

**MINUTES
ENVIRONMENTAL QUALITY BOARD
AUGUST 20, 2013
TRI-COUNTY TECHNOLOGY CENTER
BARTLESVILLE, OKLAHOMA**

Official EQB Approved
On November 13, 2013

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m. at the Tri-County Technology Center, 6101 Nowata Road, Bartlesville, 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 August 6, 2013, and was posted at the DEQ and the facility on August 9, 2013. Mr. John Wendling, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed. Mr. Steve Thompson, Executive Director of the Department of Environmental Quality (DEQ), welcomed Ms. Fields to the Board. Mr. Wendling announced Mr. Thompson’s retirement and stated this is Mr. Thompson’s final Board Meeting with DEQ.

MEMBERS PRESENT

Tony Dark
David Griesel
Tracy Hammon
Jerry Johnston
Jan Kunze
Steve Mason
Billy Sims
John Wendling

DEQ STAFF PRESENT

Steve Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Martha Penisten, General Counsel
Wendy Caperton, Administrative Services Division
Eddie Terrill, Air Quality Division
Beverly Botchlet-Smith, Air Quality Division
Gary Collins, Environmental Complaints & Local Services
Scott Thompson, Land Protection Division
Shellie Chard-McClary, Water Quality Division
Chris Armstrong, State Environmental Laboratory Services
Skylar McElhaney, Public Information Officer
Rob Singletary, Air Quality Environmental Attorney
Rick Austin, Environmental Complaints & Local Services
Cindy Przekurat, Executive Director’s Office
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Mike Cassidy
James Kinder
Tim Munson
Terri Savage

OTHERS PRESENT

Tyler Powell, Office Secretary of the Environment
Carly Schnaithman, Office Secretary of the Environment
Laura Lodes, Air Quality Advisory Council Chair
Christy Myers, Court Reporter

Approval of Minutes – Mr. Johnston moved to approve the Minutes from the February 22, 2013 Regular Meeting. Mr. Dark made the second.

transcript pages 7 - 8

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Abstain
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Mr. Wendling stated there will be an adjustment on the agenda; item 9 and 10 will swap.

transcript page 8

Rulemaking – OAC 252:100 Air Pollution Control – Mr. Wendling called upon Laura Lodes, Chair of the Air Quality Advisory Council (AQAC) to cover the Air Quality rules. Ms. Lodes stated the DEQ proposes to amend OAC 252:100, Subchapter 7, Permits for Minor Facilities, to add new Permit By Rule (PBR) for minor facilities and area sources in the oil and natural gas (O&NG) sector in a new section 252:100-7-60.5 and to amend the existing language in 252:100-7-60 that

applies to all PBRs. Ms. Lodes also stated that EPA has issued some final new rules for the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for the O&NG sector. Following comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Mason moved to approve and Mr. Dark made the second.

transcript pages 8 - 19

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

For the record, Ms. Fields indicated Board members Mr. Cassidy, Mr. Kinder, Mr. Munson and Ms. Savage were absent.

transcript pages 18 - 19

Rulemaking – OAC 252:100 Air Pollution Control (Emergency) – Ms. Lodes stated the DEQ is proposing to amend OAC 252:100, Subchapter 7, Permits for Minor Facilities, as an emergency measure. Following comments by the Board and none by the public, Mr. Dark made the motion to approve and Mr. Griesel made the second.

transcript pages 19 - 25

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Lodes stated that DEQ is proposing to amend OAC 252:100, Subchapter 5, Registration, Emission Inventory and Annual Operating Fees to revise the current emission inventory reporting schedule in OAC 252:100-5-2.1 for all minor source facilities registered under a PBR. Currently PBR facilities with emissions greater than five tons or less will be required to submit an emission inventory at the end of every five-year period. The new rule would require all PBR facilities to submit an emission inventory for the 2014 reporting year or first calendar year in which the facility is registered, if registered after December 31, 2014. Additionally, the DEQ proposes to amend language in 252:100-5.2, 5-2.1, and 5-3 to make a correction and to remove obsolete language. Following discussion, Mr. Dark moved to approve and Ms. Kunze made the second.

transcript pages 26 - 32

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Rulemaking – OAC 252:100 Air Pollution Control (Emergency) – Ms. Lodes stated that DEQ is proposing to submit the rule OAC 252:100, Subchapter 5, as an emergency rule. An emergency rulemaking would delay the emission inventory reporting requirements for the newly permitted facilities by one year. Also, it will allow the Department additional time to prepare for the expected increase in emission inventories from the O&NG sector. Hearing no comments, Mr. Johnston moved to approve and Dr. Hammon made the second.

transcript pages 32 - 36

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Lodes stated the next item is Appendix E, Primary Ambient Air Quality Standards. The purpose of this rulemaking is to update the primary ambient air quality standards in the state rule consistent with the federal

standards. Notice of the proposed rule was published in the Oklahoma Register on March 15, 2013. One comment of support was received from EPA Region VI. Following discussion, Mr. Dark moved to approve and Dr. Hammon made the second.

transcript pages 36 - 41

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

DEQ Operational Budget Request – Mr. Thompson stated it is the Board’s responsibility to approve the agency’s budget request each year. Last year through a coalition of work that included the Oklahoma Rural Water Association (ORWA), Oklahoma Municipal League (OML), Office of the Secretary of Environment (OSE) and DEQ, we received a 1.5 million general revenue increase in support of adopting three rules and to improve the public water supply program. The Department recommended to the Board budget committee which consists of Mr. Wendling, Ms. Kunze, Mr. Johnston, Mr. Mason and Mr. Sims to not increase FY15 and focus on maintaining and accounting for FY14 general revenue increases. The Board budget committee agreed to the recommendation. Following a brief discussion, Mr. Dark moved to approve and Mr. Johnston made the second.

transcript pages 41 - 45

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Executive Director’s Report – Mr. Thompson stated each year in August the Department brings to the Board financial disclosures of employees and Mr. Thompson turned it over to Martha Penisten, General Counsel, DEQ. Ms. Penisten gave an overview of the financial disclosures, which requires DEQ employees involved in issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. Ms. Penisten reported one DEQ employee who had made a financial disclosure. Mr. Thompson mentioned the 2013 Legislature year was successful; bills and resolutions that were requested passed the legislature and were signed by the Governor. Mr. Thompson reported on negotiations with OMES on an assessment for additional efficiencies related to the DEQ’s PWS program. Also, Mr. Thompson briefed the Board on the Clean Air Act for regional haze, EPA and other activities within the agency. He thanked the DEQ staff for their responses to the tornado emergencies across the state. Mr. Thompson stated that it has been a distinct honor to have served as the Executive Director of DEQ for 11 years.

transcript pages 45 - 59

Annual Performance Review of Executive Director and Actions Related to the Process for Identifying Applicants – Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ. In connection with these responsibilities, the Board has determined that it should conduct its annual performance review of the Executive Director. Mr. Wendling called for a motion to enter into Executive Session for the review. Mr. Johnston made a motion and Mr. Griesel made the second. Ms. Kunze was designated as the scribe for Executive Session.

transcript pages 59 - 61

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

The Board reconvened. Mr. Wendling called for a motion to return to open session. Mr. Johnston moved to approve and Mr. Dark made the second.

transcript pages 61 - 62

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Mr. Wendling acknowledged Mr. Thompson on the accomplishments of the DEQ.

transcript pages 62 - 65

Mr. Wendling read the Board's recommendation into the record as a motion to form a subcommittee led by the Vice-Chair, Jan Kunze, to conduct a search to replace the Executive Director. Mr. Griesel made the second.

transcript pages 65 - 66

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Mr. Griesel made another motion to continue the August 20, 2013 meeting until September 19, 2013 at 1:00 p.m. where the Board will reconvene to appoint an interim Executive Director of the DEQ. Mr. Dark made the second.

transcript pages 67 - 68

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Following discussion; Mr. Griesel amended the motion previously read to state that the location of meeting would be at the Oklahoma Attorney General's office, 313 Northeast 21st Street, Oklahoma City, Oklahoma. Mr. Dark made the second.

transcript pages 68 - 69

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Calendar Year 2014 Board meeting dates and locations – Following discussion, Dr. Hammon moved to approve dates and locations for Friday, February 21 in Oklahoma City; Tuesday, June 17 in McAlester; Tuesday, August 19 at Quartz Mountain; and Wednesday, November 12 in Tulsa. Mr. Dark made the second.

transcript pages 69 - 72

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

New Business – None

Next Meeting – November 13, 2013 in Muskogee, Oklahoma.

Adjournment – No issues were raised during the public forum. Mr. Wendling called for a motion to adjourn. Mr. Dark moved to approve and Mr. Johnston made the second. Meeting adjourned at 12:30 p.m. Proceeding continued to September 19, 2013.

transcript pages 72 - 73

Tony Dark	Yes	Jan Kunze	Yes
David Griesel	Yes	Steve Mason	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	John Wendling	Yes

Meeting of the Oklahoma Environmental Quality Board Continued from August 20, 2013 – The September 19, 2013 meeting of the Environmental Quality Board has been continued from the August 20, 2013 regular meeting according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice was given by announcement at the Regular Meeting and was filed with Secretary of State on August 23, 2013. The agenda was mailed to interested parties on September 9, 2013 and posted at the DEQ on September 17, 2013. Mr. Wendling called the meeting to order. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Mike Cassidy
David Griesel
Tracy Hammon
Jimmy Kinder
Jan Kunze
Steve Mason
Tim Munson
Terri Savage
Billy Sims
John Wendling

DEQ STAFF PRESENT

Steve Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Martha Penisten, General Counsel
Wendy Caperton, Administrative Services Division
Eddie Terrill, Air Quality Division
Gary Collins, Environmental Complaints & Local Services
David Freede, Environmental Complaints & Local Services
Scott Thompson, Land Protection Division
Lloyd Kirk, Land Protection Division
Shellie Chard-McClary, Water Quality Division
Chris Armstrong, State Environmental Laboratory Services
Skylar McElhaney, Public Information Officer
Mista Burgess, Environmental Attorney
Cindy Przekurat, Executive Director's Office
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Tony Dark
Jerry Johnston

OTHERS PRESENT

Tyler Powell, Office Secretary of the Environment
Carly Schnaithman, Office Secretary of the Environment
Christy Myers, Court Reporter

Mr. Wendling stated after review of the August 20, 2013 meeting and discussions with Mr. Clayton Eubanks, Attorney General, it was determined to adjourn the continued meeting in order to conduct a Special Meeting. The Special Meeting was called according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice was filed with the Secretary of State on September 9, 2013. The agenda was mailed to interested parties on September 9, 2013, and was posted at the DEQ on September 17, 2013. Hearing no questions or comments by the Board and none by the public, Mr. Wendling moved to adjourn the continued meeting. Mr. Griesel made the second.

transcript page 6

Mike Cassidy	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Terri Savage	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Jan Kunze	Yes	John Wendling	Yes

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

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF THE ENVIRONMENTAL QUALITY
BOARD MEETING
ON AUGUST 20, 2013, AT 9:30 A.M.
HELD IN BARTLESVILLE, OKLAHOMA
* * * * *

Myers Reporting

Sheet 2 Page 2

MEMBERS OF THE BOARD

JERRY JOHNSTON
JOHN WENDLING
MIKE CASSIDY
DAVID GRIESEL
TRACY HAMMON
JAMES KINDER
JAN KUNZE
TERRI SAVAGE
BILLY SIMS
TONY DARK
STEVE MASON
TIM MUNSON

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1 Bartlesville. It's been a number of
2 years since I've been here to
3 Bartlesville and it brings back
4 somewhat fond memories of college
5 days in Stillwater and some of the
6 friends I had that lived here. So
7 it's a nice town, very interesting
8 town.

9 I'd like to recognize Tyler
10 Powell, he's with us today, the
11 Deputy Secretary of Environment.
12 Welcome, Tyler. We appreciate you
13 being here.

14 Steve, do you have anything you
15 want to introduce?

16 MR. THOMPSON: Yes. Thank
17 you, Mr. Chairman. I want to
18 introduce Quiana Fields. Jeanette
19 Nance, who you may know, has taken a
20 job outside of the Agency. Quiana
21 has been serving as the Councils'
22 secretary, so she's moved up to the
23 much more difficult job of being the
24 Board Secretary, not to cast
25 dispersions on the Board but she's

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PROCEEDINGS

1 MR. WENDLING: All right.
2 I'd like to call to order the
3 meeting.
4

5 The August 20, 2013 regular
6 meeting of the Oklahoma Environmental
7 Quality Board has been called
8 according to the Oklahoma Open
9 Meeting Act Section 3.11 of Title 25
10 of the Oklahoma Statutes. Notice was
11 filed with the Secretary of State on
12 November 16, 2012. Agendas were
13 mailed to interested parties on
14 August 6, 2013 and were posted at
15 the DEQ and this facility on August
16 19, 2013.

17 Only matters appearing on the
18 posted agenda may be considered. If
19 this meeting is continued or
20 reconvened, we must announce today
21 the date, time, and the place of the
22 continued meeting and the Agenda for
23 such continuation will remain the
24 same as today's Agenda.

25 Welcome everyone to

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1 here for the first time. I know she
2 will do a fine job.

3 MR. WENDLING: All right.
4 Thank you. Welcome, Quiana. I know
5 you'll do the best you can. I've
6 noticed from reading some of the
7 minutes of the past every now and
8 then if we don't speak clear there's
9 words in here like mumble, mumble.
10 So we'll see how good a job we can
11 do.

12 Anyway, welcome everyone. This
13 is kind of -- I kind of have mixed
14 emotions on this meeting in a lot of
15 ways. In too many respects it's --
16 Steve has announced his retirement
17 and this is his last official DEQ
18 Board meeting with us. So he's done
19 a great job over the years and I
20 think with that, I'd like to give
21 him a round of applause. Thank you.
22 (Applause)

23 MR. WENDLING: And, you
24 know, I was thinking about
25 dedication, and at dinner last night

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<p>1 we were talking to Steve and a few 2 things popped out last night and many 3 of you were there. 4 Number one, it was his 5 birthday. So we got to celebrate a 6 birthday with him last night. 7 And number two, it was his 8 anniversary. So I think he owes his 9 wife big time when he gets back 10 home. So remember that. 11 MR. THOMPSON: I will 12 MR. WENDLING: All right. 13 Well the first order of business is 14 roll call. Quiana. 15 MS. FIELDS: Mr. Dark. 16 MR. DARK: Here. 17 MS. FIELDS: Mr. Griesel. 18 MR. GRIESEL: Here. 19 MS. FIELDS: Dr. Hammon. 20 DR. HAMMON: Here. 21 MS. FIELDS: Mr. Johnston. 22 MR. JOHNSTON: Here. 23 MS. FIELDS: Ms. Kunze. 24 MS. KUNZE: Here. 25 MS. FIELDS: Mr. Mason.</p>	<p>1 MR. JOHNSTON: Yes. 2 MS. FIELDS: Ms. Kunze. 3 MS. KUNZE: Yes. 4 MS. FIELDS: Mr. Mason. 5 MR. MASON: Abstain. 6 MS. FIELDS: Mr. Sims. 7 MR. SIMS: Yes. 8 MS. FIELDS: Mr. Wendling. 9 MR. WENDLING: Yes. 10 MS. FIELDS: Motion passed. 11 MR. WENDLING: All right. 12 Moving forward we have it looks like 13 -- on the Agenda we will be making 14 an adjustment. So if you guys would 15 look at Items 9 and 10, we will be 16 covering Number 10 and swapping it 17 with Number 9, the Executive 18 Director's Report. So if you make 19 note of that we'll -- that's the 20 only change at this point that we 21 will make with respect to the timing 22 of the Agenda. 23 With that, first rulemaking we 24 have, we have several here, and I 25 think that I've noticed that Laura</p>
Page 7	Page 9
<p>1 MR. MASON: Present. 2 MS. FIELDS: Mr. Sims. 3 MR. SIMS: Here. 4 MS. FIELDS: Mr. Wendling. 5 MR. WENDLING: Here. 6 MS. FIELDS: We have a 7 quorum. 8 MR. WENDLING: Thank you 9 very much. 10 Next on the Agenda is Approval 11 of the Minutes of February 22nd. 12 Hopefully, everybody has had an 13 opportunity to review the Minutes. 14 MR. JOHNSTON: Move to 15 approve. 16 MR. DARK: Second. 17 MR. WENDLING: Roll call 18 please. 19 MS. FIELDS: Mr. Dark. 20 MR. DARK: Yes. 21 MS. FIELDS: Mr. Griesel. 22 MR. GRIESEL: Yes. 23 MS. FIELDS: Dr. Hammon. 24 DR. HAMMON: Yes. 25 MS. FIELDS: Mr. Johnston.</p>	<p>1 Lodes, the Chair of the Air Quality 2 Council will be covering those for 3 us. 4 Good morning, Laura. 5 MS. LODES: Good morning. 6 Yes, I get to cover all of them 7 today. 8 The first Item on today's 9 Agenda is OAC 252:100, Subchapter 7, 10 Permits of Minor Facilities, Part 9, 11 Permits by Rule. 12 The purpose of this revision in 13 Subchapter 7, Permits for Minor 14 Facilities, is to establish a Permit 15 by Rule for the new existing minor 16 source facilities and area sources in 17 the oil and natural gas sector in a 18 new section 252:100-7-60.5 and to 19 amend the existing language in 20 252:100-7-60 that applies to all 21 PBRs. 22 EPA has issued some final new 23 rules for the New Source Performance 24 Standards 40 CFR Part 60, Subpart 25 0000, and National Emission Standards</p>

Myers Reporting

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1 for Hazardous Air Pollutants 40 CFR
2 Part 63, Subpart HH for the oil and
3 natural -- oil and natural gas sector
4 were published on August 16, 2012,
5 and there's another revision that has
6 been signed as of August 5th to
7 these rules that is due to be
8 published sometime soon in the next
9 couple of weeks. And this has
10 resulted in a large number of minor
11 oil and natural gas facilities
12 becoming subject to the Air Quality
13 Division's minor facility permitting
14 program for the first time.

15 The Department determined that
16 a PBR for these facilities would be
17 the best solution for handling this
18 expected large influx for minor
19 facilities into the permitting system
20 since the registration under a PBR
21 requires less time and money for the
22 owners and operators of the
23 facilities to obtain and less time
24 and money for the Department to
25 issue.

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1 The PBR will not cause any
2 minor facility to be subject to an
3 NSPS or NESHAP that was not otherwise
4 subject.

5 The PBR provides that equipment
6 and processes located at minor
7 facilities or area sources covered by
8 the PBR shall comply with the
9 applicable requirements of NSPS 40
10 CFR Part 60, Subparts A, the general
11 provisions.

12 0000, for crude oil and natural
13 gas.

14 IIII, stationary compression
15 ignition internal combustion engines.

16 JJJJ, stationary spark ignition
17 internal combustion engines.

18 NESHAPs, National Emission
19 Standards for Hazardous Air
20 Pollutants, 40 CFR Part 63, Subparts:

21 A, general provisions.

22 HH, oil and natural gas
23 production facilities.

24 ZZZZ, stationary reciprocating
25 internal combustion engines.

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1 And also allows for any other
2 applicable NSPS or NESHAPs, including
3 modifications from an existing
4 facility.

5 Applicable DEQ Rules that are
6 effected that these sources are
7 subject to is also Subchapter 5, for
8 emission inventories.

9 9, for excess emissions.
10 19, for particulate matter
11 emissions.

12 25, for opacity.

13 29, for fugitive dust.

14 31, for sulfur compounds.

15 33, for nitrogen oxides.

16 37 and 39, for VOCs.

17 43, for testing.

18 This part of our rule is
19 fairly critical to the oil and gas
20 industry. It allows for the industry
21 to obtain federally enforceable
22 limits that will assist with them
23 complying with particularly 0000,
24 without having to get into more
25 onerous requirements of that federal

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1 regulation. They still will be below
2 the limits required on that; however,
3 it gives them a way to obtain a
4 federally enforceable limit to -- I
5 want to say "opt-out", for lack of a
6 better word, and the more stringent
7 recordkeeping and reporting under the
8 federal regulation.

9 They still have to be below
10 the same set of emission limits that
11 the rule would require, it just gives
12 them a way to not have to go into
13 such the high level of recordkeeping
14 that would be required under the
15 federal regulation. It's a very
16 onerous regulation for the natural
17 gas industry. It's a lot of
18 paperwork, essentially; a lot of
19 maintenance and things like that.
20 Whereas by being able to have a
21 federal enforceable limit under the
22 permit by rule, which is what this
23 gives, would give them an option of
24 complying in a more reasonable
25 manner. It also helps the Agency,

Myers Reporting

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1 because the other methods they would
2 have for permitting these sources
3 since they would be required to
4 obtain a permit, would be the general
5 permit for oil and gas facilities.
6 That essentially makes all the
7 facilities and minor -- a synthetic
8 minor under Title V regulations and
9 the EPA would view those as a
10 potential for a high priority
11 violation. It also requires the DEQ
12 to inspect them every other year.
13 We're looking at a huge number of
14 facilities in the State of Oklahoma
15 and the compliance enforce division I
16 know had expressed concerns about how
17 they would even manage trying to
18 inspect them in accordance; when
19 actual emissions for these facilities
20 are very small and prior to this
21 regulation they were classified as a
22 permit exempt facility under Oklahoma
23 regulations. They're still going to
24 meet the same thresholds but they
25 would not be required -- were it not

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1 for this regulation Oklahoma rules
2 would not even require them to obtain
3 a permit. So the emissions are
4 still at that same kind of a level.
5 And that would be the end of
6 my discussion on this part.
7 MR. WENDLING: All right.
8 Well, thank you for that. That
9 really helps put a little color
10 around reading the document. I
11 notice going through it there were a
12 lot of written comments from the oil
13 and gas industry and I think from
14 what I can tell the responses that
15 you provided definitely acknowledged
16 their feedback and were incorporated
17 into the document.
18 MS. LODS: Yes.
19 MR. WENDLING: Any questions
20 or comments from the Board?
21 MR. DARK: I do. I have a
22 question. You said that ODEQ still
23 is required to inspect these and it
24 would be onerous to expect us to
25 inspect these. How does that work?

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1 MS. LODS: If they're under
2 the permit by rule because they've
3 got emissions less than 50 tons per
4 year, they're on a different
5 inspection schedule, and my
6 understanding is they really only get
7 inspected if somebody calls in a
8 complaint when they're under 50. If
9 the potential emission is over 50, I
10 believe they have to be inspected,
11 what, every other year or every five
12 years?

13 MR. TERRILL: Yes. Their
14 EPS requirement (inaudible)
15 compliance monitoring strategy that
16 we negotiate every two years to make
17 sure we get all of our major sources
18 and all of our synthetic minor
19 sources (inaudible) certain -- those
20 rules are the only ones we have to
21 commit to. And then our minor
22 sources and the ones that will be
23 cover by PBR, there are so many of
24 those and the environmental risk is
25 not as near as great as the ones

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1 that are covered under the compliance
2 monitoring strategy that we set those
3 up on a rotating basis. We try to
4 get out maybe every three, four, or
5 five years, it just kind of depends
6 on complaints, it depends on whatever
7 things are going on in that sector
8 but we're not required by EPA as
9 part of our agreement to inspect them
10 with any certain frequency, they
11 leave that up to us.

12 MR. DARK: Okay. So it
13 really doesn't place anymore
14 liability upon us by doing it this
15 way?

16 MR. TERRILL: No.

17 MS. LODS: No.

18 MR. TERRILL: Actually it's
19 less.

20 MS. LODS: Yes. If we
21 leave them the way they are without
22 this permit by rule, the only
23 recourse the oil and gas industry
24 have is to obtain a federally
25 enforceable limit where they can take

Myers Reporting

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1 an option basically to control their
2 emissions without ever getting into -
3 - below the level that would ever
4 trigger the federal rule, voluntarily
5 control their emissions, they're
6 classified as a synthetic minor. And
7 that's where they're going to be on
8 -- they're required to be inspected
9 by the EPA, it's a much more
10 frequent schedule.

11 MR. DARK: Okay. Thank
12 you.

13 MR. WENDLING: Any other
14 questions? All right.

15 Any questions or comments from
16 the public?

17 All right. Hearing no further
18 comments, can I have a motion?

19 MR. MASON: Move approval.
20 MR. DARK: Second.
21 MR. WENDLING: All right.
22 Roll call please.

23 MS. FIELDS: I forgot to
24 indicate those that are absent; Mr.
25 Cassidy, Mr. Kinder, Mr. Munson, and

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1 Ms. Savage. I wanted to get that on
2 record.

3 Mr. Dark.

4 MR. DARK: Yes.
5 MS. FIELDS: Mr. Griesel.
6 MR. GRIESEL: Yes.
7 MS. FIELDS: Dr. Hammon.
8 DR. HAMMON: Yes.
9 MS. FIELDS: Mr. Johnston.
10 MR. JOHNSTON: Yes.
11 MS. FIELDS: Ms. Kunze.
12 MS. KUNZE: Yes.
13 MS. FIELDS: Mr. Mason.
14 MR. MASON: Yes.
15 MS. FIELDS: Mr. Sims.
16 MR. SIMS: Yes.
17 MS. FIELDS: Mr. Wendling.
18 MR. WENDLING: Yes.
19 MS. FIELDS: Motion passed.
20 MR. WENDLING: All right.

21 Next we have, which looks like, the
22 same rulemaking except this is an
23 emergency adoption.

24 MS. LODES: Correct.
25 MR. WENDLING: Okay.

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1 MS. LODES: The next item
2 is the exact same Subchapter 7 as
3 what you just approved. And we're
4 doing it as an emergency rule.

5 NSPS Subchapter 0000. The
6 first compliance date is October 15,
7 2013, and these sources must obtain a
8 federal enforceable limit prior to
9 October 15, 2013. Therefore, we are
10 asking for an emergency rule such
11 that the sources have the ability to
12 obtain some limit prior to two months
13 from now, and this was the only way
14 we were able to come up with -- in
15 order to do it effectively was
16 through a emergency rulemaking
17 process. But it is the exact same
18 rule that has been presented. This
19 would help reduce the regulatory
20 burden on the Agency for the effected
21 facilities. And I would like to
22 say, while in this case, emergency
23 rulemaking is not necessary to avoid
24 any violation of any federal law or
25 regulation or other state law, an

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1 emergency measure would assist the
2 effected facilities in complying with
3 or avoiding applicability of some
4 federally enforceable requires which
5 become effective this year.

6 MR. WENDLING: Okay. So
7 the main purpose would be to avoid
8 the excessive documentation?

9 MS. LODES: Well, and also
10 -- yes, I should read the rest of
11 what's here.

12 The Department (inaudible)
13 application fees for the PBRs are
14 substantially lower than for a
15 general permit. The fee registration
16 for a PBR would be \$350 while the
17 fee registration to construct and
18 operate under the general permit is
19 \$1,000. And you're looking at this
20 regulation effects every wellhead,
21 tank battery, constructed since
22 August 23, 2011, in the State of
23 Oklahoma. So even if they're making
24 a few barrels of oil per day, you're
25 looking at a very large number of

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1 wells, if you think about every well
2 that's been drilled in the state
3 since 2011. That's why they are
4 going to have to be permitted and
5 when you're looking at some of these
6 in a large volume at \$1,000
7 essentially apiece versus \$350, that
8 savings can become substantial pretty
9 quickly on the part of industry.
10 DR. HAMMON: So without the
11 PBR they would need to be permitted
12 by October 15th?
13 MS. LODES: They're going to
14 have to obtain some type of permit
15 by October 15th, whether it's under
16 the general permit at \$1,000
17 (inaudible) or they are into the
18 federal regulations and they're going
19 to have to maintain all of the
20 documentation and reports under the
21 federal regulation forever
22 (inaudible). So even if they were
23 to drop down in production over time
24 they still risk getting into the
25 regulation.

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1 MR. DARK: How many, since
2 I have no idea since 2012?
3 MR. THOMPSON: A bunch.
4 MR. TERRILL: Several
5 thousand.
6 MS. LODES: Several
7 thousand. At least a couple of
8 thousand.
9 MR. TERRILL: I would say
10 our permit staff believes it will get
11 somewhere between 1500 and 3500 PBR
12 applications and (inaudible) PBR
13 applications, permit by rule, it will
14 be a general permit. And that's the
15 real problem. If we have to do them
16 through a general permit, not only
17 will it be a burden on the industry,
18 it will be a huge burden on us,
19 plus, they're only a fraction -- even
20 though there are a large number,
21 we've got a lot of other permits
22 that are in-house where industries
23 try to expand or come in that are
24 just important, just not as many of
25 them. So it will allow us to

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1 marshal our resources, and once the
2 applications come in they can go on
3 about their business under the PBR,
4 we'll just have a little bit more
5 time to get the permit out the door.
6 MR. DARK: What about
7 industry? Industry is aware of this?
8 I mean, how do we get that
9 information out so they know not to
10 --
11 MS. LODES: They are fully
12 supportive of it, OIPA.
13 MR. DARK: I'm sure they
14 are but, I mean --
15 MS. LODES: Yeah. OIPA has
16 been working with their member
17 organization and so has GPA and
18 OKMOGA have been working with a
19 number of organizations to let that
20 be out. I know a number of those
21 companies are already working on
22 getting everything drafted and ready
23 to go. Pretty much as soon as it's
24 signed and they are allowed to start
25 submitting under it.

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1 MR. DARK: Mr. Chair, I
2 would like to move approval if there
3 are not other questions.
4 MR. GRIESEL: I'll second.
5 MR. WENDLING: All right.
6 We had a motion for approval and
7 seconded.
8 Roll call please.
9 MS. FIELDS: Mr. Dark.
10 MR. DARK: Yes.
11 MS. FIELDS: Mr. Griesel.
12 MR. GRIESEL: Yes.
13 MS. FIELDS: Dr. Hammon.
14 DR. HAMMON: Yes.
15 MS. FIELDS: Mr. Johnston.
16 MR. JOHNSTON: Yes.
17 MS. FIELDS: Ms. Kunze.
18 MS. KUNZE: Yes.
19 MS. FIELDS: Mr. Mason.
20 MR. MASON: Yes.
21 MS. FIELDS: Mr. Sims.
22 MR. SIMS: Yes.
23 MS. FIELDS: Mr. Wendling.
24 MR. WENDLING: Yes.
25 MS. FIELDS: Motion passed.

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1 MR. WENDLING: All right.
2 All right. Thank you.
3 Laura, you've got the next
4 rulemaking.

5 MS. LODES: The next item
6 on today's Agenda is OAC 252:100
7 Subchapter 5, Registration, Emission
8 Inventory, and Annual Operating Fees,
9 the Permanent Rule.

10 The Department is proposing to
11 amend OAC 252:100-5-2.1 for all minor
12 source facilities registered under a
13 Permit by Rule to change the emission
14 inventory reporting schedule for
15 these facilities.

16 Currently PBR facilities with
17 emission greater than 5 tons per year
18 are required to submit an emissions
19 inventory every year. The PBR
20 facilities with actual emissions of 5
21 tons or less will be required to
22 submit an emission inventory at the
23 end of every five-year period.

24 The new rule would require all
25 PBR facilities to submit an emission

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1 changes was published in the Oklahoma
2 Register on June 17, 2013. The
3 notice requested written comments
4 from the public and other interested
5 parties.

6 We did receive comments from
7 the Apache Corporation, Devon Energy
8 Corporation, Oklahoma Independent
9 Petroleum Association and the Region
10 6 Office of the Environmental
11 Protection Agency.

12 Why the Agency wanted this done
13 is because of the PBR we're going to
14 have facilities that submit
15 registrations between now and the end
16 of the year. Without this rulemaking
17 they would be required to submit an
18 annual emissions inventory for the
19 2013 calendar year. So that would
20 be a partial inventory since they
21 might not submit until somewhere
22 between September and December. So
23 that's a partial year.

24 Also, since these facilities
25 would have been previously permit

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1 inventory for the 2014 reporting year
2 or first calendar year in which the
3 facility is registered, if registered
4 after December 31, 2013. Facilities
5 with actual emissions over 5 tons
6 will be required to submit an
7 emission inventory every National
8 Emissions Inventory Three-Year Cycle.
9 Facilities with actual emissions of 5
10 tons per year or less will be
11 required to submit an emission
12 inventory every second National
13 Emission Inventory Three-Year Cycle,
14 starting with the 2020 reporting
15 year. Additionally, obsolete
16 language in 252:100-5-2, 2.1, and 3
17 will be updated.

18 This proposal is in response to
19 requests received from the industry
20 during the development of the PBR.
21 This will help alleviate the
22 reporting burden imposed on industry
23 due to EPA's Subpart 0000, and
24 Subpart HH.

25 Notice of the proposed rule

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1 exempt they would never have
2 submitted -- they might not have ever
3 submitted an inventory before, so
4 they're going to have the burden of
5 initially putting everything into the
6 Red Bud system which is very time
7 consuming and that also gives the
8 Agency more time to work with these
9 people to get the word out there on
10 how to even input that into the
11 system, and so that's the reason for
12 delaying it essentially until 2014
13 and making it an every three-year
14 cycle for these PBR sources. Again,
15 these are small sources but if they
16 were permit exempt would never have
17 even submitted a annual emissions
18 inventory.

19 MR. WENDLING: All right.
20 I appreciate that.

21 I have a question --

22 MS. LODES: Uh-huh.

23 MR. WENDLING: -- on, when
24 you were reading the summary, it
25 mentions being registered after

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<p>Sheet 9 Page 30</p> <p>1 December 31, 2013; and then on Page 2 1 of the main document when I read 3 down through 252:100-5-2.1 -- under 4 (inaudible) rule it says as of 5 December 31, 2014. Which document is 6 correct?</p> <p>7 MS. LODES: The -- 8 MR. TERRILL: There was a 9 mistake in the support documents and 10 you should have gotten something that 11 you may have overlooked. It came in 12 the mail after they sent out the 13 original agenda and the support 14 documents, but the actual rule that 15 went to the Council and that you all 16 vote on today, is December 31st of 17 2014, because that's really the 18 period -- 2014 is the National 19 Emissions Inventory year and that's 20 when we're trying to get an accurate 21 of inventory as possible. So we 22 want to avoid them having to send in 23 a partial inventory in 2013, we're 24 really interested in the registration 25 between now and the end 2014 and the</p>	<p>Page 32</p> <p>1 MS. FIELDS: Dr. Hammon. 2 DR. HAMMON: Yes. 3 MS. FIELDS: Mr. Johnston. 4 MR. JOHNSTON: Yes. 5 MS. FIELDS: Ms. Kunze. 6 MS. KUNZE: Yes. 7 MS. FIELDS: Mr. Mason. 8 MR. MASON: Yes. 9 MS. FIELDS: Mr. Sims. 10 MR. SIMS: Yes. 11 MS. FIELDS: Mr. Wendling. 12 MR. WENDLING: Yes. 13 MS. FIELDS: Motion passed. 14 MR. WENDLING: All right. 15 Please continue. 16 MS. LODES: The next item 17 is OAC 252:100, Subchapter 5, and 18 it's the same rule as what you just 19 saw except as an emergency rule. 20 This follows because of the 21 permit by rule and in order to have 22 it in place so that we are not 23 having to submit the annual emissions 24 inventory starting next year. 25 AQD staff request that the</p>
<p>Page 31</p> <p>1 Emission Inventory 2014. The support 2 documentation was incorrect but the 3 actual rule that was voted on is 4 correct, what's in front of you is 5 correct, which is December 31, 2014. 6 MS. LODES: I'm sorry for 7 that. 8 MR. TERRILL: We're sorry 9 about that, that should never have 10 gone out like that, but it did. 11 MR. WENDLING: Okay. Any 12 other questions or comments from 13 Board Members? 14 All right. Questions from the 15 public? 16 All right. Hearing none, do I 17 have a motion. 18 MR. DARK: So moved. 19 MS. KUNZE: Second. 20 MR. WENDLING: All right. 21 Roll call please. 22 MS. FIELDS: Mr. Dark. 23 MR. DARK: Yes. 24 MS. FIELDS: Mr. Griesel. 25 MR. GRIESEL: Yes.</p>	<p>Page 33</p> <p>1 revisions to Subchapter 5 be 2 recommended for adoption as both 3 permanent and emergency rules with 4 the following justification of 5 "finding of emergency": 6 An emergency, rulemaking would 7 serve the public interest by aligning 8 the permitting and emission inventory 9 requirements for PBR facilities and 10 ensuring there is no ambiguity about 11 the reporting expectations for these 12 sources. 13 An emergency rulemaking would 14 eliminate the possibility of 15 retroactively reporting requirements 16 and ensure all emission inventory 17 reporting requirements are known and 18 effective before the actual reporting 19 period begins for the 2014 calendar 20 year. 21 An emergency rulemaking would 22 reduce the regulatory burden on the 23 subject facilities by specifically 24 exempting them from the requirement 25 to submit a partial year emission</p>

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1 inventory for operations during the
2 2013 calendar year. Partial period
3 data is not necessary, as it would
4 not be adequate to support the
5 Department's program planning
6 efforts.

7 An emergency rulemaking would
8 delay the emission inventory
9 reporting requirements for these
10 newly permitted facilities by one
11 year and allow the Department
12 additional time to prepare for the
13 expected increase in emission
14 inventories from the oil and natural
15 gas sector.

16 The 2014 NEI data is very
17 likely to be the most recent complete
18 emission inventory before 2016, when
19 the EPA plans to make designations
20 for the 8-hour Ozone NAAQS.

21 Subchapter 5 was heard at the
22 July 2013 Council meeting as both
23 Permanent and Emergency, and both
24 were recommended for adoption.

25 MR. WENDLING: All right.

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1 Thank you.

2 MS. LODES: Uh-huh.
3 MR. WENDLING: Any comments
4 from the Board?

5 Any comments from the public?
6 MR. JOHNSTON: Move for
7 approval.

8 DR. HAMMON: Second.

9 MR. WENDLING: Roll call.

10 MS. FIELDS: Mr. Dark.

11 MR. DARK: Yes.

12 MS. FIELDS: Mr. Griesel.

13 MR. GRIESEL: Yes.

14 MS. FIELDS: Dr. Hammon.

15 DR. HAMMON: Yes.

16 MS. FIELDS: Mr. Johnston.

17 MR. JOHNSTON: Yes.

18 MS. FIELDS: Ms. Kunze.

19 MS. KUNZE: Yes.

20 MS. FIELDS: Mr. Mason.

21 MR. MASON: Yes.

22 MS. FIELDS: Mr. Sims.

23 MR. SIMS: Yes.

24 MS. FIELDS: Mr. Wendling.

25 MR. WENDLING: Yes.

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1 MS. FIELDS: Motion passed.
2 MR. WENDLING: All right.

3 Item 7, Laura.

4 MS. LODES: The next item
5 is OAC 252:100, Appendix E, Primary
6 Ambient Air Quality Standards.

7 The purpose of the update to
8 OAC 252:100, Appendix E, Primary
9 Ambient Air Quality Standards, is to
10 update the annual primary standards
11 for particulate -- PM2.5 in response
12 to recent changes made to the
13 National Ambient Air Quality
14 Standards, or NAAQS Standards by the
15 EPA.

16 On January 15, 2013, EPA
17 promulgated the new annual PM2.5
18 primary standard strengthening it
19 from 15 micrograms per meter cubed to
20 12 micrograms per meter cubed. The
21 EPA chose to retain the current
22 24-hour PM2.5 primary standard of 35
23 micrograms per meter cubed.

24 This update is necessary to
25 make the primary ambient air quality

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1 standards in the State Rule
2 consistent with the federal
3 standards.

4 Notice of the proposed rule was
5 published in the Oklahoma Register on
6 March 15, 2013. One comment of
7 support was received from EPA Region
8 6.

9 The Oklahoma Rules on
10 Rulemaking dictate the procedure of
11 revoking the old and creating an
12 entirely new appendix.

13 Some additional Information.
14 Particles less than 2.5 micrometers
15 in diameter, PM2.5, are referred to
16 as "fine" particles and are believed
17 to pose the greatest health risks.

18 The three-year annual
19 arithmetic mean is used to
20 demonstrate compliance with the
21 primary standards.

22 Monitoring data from the last
23 three years shows compliance with the
24 new annual primary standard of PM2.5
25 at monitoring stations operated by

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1 the DEQ.
2 Appendix E was heard by the
3 Air Quality Council on April 2013 at
4 the April 2013 meeting, and was
5 recommended unanimously to the
6 Environmental Quality Board.
7 MR. WENDLING: All right.
8 Thank you very much.
9 Any questions? Tony.
10 MR. DARK: As these screws
11 tighten down, we're fine; we've
12 monitored and everyone is fine. How
13 close are we getting to where we're
14 not fine? How close are getting to
15 meeting the standard that would be
16 too onerous for all of Oklahoma?
17 MS. LODES: Pretty close.
18 MR. DARK: Yeah.
19 MR. TERRILL: We're in
20 pretty good shape for the most part.
21 If they move the annual standard down
22 again, which they possibly could do,
23 we could have some areas that could
24 have a problem. We have a few areas
25 in Oklahoma with the new standard

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1 that are reasonably close but we're
2 not -- they would have to lower it
3 again for us to have a problem. And
4 then the other side of that coin is
5 EPA is also looking at what they
6 call the Transport Rule or the Clean
7 Air Interstate Rule and that will
8 probably get some reductions from
9 some of the PM sources and will
10 probably help with that but right now
11 we're still in pretty good shape.
12 MR. DARK: Okay.
13 MR. TERRILL: But I think
14 we would push back though unless
15 there's very clear data that the
16 standard needs to be lowered again,
17 because you really have to think
18 through how you do that because
19 there's some areas, especially rural
20 areas, that can't do anything about
21 their problem and so we've got to be
22 real careful about how EPA does that.
23 MR. DARK: Right. Thank
24 you.
25 DR. HAMMON: Did you push

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1 back on this one at all?
2 MR. TERRILL: No, not this
3 one because we really didn't think we
4 had a problem and there was pretty
5 clear data that it probably didn't
6 need to be at that level but we're
7 getting to the point where -- well
8 we're at the point where the Clean
9 Air Act needs to be adjusted but
10 that's a whole other discussion.
11 MR. DARK: I'll save it.
12 MR. WENDLING: Any other
13 questions or comments from the Board?
14 Any questions or comments from
15 the public?
16 MR. DARK: Move approval.
17 MR. WENDLING: Do I have a
18 second?
19 DR. HAMMON: I'll second.
20 MR. WENDLING: Roll call,
21 please.
22 MS. FIELDS: Mr. Dark.
23 MR. DARK: Yes.
24 MS. FIELDS: Mr. Griesel.
25 MR. GRIESEL: Yes.

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1 MS. FIELDS: Dr. Hammon.
2 DR. HAMMON: Yes.
3 MS. FIELDS: Mr. Johnston.
4 MR. JOHNSTON: Yes.
5 MS. FIELDS: Ms. Kunze.
6 MS. KUNZE: Yes.
7 MS. FIELDS: Mr. Mason.
8 MR. MASON: Yes.
9 MS. FIELDS: Mr. Sims.
10 MR. SIMS: Yes.
11 MS. FIELDS: Mr. Wendling.
12 MR. WENDLING: Yes.
13 MS. FIELDS: Motion passed.
14 MR. WENDLING: Thank you,
15 Laura. All right.
16 Next on the Agenda we will
17 cover the Operational Budget. I will
18 turn this over to Steve.
19 MR. THOMPSON: Thank you,
20 Mr. Chairman.
21 I will say on transport issues
22 that when I announced my retirement
23 there was such a sigh of relief from
24 EPA Region 6 in Dallas that we
25 became concerned about transport

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1 issues.
2 It is the responsibility of the
3 Environmental Quality Board to
4 approve the Agency's Budget request
5 each year. Last year through a
6 coalition of work, a coalition that
7 included the Oklahoma Rural Water
8 Association, the Oklahoma Municipal
9 League, the Office of the Secretary
10 of Environment, and the Department,
11 we received a 1.5 million dollar
12 general revenue increase in support
13 of adopting or being able to adopt
14 three new rules -- or not necessarily
15 new rules, three rules that we hadn't
16 adopted; plus, to bring the public
17 water supply program up to speed.
18 We received that general revenue
19 increase for FY14. So we recommended
20 to the Board Budget Committee which
21 consist of Mr. Wendling, Ms. Kunze,
22 Jerry Johnston, Steve Mason, and Bill
23 Sims, that rather than ask for
24 additional general revenue
25 appropriations for FY15 we believe

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1 that our efforts should be focused on
2 maintaining and accounting for last
3 year's general revenue increase. So
4 we made the recommendation to the
5 committee that we not pursue general
6 revenue increases in the coming year,
7 there was a general agreement to
8 that. And so that is our
9 recommendation to the full Board.
10 MR. WENDLING: A flat budget
11 is what it amounts to. So --
12 MR. THOMPSON: General
13 revenue.
14 MR. WENDLING: Yeah. And I
15 know we've had a lot of increases
16 year after year for the last few
17 years for obvious reasons. The more
18 rules that get sent to us from the
19 federal government, the more we have
20 to determine how we're going to fund
21 it to comply with those rules.
22 Anyway, can I have a motion --
23 or any discussion from the Board on
24 this?
25 MR. MASON: I have a

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1 question. How much is our general
2 revenue appropriation?
3 MR. THOMPSON: It runs about
4 13 percent. I think it was about
5 7.5 million and so with the increase
6 it's up to about 9. I do remember
7 that it's 70.5 million because it is
8 exactly the amount of general revenue
9 that the Agency received in 1994 when
10 we started out as an Agency. So all
11 of -- so now we're at \$1.5 million
12 above that. So all of the
13 activities -- the increased
14 activities of the Board -- I'm sorry,
15 the Department over the last 20 years
16 have never been funded.
17 MR. DARK: Move approval.
18 MR. JOHNSTON: Second.
19 MR. WENDLING: All right.
20 Roll call, please.
21 MS. FIELDS: Mr. Dark.
22 MR. DARK: Yes.
23 MS. FIELDS: Mr. Griesel.
24 MR. GRIESEL: Yes.
25 MS. FIELDS: Dr. Hammon.

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1 DR. HAMMON: Yes.
2 MS. FIELDS: Mr. Johnston.
3 MR. JOHNSTON: Yes.
4 MS. FIELDS: Ms. Kunze.
5 MS. KUNZE: Yes.
6 MS. FIELDS: Mr. Mason.
7 MR. MASON: Yes.
8 MS. FIELDS: Mr. Sims.
9 MR. SIMS: Yes.
10 MS. FIELDS: Mr. Wendling.
11 MR. WENDLING: Yes.
12 MS. FIELDS: Motion passed.
13 MR. WENDLING: All right.
14 Thank you.
15 Next we will have Steve's
16 Director's Report.
17 MR. THOMPSON: Thank you.
18 Each year in August we bring to the
19 Board financial disclosures of
20 employees. We have one new financial
21 disclosure this year, so I'm going to
22 turn it over to Martha to give that.
23 MS. PENISTEN: Yes. The
24 financial disclosures are required by
25 the Environmental Quality Code which

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1 requires DEQ employees involved in
2 issuing or enforcing permits to
3 disclose financial interests they
4 hold in entities regulated by the
5 DEQ.

6 In turn, the DEQ is required
7 to submit the disclosures to the
8 Board and make them part of the
9 Minutes. Otherwise, these
10 disclosures are for informational
11 purposes and no action by the Board
12 is required.

13 This year, one employee
14 submitted a new disclosure. Steve
15 Thompson, Executive Director of the
16 DEQ, reported that he receives
17 compensation from Devon Energy. In
18 order to avoid conflicts of interests
19 for Mr. Thompson, the Agency will
20 ensure that he is not involved in
21 permitting or enforcement related to
22 Devon Energy by requiring the Deputy
23 Executive Director to act in his
24 place as needed concerning Devon.

25 MR. DARK: Is that oil and

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1 for Regional Haze. That issue has,
2 to say the least, become somewhat
3 controversial. Without getting too
4 deeply into the details of the
5 history of the issue, I thought it
6 was important, particularly at my
7 last meeting, to address the general
8 decision-making process behind our
9 actions.

10 As you are aware EPA rejected
11 Oklahoma's State Implementation Plan
12 and ultimately imposed a Federal
13 Implementation Plan to address
14 Regional Haze. After that occurred,
15 one of the two effected public
16 utilities, Public Service Company of
17 Oklahoma, came to DEQ with a proposed
18 alternative to the Federal
19 Implementation Plan.

20 Now, it is not my job to
21 defend PSO's proposal, but when one
22 looked at the cost of compliance with
23 the FIP, the Federal Implementation
24 Plan, and the necessity to address
25 additional existing and future

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1 gas?

2 MR. THOMPSON: It is.

3 MR. DARK: I want to
4 clarify, you're probably not
5 consulting.

6 MR. THOMPSON: No, no, no.
7 Absolutely not. It is oil and gas
8 right now.

9 MR. SIMS: The only comment
10 I'll make, are you going to share?

11 MR. THOMPSON: I am sharing.
12 She's back home in El Reno.

13 Okay. I wanted to cover a
14 number of issues with you this
15 morning.

16 The first one is that again
17 this year, along with bills and
18 resolutions that we requested or that
19 we actively supported, passed the
20 Legislature and were signed by the
21 Governor. So we had another very
22 successful year at the Legislature.

23 The DEQ has been working
24 through issues related to compliance
25 with the Clean Air Act requirements

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1 requirements of the Clean Air Act, it
2 was understandable why the proposal
3 was brought to the Secretary of
4 Energy, the Secretary of Environment,
5 and to me.

6 Now over the history of the
7 DEQ, the regulated community has
8 brought literally thousands of
9 compliance plans to the DEQ. The
10 job of the DEQ has been and,
11 hopefully, will continue to be to
12 determine whether those plans meet
13 the requirements of the State
14 Environmental Regulation and to work
15 with the Environmental Protection
16 Agency to ensure that the proposals
17 meet the requirements of federal law.
18 The fact that this action became
19 controversial did not deter us from
20 doing that -- which we have done
21 many, many, many times in the past
22 for virtually every entity that comes
23 under our jurisdiction. Now that
24 proposal has been approved by EPA for
25 Notice in the Federal Register. That

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1 Notice will be published today and
2 run for 30 days; the comment period
3 ending September 20th.

4 I'll pause for questions.

5 MR. DARK: May be a
6 statement? This is a map of all the
7 regional -- all of the -- purpose of
8 it so Oklahoma is really not too
9 involved; correct?

10 MR. THOMPSON: Pretty
11 involved.

12 MR. DARK: Oklahoma should
13 not be too impacted, but it is;
14 correct?

15 MR. THOMPSON: Well, let me
16 just say that the impact will be
17 more financial than probably
18 environment. Okay? But the DEQ has
19 no decision-making power on utility
20 rates. We just do not.

21 MR. DARK: Right.

22 MR. THOMPSON: We were
23 brought a proposal, we did our job,
24 and now we're moving on.

25 MR. DARK: Very good.

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1 League, the Oklahoma Rural Water
2 Association, and the Office of the
3 Secretary of Environment. The DEQ is
4 committed to the assessment depending
5 upon its cost, and we are also
6 committed to evaluate and where
7 appropriate implement recommendations
8 from the assessment. So that effort
9 will be ongoing in the next year.

10 DR. HAMMON: Steve, what's
11 the target date for completion of
12 that assessment?

13 MR. THOMPSON: I don't know
14 that that has been said. We're
15 still -- OEMS is still trying to
16 frame the assessment and to evaluate
17 who might be able to do that
18 assessment. I don't -- my sense is
19 they feel like they are going to
20 have to go out with an RFP to ask
21 some independent contractor to come
22 in and look at that. So I don't
23 know if the scope of the assessment
24 has been determined. I don't know
25 that the cost of it has been

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1 MR. THOMPSON: As I
2 mentioned earlier through a coalition
3 which included the Office of the
4 Secretary of Environment, the
5 Oklahoma Municipal League, the
6 Oklahoma Rural Water Association, and
7 DEQ, we received an appropriate of
8 \$1.5 million and \$.5 million fee
9 increase which was approved by this
10 Board to support primacy for three
11 public water supply rules and to
12 address the inefficiencies in the
13 current program.

14 During the negotiations leading
15 up to that effort DEQ committed to
16 undergo a third-party assessment to
17 determine if additional efficiencies
18 could be brought to the program.
19 DEQ is currently in negotiations with
20 the Oklahoma Office of Management and
21 Enterprise Services to develop the
22 assessment. We met with one of
23 their representatives just last week.
24 Input to the assessment will be
25 sought from the Oklahoma Municipal

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1 determined, and I'm sure that the
2 contractor has not been determined.
3 So that will come at a later date
4 but I think we are too early in the
5 process to know that.

6 On May 19th, Central Oklahoma
7 was hit by a series of violent
8 tornadoes that caused damage in
9 communities of Shawnee, Carnie, and
10 other outlying communities. And then
11 on May 20th, and EF tornado caused
12 massive damage to Moore and Oklahoma
13 City. And the employees of the DEQ
14 literally sprang into action to
15 assist affected citizens and
16 communities. A call went out to
17 assist with search and rescue and
18 DEQ's Criminal Investigation Unit;
19 Dennis Williams, Michael Freeman,
20 Mike MacElvaney (phonetic), responded
21 and that unit was asked to assist in
22 the area at and around the Plaza
23 Tower School in Moore. Our first
24 and most important program issue was
25 to assist communities who were quick

Myers Reporting

Sheet 15 Page 54

1 to respond to and to return safe
2 drinking water to its citizens. That
3 assistance was not only offered to
4 communities, but to citizens with
5 private wells.

6 Personnel from DEQ's Water
7 Quality Division, Environmental
8 Complaints and Local Services, and
9 our State Environmental Laboratory
10 Services Division worked nights and
11 weekends to ensure that water was
12 safe for use and we were able to
13 waive the fees for those services.

14 DEQ's Emergency Response
15 Coordinator, Monty Elder, began the
16 job of coordinating our response with
17 Oklahoma's Office of Emergency
18 Management and other state and
19 federal agencies. It was through
20 Monty's effort that the coordination
21 between DEQ and the Office of
22 Emergency Management, the
23 Environmental Protection Agency, and
24 FEMA was virtually seamless.
25 DEQ's Land Protection Division

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1 completed the task of ensuring that
2 low level radioactive sources were
3 accounted for and secured as well as
4 surveying any response needs to
5 address hazardous materials.

6 Plans were developed through
7 the efforts of the Land Protection
8 Division and ECLS, and Monty Elder,
9 to assist communities with the
10 massive job of debris disposal which
11 is still ongoing. And again, solid
12 waste fees for storm debris were
13 waived.

14 As debris removal began, the
15 Air Quality Division responded to
16 requests for air quality monitoring.
17 And then, as at least in the
18 execution of our employees efforts
19 was beginning to come together and
20 there was hope for some relief both
21 mentally and physically, it happened
22 again.

23 On May 31st, which was what
24 apparently was the widest EF tornado
25 ever recorded ripped through Canadian

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1 County and portions of Oklahoma
2 County causing widespread damage, not
3 only from the tornado, but from
4 flooding and from softball size hail
5 that accompanied the storm.

6 Again, this was in the area
7 that was supervised by ECLS by Bruce
8 Vandelin (phonetic). I know that
9 Rick Austin is here. We went
10 through similar things in Rick's area
11 several years ago, so we began to
12 pull Rick out of his area to respond
13 to emergencies across the state. So
14 we're very grateful to them.

15 But when that happened 11 days
16 later, again, the response of the
17 employees of the Department of
18 Environmental Quality was
19 magnificent.

20 So I hope you will join me in
21 thanking them for their efforts
22 during that period of time.

23 (Applause)
24 MR. THOMPSON: (Inaudible)
25 wasn't my greatest accomplishment was

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1 -- I told them I didn't intend to
2 talk in terms of accomplishments but
3 my greatest pride, the pride I felt,
4 was the work of the staff of DEQ
5 during those two big events.

6 And finally, it has been my
7 distinct honor to have served as the
8 Executive Director of the Oklahoma
9 Department of Environmental Quality
10 for the last 11 years. The efforts
11 of the Environmental Quality Board
12 and all our Councils on behalf of
13 the citizens of the State and the
14 quality of the staff of DEQ have
15 made my job easy. If I were to
16 presume to give advice to my
17 successor, and you know that I will,
18 it would be to listen to the Board;
19 listen to the Councils; listen to the
20 staff; if one does that, it almost
21 guarantees success.

22 Thank you all very much.
23 MR. WENDLING: Thank you,
24 Steve. I appreciate your comments.
25 (Applause)

Myers Reporting

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1 MR. WENDLING: I realize
2 this is your last update before us
3 but I really think you hit home
4 towards the end, especially, with the
5 discussions of how the Department
6 contributed to a catastrophic event
7 that we all experienced, and the
8 efforts that you went into. I think
9 that speaks highly of the role of
10 the DEQ and how they can step in in
11 situations like that, and not only
12 help the citizens but protect the
13 environment while doing that, and
14 using the expertise that exists
15 within the organization. And I think
16 to be honest with you, the success
17 of a lot of organizations depends on
18 the leadership they have and the
19 Board truly believes that your
20 leadership is what has helped drive
21 the success of the organization and
22 DEQ. So thank you very much.
23 MR. THOMPSON: Well, that's
24 very kind. Most of the time it's
25 I'm their leader, there they go, I

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1 must get in front of them. Thank
2 you very much.
3 MR. WENDLING: You gave them
4 freedoms so they can execute; right?
5 All right. Next on the Agenda
6 we -- it's kind of ironic but we do
7 have -- one of our statutory duties
8 is to -- of the Board, our
9 responsibilities are related to the
10 executive compensation and then the
11 performance review of the Chairman --
12 not the Chairman but the Executive
13 Director. So with that, what I'd
14 like to do is continue along those
15 lines and read what our duties are.
16 We are responsible to appoint,
17 set the compensation of the Executive
18 Director and to assist the DEQ in
19 conducting periodic reviews and
20 planning activities for goals,
21 objectives, priorities and policies
22 in the DEQ. In connection to these
23 responsibilities, the Board has
24 determined that they should conduct
25 its annual performance review of the

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1 Executive Director. And so in order
2 to do that -- in open session we
3 have to consider under Title 25 of
4 the Oklahoma Statutes, Section
5 307(B)(1) we have to have a majority
6 of the vote of the Board to
7 determine if we want to go into
8 Executive Session. So with that, I
9 would open this --
10 MR. JOHNSTON: I make a
11 motion we go to Executive Session.
12 MR. GRIESEL: I'll second.
13 MR. WENDLING: All right.
14 Let's do a roll call for us to go
15 into Executive Session.
16 MS. FIELDS: Mr. Dark.
17 MR. DARK: Yes.
18 MS. FIELDS: Mr. Griesel.
19 MR. GRIESEL: Yes.
20 MS. FIELDS: Dr. Hammon.
21 DR. HAMMON: Yes.
22 MS. FIELDS: Mr. Johnston.
23 MR. JOHNSTON: Yes.
24 MS. FIELDS: Ms. Kunze.
25 MS. KUNZE: Yes.

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1 MS. FIELDS: Mr. Mason.
2 MR. MASON: Yes.
3 MS. FIELDS: Mr. Sims.
4 MR. SIMS: Yes.
5 MS. FIELDS: Mr. Wendling.
6 MR. WENDLING: Yes.
7 All right. We will proceed to the
8 room next door, out the door to the
9 right. Thank you.
10 (Whereupon, the Board went into
11 Executive Session)
12 (Whereupon, the Board came out
13 of Executive Session)
14 MR. WENDLING: I want to
15 thank everybody for their patients.
16 Where ready to come back into open
17 session.
18 MR. JOHNSTON: So moved.
19 MR. WENDLING: Can I have a
20 second?
21 MR. DARK: Second.
22 MR. WENDLING: All right.
23 MS. FIELDS: Mr. Dark.
24 MR. DARK: Yes.
25 MS. FIELDS: Mr. Griesel.

Myers Reporting

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1 MR. GRIESEL: Yes.
2 MS. FIELDS: Dr. Hammon.
3 DR. HAMMON: Yes.
4 MS. FIELDS: Mr. Johnston.
5 MR. JOHNSTON: Yes.
6 MS. FIELDS: Ms. Kunze.
7 MS. KUNZE: Yes.
8 MS. FIELDS: Mr. Mason.
9 MR. MASON: Yes.
10 MS. FIELDS: Mr. Sims.
11 MR. SIMS: Yes.
12 MS. FIELDS: Mr. Wendling.
13 MR. WENDLING: Yes.

14 All right. Were back in open
15 session now.

16 One of the things I'd like to
17 do is just give a little bit of an
18 idea, you know, our discussion during
19 closed session, and one of the things
20 we've done has forced us to -- it's
21 kind of an awkward situation with
22 Steve leaving regarding reviewing
23 future performance or looking at --
24 one of things we normally look at is
25 a potential for any salary increase

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1 in things like this. So it was a
2 little different session this time
3 and a lot of it was focused on
4 accomplishments over the last year,
5 and some opportunities that may be
6 for the future that the Board should
7 consider. But with that regard, what
8 we would like to do is again
9 acknowledge, not just Steve's
10 performance but the performance of
11 the Agency over the last year.
12 Steve always provides us with a
13 summary document that goes through
14 some of the accomplishments of the
15 Agency. And when we look at those
16 accomplishments it's obvious that the
17 Agency is well run and they do an
18 excellent outstanding job supporting
19 the community and executing their
20 functions and their responsibilities.
21 So we want to acknowledge that.

22 We also want to recognize Steve
23 for the effort he has made to create
24 and be part of the Agency that he
25 has been in over his career.

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1 He's had passion and a focus
2 on protecting the environment, the
3 citizens of Oklahoma; he's helped
4 build and maintain a quality of a
5 well-respected Agency, and staff with
6 quality personnel. He's continued
7 with the staff to look at ways to
8 improve the Agency and the way that
9 they conduct business. Especially in
10 light of a lot of the budget
11 constraints we have been faced with
12 and a lot of the constant evolving
13 regulations we have coming our way.
14 And he's worked with this staff to
15 create an Agency that is customer-
16 focused and that's obvious when we
17 look at the summary document and what
18 the Agency has done and continues to
19 do to support the public. And
20 really have a viewpoint of being a
21 to help guide. So anyway, we really
22 want to recognize your
23 accomplishments and what you've done
24 over your tenure, Steve. And from
25 our viewpoint one of the things we

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1 know, you will leave a legacy behind,
2 a legacy that will be remembered for
3 a long time. And so with that, we
4 want to give you our congratulations
5 on a job well done. So thank you,
6 Steve.

7 MR. THOMPSON: Thank you.
8 (Applause)

9 MR. WENDLING: When Steve
10 leaves, one of the other things we
11 spent some time in discussion on is
12 a replacement for the Executive
13 Director. And we reviewed the
14 process and spent quite a bit of
15 time talking about different
16 alternatives that we have the ability
17 to do as a Board. And so we've made
18 a decision on that, and what I'd
19 like to do is make a motion for the
20 Board to approve.

21 And the motion is to form a
22 subcommittee led by the Vice-Chair,
23 Jan Kunze, to conduct the search and
24 make a recommendation to the full
25 Board for approval.

Myers Reporting

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1 MR. GRIESEL: I'll second.
2 MR. WENDLING: All right.
3 Can we have a roll call on that.
4 MS. FIELDS: Mr. Dark.
5 MR. DARK: Yes.
6 MS. FIELDS: Mr. Griesel.
7 MR. GRIESEL: Yes.
8 MS. FIELDS: Dr. Hammon.
9 DR. HAMMON: Yes.
10 MS. FIELDS: Mr. Johnston.
11 MR. JOHNSTON: Yes.
12 MS. FIELDS: Ms. Kunze.
13 MS. KUNZE: Yes.
14 MS. FIELDS: Mr. Mason.
15 MR. MASON: Yes.
16 MS. FIELDS: Mr. Sims.
17 MR. SIMS: Yes.
18 MS. FIELDS: Mr. Wendling.
19 MR. WENDLING: Yes.
20 Thank you, Jan. So it's going
21 to be -- hopefully we do recognize
22 as a Board that we want to move as
23 soon as we can to find appropriate
24 new leadership in place. So with
25 all due respect, we understand the

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1 urgency and we do have a desire to
2 move as quickly as we can.
3 All right. Any other motions
4 related to our meeting?
5 MR. GRIESEL: I'd like to
6 make a motion to continue this
7 meeting until September 19th at 1:00
8 p.m. where the Board will reconvene
9 to appoint an interim Executive
10 Director of the DEQ, Oklahoma
11 Department of Environmental Quality
12 pursuant to title 27A of the Oklahoma
13 statutes, sections 2 3 201(E) (3).
14 MR. DARK: Second.
15 MR. WENDLING: Roll call
16 please.
17 MS. FIELDS: Mr. Dark.
18 MR. DARK: Yes.
19 MS. FIELDS: Mr. Griesel.
20 MR. GRIESEL: Yes.
21 MS. FIELDS: Dr. Hammon.
22 DR. HAMMON: Yes.
23 MS. FIELDS: Mr. Johnston.
24 MR. JOHNSTON: Yes.
25 MS. FIELDS: Ms. Kunze.

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1 MS. KUNZE: Yes.
2 MS. FIELDS: Mr. Mason.
3 MR. MASON: Yes.
4 MS. FIELDS: Mr. Sims.
5 MR. SIMS: Yes.
6 MS. FIELDS: Mr. Wendling.
7 MR. WENDLING: Yes.
8 (Inaudible Discussion)
9 MR. GRIESEL: I'd like to
10 amend the motion previously read to
11 state location of said meeting to be
12 the Oklahoma Attorney General's
13 office.
14 MR. DARK: Second.
15 MR. GRIESEL: In Oklahoma
16 City.
17 MR. EUBANKS: 313 Northeast
18 21st Street, Oklahoma City, Oklahoma.
19 MR. DARK: Second.
20 MS. FIELDS: Mr. Dark.
21 MR. DARK: Yes.
22 MS. FIELDS: Mr. Griesel.
23 MR. GRIESEL: Yes.
24 MS. FIELDS: Dr. Hammon.
25 DR. HAMMON: Yes.

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1 MS. FIELDS: Mr. Johnston.
2 MR. JOHNSTON: Yes.
3 MS. FIELDS: Ms. Kunze.
4 MS. KUNZE: Yes.
5 MS. FIELDS: Mr. Mason.
6 MR. MASON: Yes.
7 MS. FIELDS: Mr. Sims.
8 MR. SIMS: Yes.
9 MS. FIELDS: Mr. Wendling.
10 MR. WENDLING: Yes.
11 All right. What I'd like to
12 do is move forward with the next
13 Agenda item. Continuing on our list
14 it is the review of the calendar
15 year 2014 as far as locations.
16 What is proposed is Friday,
17 February 21, the Board would meet in
18 Oklahoma City. On Tuesday, June
19 17th, we would meet in McAlester; on
20 August 19th we would meet in Tulsa;
21 and on November 12th we would meet
22 in Altus. Any questions?
23 MR. MASON: I sure like
24 Quartz Mountain. It's a little bit
25 closer. It's a beautiful State

Myers Reporting

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1 lodge. That's what I would suggest;
2 Quartz Mountain or Lawton.
3 DR. HAMMON: Could I ask if
4 we could switch the August and
5 November locations and flip-flop
6 those?

7 Coming from Bartlesville, I
8 really appreciate it, it's wonderful
9 to have this meeting in my own
10 backyard but the November -- the
11 middle of November drive all the way
12 across the state I would prefer in
13 August. And I know that others --
14 it's more for personal reasons.

15 MR. WENDLING: Regarding
16 locations, if we would meet like at
17 Quartz Mountain, what about the
18 ability of attendance at the meeting,
19 the public, is that an issue?

20 MR. MASON: Not for me.

21 MR. WENDLING: Okay.

22 MR. THOMPSON: I would
23 suggest that it's not unusual for
24 agencies and boards and outside of
25 state government to meet at Quartz

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1 Mountain.

2 MR. WENDLING: Okay. So
3 I've heard a couple of suggestions.

4 One is to swap the dates and
5 locations. The current November 12th
6 location at Altus would be changed to
7 Quartz Mountain. And the current
8 location on August 19th in Tulsa,
9 both of those will be swapped so
10 that on August 19th we will now meet
11 at Quartz Mountain. And on November
12 12th we will now meet in Tulsa. Is
13 that what you are proposing?

14 DR. HAMMON: Yes, please.

15 MR. WENDLING: Okay. Do I
16 have a second on that?

17 MR. DARK: I'll second that.

18 MR. WENDLING: All right.

19 Roll call please.

20 MS. FIELDS: Mr. Dark.

21 MR. DARK: Yes.

22 MS. FIELDS: Mr. Griesel.

23 MR. GRIESEL: Yes.

24 MS. FIELDS: Dr. Hammon.

25 DR. HAMMON: Yes.

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

13 Next on the Agenda is New Business,
14 and that is any matter not known
15 about which could not have reasonably
16 been foreseen prior to the time of
17 the posting of the agenda.

18 Is there any new business?

19 Okay. Hearing none, what I
20 would like to announce is our next
21 meeting is November 13th, it will be
22 in Muskogee, and the exact meeting
23 location and time will follow up
24 publicly in the future.

25 With that, I'd like to end the

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1 meeting. It's been a busy day and
2 I'd like to have a motion to
3 adjourn.

4 MR. DARK: So moved.

5 MR. JOHNSTON: Second.

6 MR. WENDLING: All right.

7 Roll call please.

8 MS. FIELDS: Mr. Dark.

9 MR. DARK: Yes.

10 MS. FIELDS: Mr. Griesel.

11 MR. GRIESEL: Yes.

12 MS. FIELDS: Dr. Hammon.

13 DR. HAMMON: Yes.

14 MS. FIELDS: Mr. Johnston.

15 MR. JOHNSTON: Yes.

16 MS. FIELDS: Ms. Kunze.

17 MS. KUNZE: Yes.

18 MS. FIELDS: Mr. Mason.

19 MR. MASON: Yes.

20 MS. FIELDS: Mr. Sims.

21 MR. SIMS: Yes.

22 MS. FIELDS: Mr. Wendling.

23 MR. WENDLING: Yes.

24 Has anyone signed up for the
25 public forum?

Myers Reporting

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1 Is anyone present that would
2 like to speak?
3 All right. Seeing none, I
4 think we are officially adjourned for
5 the day. So thank you all for
6 coming and for those of you that
7 have some long travels, especially
8 backed up on the city, with the
9 traffic and construction, be safe on
10 the road. Thank you.
11 (Proceeding continued to
12 September 19, 2013)
13 (Meeting adjourned)

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1 C E R T I F I C A T E
2 STATE OF OKLAHOMA)
3) ss:
4 COUNTY OF OKLAHOMA)
5 I, CHRISTY A. MYERS, Certified
6 Shorthand Reporter in and for the
7 State of Oklahoma, do hereby certify
8 that the above meeting is the truth,
9 the whole truth, and nothing but the
10 truth; that the foregoing meeting was
11 taken down in shorthand and
12 thereafter transcribed by me; that
13 said meeting was taken on the 20th
14 day of August, 2013, at Bartlesville,
15 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 9th day of
22 September, 2013.
23 *Christy A. Myers*
24 CHRISTY A. MYERS, C.S.R.
25 Certificate No. 00310



ENVIRONMENTAL QUALITY BOARD

Attendance Record

August 20, 2013

Bartlesville, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Quiana Fields	DEQ
RICIE AUSTIN	DEQ
Cindy Preturat	DEQ
Jerby Johnston	DEQ BOARD
Martha Peniston	DEQ
Eddie Terrill	DEQ
Shellee Chavel McClary	DEQ
Skylan McE	DEQ
Billy Sims	DEQ Board
Christy Wylss	Court Ref
Carly Schnathman	Sec of Environment
Tyler Powell	Sec of Environment
Wendy Caperton	DEQ
Jeff Thompson	DEQ
Chris Anthony	DEQ
Laura Wood	ARC
CHAD VAN BUREN	NEWFIELD
Beverly Ditchet-Smith	DEQ
Rob Singletary	DEQ
Tracy Hammon	DEQ Board
JOHN WENDLING	DEQ Board
Jan Kenze	EQ Board
Kelly Danner	OMI
Brendon Danner	Self
Clayton Eubanks	AG
Gratt Cull	BP

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TRANSCRIPT OF PROCEEDINGS
OF THE ENVIRONMENTAL QUALITY
BOARD CONTINUED MEETING
ON SEPTEMBER 19, 2013, AT 1:00 P.M.
IN OKLAHOMA CITY, OKLAHOMA

* * * * *

1 MEMBERS OF THE BOARD

2 JERRY JOHNSTON

3 JOHN WENDLING

4 MIKE CASSIDY

5 DAVID GRIESEL

6 TRACY HAMMON

7 JAMES KINDER

8 JAN KUNZE

9 TERRI SAVAGE

10 BILLY SIMS

11 TONY DARK

12 STEVE MASON

13 TIM MUNSON

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PROCEEDINGS

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MR. WENDLING: All right.
The September 19, 2013 meeting of the Environmental Quality Board has been continued from the August 20, 2013 regular meeting according to the Oklahoma Open Meeting Act Section 3.11 of Title 25 of the Oklahoma Statutes. Notice was given by announcement at the regular meeting and was filed with the Secretary of State on August 23rd of this year. Agendas were mailed to interested parties on September 19, 2013 -- I'm sorry, September 9, 2013 and were posted at the DEQ on September 17, 2013.

Only matters appearing on the Agenda of the meeting, which is continued may be considered. If this meeting is continued or reconvened, we must announce today the date, time, and place of the continued meeting and the Agenda for such

1 continuation will remain the same as
2 today's Agenda.

3 Okay. Let's have a roll call
4 please.

5 MS. FIELDS: Mr. Cassidy.

6 MR. CASSIDY: Here.

7 MS. FIELDS: Mr. Dark is
8 absent. Mr. Griesel.

9 MR. GRIESEL: Here.

10 MS. FIELDS: Dr. Hammon.

11 DR. HAMMON: Here.

12 MS. FIELDS: Mr. Johnston is
13 absent. Mr. Kinder.

14 MR. KINDER: Here.

15 MS. FIELDS: Ms. Kunze.

16 MS. KUNZE: Here.

17 MS. FIELDS: Mr. Mason.

18 MR. MASON: Present.

19 MS. FIELDS: Mr. Munson.

20 MR. MUNSON: Here.

21 MS. FIELDS: Ms. Savage.

22 MS. SAVAGE: Here.

23 MS. FIELDS: Mr. Sims.

24 MR. SIMS: Here.

25 MS. FIELDS: Mr. Wendling.

1 MR. WENDLING: Here.

2 MS. FIELDS: We have a
3 quorum.

4 MR. WENDLING: All right.
5 Thank you very much. I wanted to --
6 if you look on the Agenda --

7 (Microphone feedback)

8 MR. WENDLING: -- you will
9 notice an adjournment of this
10 meeting. After review following the
11 last meeting, and discussions with
12 the Attorney General, it was
13 determined that we would like to
14 adjourn this meeting in lieu of a
15 special meeting which would follow
16 this to cover the topics that are on
17 the Agenda today. And I think at
18 the time, and the discussions we had,
19 we felt that that would be a clean
20 way to continue with the topics we
21 have at hand.

22 So are there any questions from
23 the Board at this time? Okay.

24 Any questions from the public?
25 If not, I move that we adjourn this

1 meeting which is a continuation of a
2 previous meeting in Bartlesville.

3 Do I have a second?

4 MR. GRIESEL: Second.

5 MR. WENDLING: Okay. Roll
6 call please.

7 MS. FIELDS: Mr. Cassidy.

8 MR. CASSIDY: Yes.

9 MS. FIELDS: Mr. Griesel

10 MR. GRIESEL: Yes.

11 MS. FIELDS: Dr. Hammon

12 DR. HAMMON: Yes.

13 MS. FIELDS: Mr. Kinder.

14 MR. KINDER: Yes.

15 MS. FIELDS: Ms. Kunze.

16 MS. KUNZE: Yes.

17 MS. FIELDS: Mr. Mason.

18 MR. MASON: Yes.

19 MS. FIELDS: Mr. Munson.

20 MR. MUNSON: Yes.

21 MS. FIELDS: Ms. Savage.

22 MS. SAVAGE: Yes.

23 MS. FIELDS: Mr. Sims.

24 MR. SIMS: Yes.

25 MS. FIELDS: Mr. Wendling.

1 MR. WENDLING: Yes.

2 MS. FIELDS: Motion passed.

3 MR. WENDLING: Okay. All

4 right. Thank you.

5 (Meeting adjourned)

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1 C E R T I F I C A T E

2 STATE OF OKLAHOMA)

3) s s :

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 19th
 14 day of September, 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 7th day of
 22 October, 2013.

23 *Christy A. Myers*

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



ENVIRONMENTAL QUALITY BOARD

Attendance Record

September 19, 2013

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Jhelle Chandel McClary	DEQ 405 702 8157
Quiana Fields	DEQ
Jan L. Kunze	EQ 405 525 5709
Martha Adams	DEQ X 2184
Paul L. Swage	DEQ 405-843-0420
MS	"
Stanton McElhoney	DEQ 405-702-7167
Steve Landers	Georgia Pacific 918-684-4859
Eddie Terrill	DEQ -
Ray Calk	DEQ -
David Sreeda	DEQ
Sung W. Kinder	DEQ Board
Margaret Kinder	DEQ Board
Jacelynn	DEQ Board
Clayton Eubanks	OAG
Mike Cassidy	EQB
Steve	DEQ
BOB KABATINE	TERRACEN 405-570-8505
CHRIS ARMSTRONG	DEQ
Pete Schultze	WM
Mista Burgess	DEQ
Scott Thompson	DEQ
Billy Sims	DEQ Board
John Wendling	DEQ Board