Rule; and update the analytical testing methods when using chloramines as a disinfectant. Mr. Winegardner stated now the combined proposed amendments will allow DEQ to maintain existing primacy of the Drinking Water Program in Oklahoma and seek authority to administer the three rules, which EPA has been administering due to lack of funding. Mr. Winegardner fielded questions and comments from the Board. Dr. Hammon pointed out an oversight in Section 631-3-3(f) (3) (A). Mr. Wendling called for a motion to approve the change presented by Dr. Hammon to adjust Section 631-3-3(f) (3) (A) to strike the term “and (b)”. Dr. Hammon moved to approve and Mr. Sims made the second.

transcript pages 62 – 68

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

Rulemaking – OAC 252:690 Water Quality Standards Implementation – Mr. Winegardner presented Item A, stating the date of incorporation by reference is being updated from July 1, 2011 to July 1, 2012. Mr. Wendling called for a motion to approve. Mr. Dark moved to approve and Dr. Hammon made the second.

transcript pages 68 – 70

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

Mr. Winegardner presented Item B, proposing the following: to amend OAC 252:690 to clarify when and how to use geometric and arithmetic means for determining “reasonable potential” for pollutants; update formulas used to determine when background monitoring is required; clarify testing requirements for facilities with Whole Effluent Toxicity (WET) limits during a Toxicity Identification Evaluation (TIE) or Toxicity Reduction Evaluation (TRE); update bacteriological indicators to reflect water quality standards for E. Coli and Enterococci; require permittees to monitor for bacteria once a week if the receiving stream has a Secondary Body Contact Recreation beneficial use and is impaired for bacteria; eliminate monitoring frequency reductions for bacteriological testing to be consistent with Oklahoma Water Resources Board rules; and make other minor clarifications. Mr. Winegardner stated DEQ received two written comments from AEP. The first comment was related to the WET testing failure that results in retesting. The second comment was that the existing language related to monitoring frequency be retained. DEQ staff addressed those issues with the facility representative. DEQ received no comments from the public on the proposed rule changes during the January 8 Council meeting. Following a brief discussion, Mr. Wendling called for a motion to approve. Mr. Kinder moved to approve and Ms. Savage made the second.

transcript pages 70 - 74

Mike Cassidy	Yes	Terri Savage	Yes
Tony Dark	Yes	Billy Sims	Yes
David Griesel	Yes	Kerry Sublette	Yes
Tracy Hammon	Yes	John Wendling	Yes

James Kinder	Yes	Jerry Johnston	Yes
Jan Kunze	Yes		

Mr. Wendling stated this concludes the section on rulemaking and will take a recess. Afterwards the meeting proceeded with the Director's Report.

transcript page 75

Executive Director's Report – Mr. Thompson stated in the last two years the agency has faced a number of daunting challenges. The PWS fee, issues surrounding the Public Service of Oklahoma Regional Haze Settlement Agreement, the IT consolidation and negotiations on an agreement that was recently signed between the Attorney Generals of Oklahoma and Arkansas. Mr. Thompson recognized Secretary Gary Sherrer, Secretary of the Environment, and thanked him for being patient and supportive of the agency. Ms. Penisten gave an overview on a Petition for Declaratory Ruling filed with the DEQ by the Western Farmers Electric Cooperative. Eddie Terrill, Division Director, Air Quality Division, spoke on the Ozone Season update and other air quality issues. Chris Armstrong, Division Director, State Environmental Laboratory Services, gave an update on harmful algae blooms and fish kills. Shellie Chard-McClary, Division Director, Water Quality Division, gave an update on the Cooling Water Intake Rule and the drought. Scott Thompson, Division Director, Land Protection Division, spoke on the Halliburton site that is in Duncan, Oklahoma. Ms. Penisten informed the Board on the Tar Creek Superfund site and Lead Impacted Communities Relocation Assistance Trust. Also, Mr. Thompson briefed the Board on issues including legislation and key bills.

transcript pages 75 - 129

New Business None

Next Meeting June 18, 2013 in Frederick, Oklahoma.

Adjournment No issues were raised during the public forum. Before adjournment Mr. Wendling thanked Secretary Sherrer and his staff for being in attendance. Secretary Sherrer thanked the Board, the Councils and DEQ staff for their hard work. Mr. Wendling called for a motion to adjourn. Mr. Dark made the motion and Mr. Griesel made the second. Meeting adjourned at 12:30 p.m.

transcript pages 130 - 131

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

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

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TRANSCRIPT OF PROCEEDINGS
OF THE ENVIRONMENTAL QUALITY
BOARD MEETING
ON FEBRUARY 22, 2013, AT 9:30 A.M.
HELD IN OKLAHOMA CITY, OKLAHOMA
* * * * *

Myers Reporting

Sheet 2 Page 2

MEMBERS OF THE COUNCIL

JERRY JOHNSTON
JOHN WENDLING
MIKE CASSIDY
DAVID GRIESEL
TRACY HAMMON
JAMES KINDER
JAN KUNZE
TERRI SAVAGE
BILLY SIMS
KERRY SUBLETTE
TONY DARK
BRITA CANTRELL
STEVE MASON

Page 4

1 same as today's Agenda.
2 Jeanette, do you want to do
3 the roll call, please.
4 MS. NANCE: Ms. Cantrell is
5 absent.
6 Mr. Cassidy.
7 MR. CASSIDY: Here.
8 MS. NANCE: Mr. Dark.
9 Mr. Griesel, Dr. Hammon.
10 DR. HAMMON: Here.
11 MS. NANCE: Mr. Kinder.
12 MR. KINDER: Here.
13 MS. NANCE: Ms. Kunze.
14 MS. KUNZE: Here.
15 MS. NANCE: Mr. Mason is
16 absent. Mr. Savage.
17 MS. SAVAGE: Here.
18 MS. NANCE: Mr. Sims.
19 MR. SIMS: Here.
20 MS. NANCE: Dr. Sublette.
21 DR. SUBLETTE: Here.
22 MS. NANCE: Mr. Wendling.
23 MR. WENDLING: Here.
24 MS. NANCE: Mr. Johnston.
25 MR. JOHNSTON: Here.

Page 3

PROCEEDINGS

1
2 MR. JOHNSTON: Good morning.
3 I'm glad you're here.
4 I'll call this meeting to order
5 and I'm going to read something
6 you've never heard before except for
7 every time we have this meeting.
8 The February 22, 2013 regular
9 meeting of the Environmental Quality
10 Board has been called according to
11 the Oklahoma Open Meeting Act Section
12 3.11 of Title 25 of the Oklahoma
13 Statutes. Notice was filed with the
14 Secretary of State on November 16,
15 2012. Agendas were mailed to
16 interested parties on February the
17 8th, 2013 and were posted at the DEQ
18 on February 21, 2013.
19 Only matters appearing on the
20 posted agenda may be considered. If
21 this meeting is continued or
22 reconvened, we must announce today
23 the date, time, and the place of the
24 continued meeting and the Agenda for
25 such continuation will remain the

Page 5

1 MS. NANCE: We have a
2 quorum.
3 MR. JOHNSTON: We need to
4 approve the Minutes of November 7,
5 2012 regular meeting.
6 Any questions about the Minutes
7 at this time? If not, I'll take a
8 motion to approve them.
9 MS. KUNZE: I make a motion
10 for approval.
11 MS. SAVAGE: Second.
12 MR. JOHNSTON: Ladies have
13 made their motions. Roll call,
14 please.
15 MS. NANCE: Mr. Cassidy.
16 MR. CASSIDY: Yes.
17 MS. NANCE: Dr. Hammon.
18 DR. HAMMON: Yes.
19 MS. NANCE: Mr. Kinder.
20 MR. KINDER: Yes.
21 MS. NANCE: Ms. Kunze.
22 MS. KUNZE: Yes.
23 MS. NANCE: Mr. Savage.
24 MS. SAVAGE: Yes.
25 MS. NANCE: Mr. Sims.

Myers Reporting

Sheet 3 Page 6	Page 8
<p>1 MR. SIMS: Yes. 2 MS. NANCE: Dr. Sublette. 3 DR. SUBLETTE: Yes. 4 MS. NANCE: Mr. Wendling. 5 MR. WENDLING: Yes. 6 MS. NANCE: Mr. Johnston. 7 MR. JOHNSTON: Yes. 8 MS. NANCE: Motion passed. 9 MR. JOHNSTON: At this time 10 we have the election of the officers 11 and I would move that the Vice-Chair 12 John Wendling is -- I move that he 13 be the new Chair. I would make that 14 motion. 15 MR. SIMS: Second. 16 MR. JOHNSTON: We have a 17 second. Billy Sims. 18 MR. SIMS: If there's no 19 other nominations, I make a motion 20 nominations cease. 21 MR. JOHNSTON: Roll call. 22 MS. NANCE: Mr. Cassidy. 23 MR. CASSIDY: Yes. 24 MS. NANCE: Dr. Hammon. 25 DR. HAMMON: Yes.</p>	<p>1 Board ably and effectively and 2 consistently for well over a decade. 3 Most importantly, he has served as 4 our Chair twice. Most -- probably 5 the most difficult job that Jerry has 6 had is putting up with me for all 7 those years. So we are greatly 8 appreciative of all the work for all 9 the years that Jerry has done, not 10 only as Chair these last two years 11 but throughout his tenure with 12 Environmental Quality Board. So it 13 is with appreciation for his 14 dedicated service that we present to 15 him this plaque as the Chairman of 16 the Board in 2011 and 2012. 17 Thank you, my friend. Thank 18 you very much. 19 MR. JOHNSTON: I just want 20 to thank all the staff that made me 21 look really good up here, that's 22 where it comes from. They make you 23 look good whether you are or not, so 24 I really appreciate you guys and 25 girls and all the help and I</p>
Page 7	Page 9
<p>1 MS. NANCE: Mr. Kinder. 2 MR. KINDER: Yes. 3 MS. NANCE: Ms. Kunze. 4 MS. KUNZE: Yes. 5 MS. NANCE: Mr. Savage. 6 MS. SAVAGE: Yes. 7 MS. NANCE: Mr. Sims. 8 MR. SIMS: Yes. 9 MS. NANCE: Dr. Sublette. 10 DR. SUBLETTE: Yes. 11 MS. NANCE: Mr. Wendling. 12 MR. WENDLING: Yes. 13 MS. NANCE: Mr. Johnston. 14 MR. JOHNSTON: Yes. 15 MS. NANCE: Motion passed. 16 MR. JOHNSTON: People, it's 17 been nice, but we've got a new boss 18 now. 19 (Applause) 20 MR. THOMPSON: Jerry, before 21 you take your place at the table -- 22 MR. JOHNSTON: The foot of 23 the table. 24 MR. THOMPSON: -- the foot 25 of the table, Jerry has served this</p>	<p>1 appreciate all of -- all of the 2 people at DEQ, they're doing great 3 things -- that you all are going to 4 do. So thank you, thank you. 5 MR. WENDLING: One thing I 6 noticed -- are you going to give me 7 your name here? 8 MR. JOHNSTON: Yeah. 9 MR. THOMPSON: Just because 10 he's leaving as Chair doesn't mean 11 he's not still in control. 12 MR. WENDLING: Yeah. I 13 noticed earlier that Jerry had this 14 big smile on his face today and then 15 when we got close to meeting time, 16 he was the only one sitting up here 17 so I -- were you in a hurry? 18 MR. JOHNSTON: No. 19 MR. WENDLING: All right. 20 Jerry, I appreciate all you've done 21 and -- but you can't do it all 22 yourself and so there may be 23 opportunities where I can't be here 24 so I need a Co-Chair. 25 So I will be taking motions</p>

Myers Reporting

<p>Sheet 4 Page 10</p> <p>1 for a Co-Chair -- a Vice-Chair, and 2 so with that, I will take any 3 nominations we might have. 4 DR. HAMMON: I would like 5 to move to nominate Jan Kunze for 6 Vice-Chair. 7 MR. JOHNSTON: I'll second 8 that nomination. 9 MR. SIMS: I make a motion 10 that nominations cease. 11 MR. WENDLING: All right. 12 With that, why don't we do a roll 13 call. 14 MS. NANCE: Mr. Cassidy. 15 MR. CASSIDY: Yes. 16 MS. NANCE: Dr. Hammon. 17 DR. HAMMON: Yes. 18 MS. NANCE: Mr. Kinder. 19 MR. KINDER: Yes. 20 MS. NANCE: Ms. Kunze. 21 MS. KUNZE: I'll say yes, 22 and that means that I would be very 23 happy to serve. 24 MR. WENDLING: Thank you. 25 MS. NANCE: Mr. Savage.</p>	<p>Page 12</p> <p>1 MS. PENISTEN: This proposed 2 rulemaking is to amend Chapter 4, DEQ 3 Rules of Practice and Procedure. 4 Because the proposed rules apply 5 generally to all the divisions in the 6 Agency. They are not within the 7 jurisdiction of any particular 8 Council -- 9 MR. WENDLING: Martha, is 10 turn your microphone on? 11 MS. PENISTEN: Is it not 12 working? 13 MR. WENDLING: There we go. 14 MS. PENISTEN: Okay. Sorry. 15 I'll start over. 16 This proposed rulemaking is to 17 amend Chapter 4, DEQ Rules of 18 Practice and Procedure. Because the 19 proposed rules apply generally to all 20 Agencies the in the division, they 21 are not within the jurisdiction of 22 any particular Council and so are 23 coming directly to the Board for 24 consideration. 25 Is this working or not?</p>
<p>Page 11</p> <p>1 MS. SAVAGE: Yes. 2 MS. NANCE: Mr. Sims. 3 MR. SIMS: Yes. 4 MS. NANCE: Dr. Sublette. 5 DR. SUBLETTE: Yes. 6 MS. NANCE: Mr. Wendling. 7 MR. WENDLING: Yes. 8 MS. NANCE: Mr. Johnston. 9 Mr. Johnston. 10 MR. JOHNSTON: Yes. 11 MS. NANCE: Motion passed. 12 MR. WENDLING: Thank you, 13 very much. All right. 14 We'll go ahead and move forward 15 with the formal part of the Agenda 16 then at this point. And welcome 17 too, Tony and David. 18 (Tony Dark and David Griesel are 19 now in attendance) 20 MR. WENDLING: First on the 21 Agenda for rulemaking is OAC 252:4, 22 Rules of Practice and Procedure. And 23 that is going to be presented by 24 Martha Penisten. 25 Martha.</p>	<p>Page 13</p> <p>1 MR. JOHNSTON: Sometimes. 2 MS. PENISTEN: The proposed 3 rulemaking accomplishes several 4 things including updates and 5 corrections to Subchapter 1 related 6 to statutory changes that have been 7 made over the past few years. And 8 more significantly, are the 9 clarifications to portions -- more 10 significantly are the clarifications 11 of portions of the permit issuance 12 and Agency review processes in 13 Subchapter 7 and 9. The proposed 14 amendments related to permit process, 15 clarify what the opportunities are 16 for permit applications to interact 17 with DEQ permitting staff before a 18 draft permit is issued and they are 19 also intended to clarify the process 20 for permit applicants who are seeking 21 Agency review of a final permit 22 through the declaratory ruling 23 process. The DEQ has proposed these 24 amendments to make the procedural 25 rules pertaining to the issuance and</p>

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<p>Sheet 5 Page 14</p> <p>1 Agency review of permits clearer and 2 more user-friendly, both for DEQ and 3 the regulated community. We, 4 therefore, ask for the Board's 5 consideration and approval of the 6 proposed rulemaking. 7 And does anyone have any idea 8 what I just said? 9 MR. WENDLING: All right. 10 Thank you, Martha. Appreciate it 11 especially with all the movement up 12 there. It's hard to concentrate, but 13 I appreciate what you're doing. 14 MS. PENISTEN: You're 15 welcome. 16 MR. WENDLING: All right. 17 Hopefully everyone had a chance to 18 kind of review the documentation that 19 was sent out to us early. Do we 20 have any questions or discussion from 21 the Board on this particular issue? 22 Okay. Any questions or 23 comments from the public? Okay. 24 Hearing none, can I have a motion 25 from the Board please?</p>	<p>Page 16</p> <p>1 DR. SUBLETTE: Yes. 2 MS. NANCE: Mr. Wendling. 3 MR. WENDLING: Yes. 4 MS. NANCE: Mr. Johnston. 5 MR. JOHNSTON: Yes. 6 MS. NANCE: Motion passed. 7 MR. WENDLING: All right. 8 Thank you. Next on the Agenda is 9 rulemaking on OAC 252:100 Air 10 Pollution Control. There's a few 11 sections there to be reviewed and I 12 believe Laura Lodes, the Chair of the 13 Air Quality Council, will be 14 reviewing that. Laura. 15 MS. LODES: Yes. One of 16 the first things I want to clarify 17 is do you want to act on these three 18 sets of rulemaking individually or 19 together? 20 MR. WENDLING: Let's go 21 through them individually please. 22 Thank you. 23 MS. LODES: Okay. The 24 first item that we are bringing 25 before you today is OAC 252:100,</p>
<p>Page 15</p> <p>1 MR. GRIESEL: So move. 2 MR. DARK: Second. 3 MR. WENDLING: All right. 4 All right. We have a motion to 5 approve and a second. 6 MS. NANCE: Was that David? 7 MR. WENDLING: Yes. All 8 right. Roll call. 9 MS. NANCE: Mr. Cassidy. 10 MR. CASSIDY: Yes. 11 MS. NANCE: Mr. Dark. 12 MR. DRAKE: Yes. 13 MS. NANCE: Mr. Griesel. 14 MR. GRIESEL: Yes. 15 MS. NANCE: Dr. Hammon. 16 DR. HAMMON: Yes. 17 MS. NANCE: Mr. Kinder. 18 MR. KINDER: Yes. 19 MS. NANCE: Ms. Kunze. 20 MS. KUNZE: Yes. 21 MS. NANCE: Mr. Savage. 22 MS. SAVAGE: Yes. 23 MS. NANCE: Mr. Sims. 24 MR. SIMS: Yes. 25 MS. NANCE: Dr. Sublette.</p>	<p>Page 17</p> <p>1 Subchapter 2, Incorporation by 2 Reference for Appendix Q. The 3 purpose of OAC 252:100, Appendix Q, 4 Incorporation by Reference, is to 5 incorporate the latest changes to 6 EPA's regulations. Included changes 7 are additions to 40 CFR Part 60, New 8 Source Performance Standards, NSPS, 9 and Part 63, National Emission 10 Standards for Hazardous Air 11 Pollutants, NESHAP. The updated 12 language in Subchapter 2, 13 Incorporated by Reference, reflects 14 the latest date of incorporation for 15 EPA regulations in Appendix Q as of 16 September 13, 2012. Title 40, of 17 the Code of Federal Regulations, 18 Incorporations by Reference, IBR, are 19 updated annually by the DEQ Air 20 Pollution Control rules. The 21 Oklahoma Rules on Rulemaking dictate 22 the procedure of revoking the old and 23 creating an entirely new appendix and 24 that is what we've done here. 25 This is a straight</p>

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<p>Sheet 6 Page 18</p> <p>1 incorporation. The one IBR that was 2 removed from the list in Appendix Q 3 is 40 CFR Part 60, Subpart FFFF, 4 emission guidelines and compliance 5 time lines for other solid waste 6 incineration units that commence 7 construction on or before December 9, 8 2004. This Subpart is the emission 9 guideline that has been incorporated 10 by reference by the states several 11 years ago. Federal emissions 12 guidelines affecting existing sources 13 are made federally enforceable 14 through a state specific 111(d) plan, 15 so staff believes it is not correct 16 to incorporate those by reference. 17 We have various ones that we 18 -- that we did incorporate. Some of 19 the main ones that are being 20 incorporated by this action and why 21 it's important to -- I think the 22 Agency to have it, was Subpart 0000 23 for the newest set of Standards for 24 the Crude Oil and Natural Gas 25 Production, Transmission and</p>	<p>Page 20</p> <p>1 There's a second. 2 All right. Let's do roll 3 call, please. 4 MS. NANCE: Mr. Cassidy. 5 MR. CASSIDY: Yes. 6 MS. NANCE: Mr. Dark. 7 MR. DRAKE: Yes. 8 MS. NANCE: Mr. Griesel. 9 MR. GRIESEL: Yes. 10 MS. NANCE: Dr. Hammon. 11 DR. HAMMON: Yes. 12 MS. NANCE: Mr. Kinder. 13 MR. KINDER: Yes. 14 MS. NANCE: Ms. Kunze. 15 MS. KUNZE: Yes. 16 MS. NANCE: Ms. Savage. 17 MS. SAVAGE: Yes. 18 MS. NANCE: Mr. Sims. 19 MR. SIMS: Yes. 20 MS. NANCE: Dr. Sublette. 21 DR. SUBLETTE: Yes. 22 MS. NANCE: Mr. Wendling. 23 MR. WENDLING: Yes. 24 MS. NANCE: Mr. Johnston. 25 MR. JOHNSTON: Yes.</p>
<p>Page 19</p> <p>1 Distribution. 2 We have several others. We've 3 got Subpart DDDD, National Emission 4 Standards for Hazardous Air 5 Pollutants for the Plywood and 6 Composite Wood Products. And then -- 7 are there any questions? I mean, 8 that's why we've got on this one. 9 Do you have any questions regarding 10 this set? 11 MR. WENDLING: All right. 12 Questions from the Board on this 13 section? 14 All right. Questions from the 15 public at this time? 16 All right. Hearing none, I'll 17 -- let me clarify something for a 18 second. 19 (Pause) 20 MR. WENDLING: All right. 21 With that, I'll take a motion 22 regarding 252:100 Part A. 23 MR. DARK: So moved. 24 DR. HAMMON: Second. 25 MR. WENDLING: All right.</p>	<p>Page 21</p> <p>1 MS. NANCE: Motion passed. 2 MR. WENDLING: All right. 3 Thank you. 4 (Discussion about microphones) 5 MS. LODES: Okay. The next 6 item we have today before you is OAC 7 252:100 Subchapter 13, for Open 8 Burning. 9 The Department is proposing to 10 amend OAC 252:100-13, for Open 11 Burning, to clarify the requirements 12 for and encourage the use of "air 13 curtain incinerators", also known as 14 "air curtain destructors" and 15 "open-pit incinerators." The 16 proposal would extend the existing 17 rule requirement to OAC 18 252:100-13-7(4)(B) that land clearing 19 operations in current and former 20 nonattainment areas, the Oklahoma and 21 Tulsa counties, use Air Curtain 22 Incinerators, and extend that to all 23 counties in the Oklahoma City and 24 Tulsa Metropolitan Statistical Areas. 25 The Department proposes to modify the</p>

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<p>Sheet 7 Page 22</p> <p>1 rule to allow under certain 2 conditions the transport of materials 3 from the site where it is generated 4 to the site where it will be burned 5 in an open -- in an air curtain 6 incinerator. The Department proposes 7 to prohibit open burning in areas 8 under an "Ozone or Particulate Matter 9 Watch".</p> <p>10 The burning of land clearing 11 materials in an air curtain 12 incinerator instead of a burn pile 13 can reduce emissions by about 90 14 percent and lower the risk of escaped 15 fires and embers. The Oklahoma City 16 and Tulsa metropolitan statistical 17 areas are in violation of the 2008 18 75 parts per billion ozone standard 19 for the years 2011 and 2012. The 20 extension of the rule to cover 21 Oklahoma City and Tulsa MSAs could 22 help reduce ozone precursor 23 emissions, and be included in an 24 ozone reduction measure in the 25 Oklahoma City and Tulsa Ozone Advance</p>	<p>Page 24</p> <p>1 Pawnee, Rogers, and Tulsa counties. 2 An ACI used for a declared disaster 3 or emergency does not require a Title 4 V permit. All others will require a 5 Title V air permit for these -- air 6 curtain incinerators.</p> <p>7 MR. WENDLING: Are you done? 8 MS. LODES: Yes, I am. 9 MR. WENDLING: All right.</p> <p>10 Thank you.</p> <p>11 MS. LODES: Are there any 12 questions? 13 MR. WENDLING: All right. 14 Are there any questions from the 15 Board on Subchapter 13, Open 16 Burnings? 17 DR. HAMMON: I did have a 18 question on that. In the summary it 19 mentions that there will be an 20 extension of allowed hours of 21 operation. 22 MS. LODES: Yes. 23 DR. HAMMON: I didn't see 24 anything in the rule itself as to 25 that. I may have missed it.</p>
<p>Page 23</p> <p>1 Action Plans. EPA guidance states 2 that where control measures are 3 actively being implemented in an 4 area, EPA may allow time to determine 5 whether ozone reduction measures 6 bring an area back into attainment. 7 The Department is also proposing 8 changes to encourage the use of air 9 curtain incinerators, such as an 10 extension of allowed hours of 11 operation.</p> <p>12 Additionally, the Department 13 proposes to modify the rule to allow, 14 under certain conditions, the 15 transport of materials from the site 16 where it is generated, to the site 17 where it would be burned.</p> <p>18 Just for reference, the 19 Oklahoma City metropolitan 20 statistical area consists of 21 Canadian, Cleveland, Grady, Lincoln, 22 Logan, McClain, and Oklahoma 23 counties. The Tulsa metropolitan 24 statistical area consists of Creek, 25 Okmulgee, Osage, Pawnee, and --</p>	<p>Page 25</p> <p>1 MS. LODES: As I leave my 2 rules sitting over there with you -- 3 MR. TERRILL: I asked that 4 same question yesterday because I -- 5 even though we went through this in 6 two separate meetings, I failed to 7 ask that of staff.</p> <p>8 We did consider that 9 internally, and because this is a 10 planned activity and it's going to be 11 located in an area that we feel 12 should be well away from 13 neighborhoods, and the whole idea 14 here is, is to allow this burning to 15 occur as quickly as possible so they 16 can get it done. A lot of this was 17 set up so the County Commissioners in 18 the outlying areas would have a way 19 to get rid of lumber without piling 20 it up and burning it. That's when 21 we generally get a lot of our 22 complaints is if it's piled up and 23 open burned on top of the ground. 24 This will allow them to do that in a 25 more efficient manner. We figure</p>

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1 they'll locate it away from a
2 populated area so allowing them to
3 get in there and get it done and
4 then move it on, because a lot of
5 times they will rent these. And so
6 it's an incentive for them to use
7 them and outside the MSA, so we
8 decided not to put any restrictions
9 on when they can do this, because
10 the whole purpose of having the
11 restrictions before was we get
12 incinerators at night or people trying
13 to sleep, and you would smoke-out the
14 neighborhood and we didn't feel like
15 it needed to be located in areas
16 where that would be a problem. So
17 it was a conscious decision on our
18 part not to put any hourly
19 restrictions on the open pit
20 incinerators. If it turns out that
21 we should have, then we'll come back
22 and adjust that at a later date.
23 But we figure we'll get complaints --
24 and if they're operated correctly
25 there should be no smoke from them

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1 anyway.
2 DR. HAMMON: Okay. Thank
3 you.
4 In addition, in terms of the
5 comments and staff responses, I had a
6 question on -- you indicated that you
7 were evaluating outreach options for
8 those who may be impacted by this
9 and would determine what to do in
10 terms of outreach?
11 MS. LODES: Eddie.
12 MR. TERRILL: Yeah. We're
13 going to make an effort as part of
14 our ozone -- preparation for ozone
15 season is to notify all the county
16 commissioners and builders and what
17 have you since this rule's been
18 changed. We did some of that so
19 that we -- we elicit comments as
20 part of the rulemaking but we'll make
21 a real conscious effort to make sure
22 people know that they've got this
23 option available. And within the MSA
24 it's a requirement so that would help
25 us deal with our ozone situation

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1 within that metropolitan statistical
2 area this summer.
3 MS. LODES: We actually had
4 this -- carried this rule over
5 deliberately to a second Council
6 meeting just to see if we could
7 elicit any comments, and we never
8 did. And so we had it with two -- I
9 mean, we had it in both our October
10 meeting and our January meeting and
11 did not have anybody express any
12 concerns regarding it.
13 MR. WENDLING: Is that it?
14 All right. Any other questions or
15 comments from the Board?
16 Questions or comments from the
17 public?
18 All right. Hearing none, I
19 would ask for a motion to approve
20 Subsection 13, open burning.
21 MR. JOHNSTON: Move to
22 approve.
23 MS. SAVAGE: Second.
24 MR. WENDLING: All right.
25 Thank you. Roll call, please.

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1 MS. NANCE: Mr. Cassidy.
2 MR. CASSIDY: Yes.
3 MS. NANCE: Mr. Dark.
4 MR. DARK: Yes.
5 MS. NANCE: Mr. Griesel.
6 MR. GRIESEL: Yes.
7 MS. NANCE: Dr. Hammon.
8 DR. HAMMON: Yes.
9 MS. NANCE: Mr. Kinder.
10 MR. KINDER: Yes.
11 MS. NANCE: Ms. Kunze.
12 MS. KUNZE: Yes.
13 MS. NANCE: Ms. Savage.
14 MS. SAVAGE: Yes.
15 MS. NANCE: Mr. Sims.
16 MR. SIMS: Yes.
17 MS. NANCE: Dr. Sublette.
18 DR. SUBLETTE: Yes.
19 MS. NANCE: Mr. Wendling.
20 MR. WENDLING: Yes.
21 MS. NANCE: Mr. Johnston.
22 MR. JOHNSTON: Yes.
23 MS. NANCE: Motion passed.
24 MR. WENDLING: All right.
25 Thank you. Laura, continue please.

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<p>Sheet 9 Page 30</p> <p>1 MS. LODES: Okay. 2 MR. WENDLING: All right. 3 Thank you. 4 MS. LODES: The third and 5 final rule package we have is our 6 changes to both Subchapter OAC 7 252:100-20 -- Subchapter 25 and 31. 8 Subchapter 25 is for Visible 9 Emissions of particulates. 10 Subchapter 31 is for control of 11 emissions of sulfur compounds. 12 The proposed changes would move 13 a longstanding continuous opacity 14 monitoring requirement from 15 Subchapter 31 which deals with sulfur 16 emissions, to a more appropriate 17 location in Air Quality rules, which 18 is Subchapter 25, which deals with 19 particulates and visible emissions. 20 The proposal is not intended to add 21 any additional requirements for 22 facilities subject to either 23 subchapter. However, the existing 24 language of Subchapter 25, Section 5 25 had to be modified to accommodate the</p>	<p>Page 32</p> <p>1 252:100-31-25 for new fuel burning 2 equipment with "new" being defined as 3 after July 1, 1972. Concerned with 4 an opacity monitoring requirement and 5 sulfur emission requirements we had 6 several Members of the Council who 7 wanted to see this moved until a 8 more appropriate location -- it's 9 being buried in -- or put in the 10 sulfur regs didn't makes sense to us. 11 The requirement is not currently 12 duplicated with any other opacity 13 requirements in the Subchapter and it 14 does not change which sources are 15 still or would be subject to the 16 requirement. 17 The exiting Section 25-5 does 18 still exempt sources that are subject 19 to an NSPS and the proposal would 20 remove specific examples of 21 alternative monitoring requirements. 22 The natural gas facilities that burn 23 oil -- and one of them was natural 24 gas facilities that burned oil only 25 on an emergency basis. We didn't</p>
<p>Page 31</p> <p>1 change, and to clarify the 2 requirements and applicability, and 3 to remove certain provisions that no 4 longer apply. 5 The Notice was published in the 6 Oklahoma Register on September 17, 7 2012 for the proposed changes. One 8 written comment was received during 9 the comment period in support of this 10 proposed rule modification. The 11 proposal reflects changes made in 12 response to previous public and 13 Council comments. Comments primarily 14 centered on assuring that proposed 15 changes would continue to allow for 16 approval of alternative monitoring 17 requirements, including those 18 anticipated in related Federal 19 Standards. 20 This proposal was not a 21 comprehensive revision of Subchapter 22 25. The proposal is an outgrowth of 23 last year's changes to Subchapter 31, 24 Continuous Opacity Monitoring 25 required under the existing OAC</p>	<p>Page 33</p> <p>1 see the need to have an example of 2 an alternative monitor since those 3 were just an example and not 4 necessarily a condition. 5 Do you have any questions 6 regarding this proposal? 7 MR. WENDLING: All right. 8 Questions from the Board -- comments? 9 All right. Hearing none, questions 10 or comments from the public? 11 Okay. Hearing none, ask for 12 motion for approval of Subsection C 13 of this Subchapter 31 and 25. 14 DR. HAMMON: I move to 15 approve. 16 MR. WENDLING: All right. 17 MR. DARK: Second. 18 MR. WENDLING: All right. 19 It looks like we passed and Laura, 20 appreciate you presenting this to us. 21 Thank you. 22 MS. LODES: Thank you for 23 your time. 24 MR. THOMPSON: We need a 25 roll call on that one.</p>

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1 MR. WENDLING: Oh, I'm
2 sorry. I forgot the roll call. All
3 right. Let's do a roll call.
4 MS. NANCE: Mr. Cassidy.
5 MR. CASSIDY: Yes.
6 MS. NANCE: Mr. Dark.
7 MR. DRAKE: Yes.
8 MS. NANCE: Mr. Griesel.
9 MR. GRIESEL: Yes.
10 MS. NANCE: Dr. Hammon.
11 DR. HAMMON: Yes.
12 MS. NANCE: Mr. Kinder.
13 MR. KINDER: Yes.
14 MS. NANCE: Ms. Kunze.
15 MS. KUNZE: Yes.
16 MS. NANCE: Ms. Savage.
17 MS. SAVAGE: Yes.
18 MS. NANCE: Mr. Sims.
19 MR. SIMS: Yes.
20 MS. NANCE: Dr. Sublette.
21 DR. SUBLETTE: Yes.
22 MS. NANCE: Mr. Wendling.
23 MR. WENDLING: Yes.
24 MS. NANCE: Mr. Johnston.
25 MR. JOHNSTON: Yes.

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1 MS. NANCE: Motion passed.
2 MR. WENDLING: All right.
3 Thank you.
4 Next on the Agenda we have
5 252:515, Solid Waste Management. We
6 have three section, A, B, and C to
7 go through. That is going to be
8 presented by Jeffery Shepherd, Chair
9 of the Solid Waste Management
10 Council. Jeff.
11 MR. SHEPHERD: Good morning.
12 MR. WENDLING: Why don't we
13 do the same thing we did previously
14 and we'll take each one individually.
15 MR. SHEPHERD: Okay.
16 MR. WENDLING: Thank you.
17 MR. SHEPHERD: The
18 Department is proposing to amend OAC
19 252:515-1-2 to exempt from the
20 definition of "Land Disposal
21 Facility" roofing material recycling
22 facilities and used tired recycling
23 facilities. This is done to clarify
24 existing practices.
25 MR. WENDLING: All right.

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1 Thank you. Any comments or questions
2 from the Board? Comments from the
3 public?
4 All right. Motion to approve
5 Section -- Subchapter 1 of 515.
6 MR. KINDER: So moved.
7 MR. WENDLING: All right.
8 Second?
9 MR. JOHNSTON: Second.
10 MR. WENDLING: All right.
11 Thank you. Continue, please.
12 MR. SHEPHERD: All right.
13 The Department is also proposing to
14 add new --
15 (Comment)
16 MR. WENDLING: I'm sorry.
17 I've got to get myself in a pattern
18 here. All right.
19 Let's get a roll call, please.
20 MS. NANCE: Mr. Cassidy.
21 MR. CASSIDY: Yes.
22 MS. NANCE: Mr. Dark.
23 MR. DRAKE: Yes.
24 MS. NANCE: Mr. Griesel.
25 MR. GRIESEL: Yes.

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1 MS. NANCE: Dr. Hammon.
2 DR. HAMMON: Yes.
3 MS. NANCE: Mr. Kinder.
4 MR. KINDER: Yes.
5 MS. NANCE: Ms. Kunze.
6 MS. KUNZE: Yes.
7 MS. NANCE: Ms. Savage.
8 MS. SAVAGE: Yes.
9 MS. NANCE: Mr. Sims.
10 MR. SIMS: Yes.
11 MS. NANCE: Dr. Sublette.
12 DR. SUBLETTE: Yes.
13 MS. NANCE: Mr. Wendling.
14 MR. WENDLING: Yes.
15 MS. NANCE: Mr. Johnston.
16 MR. JOHNSTON: Yes.
17 MS. NANCE: Motion passed.
18 MR. WENDLING: All right.
19 Thank you.
20 All right. I think we're done
21 now. Sorry about that.
22 MR. SHEPHERD: That's all
23 right. The Department is also
24 proposing to add a new OAC
25 252:515-19-50 in response to recent

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<p>1 legislative changes to 27A O.S. 2 2-10-108.2, pertaining to exterior 3 and interior slopes. Statutory 4 changes for Senate Bill 19 became 5 effective July 1, 2012. 6 MR. WENDLING: I guess this 7 primarily due to the legislative 8 change? 9 MR. SHEPHERD: Yes. 10 MR. WENDLING: All right. 11 Okay. All right. Do I have a 12 motion to approve changes to 13 Subchapter 19? All right. And 14 before then, I guess questions. Are 15 there any questions of the Board? 16 Questions of the public? All right. 17 MR. GRIESEL: So moved. 18 MR. WENDLING: All right. 19 Do I have a second? 20 MR. SIMS: Second. 21 MR. WENDLING: All right. 22 Let's have a roll call, please. 23 MS. NANCE: Mr. Cassidy. 24 MR. CASSIDY: Yes. 25 MS. NANCE: Mr. Dark.</p>	<p>1 amend OAC 252:515 by adding a new 2 Subchapter 41 in response to recent 3 legislative changes to 27A O.S. 4 2-10-802.2, relating to Roofing 5 Material Recycling Facilities. 6 Senate Bill 1042 passed under 7 emergency status and became effective 8 upon approval by the Governor in May 9 of 2012. These rules include permit 10 and operational requirements, 11 financial assurance, closure, and 12 other guidelines. 13 MR. WENDLING: All right. 14 Thank you. Questions from the Board? 15 Questions from the public? All 16 right. Motion to approve? 17 MR. JOHNSTON: Move to 18 approve. 19 MR. WENDLING: Thank you, 20 Jerry. 21 MR. GRIESEL: Second. 22 MR. WENDLING: Second. 23 Thanks, David. Roll call, please. 24 MS. NANCE: Mr. Cassidy. 25 MR. CASSIDY: Yes.</p>
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<p>1 MR. DARK: Yes. 2 MS. NANCE: Mr. Griesel. 3 MR. GRIESEL: Yes. 4 MS. NANCE: Dr. Hammon. 5 DR. HAMMON: Yes. 6 MS. NANCE: Mr. Kinder. 7 MR. KINDER: Yes. 8 MS. NANCE: Ms. Kunze. 9 MS. KUNZE: Yes. 10 MS. NANCE: Mr. Mason. 11 Oops. Sorry. Ms. Savage. 12 MS. SAVAGE: Yes. 13 MS. NANCE: Mr. Sims. 14 MR. SIMS: Yes. 15 MS. NANCE: Dr. Sublette. 16 DR. SUBLETTE: Yes. 17 MS. NANCE: Mr. Wendling. 18 MR. WENDLING: Yes. 19 MS. NANCE: Mr. Johnston. 20 MR. JOHNSTON: Yes. 21 MS. NANCE: Motion passed. 22 MR. WENDLING: All right. 23 Thank you. Continue. 24 MR. SHEPHERD: The last one 25 is the Department is proposing to</p>	<p>1 MS. NANCE: Mr. Dark. 2 MR. DARK: Yes. 3 MS. NANCE: Mr. Griesel. 4 MR. GRIESEL: Yes. 5 MS. NANCE: Dr. Hammon. 6 DR. HAMMON: Yes. 7 MS. NANCE: Mr. Kinder. 8 MR. KINDER: Yes. 9 MS. NANCE: Ms. Kunze. 10 MS. KUNZE: Yes. 11 MS. NANCE: Ms. Savage. 12 MS. SAVAGE: Yes. 13 MS. NANCE: Mr. Sims. 14 MR. SIMS: Yes. 15 MS. NANCE: Dr. Sublette. 16 DR. SUBLETTE: Yes. 17 MS. NANCE: Mr. Wendling. 18 MR. WENDLING: Yes. 19 MS. NANCE: Mr. Johnston. 20 MR. JOHNSTON: Yes. 21 MS. NANCE: Motion passed. 22 MR. WENDLING: All right. 23 Thank you, very much. 24 All right. Next we have 252:4 25 to hear which is Rules of Practice</p>

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<p>Sheet 12 Page 42</p> <p>1 and Procedure. It's going to be 2 presented by Duane Winegardner. And 3 I believe, Duane, it looks like 4 you're going to be here for a little 5 while. And so we'll see how it 6 goes, and depending on how time goes 7 we may take a short break. So let's 8 see how it goes. So with that, 9 please proceed.</p> <p>10 MR. WINEGARDNER: All right. 11 I think a short break would probably 12 -- we have, all total, five rule 13 changes for your consideration today. 14 The first one is on -- first of all, 15 Mike Paque had a previous thing, and 16 he couldn't be here today, so he 17 asked me to fill in for him which I 18 am pleased to do.</p> <p>19 Last February the Water Quality 20 Management Advisory Council 21 recommended replacing the term 22 "wastewater" with "reclaimed water" 23 in Chapter 4, which was subsequently 24 approved by the Board. The 25 unintended consequences of this</p>	<p>Page 44</p> <p>1 Roll call, please. 2 MS. NANCE: Mr. Cassidy. 3 MR. CASSIDY: Yes. 4 MS. NANCE: Mr. Dark. 5 MR. DARK: Yes. 6 MS. NANCE: Mr. Griesel. 7 MR. GRIESEL: Yes. 8 MS. NANCE: Dr. Hammon. 9 DR. HAMMON: Yes. 10 MS. NANCE: Mr. Kinder. 11 MR. KINDER: Yes. 12 MS. NANCE: Ms. Kunze. 13 MS. KUNZE: Yes. 14 MS. NANCE: Ms. Savage. 15 MS. SAVAGE: Yes. 16 MS. NANCE: Mr. Sims. 17 MR. SIMS: Yes. 18 MS. NANCE: Dr. Sublette. 19 DR. SUBLETTE: Yes. 20 MS. NANCE: Mr. Wendling. 21 MR. WENDLING: Yes. 22 MS. NANCE: Mr. Johnston. 23 MR. JOHNSTON: Yes. 24 MS. NANCE: Motion passed. 25 MR. WENDLING: All right.</p>
<p>Page 43</p> <p>1 change caused the land application of 2 biosolids and industrial wastewater 3 to be omitted from the Tier 4 Permitting Classifications. The 5 proposed language corrects the 6 oversight by inserting these terms 7 back into the rule. The DEQ 8 received no comments on the proposed 9 rule changes during the comment 10 period and no comments were received 11 from the public during the January 12 8th meeting.</p> <p>13 The Council recommended these 14 amendments to Chapter 4 for adoption 15 by this Board by a vote of seven to 16 zero.</p> <p>17 MR. WENDLING: All right. 18 Thank you. Questions or comments 19 from the Board?</p> <p>20 All right. Questions or 21 comments from the public? All right. 22 Motion to approve on this?</p> <p>23 MR. DARK: So moved. 24 MR. CASSIDY: Second. 25 MR. WENDLING: All right.</p>	<p>Page 45</p> <p>1 Thank you. 2 Next we have OAC 252:606, 3 Oklahoma Pollutant Discharge 4 Elimination System Standards. Duane, 5 please continue on that. Thanks. 6 MR. WINEGARDNER: Each year 7 DEQ must update its rules to ensure 8 that the appropriate federal rules 9 are incorporated by reference in 10 order to maintain the authority to 11 administer the federal NPDES program 12 in Oklahoma. The only change 13 proposed to this chapter is to change 14 the effective date of the rules 15 incorporated by reference from July 16 1, 2011 to July 1, 2012. The DEQ 17 received no comments on the proposed 18 rule changes during the comment 19 period and no comments were received 20 from the public during our January 21 meeting.</p> <p>22 The Council recommended that 23 this amendment be forward to you for 24 adoption by a vote of seven to zero. 25 MR. WENDLING: All right.</p>

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1 Any comments or questions from the
2 Board? Comments or questions from
3 the public?
4 All right. Hearing none, can
5 I have a motion for approval from
6 the Board, please?
7 MR. KINDER: Motion to
8 approve.
9 DR. HAMMON: Second.
10 MR. WENDLING: All right.
11 Roll call, please.
12 MS. NANCE: Mr. Cassidy.
13 MR. CASSIDY: Yes.
14 MS. NANCE: Mr. Dark.
15 MR. DARK: Yes.
16 MS. NANCE: Mr. Griesel.
17 MR. GRIESEL: Yes.
18 MS. NANCE: Dr. Hammon.
19 DR. HAMMON: Yes.
20 MS. NANCE: Mr. Kinder.
21 MR. KINDER: Yes.
22 MS. NANCE: Ms. Kunze.
23 MS. KUNZE: Yes.
24 MS. NANCE: Ms. Savage.
25 MS. SAVAGE: Yes.

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1 MS. NANCE: Mr. Sims.
2 MR. SIMS: Yes.
3 MS. NANCE: Dr. Sublette.
4 DR. SUBLETTE: Yes.
5 MS. NANCE: Mr. Wendling.
6 MR. WENDLING: Yes.
7 MS. NANCE: Mr. Johnston.
8 MR. JOHNSTON: Yes.
9 MS. NANCE: Motion passed.
10 MR. WENDLING: All right.
11 Thank you. All right. We'll
12 continue. Next we have OAC 252:616,
13 Industrial Wastewater Systems.
14 Duane, please continue.
15 MR. WINEGARDNER: This
16 rulemaking action proposes several
17 technical and administrative changes
18 to this rule chapter. The technical
19 changes include updating definitions
20 to the currently used scientific
21 terms, replacing the outdated terms
22 when they appear in this chapter,
23 eliminating the use of lateral lines
24 for new industrial tank systems, and
25 updating the Table of Rainfall and

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1 Evaporation Data contained in
2 Appendix C. The administrative
3 changes include a change in
4 recordkeeping and reporting to allow
5 certain data to be maintained onsite
6 and available for review by DEQ
7 staff; also, the reporting of
8 required data on self-monitoring
9 report forms on an annual basis, and
10 the elimination of unnecessary
11 monitoring, and clarifying that
12 general permits are treated as Class
13 III for permit fees.
14 DEQ received one comment from
15 American Electric Power. However,
16 the comment related to a rule that
17 was not included in the Notice of
18 Rulemaking Intent. The Water Quality
19 Division staff spoke with a facility
20 representative and explained the
21 particular provision was not open for
22 comment, but committed to meet with
23 AEP to further discuss their
24 concerns. There were no comments
25 received from the public during the

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1 Council meeting.
2 The Council recommended these
3 amendments to you by a vote of seven
4 to zero.
5 MR. WENDLING: All right.
6 Thank you. Questions or comments
7 from the Board? Any questions or
8 comments from the public? All right.
9 Hearing none, can I have a
10 motion for approval for 616,
11 Industrial Wastewater Systems?
12 MR. JOHNSTON: Move to
13 approve.
14 MR. WENDLING: Jerry.
15 MS. KUNZE: I second.
16 MR. WENDLING: Second. All
17 right, Jan. All right. Roll call,
18 please.
19 MS. NANCE: Mr. Cassidy.
20 MR. CASSIDY: Yes.
21 MS. NANCE: Mr. Dark.
22 MR. DARK: Yes.
23 MS. NANCE: Mr. Griesel.
24 MR. GRIESEL: Yes.
25 MS. NANCE: Dr. Hammon.

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1 DR. HAMMON: Yes.
2 MS. NANCE: Mr. Kinder.
3 MR. KINDER: Yes.
4 MS. NANCE: Ms. Kunze.
5 MS. KUNZE: Yes.
6 MS. NANCE: Ms. Savage.
7 MS. SAVAGE: Yes.
8 MS. NANCE: Mr. Sims.
9 MR. SIMS: Yes.
10 MS. NANCE: Dr. Sublette.
11 DR. SUBLETTE: Yes.
12 MS. NANCE: Mr. Wendling.
13 MR. WENDLING: Yes.
14 MS. NANCE: Mr. Johnston.
15 MR. JOHNSTON: Yes.
16 MS. NANCE: Motion passed.
17 MR. WENDLING: All right.
18 Thank you.
19 All right. The next one we
20 have is 252:631, Public Water Supply
21 Operation, and we're going to do
22 something slightly different, so I've
23 asked Steve to explain what we need
24 to do.
25 MR. THOMPSON: Yeah. I

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1 would ask the Board's indulgence and
2 Duane's indulgence on this. I think
3 we should take up "B" first, because
4 our capacity to do "A" really depends
5 on the Board's decision on "B". So
6 we don't want to presuppose our
7 capacity to do that without having a
8 decision by you on the fee funding.
9 So if we could take it a little bit
10 out of order, take "B" first and
11 then move to "A". I don't want to
12 throw you for a loop, Duane, but I
13 think that's really the way we need
14 to do it.
15 MR. WINEGARDNER: Okay. I
16 think I can do that.
17 MR. WENDLING: Okay.
18 MR. WINEGARDNER: The change
19 -- the primary change -- this, by
20 the way, was probably the most
21 discussed item that we've had in our
22 Council for quite a long time.
23 The change in this rule is the
24 fee increase, intended to generate an
25 additional \$500,000 in revenue. This

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1 amount, when supplemented by a 1.5
2 million General Revenue
3 appropriations, will fill the funding
4 gap needed by DEQ to implement the
5 federal program. Combined, when we
6 have all of this put together it
7 will be a big package.
8 DEQ received letters in support
9 of the fee increase and incorporation
10 by reference of the three new rules
11 which we will discuss here in a
12 little bit. We received comments
13 from 135 public supply systems
14 throughout the state, ranging from
15 large systems to very small systems.
16 In these support letters, all
17 supported DEQ administrating the
18 Drinking Water Program. And 118 of
19 those specifically supported the fee
20 increase, and 119 specifically
21 supported the general fee
22 appropriation.
23 MR. WENDLING: All right.
24 Thank you.
25 MR. WINEGARDNER: May I add

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1 one thing here. DEQ received no
2 comments on the proposed changes
3 other than comments relating to the
4 fee increases and incorporation by
5 references of the three new rules.
6 MR. WENDLING: Okay. All
7 right. Thank you. All right. I
8 know from reading the material it
9 seemed like this -- as you stated
10 earlier there was a lot of discussion
11 ongoing on this for a while. Do we
12 have any comments or additional
13 questions from the Board?
14 DR. HAMMON: I do have a
15 question that maybe Steve could
16 address. I know there have been a
17 lot of back and forth discussion and
18 some requests for things like an
19 efficiency audit, an accounting
20 practice of tracking primacy versus
21 non-primacy costs, improving
22 relations. I know the Department has
23 stepped up and has taken action
24 towards some of those. Could you
25 please describe that in more detail?

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<p>Sheet 15 Page 54</p> <p>1 MR. THOMPSON: Sure. I 2 think it's first important to say 3 that -- to express our gratitude to 4 the Secretary of Environment, Gary 5 Sherrer, who is here today. And I'm 6 going to speak more about him later 7 so I'm going to let him worry about 8 it until the Executive Director's 9 Report.</p> <p>10 This was a long-term and very 11 interesting and sometimes difficult 12 negotiation and without the 13 leadership of Secretary Sherrer, I 14 don't think we would be where we are 15 today.</p> <p>16 As we negotiated through this 17 process over the past summer and 18 fall, there were a number of concerns 19 that were raised by stakeholders in 20 the fee.</p> <p>21 The first one was that fees 22 should pay for primacy. We're under 23 threat from EPA to take back the 24 program and I think they mean 25 business. In fact, I know they mean</p>	<p>Page 56</p> <p>1 And while there were a lot of 2 factors involved in that, ultimately 3 there is no reason for the Department 4 of Environmental Quality to express 5 its ethic of customer friendliness to 6 the extent that we can and still be 7 a regulatory agency to public water 8 supplies as well as others. So we 9 are setting up and the -- our Office 10 of Business and Community Relations, 11 a community ombudsman effort, so that 12 -- and we will advertise that through 13 OML and the Oklahoma Water Resources 14 -- I mean, the Oklahoma Rural Water 15 Association, to let people know if 16 they have concerns about issues 17 within the Department that they can 18 call this number and get assistance.</p> <p>19 The third issue that arose was 20 the issue of efficiency. Whether the 21 public water supply programs efforts 22 were efficient. And irrespective of 23 how I personally feel about that, 24 there is no reason for any manager 25 not to look at its programs to</p>
<p>Page 55</p> <p>1 business. And there was a concern 2 that fees pay for issues related to 3 primacy, maintaining primacy from 4 EPA, and that other sources of 5 funding be used for the assistance 6 programs. Now I have to say to you 7 that in my opinion the one thing 8 that differentiates us from the 9 Environmental Protection Agency is 10 the assistance programs. And I think 11 they are as valuable as the other 12 programs. But to say that for the 13 first time we were going to account 14 for the primacy issues and the 15 assistance issues in a way that 16 everybody would know what those were 17 that the Agency had never done, and 18 we're doing that now. And sometime 19 in the fall after all the things are 20 done we will be -- we will be able 21 to demonstrate the cost of primacy 22 and the cost of the assistance and 23 the other activities that we do.</p> <p>24 The second issue that arose was 25 the issue of customer friendliness.</p>	<p>Page 57</p> <p>1 determine how it can become more 2 efficient. It's just something that 3 should be done, so I have no 4 objection to that. So we have 5 dedicated \$200,000.00 for that study 6 from non-PWS funding and we have been 7 in discussions with the Office of 8 Management and Enterprise Services in 9 the State of Oklahoma who will head 10 that effort. Now in those 11 discussions it became clear that OMES 12 -- well, I should say neither one of 13 us felt that they had the capacity 14 to do an audit of a program where 15 there was little understanding of the 16 program by "they agree/I agree". So 17 they are going to have to go out for 18 bid to get this efficiency study 19 done. And I have no -- I'd like -- 20 as we sit here today, I have no way 21 of knowing how much we'll be charged 22 for that effort. But I have 23 \$200,000.00 to spend for this and 24 that's all I have to spend. So 25 hopefully we'll come in under that.</p>

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1 We'll just have to wait and see.
2 But I believe that all of the issues
3 that were raised we are currently
4 moving to address. And we will
5 report back to you and others when
6 those efforts are done.
7 DR. HAMMON: Okay. And
8 just as a side note, I was in the
9 City Manager of Bartlesville's office
10 earlier this week and they mentioned
11 that if your estimate did come in
12 higher than 200,000 that you may wish
13 to push that back towards the
14 municipalities and he felt that they
15 may have some support out there to
16 raise additional funds.
17 MR. THOMPSON: I very much
18 appreciate that and you can convey to
19 them that there will be no problem
20 with me pushing that back towards
21 them.
22 DR. HAMMON: Thank you,
23 Steve, for the comments.
24 MR. THOMPSON: Thank you.
25 Thank you.

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1 MR. WENDLING: Jerry.
2 MR. JOHNSTON: Can I add a
3 little to that? Watching this through
4 and if you see this pile and read
5 all the things -- I read it twice
6 and went through it, of course, I'm
7 involved in it in other areas but
8 how much actual work went into making
9 this work by the Secretary, Steve, by
10 all the staff, by a lot of people
11 that came to a lot of meetings, we
12 worked hard on this thing and I
13 think it's tremendous that it is
14 where it is. And also thanks to the
15 Secretary.
16 MR. WENDLING: All right.
17 I did have a -- just a question.
18 We're -- it's also dependent on 1.5
19 million dollars of state
20 appropriations so if that doesn't
21 materialize what are the implications
22 of that?
23 MR. THOMPSON: Well, I -- I
24 -- we need 2 million dollars to
25 bring the program up to speed to EPA

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1 standards. That's just what we need.
2 As a process -- and the Governor has
3 put in her budget requests to the
4 Legislature that extra one-and-a-half
5 million dollars in general revenue.
6 That will, of course, need
7 Legislative approval.
8 In addition, should the Board
9 today pass the \$500,000.00 fee
10 increase that will need active
11 Legislative approval by the
12 Legislature in the form of a
13 resolution. So the Legislature will
14 vote on both of those issues.
15 As to process, if that fee is
16 approved today, we will move to have
17 that resolution introduced into the
18 Legislature. And my suspicion is
19 that those two ideas, the general
20 revenue request and the resolution
21 for the fee, will move hand-in-hand
22 through the Legislature so that if --
23 so that when both are successful they
24 will move together. So, I mean, I
25 think there's probably -- that

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1 probably mitigates the chance that
2 one will be done and the other will
3 not. So it's -- they will really
4 move concurrently.
5 MR. WENDLING: Okay. Okay.
6 Thank you; Steve.
7 Any other questions, comments,
8 from the Board? All right.
9 Questions, comments, from the public?
10 All right. Can I have a
11 motion for approval of --
12 MR. SIMS: I make the
13 motion.
14 MR. DARK: Second.
15 MR. WENDLING: All right.
16 Let's have a roll call for approval
17 of Section B.
18 REPORTER: Tony, was that
19 you?
20 MR. DARK: It was.
21 REPORTER: Thank you.
22 MS. NANCE: Mr. Cassidy.
23 MR. CASSIDY: Yes.
24 MS. NANCE: Mr. Dark.
25 MR. DARK: Yes.

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<p>Sheet 17 Page 62</p> <p>1 MS. NANCE: Mr. Griesel. 2 MR. GRIESEL: Yes. 3 MS. NANCE: Dr. Hammon. 4 DR. HAMMON: Yes. 5 MS. NANCE: Mr. Kinder. 6 MR. KINDER: Yes. 7 MS. NANCE: Ms. Kunze. 8 MS. KUNZE: Yes. 9 MS. NANCE: Ms. Savage. 10 MS. SAVAGE: Yes. 11 MS. NANCE: Mr. Sims. 12 MR. SIMS: Yes. 13 MS. NANCE: Dr. Sublette. 14 DR. SUBLETTE: Yes. 15 MS. NANCE: Mr. Wendling. 16 MR. WENDLING: Yes. 17 MS. NANCE: Mr. Johnston. 18 MR. JOHNSTON: Yes. 19 MS. NANCE: Motion passed. 20 MR. WENDLING: All right. 21 Thank you. 22 MR. THOMPSON: Let me just 23 say that the reason that we wanted 24 to take "B" before "A" is that part 25 of the shortfall in our capacity to</p>	<p>Page 64</p> <p>1 incorporate by reference the new 2 groundwater rule, the Long-term 2, 3 Enhanced Surface Water Treatment 4 Rule, and the Stage 2 Disinfection 5 Byproducts Rule. Now the combined 6 proposed amendments will allow DEQ to 7 maintain existing primacy of the 8 Drinking Water Program in Oklahoma 9 and to seek authority to administer 10 the three rules which EPA has been 11 administering due to lack of funding. 12 MR. WENDLING: All right. 13 Thank you. Any questions from the 14 Board? 15 DR. HAMMON: I actually have 16 a couple of questions on this in 17 reading the mark-out version of this 18 rule, and I'm not sure if it's just 19 a carryover that needs to be struck. 20 On Page 3 that I have, which is 21 under Chloramines, Subsection (4), 22 Primary Disinfection. It indicates 23 that disinfection must be added to 24 provide the required log inactivation 25 of Giardia Lamblia cysts before</p>
<p>Page 63</p> <p>1 run the Public Water Supply has been 2 our inability to take on the three 3 rules that you will pick up in 4 Section A. That is a part of the 5 package that the funding will take 6 care of, so that's why we moved 7 those in that order. 8 MR. WENDLING: Okay. All 9 right. Duane, do you have any 10 further explanation? 11 MR. WINEGARDNER: Okay. In 12 "A" we have some technical changes 13 that will change from "standard plate 14 counts" to "heterotrophic plate 15 counts" which is the accepted 16 scientific practice. Also an 17 outdated method was eliminated from 18 certain engineering studies since the 19 heterotrophic plate count takes it 20 into account. 21 The administrative changes 22 proposed for this chapter are to 23 change the effective date of the 24 rules incorporated by reference from 25 July 1, 2011 to July 1, 2012 and to</p>	<p>Page 65</p> <p>1 ammonia is added. Yet, on the prior 2 page under level of disinfection, it 3 struck the language talking about the 4 log inactivation of Giardia. Is that 5 something that should have also been 6 struck or -- 7 MR. WINEGARDNER: I'm going 8 to ask Shellie to pick this up -- 9 DR. HAMMON: Okay. Fine. 10 MR. WINEGARDNER: -- because 11 she deals with it on a regular day- 12 to-day basis. 13 MS. CHARD-MCCLARY: Actually 14 it is intended to stay the way that 15 it is presented to you. It's 16 related to chlorine disinfection 17 versus chloramine disinfection and 18 that that is the proper place for 19 that language to belong. 20 DR. HAMMON: Okay. Thank 21 you. And the other one I had was 22 under, let's see, process control 23 tests for disinfectants -- other 24 disinfectants in Section (3). 25 (Comment)</p>

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<p>1 DR. HAMMON: It's (3) (A) at 2 the bottom of Page 3 that we were 3 handed. And that section refers to 4 OAC 252:631-3-3(a) and (b) and on the 5 previous page we struck Section (b). 6 So should that be revised to Section 7 (c)?</p> <p>8 MS. CHARD-MCCLARY: (B) 9 should come out of that Section 3 -- 10 that (3) (A), it should end 11 631-3-3(a).</p> <p>12 DR. HAMMON: Okay. 13 MR. GRIESEL: So does that 14 require an amendment or is that the 15 way it's presented?</p> <p>16 MS. CHARD-MCCLARY: Yes. We 17 would ask that in any motion that 18 the Board would make, that you 19 correct that oversight and strike 20 "and (b)".</p> <p>21 DR. HAMMON: Thank you. 22 MR. WENDLING: Are there any 23 other questions from the Board? 24 Questions from the public on this? 25 All right. With this we -- we</p>	<p>1 MS. NANCE: Ms. Savage. 2 MS. SAVAGE: Yes. 3 MS. NANCE: Mr. Sims. 4 MR. SIMS: Yes. 5 MS. NANCE: Dr. Sublette. 6 DR. SUBLETTE: Yes. 7 MS. NANCE: Mr. Wendling. 8 MR. WENDLING: Yes. 9 MS. NANCE: Mr. Johnston. 10 MR. JOHNSTON: Yes. 11 MS. NANCE: Motion passed. 12 MR. WENDLING: All right.</p> <p>13 The last rulemaking we have is OAC 14 252:690, Water Quality Standards 15 Implementation. Okay. We have a 16 Section A and a B, and I guess we'll 17 take those individually. So let's 18 start with Section A of the proposal. 19 MR. WINEGARDNER: Okay. 20 Like Chapter 606, the date of 21 incorporation by reference is being 22 updated from July 1, 2011 to July 1, 23 2012. 24 MR. WENDLING: All right. 25 Motion to approve?</p>
<p>Page 67</p> <p>1 have a motion to approve based upon 2 an adjustment we need to make in 3 what's been presented to us and that 4 would be to adjust Section 5 631-3-3(f) (3) (A) strike the term "and 6 (b)". And the motion is to approve 7 based on that change.</p> <p>8 DR. HAMMON: So moved. 9 MR. WENDLING: Do we have a 10 second?</p> <p>11 MR. SIMS: Second. 12 MR. WENDLING: All right. 13 Roll call please.</p> <p>14 MS. NANCE: Mr. Cassidy. 15 MR. CASSIDY: Yes. 16 MS. NANCE: Mr. Dark. 17 MR. DARK: Yes. 18 MS. NANCE: Mr. Griesel. 19 MR. GRIESEL: Yes. 20 MS. NANCE: Dr. Hammon. 21 DR. HAMMON: Yes. 22 MS. NANCE: Mr. Kinder. 23 MR. KINDER: Yes. 24 MS. NANCE: Ms. Kunze. 25 MS. KUNZE: Yes.</p>	<p>Page 69</p> <p>1 MR. DARK: So moved. 2 MR. WENDLING: Do I have a 3 second?</p> <p>4 DR. HAMMON: Second. 5 MR. WENDLING: All right. 6 All right. Let's go ahead and do a 7 roll call.</p> <p>8 MS. NANCE: Mr. Cassidy. 9 MR. CASSIDY: Yes. 10 MS. NANCE: Mr. Dark. 11 MR. DARK: Yes. 12 MS. NANCE: Mr. Griesel. 13 MR. GRIESEL: Yes. 14 MS. NANCE: Dr. Hammon. 15 DR. HAMMON: Yes. 16 MS. NANCE: Mr. Kinder. 17 MR. KINDER: Yes. 18 MS. NANCE: Ms. Kunze. 19 MS. KUNZE: Yes. 20 MS. NANCE: Ms. Savage. 21 MS. SAVAGE: Yes. 22 MS. NANCE: Mr. Sims. 23 MR. SIMS: Yes. 24 MS. NANCE: Dr. Sublette. 25 DR. SUBLETTE: Yes.</p>

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1 MS. NANCE: Mr. Wendling.
2 MR. WENDLING: Yes.
3 MS. NANCE: Mr. Johnston.
4 MR. JOHNSTON: Yes.
5 MS. NANCE: Motion passed.
6 MR. WENDLING: All right.
7 Continue please.
8 MR. WINEGARDNER: Okay.
9 Under Item B there are changes
10 proposed that specify how certain
11 calculations are completed when
12 evaluating if a limit or monitoring
13 requirement will be included in
14 discharge permits. There also was a
15 change to specify that when a
16 facility completes a Toxicity
17 Identification Evaluation or a
18 Whole Effluent Toxicity Limit, that's
19 called a WET test, when they will be
20 required.
21 Additionally, there were
22 changes related to when bacteria
23 limits apply to certain water bodies
24 used for recreational activities.
25 And those limits allow for the use

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1 of one of three indicator bacteria
2 rather than only one.
3 By the way, a clarification was
4 added to explain how and when
5 monitoring requirements contained in
6 permits can be reduced.
7 DEQ received two comments from
8 American Electric Power during the
9 comment period. The first was
10 related to the WET testing failure
11 that results in retesting. The
12 facility requested that retest counts
13 as routine monitoring. The DEQ
14 discussed the comments with the
15 facility and determined that the
16 request could not be granted. This
17 was because the failure of toxicity
18 test indicates the need for more
19 monitoring.
20 The second comment was that the
21 existing language related to
22 monitoring frequency be retained.
23 They wanted the reductions to be
24 retained. DEQ staff discussed the
25 issue with the facility

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1 representative and conveyed the staff
2 position that a facility should not
3 be given a monitoring frequency
4 reduction when there is a permit
5 limit violation.
6 DEQ received no comments from
7 the public on the proposed rule
8 changes during our January Council
9 meeting. The Council recommends that
10 this Board adopt the amendments by a
11 vote of six to zero with one
12 abstention.
13 MR. WENDLING: All right.
14 Thank you. Any questions of the
15 Board?
16 DR. HAMMON: I have a
17 question about the Appendix C, the
18 new version.
19 MR. WINEGARDNER: I --
20 MS. CHARD-MCCLARY: I'd like
21 to --
22 MR. WINEGARDNER: Why don't
23 you go first.
24 (Comment)
25 DR. HAMMON: The new version

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1 of Appendix C at the very top of the
2 page under Subsection (1)(A). The
3 end of that paragraph says, what,
4 where, and in the equation question
5 mark. Is that intended to be there?
6 MS. CHARD-MCCLARY: That was
7 a typographical error when the
8 language was inserted, that did not
9 get omitted. And since that was
10 considered a typographical error it
11 has already been corrected. It was
12 just after it had been mailed to
13 you.
14 DR. HAMMON: Okay. Thank
15 you.
16 MR. WENDLING: Any other
17 questions of the Board?
18 All right. Questions from the
19 public?
20 All right. Can I have a
21 motion to approve this 690, Section B
22 proposal?
23 MR. KINDER: So moved.
24 MS. SAVAGE: Second.
25 MR. WENDLING: Okay. All

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1 right. Roll call please.
2 MS. NANCE: Mr. Cassidy.
3 MR. CASSIDY: Yes.
4 MS. NANCE: Mr. Dark.
5 MR. DARK: Yes.
6 MS. NANCE: Mr. Griesel.
7 MR. GRIESEL: Yes.
8 MS. NANCE: Dr. Hammon.
9 DR. HAMMON: Yes.
10 MS. NANCE: Mr. Kinder.
11 MR. KINDER: Yes.
12 MS. NANCE: Ms. Kunze.
13 MS. KUNZE: Yes.
14 MS. NANCE: Ms. Savage.
15 MS. SAVAGE: Yes.
16 MS. NANCE: Mr. Sims.
17 MR. SIMS: Yes.
18 MS. NANCE: Dr. Sublette.
19 DR. SUBLETTE: Yes.
20 MS. NANCE: Mr. Wendling.
21 MR. WENDLING: Yes.
22 MS. NANCE: Mr. Johnston.
23 MR. JOHNSTON: Yes.
24 MS. NANCE: Motion passed.
25 MR. WENDLING: All right.

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1 Thank you. Well, that's the end of
2 our section on rulemaking to review.
3 And I want to thank everyone for
4 presenting their information to the
5 Board.
6 At this time we've been here
7 about an hour and ten, or fifteen
8 minutes, so I have a question for
9 the Board to see if we want to take
10 a short recess before proceeding with
11 the Director's Report, or would you
12 like to continue?
13 MR. SIMS: Take a short
14 break.
15 MR. WENDLING: Short break.
16 All right. Do I need to get a
17 motion?
18 (Discussion about break)
19 MR. WENDLING: All right.
20 Let's take a short break and we'll
21 call you back shortly. Thank you.
22 (Break)
23 MR. WENDLING: Will everyone
24 please take their seats. We will
25 begin again.

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1 All right. The next part of
2 our Agenda is the Executive
3 Director's Report, so I'm going to
4 turn this over to Steve, so he could
5 -- he's got some information to share
6 with the group. Thank you.
7 → MR. THOMPSON: Okay. Thank
8 you, Mr. Chairman. I do want to say
9 -- I do want to do this right off
10 the bat. I've eluded to this
11 earlier, but in the last two years
12 the Agency has faced a number of, I
13 think, daunting challenges. The
14 public water supply fee being one of
15 them, but issues surrounding the
16 Public Service of Oklahoma Regional
17 Haze Settlement Agreement, our IT
18 consolidation, negotiations on an
19 agreement that was recently signed
20 between the Attorney Generals of
21 Oklahoma and Arkansas. And in all
22 of those cases Secretary Gary Sherrer
23 has always been I think first and
24 foremost, patient with my, sometimes,
25 volatile nature, and supportive of

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1 the things that the Agency believed
2 it needed to do. So I just wanted
3 to take a moment here to thank him
4 specifically for all the support he
5 has provided both me and my staff
6 over the last -- since he has become
7 Secretary of Environment. So if you
8 would join me in giving him a hand
9 for the work he does.
10 (Applause)
11 MR. THOMPSON: Okay. Having
12 said that, let's get back to legal
13 actions. Martha has a discussion for
14 you about a declaratory ruling. ←
15 Martha.
16 MS. PENISTEN: DEQ
17 procedural rules require the Agency
18 to keep the Board informed about
19 Petitions for Declaratory Rulings
20 every (inaudible). For anyone who
21 is not familiar with Petition for
22 Declaratory Ruling, it's a formal
23 process in which any person or
24 facility who believes their legal
25 rights have been impaired by a DEQ

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1 rule or order, can request a ruling
2 from the Agency on the applicability
3 of the rule or order. The Petition
4 on Declaratory Ruling I'm reporting
5 on today was received by the DEQ
6 from Western Farmers Electric
7 Cooperative on October 30, 2012 and
8 pertain to the facility's final
9 industrial wastewater permit issued
10 by the DEQ in September of 2012.
11 The Petition included, among other
12 things, concerns about final permit
13 conditions relating to the
14 applicability of certain effluent
15 limitation requirements and how they
16 relate to the facility's electric
17 generating units. Within 30 days of
18 receiving a Petition for Declaratory
19 Ruling the DEQ has authority to
20 either make a ruling or initiate an
21 individual proceeding, and if the DEQ
22 does neither, their request is deemed
23 to be denied.
24 In the case of Western Farmers'
25 request, the Agency believed that the

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1 law and the rules had been applied
2 correctly in the final permit and so
3 did not issue a ruling or initiate
4 any individual proceeding. As a
5 result, the facility has appealed
6 DEQ's permitting decision to the
7 District Court in Caddo County and
8 proceedings in the case have not yet
9 gotten under way. We're at the
10 answer and reply stage.
11 MR. THOMPSON: Okay. Thank
12 you, Martha.
13 There are a number of issues
14 that are, I would suggest to you,
15 somewhat out of the norm, that are
16 before the Agency. Some of those
17 are long-term issues that we have
18 been dealing with and some of those
19 are issues particularly in rulemaking
20 from the Environmental Protection
21 Agency and other activities that we
22 are anticipating. So I have asked
23 -- there is a document before you
24 that sort of outlines these things.
25 I've asked members of the staff to

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1 briefly review these for you and
2 answer any questions that you might
3 have and then I'm going to come back
4 with a few things at the end. So I
5 guess we're going to turn to Eddie
6 to talk about some Air Quality
7 issues. Eddie.
8 → MR. TERRILL: You said
9 briefly?
10 MR. THOMPSON: Yes, sir.
11 MR. TERRILL: I can do
12 that. I've got this sort of
13 scripted out as kind of the short
14 version of what you've got in front
15 of you. But if you've got any
16 questions just jump in because I'm
17 just going to move from topic to
18 topic without stopping. So you won't
19 bother my flow at all if you just
20 jump in with a question.
21 First one is the Ozone Season
22 Update. No surprise to any of you
23 all who's been to these meetings for
24 any length of time. We've got a
25 ozone problem in Oklahoma. It's not

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1 just an urban problem anymore; it's a
2 statewide problem but it's especially
3 of concern in the urban areas;
4 metropolitan areas, Oklahoma City and
5 Tulsa. We've been in violation of
6 the 075 standards for the last two
7 summers. The concern now is not so
8 much coming back in to attainment,
9 because that's going to be very
10 difficult to do. My concern now is
11 a repeat of this summer will put us
12 in jeopardy, when you look at dozens
13 (inaudible) of designations of being
14 a moderate designation as opposed to
15 a marginal designation and that has a
16 lot of additional connotations that I
17 would just as soon avoid, and I know
18 the metropolitan areas or industry
19 partners would like to avoid.
20 So what we're trying to do and
21 what EPA is -- made available to us
22 is to participate in an ozone advance
23 program. This is similar to the
24 ozone -- voluntary ozone programs
25 that Tulsa and Oklahoma City have

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1 participated in in the past with the
2 exception that this one allows areas
3 who have -- for a technical violation
4 of standards that haven't been
5 designated, it allows them to
6 participate and do voluntary actions
7 to reduce the impacted monitors and
8 hopefully come back into attainment.
9 That is our goal, obviously. But I
10 guess a bigger concern is, is to try
11 and reduce the impact on the monitors
12 such that if we are designated in
13 the future that we at least get a
14 marginal classification as opposed to
15 a moderate classification. So we
16 anticipate given that EPA is
17 reviewing the five-year standard --
18 or reviewing the standard again on
19 their five-year normal cycle, that
20 they will probably make some sort of
21 recommendation either late this year
22 or early next. It's possible that
23 could get pushed. EPA normally
24 doesn't meet their deadlines. So
25 we've got two and maybe three ozone

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1 seasons to effect those emissions at
2 the monitors. So we're working with
3 both INCOG in Oklahoma City or in
4 Tulsa, rather, and ACOG in Oklahoma
5 City to put together a voluntary
6 plan, we're trying to entice industry
7 that may be going to do some things
8 anyway, to come in and do those
9 things early. But the whole goal
10 here is to try to reduce the impact
11 at the monitors so that maybe we'll
12 come back into attainment with a
13 little luck and a little cooperation
14 with the weather. But we've really
15 had, as you all know, a really
16 dramatic change in our weather
17 patterns over the last couple of
18 years. High temperatures, drought,
19 all of that acerbates the problems
20 that we're seeing there anyway. So
21 we're going to do what we can to
22 work with our industry partners and
23 with the folks in both the
24 metropolitan areas to bring those
25 monitors down and hopefully come back

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1 into attainment before EPA moves
2 forward with any sort of a
3 designation process.
4 → Moving on to the 2008 Ozone
5 Infrastructure SIP. That's on here
6 because we got notice from EPA that
7 we were deficient in submitting an
8 Infrastructure SIP. Infrastructure
9 SIP is a requirement anytime that
10 they -- EPA reduces National Ambient
11 Air Quality Standard. They've done
12 that a number of times. Normally
13 what happens is they -- they're
14 supposed to issue guidance on what
15 they expect from us at the time they
16 do an action. We have yet to
17 receive that guidance on the -- for
18 the 2008 Ozone Infrastructure SIP and
19 we also have received guidance on a
20 couple of others but we elected not
21 to move forward with putting together
22 a State Implementation Plan showing
23 that we can maintain and achieve --
24 achieve or maintain the standard and
25 also that we don't effect downwind

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1 states' abilities to meet that
2 standard. We elected not to put
3 that SIP forward until we knew what
4 the guidance was, knowing full well
5 that we would probably be found to
6 be deficient in making -- in meeting
7 that requirement. So ourselves along
8 with a number of other states failed
9 to meet that deadline and we're still
10 waiting for the Implementation
11 Guidance to come out, at which time
12 we will quickly move forward to get
13 this procedural SIP in place. It
14 doesn't really include any reductions
15 at all. It just shows our ability
16 to -- we have the legal authority
17 and we have the infrastructure in
18 place to deal with the change in the
19 standard, whatever that might be.
20 SO2 Designation. In 2010, EPA
21 dropped the one-hour or actually
22 added a new one-hour standard for SO2
23 at 75 parts per million. One thing
24 they did a little bit differently
25 when they proposed this -- in the

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1 past they used monitor data only to
2 make a -- to make designation. We
3 make a recommendation based on
4 monitor data and they either agree
5 with that or they don't, and then
6 move forward. This time because of
7 the nature of SO2 and the fact that
8 it's source specific and they're
9 position is that you can't put enough
10 monitors around a source to verify
11 that they're not violating the
12 standard at the fence-line; they
13 suggested that we should use modeling
14 as well as monitoring to make these
15 designation recommendations. We
16 pushed back on that along with a
17 number of other states that we didn't
18 feel like that was an appropriate use
19 of modeling. We do feel like there
20 is an appropriate use of modeling to
21 help identify potential hotspots.
22 Then you go in and monitor to verify
23 that what the model says is correct,
24 because those of you who work with
25 models know that they can be very

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1 conservative and predict things that
2 don't actually exist. So we pushed
3 back and we objected and EPA has --
4 looks to be modifying their position.
5 We anticipate them coming back with a
6 rulemaking effort sometime later this
7 year, where they are going to propose
8 a combination of flexible strategy
9 for using modeling and monitoring
10 similar to what we thought they
11 should have done to start with. And
12 we anticipate they will also look at
13 the very large SO2 sources and that's
14 where they're going to focus their
15 concentration and we've already
16 started to focus some of our efforts.
17 And we've already done some outreach
18 in some of our large SO2 sources in
19 anticipation of this happening and
20 we'll be working with them to either
21 verify we've got a problem or that
22 we don't. If we do, we'll work with
23 them to reduce their emissions so
24 that we can avoid designation of
25 nonattainment whenever the final rule

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1 comes out and we see how we need to
2 respond.
3 The fourth item is Startup,
4 Shutdown, and Malfunction SIP Call.
5 Startup, shutdown, and malfunctions
6 can be a real issue. And what this
7 is, when a facility starts up and
8 when it shuts down, in normal
9 operations you're going to have
10 malfunctions and when you look at the
11 emissions that are part of the
12 startup, shutdown, and malfunction in
13 totality, a lot of times it can be
14 even greater than the emissions that
15 that facility might be permitted for.
16 And because they are over a shorter
17 duration of time they can really
18 create public health issues at the
19 fence-line and in the neighborhood.
20 So this is a real important thing
21 that the EPA has done because we
22 felt like a number of years ago that
23 there were a lot of states that
24 didn't adequately address this and we
25 felt like that we were at the time.

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1 It turns out that we probably weren't
2 doing as good a job as we should
3 have because when we started looking
4 at our rules we decided we needed to
5 step out and do some things early.
6 So in 2009, we convened a stakeholder
7 workgroup to take a look at our
8 startup, shutdown, and malfunction
9 rules and make some changes to it;
10 which we did. We submitted them as
11 a SIP change to EPA. Unfortunately,
12 between the time that we did the SIP
13 submittal and before Region 6 could
14 approve that they were sued by the
15 Sierra Club for just the very thing
16 that we felt like was a problem
17 nationwide. And so EPA Region 6
18 elected not to move forward with our
19 SIP changes until they knew for sure
20 what EPA's policy was going to be
21 coming out of this lawsuit. And
22 that was just recently they decided
23 they would make a small tweak in
24 their policy and they issued a SIP
25 call for 36 states, including us, to

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1 make changes to their Startup,
2 Shutdown, and Malfunction Plan. So
3 ours is down there. There's a small
4 change that we may have to make.
5 There's going to be public hearings
6 starting, probably, March or April
7 where EPA is going to take comment
8 on this proposal. We'll see what
9 comes out of that. We may just
10 tweak ours just a little bit, but
11 it's something that we kind of
12 thought about anyway and we elected
13 not to do it at the time. So we
14 don't anticipate any changes to what
15 we've got pending down there. And
16 we've already been enforcing a
17 stricter and more realistic startup,
18 shutdown, and malfunction policy for
19 a number of years now so we don't
20 anticipate any change for our
21 industry as part of that.
22 Tribal New Source Review Rule.
23 I'm just going to briefly touch on
24 this. This applies to small
25 facilities or to minor modifications

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1 to large facilities in Indian
2 Country. Yes?
3 MR. DARK: What's Indian
4 Country?
5 MR. TERRILL: Well, that's
6 the rub. The definition that EPA
7 used for Indian Country anticipates
8 that you will have reservations that
9 are clearly defined and don't change.
10 We don't have that situation in
11 Oklahoma so we asked them to
12 reconsider their definition so it can
13 be more realistic or at least give
14 us some understanding how to move
15 forward with this and they declined
16 to do that so I will turn it over to
17 Steve so that he can --
18 MR. THOMPSON: Well, I mean,
19 I think the issue here is for tribal
20 property we have considered for a
21 long time the Tribal Trust of Land
22 was a settled law -- that that was
23 Tribal domain. This rule included
24 individual allotments. And the
25 problem with that is that it is

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1 impossible to determine -- this
2 really affected the oil and gas
3 industry more than anybody because it
4 makes it impossible to determine who
5 regulates you on each individual
6 allotment if there is an EMP or gas
7 processing or whatever issue across
8 the state. It's just impossible.
9 So we've called that rule into
10 question.
11 MR. TERRILL: That's all
12 I'll say --
13 MR. THOMPSON: With
14 attorneys?
15 MR. TERRILL: That's the
16 gist of that issue. And the final
17 issue I've got is the PSO Regional
18 Haze Settlement Agreement. A couple
19 of years ago EPA approved in part
20 and rejected in part our statewide
21 Regional Haze Plan, substituting for
22 SO2 they're Federal Implementation
23 Plan. PSO has submitted a plan that
24 will replace the FIP relative to SO2
25 with one that they've worked with us

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1 and EPA, and we're in the process of
2 putting together a SIP that
3 implements that agreement. And
4 hopefully we will have that down to
5 EPA in the near future and out for
6 public comment pretty soon after
7 that. And so we're on track to get
8 that done and that's a positive
9 thing, we believe, for both PSO and
10 our citizens.
11 MR. WENDLING: Any questions
12 about any of that?
13 MR. TERRILL: Thank you all.
14 MR. WENDLING: Thank you,
15 Eddie.
16 MR. THOMPSON: Who's going
17 to talk about HAB and fish?
18 Chris.
19 MR. ARMSTRONG: Rather than
20 talk to you about in more detail of
21 two most recent algae blooms that
22 you've got you've got before you in
23 the document, I decided that perhaps
24 with all the recent news that we've
25 had over the past two summers over

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1 algae, cyanobacteria, blue-greens,
2 and HAB, and with the upcoming
3 recreational season, that maybe it
4 was time to talk a little bit about
5 algae as well as DEQ's current role.

6 Algae are photosynthetic
7 organisms that occur in most aquatic
8 habitats. They vary from small,
9 single-celled forms to complex
10 multicellular forms, such as the
11 giant kelps that grow to 65 feet in
12 length in the oceans. There are
13 over 300,000 algal species. And
14 there is evidence that these arose
15 1.5 to 2 billion years ago and
16 that's scientific evidence.

17 Blooms which have been dear to
18 Steve's heart, blooms are the rapid
19 increase or accumulation and
20 population of algae.

21 Harmful is what an algal bloom
22 may become? Beyond merely depleting
23 oxygen and killing fish, Blue-Green
24 Algae or cyanobacteria are known
25 toxin producers. They produce toxins

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1 that affect the nervous system, liver
2 and skin of animals and humans. The
3 problem is that there is no
4 predictive model as to when an algal
5 bloom is going to produce a toxin
6 and not produce a toxin. Harmful
7 algal blooms merely is a combination
8 of the terms that we just talked
9 about. Algae have been present in
10 our lakes, reservoirs and water
11 bodies forever -- for a really long
12 time. They are primitive organisms.
13 For humans they've always been
14 present but usually in fairly low
15 numbers.

16 Why all the fuss over organisms
17 that have been present for millions
18 of years? It's our aging lakes; our
19 aging reservoirs. They are
20 undergoing sedimentation. Solids
21 that enter the water through run-off
22 and settle or remain suspended and
23 have nitrogen and phosphorus to
24 attached. Add nitrogen and
25 phosphorous loading with trace

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1 nutrients from point sources and
2 non-point sources, combined with
3 drought, high temperatures and low
4 wind, equals perfect conditions for
5 an algal bloom. A few algal cells
6 can multiply dramatically in a short
7 period of time, hours, to become a
8 bloom. Hundreds of thousands to
9 millions of cells per cubic
10 centimeter is what occurs when a
11 bloom happens. And to give a better
12 indication of about a cubic
13 centimeter for some of you, if you
14 just picture visually a sugar cube,
15 that's a lot of organisms in a very,
16 very small volume.

17 DEQ has watched the bloom
18 phenomena related to toxins trend
19 south from Nebraska over the last 15
20 years. From Nebraska large bloom
21 devastation has spread to Kansas, and
22 more recently to Oklahoma.

23 Yes, Oklahoma has always had
24 algal blooms. Many of us saw and
25 played in them as kids. I know I

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1 was in and out of them my entire
2 life, but then they were more limited
3 to small ponds rather than large
4 bodies of water. The Grand Lake
5 blooms from the summer of 2011
6 impressed many of us with the stark
7 fact, that now our lakes are ripe,
8 or nutrient loaded, for large blooms
9 complete with human health risk for
10 toxins. The current trend is for
11 the blooms to continue in larger
12 numbers and with more and higher
13 concentrations of toxins produced.

14 DEQ's current role for harmful
15 algal blooms is to prevent algal
16 toxins from being present in water
17 served to the public and to assist
18 in investigations with suspected
19 human illnesses and animal deaths.
20 And I can tell you that based on the
21 state of our reservoirs right now,
22 based on the rains that we're having
23 right now, the reservoirs are 75
24 percent from being full. If you add
25 nutrients with the rains that we're

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<p>Sheet 26 Page 98</p> <p>1 getting right now NOAA predicts that 2 the weather patterns will go ahead 3 and continue similar to the weather 4 patterns that we've had in 2011 and 5 2012. There's a lot of folks within 6 the scientific community that predict 7 that the blooms are going to go 8 ahead and continue this year and have 9 already begun.</p> <p>10 Questions about algae? I'm not 11 going to talk about fish.</p> <p>12 MR. THOMPSON: Feel better? 13 MR. ARMSTRONG: Yes, I know, 14 it's like it's a very uplifting 15 presentation.</p> <p>16 MR. THOMPSON: Well, the 17 only thing I would say about it is 18 that on the issue of public water 19 supply that we took up earlier today, 20 that the continued cost of -- there 21 will be a continued cost to the 22 Agency of addressing these algal 23 blooms at both water supply intakes 24 on lakes to assure that those toxins 25 don't get into the water supply. We</p>	<p>Page 100</p> <p>1 of the highest concentrations we had 2 ever seen for the state. Last year 3 at the end of the season one of our 4 north central -- northern central 5 lakes, Lake Copan, we actually had 6 microsystem concentrations of 3,455 7 micrograms per unit. Guidance for 8 public water supply is 1 part per 9 billion. This is a pretty alarming 10 trend.</p> <p>11 MS. CHARD-MCCLARY: Okay. I 12 have two issues to talk with you 13 very briefly about today. One of 14 them is in this document that you 15 have in front of you, starting toward 16 the bottom of Page 5. The Cooling 17 Water Intake Rule. This one has 18 been around for a long time. This 19 rule actually was promulgated and 20 with all rules these days, various 21 groups challenged the rule in Court. 22 EPA made their argument of why it 23 was so important to protect fish from 24 being trapped in intake structures 25 primarily at power plants. The Court</p>
<p>Page 99</p> <p>1 spent -- because it is somewhat new 2 to a lot of operators, we spent a 3 significant amount of time providing 4 technical assistance to operators 5 that have intakes along lakes and 6 there is an expense to that. So we 7 -- it's a new expense for us that we 8 -- we really are compelled to 9 continue to make that effort for the 10 sake of human health.</p> <p>11 MS. SAVAGE: Chris, would 12 you say that our lakes -- and I 13 guess you mean by on average, they 14 are 75 percent away from being -- 15 they're just at 25?</p> <p>16 MR. ARMSTRONG: Yes. 17 MS. SAVAGE: Across the 18 state?</p> <p>19 MR. ARMSTRONG: Yes. And 20 I'll leave you with a couple of 21 other numbers while I'm thinking 22 about it. I mean, back in 2011 with 23 the Grand Lake event, we saw toxin 24 concentrations in 43 micrograms per 25 liter. We thought those were some</p>	<p>Page 101</p> <p>1 agreed with the utilities that EPA 2 had really kind of run-amuck a little 3 bit on this one. But what the Court 4 did was strike down all of the rule 5 except one sentence, basically, that 6 said systems must take reasonable 7 efforts to prevent entrapment 8 containment at their intake 9 structures, and left it at that. So 10 what EPA has done is they've gone 11 back, they've reviewed it and they 12 proposed a new rule. It has been 13 released for public comment. They 14 had something like 10,000 comments on 15 this rule. There were two Notice of 16 Availability Reviews. That's kind of 17 unusual. Typically, there's one. 18 And again, with the two they had 19 thousands of comments. They're 20 working on it. We have been told 21 that it is one of two of their top 22 priorities under Clean Water Act to 23 get this rule out relatively soon. 24 And I fly to Washington D.C. on 25 Sunday and will be part of the</p>

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<p>Sheet 27 Page 102</p> <p>1 meeting with EPA Sunday, Monday, and 2 Tuesday. We'll be looking at this 3 rule and several others that we hope 4 to get some indication of are they 5 really moving forward; are they 6 really not? I had people saying to 7 me, well, it sounds like maybe EPA 8 is softening a bit.</p> <p>9 I said, well, yes, they're 10 softening the language but the 11 guidance and what they're telling the 12 states it's not getting any better. 13 And they've taken this one sentence 14 and they're asking us basically to 15 use a provision in 40 CFR that 16 allows permit writers to use best 17 professional judgment to put 18 conditions in permits. And they're 19 asking the states to implement the 20 full rule that was remanded by the 21 Courts under best professional 22 judgment. It was about 20 pages of 23 requirements. We negotiated back and 24 forth with Region 6 for months and 25 ended up with about a page-and-a-half</p>	<p>Page 104</p> <p>1 Right now we have 24 drinking water 2 systems that currently are 3 implementing water rationing. If 4 this were August that would not be a 5 surprise. The fact that we're doing 6 that in January and February is a 7 little concerning or a lot 8 concerning. If you're curious and 9 want to know who's rationing and what 10 the conditions are, we update our 11 website. It's on the DEQ homepage 12 and it's titled Drought Report and it 13 has a listing of all of the public 14 water supplies that are rationing 15 water. What you will see is some 16 systems are rationing because of low 17 lake levels. Their surface water 18 supplies are greatly diminished. We 19 have some groundwater systems that 20 the water table has dropped and 21 they're having issues. And then we 22 also have, for many systems their 23 emergency or backup water supply is 24 the next biggest city or the closest 25 bigger city. For a lot of people</p>
<p>Page 103</p> <p>1 of requirements. In Oklahoma it only 2 applies to the power plants right 3 now. None of us like it but, you 4 know, a page-and-a-half was better 5 than the 20 to 25 pages where we 6 started. So we're kind of working 7 through that with those facilities 8 when they come up for renewal. And 9 the new rule expands away from just 10 power plants to large quantity water 11 users, so we'll have to see how that 12 plays out, if and when the rule 13 finally comes out.</p> <p>14 Before I shift gears to a 15 totally different kind of subject, 16 I'll stop for a minute and see if 17 anybody has any questions.</p> <p>18 The other issue that I just 19 wanted to touch briefly on is 20 drought. It's gotten a lot of 21 attention. You may have seen on the 22 news, Lake Hefner, here in Oklahoma 23 City and how low the water levels 24 are there. Konawa has been on the 25 news quite a bit, out of water.</p>	<p>Page 105</p> <p>1 that means Oklahoma City, so we have 2 a lot of the Oklahoma City suburbs 3 and some Rural Water Districts that 4 are rationing because they purchase 5 from Oklahoma City.</p> <p>6 So we are seeing all of that. 7 We are doing a lot of technical 8 assistance. We're working with 9 cities to look at ways to reuse 10 water loss. We're looking at helping 11 them become more efficient in their 12 operation of their plant so that they 13 get the most out of their source 14 water. We're also starting to see 15 quite a bit of expansion in some 16 water reuse issues and I think Steve 17 is going to talk a little bit more 18 about water reuse in a few minutes. 19 We're working with several cities 20 that are taking wastewater treatment 21 plant effluent and using it for 22 non-potable purposes such as selling 23 to utilities, the power plants, for 24 use in their cooling towers. Some 25 of the big industrial parks are</p>

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1 taking that water and using it for
2 irrigation. We do have rules in
3 place for water reuse that address
4 disinfection and bacteria levels.
5 And a lot of the golf courses are
6 now being watered with reclaimed
7 water, which is a subject we're all
8 going to be hearing a whole lot more
9 about over the next few years as we
10 start dealing with more and more
11 water shortages.

12 With that, I will just stop
13 and ask if you have any questions.
14 And I'll try --

15 MR. CASSIDY: 24 out of how
16 many?

17 MS. CHARD-MCCLARY: The
18 total number of public water supplies
19 in the state of Oklahoma is over
20 1600. Some of them are one well
21 serving a convenience store so those
22 kind of systems we don't see too
23 much. Why it is concerning is
24 systems that don't typically do
25 significant rationing except at very

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1 that? When we do that takes the
2 water away from drinking water
3 sources. You know, waterways are so
4 interconnected and everything that
5 happens upstream impacts everyone and
6 so that's kind of a hard lesson that
7 everybody's really realizing now, is
8 we're all downstream of somebody and
9 as we're not getting the runoff,
10 we're not getting the direct
11 rainfall, and as more and more
12 communities start reusing their
13 water, they're not discharging as
14 much into the lakes, the rivers, the
15 streams. So it's all kind of coming
16 together. Which one upside to all
17 of that is we finally do have EPA's
18 attention and they're starting to
19 talk with us about, Clean Water Act,
20 Safe Drinking Water Act interactions
21 and they kind of stopped looking at
22 them as totally independent from one
23 another so we could kind of get a
24 little more creative when we're
25 looking for solutions for problems.

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1 high peak volume, they are starting
2 to ration now. Oklahoma City,
3 several places in the Tulsa area,
4 Bartlesville, their surface water
5 systems are suffering the most
6 because they cannot, you know, deal
7 with the lack of rainfall and all of
8 the evaporation that we have had
9 because of the high temperatures. So
10 it's not a big number as far as
11 percentage, but when you look at who
12 they are it's Oklahoma City, Moore,
13 Norman, Midwest City -- Frederick is
14 on the list, and that's a Tom Steed
15 issue -- Lawton, because of Ellsworth
16 and Watonga, Copan is -- Skiatook
17 levels are dropping. When you look
18 at the lake levels, the lakes are
19 anywhere from 48 percent to about 65
20 percent of their normal elevation.
21 So that's pretty significant. The
22 Arkansas River, we're starting to see
23 a lot of issues associated with barge
24 transportation, and then it's, well,
25 do we release more water to improve

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1 MR. CASSIDY: Is there any
2 formal system to -- we're talking
3 about the 24 that are on water
4 restrictions. How many were, what I
5 would call stressed or at the point
6 that --

7 MS. CHARD-MCCLARY: Lots.

8 MR. CASSIDY: -- yeah, I
9 know -- I already know the answer to
10 that. Is there any formal -- I
11 guess, to look at that because as
12 you know if we don't get any spring
13 rains this is going to be a huge
14 issue this summer.

15 MS. CHARD-MCCLARY: It is
16 absolutely going to be a huge issue
17 -- even if we get good rain this
18 spring, we're still going to have
19 issues because we're about two feet
20 short in rainfall over the last two-
21 and-a-half, three years. We've had
22 significantly less rainfall than we
23 did during the dust bowl days. So
24 that's kind of the magnitude of the
25 issue.

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<p>Sheet 29 Page 110</p> <p>1 As far as formal processes, I 2 guess -- 3 MR. CASSIDY: Or even 4 informal. 5 MS. CHARD-MCCLARY: -- the 6 short answer is -- yeah. The formal 7 is really, no. It's considered a 8 local issue, up to the communities to 9 deal with their drinking water. 10 There's no federal requirement for 11 how much water you have to provide 12 people, only that if you provide it, 13 that it has to be safe. We have 14 state standards, the pressure that 15 must be in the pipes and that helps 16 address other issues. But we work 17 with the systems in -- call it 18 capacity development. It's a lot of 19 the technical assistance work that my 20 field staff does and Gary Collins, 21 his staff does. Meeting with 22 systems, talking about things we can 23 do. The Oklahoma Rural Water 24 Association does a lot of good work 25 out with systems looking at leaks and</p>	<p>Page 112</p> <p>1 system. Right now we're relying on 2 just the normal context we have with 3 the public water supply systems. 4 Thank you, Shellie. 5 Scott, are you next? 6 MR. SCOTT THOMPSON: Yes. 7 I'm Scott Thompson, Director of 8 the Land Protection Division. 9 I guess I'm suppose to talk 10 about the Halliburton site, that's in 11 Duncan, Oklahoma. What we had there 12 was Halliburton had some operations 13 there in the past through -- from 14 the '60s through about '90 to clean 15 out rocket fuel from missile parts 16 from the military. And during their 17 operations they actually burned some 18 of the rocket fuel which produced 19 perchlorate just like you would 20 produce if you're shooting off 21 fireworks. And so the combustion of 22 certain kinds of materials causes 23 perchlorates to be released. 24 Perchlorates are also naturally 25 occurring in the 1 to 2 part per</p>
<p>Page 111</p> <p>1 trying to resolve things we can 2 control so that we can minimize the 3 impacts of the things we can't 4 control, such as rainfall volumes. 5 We do -- we encourage them to let us 6 know about their water rationing and 7 restrictions but they don't have to 8 report that to us. That's not a 9 mandate. But we work closely with 10 the Water Resources Board, they do 11 have some loan and grant programs 12 that can help systems deal with water 13 shortages, regardless of the cost. 14 And then we work with them on 15 response to whatever it is that 16 they're dealing with. 17 MR. THOMPSON: What we 18 really do is pretty informal. But 19 our people, and the Water Board's 20 people, and Rural Water's folks are 21 out and about all the time. So we 22 know -- we pretty quickly identify 23 where these problems are going to 24 exist. If this problem continues, we 25 may have to be more formal in that</p>	<p>Page 113</p> <p>1 billion range. So EPA is messing 2 around in that range now talking 3 about posting an MCL there which 4 would just cause massive confusion, I 5 think, about, you know, what's really 6 contamination versus what's been 7 around forever. 8 Perchlorates are not long-lived 9 in a surface like in sheet rock, 10 fireworks, on your own property or 11 somewhere. Those things break down 12 fairly well in the environment but at 13 the Halliburton site the material got 14 into the groundwater where it's not 15 -- doesn't break down as readily. 16 It's broken down quite a bit over 17 time, I'm sure, from what it was 18 originally but there was some 19 contamination of private wells and 20 some studies were done. Halliburton 21 brought this to our attention because 22 they had a perchlorate site somewhere 23 else and they became concerned that 24 they could have the same problem 25 here. We haven't typically tested</p>

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1 for it because there's not been an
2 MCL. Perchlorates have also been
3 used medicinally to treat thyroid
4 issues. So it may still be used in
5 other parts of the world.
6 So, you know, it's not really
7 a toxic concern but it does affect
8 your thyroid function at certain
9 levels. Anyway, any of the wells
10 that were impacted above 15 ppb were
11 further evaluated. The Water Quality
12 Division and our ECLS Division worked
13 with the city of Duncan and the
14 Rural Water District down there, got
15 people alternate water supplies. So
16 right very early in this whole
17 process, the drinking water sources
18 were resolved but there continues to
19 be litigation and there may be for
20 quite some time over some of these
21 issues. But we're working with
22 Halliburton to further investigate
23 this to make sure that we have a
24 good handle on the extent of the
25 contamination, as well as there was

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1 another operation they ran for a
2 couple of years in the mid-'80s, like
3 around '84, to try to clean off
4 racks that held spent nuclear fuel
5 rods. And that operation didn't turn
6 out to be successful or economical to
7 try to recover those -- that steel
8 and so they discontinued that but
9 they released a couple of radio-
10 isotopes so -- cesium and something
11 else that glows in the dark, I
12 think. The -- cobalt was the other
13 one. And so we've also looked into
14 that issue but over a very limited
15 portion of the facility. We haven't
16 seen any evidence that that's done
17 on-site. We didn't have any reason
18 to believe it. And at the time that
19 operation was conducted it was
20 overseen by the Nuclear Regulatory
21 Commission. And we have since become
22 an agreement state, they handed that
23 off to us. And so we've done some
24 surveys for those items and we
25 continue to do groundwater studies

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1 where (inaudible) on some groundwater
2 sampling on some wells onsite and a
3 subset of those issues specifically
4 for the radiological items and then
5 the bigger subset in our (inaudible)
6 of wells is for perchlorate.
7 Do you have any questions about
8 that?
9 MR. THOMPSON: Okay.
10 MR. SCOTT THOMPSON: That's
11 it.
12 MR. THOMPSON: Thanks.
13 Anybody else?
14 Do you want to talk about
15 LICRA?
16 Okay. Martha.
17 MS. PENISTEN: I'm going to
18 assume that everybody knows what Tar
19 Creek is -- what the Tar Creek
20 Superfund site is. And if you
21 don't, it's located in the
22 northeastern part of the state. If
23 you don't then, you know, we'll give
24 some explanation of that in a second.
25 But the LICRA Trust and the

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1 Lead-Impacted Communities Relocation
2 Assistance Trust was created to help
3 address the unique threats to public
4 health in the area including
5 relocation assistance for local
6 residents due to lead exposure and
7 some sites that was mining lead --
8 lead and zinc mining especially in
9 the war era. The World War II era I
10 believe, up there. Anyway, you all
11 probably know that already. But the
12 Trust has completed its relocation
13 assistance activities. And the DEQ,
14 pursuant to state law as well as
15 federal superfund law or CERCLA is
16 required to file deed notices to
17 obtain land use restrictions in the
18 county land records for each of the
19 approximately 800 properties that
20 were acquired by the Trust during the
21 relocation effort. The DEQ is in
22 the process of preparing the deed
23 notices for filing. These deed
24 notices will provide notice of the
25 applicable land use -- land use

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1 restrictions to current and future
2 owners of the property and will help
3 ensure that only appropriate land use
4 options are implemented in the
5 future. And in a process not
6 related to the DEQ, the Trust is
7 currently working to transfer these
8 Trust owned properties to the Quapaw
9 Tribe and legislation has been
10 proposed to facilitate the transfer.

11 MR. THOMPSON: Okay.
12 Well these are things that I
13 think are a little bit out of the
14 ordinary to our day-to-day work. And
15 we wanted to bring you up-to-date on
16 those. We will try and keep you up-
17 to-date as we go forward on them. I
18 hope you find these kind of things
19 valuable as Board Members. I suspect
20 if you don't, you'll let me know,
21 but we want to try and continue to
22 give people a taste really of what
23 we do as an Agency.

24 I've got a couple of things
25 that I want to mention to you. As

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1 above the industry standard. And
2 that's where I think there's a
3 divergence of opinion about what IT
4 services do. I think the mandate of
5 the people that are consolidating
6 these services is to save money.
7 And there is not one thing wrong
8 with saving money. But my mandate'
9 is the efficient delivery of services
10 to our clients. And those two
11 things don't always mean the same
12 thing. So we have expressed our
13 concern to our appropriations
14 subcommittee, Natural Resources
15 Appropriations subcommittee. We are
16 moving forward with this, but I've
17 made it clear not only to those
18 legislators but to the people with
19 OMES that that was my feeling about
20 this and we -- I don't -- if I have
21 to deliver a service or information
22 to you or to permittees, or to those
23 that we serve -- and I'm being told
24 that the quality of that is going to
25 go down, I can just assure you I'm

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1 you are probably aware there was a
2 legislation that was passed a couple
3 of years ago in the state that
4 consolidates the information
5 technology functions of the agencies
6 of State Government. We have been
7 informed -- we were informed recently
8 that -- and so we were consolidated
9 which really meant that while the
10 employees that did IT work remained
11 here, we paid their salaries and did
12 all of those things. We've been
13 informed that sometime during FY-14
14 we are going to be transformed which
15 sounds a little bit like a spiritual
16 experience but I assume that it's not
17 going to be. The best I can tell
18 that means that we are really, really
19 going to be consolidated. I am
20 concerned about this. Let me tell
21 you why I'm concerned about it.

22 We have been told by the
23 people that are doing this, to expect
24 a lower quality of service because
25 the DEQ was operating its IT program

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1 going to resist that. I'm going to
2 resist that idea. So we'll see how
3 that works out.
4 I received a letter some months
5 ago from The President Pro Tem of
6 The Senate, Brian Bingman, who asked
7 me to set up a working group to
8 investigate opportunities to enhance
9 recycling. Particularly, I would
10 suggest glass recycling. And that
11 was in a wake of the fact that
12 bottled deposit legislation has in
13 the past and as far as I can tell
14 well in the future be problematic in
15 the Legislature. So the Pro Tem
16 asked me to setup this workgroup.
17 Our first meeting was last Friday.
18 I think that meeting was pretty
19 productive as we investigated ideas
20 outside of bottle deposit bills to
21 move recycled materials through the
22 process. I had a brief discussion
23 with the Pro Tem about that and with
24 some of those that attended, and they
25 seemed to think it was a pretty

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1 productive meeting too. So there's
2 some ideas that are going to come
3 out of that that we're going to
4 continue to investigate. Ultimately,
5 I suspect that those ideas will grow
6 into legislation that will be
7 introduced in the Legislature
8 probably by the Pro Tem next year.
9 So we'll see where that goes.
10 In December the Department of
11 Environmental Quality, along with
12 others, was named as a economic
13 development ally of the Department of
14 Commerce for our efforts in
15 encouraging economic development in
16 the state of Oklahoma. DEQ's Office
17 of Business and Community Relations,
18 headed by our own Jennifer Wright --
19 say, hi, Jennifer -- has developed a
20 strong working relationship, not only
21 with the Department of Commerce, but
22 with local economic development
23 efforts throughout the state. We
24 recently attended "Enid Day" at the
25 state Capitol and the economic

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1 development leader in Enid walked in,
2 saw Jennifer and I, smiled at
3 Jennifer, and his eyes lit up and
4 said, we're so glad to have you.
5 And looked at me and said, oh,
6 you're here too. So I really do
7 appreciate the way that office has
8 been invigorated and the
9 relationships that we are building,
10 not only with the Department of
11 Commerce but with other economic
12 developers across the state.
13 Finally, you have before you
14 this document. This is our key
15 bills document. It is the document
16 that we use to track legislation.
17 And these are bills, not necessarily
18 our bills, but ones that we are
19 tracking because of interest in them.
20 As you look down that list, I will
21 simply say that bills that show up
22 in just rules, there's administrative
23 rules and then there's rules.
24 Typically, bills that are assigned to
25 rules, are rules that you -- are

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1 legislation that you anticipate will
2 not go forward. But we can't
3 determine that those things will not
4 because the last day for committee
5 meetings is Monday, so those bills
6 haven't gone dormant yet but we can
7 make those determinations on Monday.
8 There's a couple I will draw
9 particular attention to. 768, Gary
10 and I have a dispute about this. He
11 believes that I'm given his job --
12 Gary believes that he's getting my
13 job and I believe I'm getting his
14 but nevertheless that hasn't been
15 heard in committee so I anticipate
16 that it probably won't go forward.
17 There is a bill that I brought
18 to the attention of a couple of
19 Board Members today that take
20 chloramines out of the disinfection
21 mix that are going to be heard in
22 committee, and so we need to make
23 sure the Legislature understands that
24 that is an option that needs to be
25 out there for public water supplies

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1 to use. That's House Bill 1879.
2 Senate Bill 2533-478 which is
3 what Martha just talked about to
4 facilitate -- transfer that property.
5 489 and 413 are all bills that we
6 are working in the Legislature.
7 Wendy Caperton, who is now beyond her
8 responsibilities as an Administrative
9 Service Director, has begun to do
10 work on legislation at the Capitol.
11 And so we're working those bills to
12 try to get those done.
13 Couple of bills that we have
14 some concerns about, 1746, and 1302,
15 and 870, while they continue to show
16 up on the list, we've been advised
17 by the authors, those won't move
18 forward. So I would say in general,
19 bills that we had -- some bills that
20 we had concerns about are -- there's
21 some chance that they won't move
22 forward.
23 The bills that we are
24 encouraging are -- keeping in mind
25 that bills die but ideas never do.

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1 So we will have to continue to watch
2 that throughout the session.
3 With that Mr. Chairman, I will
4 entertain any questions from the
5 Board.

6 MR. WENDLING: Any
7 questions?

8 MR. CASSIDY: I had a --
9 when you were talking about the IT
10 consolidation, what's the definition
11 of consolidation? Is that from a
12 physical standpoint as far as
13 resources, is that -- in other words,
14 relocating resources? You know, what
15 is their definition of consolidation?
16 Is it budgetary, is it --

17 MR. THOMPSON: Well, I mean,
18 yes.

19 MR. CASSIDY: Yes. Okay.

20 MR. THOMPSON: The first cut
21 was that we -- and this is the way
22 it continues. The folks that worked
23 for us continue to be housed in this
24 building and we continue to pay their
25 salaries and provide -- we provided

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1 everything that we provided for. And
2 so they are -- while they are
3 consolidated into another agency they
4 continue, for the most part, serve
5 our needs here. After
6 transformation, while they may be
7 housed here, they will be going to a
8 pool of IT professionals and we will
9 be in the cue with all other
10 agencies to get our work completed.
11 Some cue somewhere. I have no
12 problem at all in saving money but
13 we really -- there are reports and
14 activities -- a whole manner of
15 things that we are obligated for to
16 provide to citizens, boards,
17 councils, regulated communities, all
18 of those things. And as long as I'm
19 hanging around here, getting that
20 information out to people will be my
21 number one priority. And if it cost
22 a little more than it otherwise
23 would, I think it's important to get
24 that done. And I guess that's why
25 we operate above the IT standard,

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1 whatever that is. We'll continue to
2 work with them and see how it goes.

3 MR. WENDLING: Thank you,
4 Steve. I think it's important as a
5 Board, part of what we need to do is
6 to help Steve to make sure everything
7 within the Agency is running the way
8 it should to provide the service to
9 our customers. So we just need to
10 make sure that you keep us apprised
11 of change and information.

12 So, you know, I do appreciate
13 Steve having your staff come up and
14 give us an update. A lot of
15 information was presented today to
16 let us know really what's going on
17 and what's on the horizon. And I
18 don't know about many of you but I
19 had a big "wow" moment for a second
20 going through -- just thinking of the
21 implications of change. You know,
22 quite often sometimes each of us
23 focus on specific areas in the
24 environment and I know in the press
25 for a number of years there's been a

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1 lot of effort and focus on the air
2 side but listening to some of the
3 issues coming on the water side,
4 listening to the drought implications
5 and other things, we definitely as
6 citizens, as members of the DEQ to
7 the Board can see the impact it's
8 going to have on a lot of us. So we
9 need to keep tuned in, be aware of
10 the issues and to do our part of
11 what we can to be part of a solution
12 and not part of the problem. So,
13 anyway, I really appreciate you
14 sharing that will all of us, Steve.

15 All right. We're up to the
16 part of the agenda on new business.
17 Let me read this.

18 That's any matter not known
19 about which could have been
20 reasonably foreseen prior to the time
21 of posting the agenda.

22 Do we have any new business?
23 Okay. If not, we'll continue to
24 move along.

25 Our next meeting depending on

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1 how the agenda rolls out, right now
2 is scheduled for June 18th in
3 Fredrick.
4 (Comments)
5 MR. WENDLING: All right,
6 good. Before we adjourn, just real
7 quick, we usually adjourn but I just
8 had a question. Has anyone signed
9 up for the public forum?
10 Okay. That makes it simpler.
11 So again, I do want to thank
12 Secretary Sherrer and his staff for
13 being here and is there anything you
14 would like to say to the group
15 before we adjourn?
16 MR. SHERRER: I just want
17 to thank this Board, I'd like to
18 thank the Councils, I'd like to thank
19 the employees for the hard work that
20 you all do to make the state agency
21 run like it does. There's some
22 extremely important functions that
23 you all provide here and I know it's
24 a tough job and I know you take your
25 job very, very seriously. So thank

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1 you very much.
2 MR. WENDLING: All right.
3 Thank you.
4 Do I have a motion to adjourn?
5 MR. DARK: Absolutely.
6 MR. GRIESEL: Second.
7 MR. WENDLING: All right.
8 Roll call please.
9 MS. NANCE: Mr. Cassidy.
10 MR. CASSIDY: Yes.
11 MS. NANCE: Dr. Hammon.
12 DR. HAMMON: Yes.
13 MS. NANCE: Mr. Kinder.
14 MR. KINDER: Yes.
15 MS. NANCE: Ms. Kunze.
16 MS. KUNZE: Yes.
17 MS. NANCE: Mr. Savage.
18 MS. SAVAGE: Yes.
19 MS. NANCE: Mr. Sims.
20 MR. SIMS: Yes.
21 MS. NANCE: Dr. Sublette.
22 DR. SUBLETTE: Yes.
23 MS. NANCE: Mr. Wendling.
24 MR. WENDLING: Yes.
25 MS. NANCE: Mr. Johnston.

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1 MR. JOHNSTON: Yes.
2 MS. NANCE: Motion passed.
3 (Meeting Concluded)

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1 CERTIFICATE
2 STATE OF OKLAHOMA)
3) ss:
4 COUNTY OF OKLAHOMA)
5 I, CHRISTY A. MYERS, Certified
6 Shorthand Reporter in and for the
7 State of Oklahoma, do hereby certify
8 that the above meeting is the truth,
9 the whole truth, and nothing but the
10 truth; that the foregoing meeting was
11 taken down in shorthand and
12 thereafter transcribed by me; that
13 said meeting was taken on the 22nd
14 day of February, 2013, at Oklahoma
15 City, Oklahoma; and that I am neither
16 attorney for, nor relative of any of
17 said parties, nor otherwise
18 interested in said action.
19 IN WITNESS WHEREOF, I have
20 hereunto set my hand and official
21 seal on this, the 18th day of March,
22 2013.
23 *Christy Myers*
24 CHRISTY A. MYERS, C.S.R.
25 Certificate No. 00310



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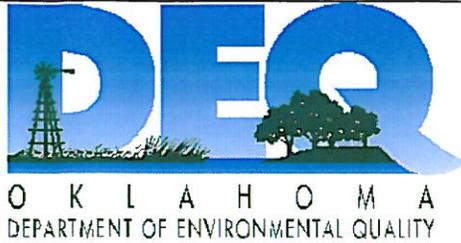
February 22, 2013

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Jennifer Waight	DEQ
Jerry Johnston	
Shelle Grand McClary	DEQ
Quiana Field	DEQ
Jeff A. Shepard	SWAC
Brian Sims	Rural Water
Tyler Powell	OSE
David Dyle	OGIE
Carly Schnaitman	OSE
Musta Burgess	DEQ
Steve Thompson	DEQ
Tracy Hammon	DEQ Board
Zayon Lodes	HQC
John Murrell	DEQB
Ramy Shrenk	DEQB
Jennifer Boyle	DEQ
Jeanette Nance	DEQ
John & Kristi	DEQ Board
Gimmie Givens	
Ray Walker	DEQ
Al TK	ODEW
Duane Wiegand	WRMAE.
Gimmie Givens	DEQ
Billi Savage	
Stylar McE	DEQ
Walter Ford	DEQ



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<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
David Freede DEQ	702-6159
Usha Turner OGE	553 3633
Richard McDaniell DEQ	702-6168
Chris Armstrong DEQ	
Scott Thompson DEQ	
Cindy Pankrat DEQ	
Mark A. J. Helbreand DEQ	702-8141
Cliff Holt DEQ	
Rob Singletary DEQ	702-7173
Kole Kennedy DEQ	702 5177
Christy Myers Court Reporter	
Scott Wardlewick City of Kingston	580-564-5676
Charlotte Malcher City of Kingston	580-564-3750
Darrel Gamm City of Kingston	580-564-3750
Alb Tunn City of Kingston	580 564 5826
Jan L Kunze EQ Board	405-823-6720
Carl Parrott DEQ	405-702-8142
Sarah Penn DEQ	405-702-7172
Laura Finley DEQ	405-702-7187
Brent Fuchs JR	
Clayton Eubanks AG	
Milly Cassidy DEQR	
Ben Rubinsin Sundry ch LLC	405-812-1292
Tim Ward DEQ	702-8155
Beverly Botchlet-Smith DEQ	702-4156
Matt Sandidge City of El Reno	626-5674



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February 22, 2013

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NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Vanessa Bergman	OVTSC Student	
Raymond Melton		raymond.melton@okc.gov
Kelly Danner		Kelly@OMB@DEQ
Elizabeth Warner		ebwarner@grindyl.com
Griesel David K		griesel@sbcglobal.net
Trish Horn		hornpd@oge.com