

**REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD**

A Public Meeting: 9:30 a.m. Tuesday, August 20, 2013
Tri-County Technology Center
6101 Nowata Road
Bartlesville, Oklahoma

Please turn off cell phones.

1. **Call to Order** – John Wendling, Chair
2. **Roll Call** – Quiana Fields, Board Secretary
3. **Approval of Minutes** of the February 22, 2013, Regular Meeting
4. **Rulemaking – OAC 252:100 Air Pollution Control**

The DEQ proposes to amend OAC 252:100, Subchapter 7, Permits for Minor Facilities, to add a new Permit By Rule (PBR) for minor facilities and area sources in the oil and natural gas (O&NG) sector. The PBR would streamline the permitting process for O&NG sources affected by recent changes to the federal standards. The DEQ is also proposing to update the PBR general requirements and references and to change the requirements under PBRs to make registration effective upon the DEQ's receipt of the application.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on permanent adoption

5. Rulemaking – OAC 252:100 Air Pollution Control (Emergency)

The DEQ proposes to amend OAC 252:100, Subchapter 7, Permits for Minor Facilities, described above in Agenda Item 4, as an emergency measure. Devon Energy Corporation, Mid-Continent Oil and Gas Association of Oklahoma, Inc. (MOGA), and Oklahoma Independent Petroleum Association (OIPA) have all requested that these amendments be processed as both permanent and emergency rulemaking actions. Implementing the proposed rule as an emergency rule will allow many sources in Oklahoma to potentially avoid the applicability of new Federal requirements imposed on certain Oil & Gas sites by providing enforceable emission limits below the applicable Federal threshold without having to go through a more lengthy individual permitting process.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on finding of emergency
- Discussion and possible action by the Board, which may include a roll call vote on emergency adoption

6. Rulemaking – OAC 252:100 Air Pollution Control

The DEQ proposes 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 Permit by Rule (PBR). 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.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on permanent adoption

7. Rulemaking – OAC 252:100 Air Pollution Control (Emergency)

The DEQ proposes to amend OAC 252:100, Subchapter 5, Registration, Emission Inventory and Annual Operating Fees, described above in Agenda Item 6, as an emergency measure. Implementing the proposed rule as an emergency measure will exempt the facilities registered under a permit-by-rule from the existing requirement mandating the reporting of annual emission inventories for 2013 and, thereby, reduce the regulatory burden placed on these facilities.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on finding of emergency
- Discussion and possible action by the Board, which may include a roll call vote on emergency adoption

8. Rulemaking – OAC 252:100 Air Pollution Control

The DEQ proposes to amend Appendix E, Primary Ambient Air Quality Standards, to maintain consistency with the National Ambient Air Quality Standards (NAAQS). The existing Appendix E will be revoked and replaced with a new Appendix E that includes changes made to the NAAQS for fine particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}). These amendments reflect changes made by the U.S. Environmental Protection Agency in the federal NAAQS rules on January 13, 2013 (78 CFR 3085). The proposed rulemaking would ensure the revised NAAQS is enforceable under the state program rules.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on permanent adoption

9. Executive Director’s Report – Steve Thompson, DEQ Executive Director (The Report includes employee financial disclosures, if any.)

10. DEQ Operational Budget Request

DEQ budget requests to the Governor through the Office of Enterprise and Management Services (OMES) require approval of the Board. The operational budget request for State Fiscal Year (SFY) 2015 (beginning July 1, 2014) must be submitted to OMES by October 1st of this year. The law requires that all state agencies submit a five-year budget. The request for the coming year, SFY 2015, is the most critical. DEQ is requesting that its SFY 2015 state general revenue funding be maintained at the SFY 2014 level.

- Presentation – Steve Thompson, DEQ Executive Director
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on permanent adoption

11. 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.

- In open session, discussion by the Board
- In open session, consideration of possible executive session pursuant to Title 25 Oklahoma Statutes Section 307(B)(1) (discussion of employment actions related to any individual salaried public officer or employee), if authorized by recorded majority vote of a quorum of the Board members present
- In open session, if executive session approved, designation of person to keep minutes in executive session
- In executive session, discussion of Executive Director's performance, of the Executive Director's pending retirement and of the process and criteria to be used to identify possible applicants
- In open session, roll call vote to resume regular Board meeting
- In open session, possible roll call vote on specific actions or recommendations as a result of the Executive Director's performance review, the Executive Director's pending retirement and/or the process and criteria to identify applicants

12. Calendar Year 2014 Board meeting dates and locations: Discussion and vote by Board

13. New Business (Any matter not known about and which could not have been reasonably foreseen prior to the time of posting the agenda)

14. Next meeting: November 13, 2013, Muskogee, Oklahoma

15. Adjournment

Public Forum – Following Adjournment -- The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

Some members of the Board and senior staff members from DEQ will meet for dinner in Bartlesville on the evening of August 19, 2013. This is a social occasion. It is uncertain whether a majority of the Board will be present, but no Board or DEQ business will be conducted.