

MINUTES
ENVIRONMENTAL QUALITY BOARD
NOVEMBER 13, 2014
NORTHEASTERN STATE UNIVERSITY (NSU)
BROKEN ARROW, OKLAHOMA

Official EQB Approved
On February 20, 2015

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Northeastern State University, 3100 East New Orleans Street, Broken Arrow, 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 18, 2013. The agenda was mailed to interested parties on October 31, 2014, and was posted at the DEQ and the facility on November 12, 2014. Mr. John Wendling, Chair, was unable to attend the meeting so Ms. Jan Kunze, Vice-Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed. Ms. Kunze welcomed Representative David Brumbaugh.

MEMBERS PRESENT

Daniel Blankenship
Shannon Ferrell
David Griesel
Tracy Hammon
Jerry Johnston
James Kinder
Jan Kunze
Steve Mason
Tim Munson
Billy Sims
Loretta Turner
Cheryl Vaught

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Martha Penisten, General Counsel
Michelle Wynn, Legislative Liaison
Catherine Sharp, Administrative Services Division
Amber Miller, Administrative Services Division
Eddie Terrill, Air Quality Division
Lloyd Kirk, Office of External Affairs
Shellie Chard-McClary, Water Quality Division
Chris Armstrong, State Environmental Laboratory Services
Gary Collins, Environmental Complaints & Local Services
Rick Austin, Environmental Complaints & Local Services
Kelly Dixon, Land Protection Division
Jon Roberts, Land Protection Division
Mike Edwards, Land Protection Division
Erin Hatfield, Public Information Officer
Cindy Przekurat, Executive Director's Office
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

John Wendling

OTHERS PRESENT

Representative David Brumbaugh
Tyler Powell, Office of the Secretary of Energy & Environment
Clayton Eubanks, Office of the Attorney General
Lee Grater, Hazardous Waste Management Advisory Council
Brian Duzan, Water Quality Management Advisory Council
Cheryl O'Meilia, Court Reporter

Approval of Minutes – Mr. Johnston moved to approve the Minutes from the August 19, 2014 Regular Meeting. Mr. Kinder made the second.

transcript pages 5 - 6

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes		

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Kunze called upon Mr. Eddie Terrill, Division Director of the Air Quality Division, to present the air rule. Mr. Terrill stated the DEQ is proposing to update Appendix Q, Incorporation by Reference, to incorporate EPA's latest

regulatory changes. These changes include the addition of a new Subpart Bb in 40 CFR Part 60, which applies to certain facilities at Kraft pulp mills, and Table A-1 to Subpart A of Part 98 containing the Global Warming Potentials for use in determining carbon dioxide equivalent (CO₂e) emissions for use in greenhouse gas regulations. The DEQ is also proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. Following no comments by the Board or the public, Mr. Johnston moved to approve and Dr. Hammon made the second.

See transcript pages 6 - 9

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes		

Ms. Kunze asked Ms. Martha Penisten, General Counsel of the DEQ, to mention safety precautions on the facility so Ms. Penisten briefly talked on safety precautions in case of an emergency.

Rulemaking – OAC 252:205 Hazardous Waste Management – Ms. Kunze called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC) to present the hazardous waste rule. Mr. Grater stated the DEQ is proposing to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2014. Changes to the federal regulations for this time period include Conditional Exclusions for Solvent-Contaminated Wipes. The purpose of the Conditional Exclusions rule is to provide a consistent regulatory framework appropriate to the level of the risk posed by solvent-contaminated wipes while maintaining protection of human health and the environment and reducing overall compliance costs for industry, including small businesses. Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Blankenship moved to approve and Mr. Kinder made the second.

transcript pages 10 – 13

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes		

Rulemaking – OAC 252:307 TNI Laboratory Accreditation – Ms. Kunze called upon Mr. Brian Duzan, member of the Water Quality Management Advisory Council (WQMAC) to present the laboratory rules. Mr. Duzan stated the DEQ is proposing to adopt a new Chapter 307, TNI Laboratory Accreditation, to replace Chapter 303 and to provide standards for the voluntary accreditation of privately and publicly owned laboratories for performance of analyses of water and wastewater, solid and hazardous waste, soil sludge and petroleum hydrocarbons. These proposed rules will apply to laboratories accredited or applying to be accredited by the DEQ consistent with The NELAC Institute (TNI) standards. This proposed rulemaking is progressing in tandem with the proposed revocation of Chapter 303. Following a question by the Board and none by the public, Ms. Kunze called for a motion. Mr. Mason moved to approve and Mr. Munson made the second.

For the record Ms. Vaught entered the meeting.

transcript pages 13 - 16

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes

Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes	Cheryl Vaught	Yes

Rulemaking – OAC 252:303 TNI Laboratory Accreditation – Mr. Duzan stated the DEQ is proposing to revoke Chapter 303 in its entirety, which was scheduled to be implemented on January 1, 2016. Chapter 303 rules were to provide standards for accreditation of privately and publicly owned laboratories to perform analyses of water and wastewater, solid and hazardous waste, soil, sludge and petroleum hydrocarbons consistent with The NELAC Institute (TNI) standards. However, DEQ determined after adoption of Chapter 303 that there were inconsistencies with the TNI Standards language and that there could be difficulty in enforcing the rules as written. This proposed rulemaking is progressing in tandem with the proposed adoption of the new Chapter 307, TNI Laboratory Accreditation. Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Sims moved to approve and Mr. Griesel made the second.

transcript pages 17 - 19

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes	Cheryl Vaught	Yes

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

transcript pages 19 - 47

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes	Cheryl Vaught	Yes

Executive Director’s Report – Mr. Thompson discussed recent and ongoing agency activities.

transcript pages 47 - 61

Performance Review of Executive Director – 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. Ms. Kunze called for a motion to enter into executive session. Mr. Griesel made a motion to go into executive session. Dr. Hammon made the second. Ms. Vaught was designated as the scribe for Executive Session.

transcript pages 61 - 63

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes	Cheryl Vaught	Yes

The Board reconvened. Ms. Kunze called for a motion to come out of Executive Session and resume the Board meeting. Mr. Griesel moved to approve and Mr. Kinder made the second.

transcript pages 63 - 64

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes	Cheryl Vaught	Yes

New Business – None

Next Meeting – The next scheduled meeting will be February 20, 2015 in Oklahoma City, DEQ Multipurpose Room.

Adjournment – Ms. Kunze called for a motion to adjourn. Mr. Blankenship moved to adjourn and Dr. Hammon made the second. Meeting adjourned at 11:30 a.m.

transcript pages 65 - 66

Daniel Blankenship	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jerry Johnston	Yes	Loretta Turner	Yes
James Kinder	Yes	Cheryl Vaught	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 OKLAHOMA ENVIRONMENTAL QUALITY
BOARD MEETING
ON NOVEMBER 13, 2014, AT 9:40 A.M.
AT NORTHEASTERN STATE UNIVERSITY, BROKEN ARROW

* * * * *

REPORTED BY: Cheryl J. O'Meilie, C.S.R.

Page 2

1 MEMBERS OF THE BOARD
 2 DANIEL BLANKENSHIP, MEMBER
 3 SHANNON FERRELL, MEMBER
 4 DAVID GRIESEL, MEMBER
 5 DR. TRACY HAMMON, MEMBER
 6 JERRY JOHNSTON, MEMBER
 7 JAMES KINDER, MEMBER
 8 JAN KUNZE, VICE CHAIR
 9 STEVE MASON, MEMBER
 10 TIM MUNSON, MEMBER
 11 BILLY SIMS, MEMBER
 12 LORETTA TURNER, MEMBER
 13 CHERYL VAUGHT, MEMBER
 14 JOHN WENDLING, CHAIR
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 And I want to say welcome to all of our
 2 guests. We appreciate you coming out to -- to see
 3 the Environmental Quality Board's business and I
 4 want to give a special welcome to Representative
 5 David Brumbaugh from Broken Arrow. He is the newly
 6 elected Republican caucus chair. Thank you for
 7 joining us today.
 8 And with that, I'm going to ask Quiana for
 9 a roll call.
 10 MS. FIELDS: Mr Blankenship?
 11 MR. BLANKENSHIP: Present.
 12 MS. FIELDS: Mr. Ferrell?
 13 MR. FERRELL: Present.
 14 MS. FIELDS: Mr. Griesel?
 15 MR. GRIESEL: Present.
 16 MS. FIELDS: Dr. Hammon?
 17 DR. HAMMON: Here.
 18 MS. FIELDS: Mr. Johnston?
 19 MR. JOHNSTON: Here.
 20 MS. FIELDS: Mr. Kinder?
 21 MR. KINDER: Here.
 22 MS. FIELDS: Ms. Kunze?
 23 MS. KUNZE: Here.
 24 MS. FIELDS: Mr. Mason?
 25 MR. MASON: Present.

Page 3

1 *****
 2 MS. KUNZE: I'd like to call the meeting
 3 to order. The November 13, 2014 regular meeting of
 4 the Environmental Quality Board has been called
 5 according to the Open Meeting Act, Section 311 of
 6 Title 25 of the Oklahoma statutes.
 7 Notice was filed with the Secretary of
 8 State on November 18, 2013. Agendas were mailed to
 9 interested parties on October 31, 2014, and were
 10 posted at the DEQ and the facility on November 12,
 11 2014. Only matters appearing on the posted agenda
 12 may be considered.
 13 If the meeting is continued or reconvened,
 14 we must announce today the date, time and place of
 15 the continued meeting, and the agenda for such
 16 continuation will remain the same as today's
 17 agenda.
 18 And I'd like to say welcome to all of our
 19 guests. If you're looking at the agenda, I am not
 20 John Wendling, the chair. John -- I -- I'm Jan
 21 Kunze, the vice chair, and John has had some knee
 22 surgery and wasn't able to make our meeting today.
 23 What I think he did not know was that if you miss a
 24 meeting during your -- your tenure, I think you
 25 have to repeat the whole year.

Page 5

1 MS. FIELDS: Mr. Munson?
 2 MR. MUNSON: Here.
 3 MS. FIELDS: Mr. Sims?
 4 MR. SIMS: Here.
 5 MS. FIELDS: Ms. Turner?
 6 MS. TURNER: Here.
 7 MS. FIELDS: Ms. Vaught is absent, Mr.
 8 Wendling is absent. We have a quorum.
 9 MS. KUNZE: Thank you, Quiana.
 10 We'll ask if everyone had a chance to
 11 review our minutes of the August 19th regular
 12 meeting?
 13 MR. JOHNSTON: Move to approve.
 14 MR. KINDER: Second.
 15 MS. KUNZE: I have a motion and a second.
 16 Roll call?
 17 MS. FIELDS: Mr. Blankenship?
 18 MR. BLANKENSHIP: Yes.
 19 MS. FIELDS: Mr. Ferrell?
 20 MR. FERRELL: Yes.
 21 MS. FIELDS: Mr. Griesel?
 22 MR. GRIESEL: Yes.
 23 MS. FIELDS: Dr. Hammon?
 24 DR. HAMMON: Yes.
 25 MS. FIELDS: Mr. Johnston?

Page 6

1 MR. JOHNSTON: Yes.
 2 MS. FIELDS: Mr. Kinder?
 3 MR. KINDER: Yes.
 4 MS. FIELDS: Ms. Kunze?
 5 MS. KUNZE: Yes.
 6 MS. FIELDS: Mr. Mason?
 7 MR. MASON: Yes.
 8 MS. FIELDS: Mr. Munson?
 9 MR. MUNSON: Yes.
 10 MS. FIELDS: Mr. Sims?
 11 MR. SIMS: Yes.
 12 MS. FIELDS: Ms. Turner?
 13 MS. TURNER: Yes.
 14 MS. FIELDS: Motion passed.
 15 MS. KUNZE: Thank you.
 16 That moves us to Item Number 4, the
 17 rulemaking on the air pollution control and
 18 Eddie -- I'll turn it over to Eddie Terrill.
 19 MR. TERRILL: Is this on? Thank you.
 20 Ms. Sharon Myers couldn't be here today so
 21 you all get me and hopefully this will be fairly
 22 straightforward since they entrusted me to take
 23 care of this, so we'll see how it goes.
 24 This is a -- just a simple incorporation
 25 by reference. The department is proposing to

Page 7

1 update language to Subchapter 2, incorporation by
 2 reference, to reflect the new date of incorporation
 3 for Appendix Q, which reflects those changes that
 4 we knew of on September 1, 2014.
 5 The proposal is part of the annual update
 6 of Title 40, Code of Federal Regulation,
 7 Incorporation by Reference, in Chapter 100.
 8 Included are changes or additions to 40 CFR Part
 9 60, New Source of Performance Standards or the NSPS
 10 and Part 63, National Emissions Standards for
 11 Hazardous Air Pollutants or our NESHAPs.
 12 There are two new additions to Appendix Q.
 13 One of the rules being added to the list is 40 CFR
 14 Part 98, Subpart A. Table A-1 of the Subpart A of
 15 Part 98 contains Global Warming Potentials for use
 16 in determining carbon dioxide equivalents, that's
 17 CO2e emissions for the use in greenhouse gas
 18 regulations. This regulation is part of our air
 19 pollution control rules pertaining to air
 20 permitting and is included in the definition of CO2
 21 equivalents.
 22 The second new addition is 40 CFR Part 60,
 23 Subpart BBa, Standards of Performance for Kraft
 24 pulp mills, affected sources for which
 25 construction, reconstruction or modification

Page 8

1 commenced after May 23, 2013.
 2 In addition to these two federal rules,
 3 there are several just additions to the preamble
 4 which has already been approved by the board. At
 5 one time these were just additions to the NSPS and
 6 the NESHAP that you all approved to be part of our
 7 rules in previous meetings.
 8 The Oklahoma rules for rulemaking dictates
 9 procedures for amending a rule appendix by revoking
 10 an old and creating a new Appendix A. If we have
 11 to revoke Appendix A and then adopt a new Appendix
 12 A, including -- or Appendix Q, rather, which
 13 includes the new additions, plus the changes.
 14 So with that, I will try to answer any
 15 question.
 16 MS. KUNZE: Are there any questions of the
 17 board? Any questions of the public? Okay. Thank
 18 you, Eddie.
 19 We'll ask if there's any -- any action
 20 taken by the board?
 21 MR. JOHNSTON: Move to approve.
 22 MS. KUNZE: I have a motion for approval.
 23 DR. HAMMONS: Second.
 24 MS. KUNZE: And a second. I'd ask for a
 25 roll call.

Page 9

1 MS. FIELDS: Mr. Blankenship?
 2 MR. BLANKENSHIP: Yes.
 3 MS. FIELDS: Mr. Ferrell?
 4 MR. FERRELL: 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: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 MS. FIELDS: Ms. Kunze?
 14 MS. KUNZE: Yes.
 15 MS. FIELDS: Mr. Mason?
 16 MR. MASON: Yes.
 17 MS. FIELDS: Mr. Munson?
 18 MR. MUNSON: Yes.
 19 MS. FIELDS: Mr. Sims?
 20 MR. SIMS: Yes.
 21 MS. FIELDS: Ms. Turner?
 22 MS. TURNER: Yes.
 23 MS. FIELDS: Motion passed.
 24 MS. KUNZE: Thank you.
 25 One item I forgot as I got started here,

Page 10

1 you all have to forgive me sometimes, I'm new at
 2 this, but Martha had checked on the -- the safety
 3 and the emergency conditions for the facility.
 4 Martha, I'm going to let you update the
 5 group.
 6 MS. PENISTEN: Yes, they didn't -- the
 7 facility folks didn't have any specific safety or
 8 accident information, other than we should use
 9 these two exits right here to get out of the
 10 building. I think the outdoor exits are very
 11 nearby. And then if there is some kind of an
 12 emergency they will have an intercom announcement.
 13 Other than that, the restrooms are down
 14 the hall, down the carpeted hall across from the
 15 snack room. So that's all.
 16 MS. KUNZE: Thank you, Martha.
 17 To get back on track, we'll go to Item
 18 Number 5, which is the rulemaking on the hazardous
 19 waste management and I'll ask Mr. Lee Grater, who
 20 is the chair of the Hazardous Waste Committee.
 21 MR. GRATER: Thank you. Good morning.
 22 The Hazardous Waste Management Advisory Council met
 23 on October 9th. We voted unanimously --
 24 unanimously to approve the DEQ's proposed
 25 amendment. The purpose of the proposed amendment

Page 11

1 is to incorporate by reference the federal
 2 hazardous waste regulations found in CFR -- 40 CFR
 3 Parts 124 and 260 through 279 revised as of July 1,
 4 2014. The only relevant change to the federal haz
 5 waste program during the past year was conditional
 6 exclusion for Solvent-Contaminated Wipes Rule. The
 7 purpose of the final rule is to provide a
 8 consistent regulatory framework that is appropriate
 9 to the level of risk posed by solvent-contaminated
 10 wipes and the way that it maintains protection of
 11 -- of human health and the environment, while
 12 reducing the overall compliance costs and burden
 13 for industry, many of which are small businesses.
 14 This change is less stringent than the
 15 existing federal regs and will therefore have no
 16 substantial impact on the hazardous waste program
 17 implemented by DEQ. The primary purpose in the
 18 incorporation by reference rulemaking is to insure
 19 that the DEQ's authorized hazardous waste program
 20 remain -- remains equivalent to the federal
 21 program.
 22 Any questions?
 23 MS. KUNZE: I'll ask if there are any
 24 questions from the board? Any questions from the
 25 public?

Page 12

1 MR. GRATER: Thank you.
 2 MS. KUNZE: Thank you, Lee.
 3 With that, I'll ask if we have -- have a
 4 motion?
 5 MR. BLANKENSHIP: I move approval.
 6 MR. KINDER: Second.
 7 MS. KUNZE: I have a motion and a second.
 8 I'll ask for a roll call, please.
 9 MS. FIELDS: Mr. Blankenship?
 10 MR. BLANKENSHIP: Yes.
 11 MS. FIELDS: Mr. Ferrell?
 12 MR. FERRELL: Yes.
 13 MS. FIELDS: Mr. Griesel?
 14 MR. GRIESEL: Yes.
 15 MS. FIELDS: Dr. Hammon?
 16 DR. HAMMON: Yes.
 17 MS. FIELDS: Mr. Johnston?
 18 MR. JOHNSTON: Yes.
 19 MS. FIELDS: Mr. Kinder?
 20 MR. KINDER: Yes.
 21 MS. FIELDS: Ms. Kunze?
 22 MS. KUNZE: Yes.
 23 MS. FIELDS: Mr. Mason?
 24 MR. MASON: Yes.
 25 MS. FIELDS: Mr. Munson?

Page 13

1 MR. MUNSON: Yes.
 2 MS. FIELDS: Mr. Sims?
 3 MR. SIMS: Yes.
 4 MS. FIELDS: Ms. Turner?
 5 MS. TURNER: Yes.
 6 MS. FIELDS: Motion passed.
 7 MS. KUNZE: Thank you.
 8 Item Number 6 is the rulemaking on the
 9 laboratory accreditation and I'll ask Brian Duzan,
 10 of the Water Quality Management Advisory Council.
 11 MR. DUZAN: Okay. Chapter 307 provides
 12 standards for the voluntary accreditation of
 13 privately and publicly owned laboratories to
 14 perform analysis of water and wastewater, solid and
 15 hazardous waste, soil, sludge and petroleum
 16 hydrocarbons and will apply to laboratories
 17 accredited or applying to be accredited by the
 18 Department of Environmental Quality consistent with
 19 the NELAC Institute or TNI standards.
 20 TNI is a 501(c)(3) non-profit organization
 21 whose mission is to foster the generation of
 22 environmental data of known and documented quality
 23 through an open, inconclusive and transparent
 24 process that is -- that is responsive to the needs
 25 of the communities.

Page 14

1 The organization is managed by a board of
 2 directors and it's governed by organizational
 3 bylaws. The DEQ laboratory accreditation program
 4 is applying to TNI for authorization to become an
 5 accreditation body. Therefore, the state must --
 6 the state rules must be consistent with TNI.
 7 The new Chapter 307 incorporates the NELAC
 8 Institute (TNI) standards by reference and
 9 supplements statutory accreditation language to
 10 eliminate ambiguity and uncertainty in the TNI
 11 standards and enhance the enforceability of the
 12 rule.
 13 Definitions were updated and added to
 14 define the language of the rules and clarify
 15 ambiguous language. Fees are not being changed as
 16 part of this -- this rulemaking. Public and
 17 private laboratories that are in the accreditation
 18 program under Chapter 301 laboratory accreditation
 19 are currently following most of the rules
 20 incorporated in Chapter 307.
 21 This rule adoption process is progressing
 22 in tandem with the revocation of Chapter 303.
 23 Chapter 303 was not implemented and is to be
 24 replaced by Chapter 307 due to inconsistency with
 25 TNI standards, language and difficulty in enforcing

Page 15

1 the rule as previously written, so.
 2 MS. KUNZE: Are there any questions from
 3 the board?
 4 MR. BLANKENSHIP: What is the benefit to
 5 the agency to have the TNI designation?
 6 MR. DUZAN: The -- the basic -- what --
 7 the TNI basically started 15 or so years ago as an
 8 organizational group to set a standard based on ISO
 9 Guide 17025 and what that does is it -- all the
 10 states that are involved with this, it sets the
 11 same rules in the quality systems of -- of the lab,
 12 so that it makes it easier for states to understand
 13 what -- what level of quality they're getting,
 14 instead of every state kind of reinventing the
 15 wheel. It makes it much easier for everybody.
 16 MS. KUNZE: Any further questions from the
 17 board? Questions or discussion from the public?
 18 With that, I'll ask for a motion.
 19 MR. MASON: I move approval.
 20 MR. MUNSON: Second.
 21 MS. KUNZE: I have a motion and a second.
 22 Could I get a roll call?
 23 MS. FIELDS: Mr. Blankenship?
 24 MR. BLANKENSHIP: Yes.
 25 MS. FIELDS: Mr. Ferrell?

Page 16

1 MR. FERRELL: Yes.
 2 MS. FIELDS: Mr. Griesel?
 3 MR. GRIESEL: Yes.
 4 MS. FIELDS: Dr. Hammon?
 5 DR. HAMMON: Yes.
 6 MS. FIELDS: Mr. Johnston?
 7 MR. JOHNSTON: Yes.
 8 MS. FIELDS: Mr. Kinder?
 9 MR. KINDER: Yes.
 10 MS. FIELDS: Ms. Kunze?
 11 MS. KUNZE: Yes.
 12 MS. FIELDS: Mr. Mason?
 13 MR. MASON: Yes.
 14 MS. FIELDS: Mr. Munson?
 15 MR. MUNSON: Yes.
 16 MS. FIELDS: Mr. Sims?
 17 MR. SIMS: Yes.
 18 MS. FIELDS: Ms. Turner?
 19 MS. TURNER: Yes.
 20 MS. FIELDS: And for the record, Cheryl
 21 Vaught is in attendance.
 22 Ms. Vaught?
 23 MS. VAUGHT: Yes.
 24 MS. FIELDS: Motion passed.
 25 MS. KUNZE: Thank you, Quiana.

Page 17

1 Brian, we'll keep you up there and move to
 2 Item Number 7.
 3 MR. DUZAN: Okay. This is -- basically,
 4 the DEQ is proposing to revoke Chapter 303 in its
 5 entirety, which was scheduled to be implemented on
 6 January 1st of 2016. Chapter 303 rules were to
 7 provide standards for accreditation of privately
 8 and publicly owned laboratories to perform analysis
 9 of water and wastewater, solid and hazardous waste,
 10 soil, sludge and petroleum hydrocarbons consistent
 11 with The NELAC Institute (TNI) standards. However,
 12 DEQ determined after adoption of Chapter 303 that
 13 there were inconsistencies with the TNI standard
 14 language and that there could be difficulty in
 15 enforcing the rules as written.
 16 This proposed rulemaking is progressing in
 17 tandem with the proposed adoption of Chapter 307,
 18 TNI Laboratory Accreditation.
 19 MS. KUNZE: Thank you.
 20 I'll ask for questions or any discussion
 21 from the board? And the same, does the public have
 22 any -- any questions or discussion? Okay.
 23 Thank you, Brian.
 24 MR. DUZAN: Thank you.
 25 MR. SIMS: Move the approval.

1 MS. KUNZE: Ask for a motion.
 2 MR. SIMS: Move for approval.
 3 MS. KUNZE: I have a motion. Is there a
 4 second?
 5 MR. GRIESEL: Second.
 6 UNIDENTIFIED: Yes.
 7 MS. KUNZE: We've got two seconds.
 8 I'll ask for a roll call.
 9 MS. FIELDS: Mr. Blankenship?
 10 MR. BLANKENSHIP: Yes.
 11 MS. FIELDS: Mr. Ferrell?
 12 MR. FERRELL: Yes.
 13 MS. FIELDS: Mr. Griesel?
 14 MR. GRIESEL: Yes.
 15 MS. FIELDS: Dr. Hammon?
 16 DR. HAMMON: Yes.
 17 MS. FIELDS: Mr. Johnston?
 18 MR. JOHNSTON: Yes.
 19 MS. FIELDS: Mr. Kinder?
 20 MR. KINDER: Yes.
 21 MS. FIELDS: Ms. Kunze?
 22 MS. KUNZE: Yes.
 23 MS. FIELDS: Mr. Mason?
 24 MR. MASON: Yes.
 25 MS. FIELDS: Mr. Munson?

1 MR. MUNSON: Yes.
 2 MS. FIELDS: Mr. Sims?
 3 MR. SIMS: Yes.
 4 MS. FIELDS: Ms. Turner?
 5 MS. TURNER: Yes.
 6 MS. FIELDS: Ms. Vaught?
 7 MS. VAUGHT: Yes.
 8 MS. FIELDS: Motion passed.
 9 MS. KUNZE: Thank you.
 10 Item Number 8 is consideration of and
 11 action on the Annual Environmental Quality Report
 12 and I'll ask Jimmy Givens.
 13 MR. GIVENS: Well, when I saw where I was
 14 on the agenda, I didn't expect to have to be awake
 15 before 10:00 o'clock, so you're challenging me a
 16 little here.
 17 MR. KINDER: Jimmy, do we have your slides
 18 or are we going to have to reposition ourselves so
 19 that we can see this?
 20 MR. GIVENS: You do not have the slides in
 21 the packet, so if you're up at the front table you
 22 may want to step over to one of these other chairs
 23 or if you don't care to see the slides, I won't be
 24 offended.
 25 Every time I get up here, every year when

1 I get up here and talk about the Environmental
 2 Quality Report, I promise to be brief and I usually
 3 fail. I'm going to try again this year to be
 4 brief. You have -- you do have the Environmental
 5 Quality Report itself in the board packet and I'm
 6 sure we have some handouts of that as well, so I
 7 know you're already somewhat familiar with this.
 8 For those in the room who may not have had a chance
 9 to see this before, we'll go through it briefly and
 10 I'll try to answer any questions. There are --
 11 certainly, if you want to get into the weeds, the
 12 division directors and other staff members are
 13 here.
 14 Uh-oh.
 15 MR. GRIESEL: It said you were out of
 16 battery power, Jimmy. Do you have it plugged in?
 17 Have you tried plugging it in?
 18 MR. GIVENS: What I want to mention up
 19 front is that for those of you who may be either
 20 new to the board or may not have been involved in
 21 board meetings in the past, but when we talk about
 22 the Environmental Quality Report, there are three
 23 pieces to it. The first -- and these are required
 24 by statute. The first is a recap of the annual
 25 meetings; in other words, our budget requests to

1 the state, federal mandates and legislative
 2 recommendations.
 3 The budget piece, of course, in order for
 4 us to get it in by October the 1st, which is
 5 required by statute, we had you approve that at
 6 your August board meeting, so I'll only very --
 7 very briefly touch on that again. We'll talk a
 8 little bit about federal mandates coming down from
 9 the EPA and then legislative recommendations that
 10 we would have for bill requests to go to the
 11 legislature for the 2015 session.
 12 First of all, quickly, the budget
 13 requests, you will recall at the August meeting,
 14 you authorized a DEQ request for a state
 15 appropriation of up to almost \$17 million. That
 16 was conditional on addition -- additional
 17 discussion with more subcommittee and further
 18 refinement of some figures. We have ended up in
 19 our official submittal requesting about \$13.7
 20 million. We get currently a little over \$7 million
 21 and that, of course, is a significant reduction
 22 just for this current fiscal year from what we had
 23 been getting. We had been getting between \$9 and
 24 \$10 million.
 25 We are asking for about \$3 million in new

Page 22

1 funds. The DWSRF water maximization, you will
 2 recall, will allow us to plow a lot more money into
 3 the loan fund. We still need statewide coverage
 4 improvement. We have some offices that we are
 5 unable to adequately staff around the state. Lab
 6 capacity development, we're trying to get on track
 7 to keep our lab equipment more or less up to date,
 8 which we have not been able to do and, of course,
 9 wastewater and drought remedies. Those represent
 10 some high priority programs for the state right
 11 now. Those would be a request for appropriations
 12 that we would look to continue to request in
 13 subsequent years. Again, it would take us back up
 14 to about \$10 million, those two figures together,
 15 which is just slightly more than where we have been
 16 for the past few years.
 17 We would also like -- we also will be
 18 requesting to approve in August a couple of
 19 one-time needs. Analytical equipment replacement
 20 for laboratory equipment is already sadly out of
 21 date and site remediation on a particular project,
 22 the KUSA project.
 23 Just by way of context, federal and
 24 revolving funds on top of our state appropriations.
 25 State appropriation is around 10 percent this year

Page 23

1 of our funding. If we got all this it would go up
 2 significantly, but for -- we don't know what our
 3 fee and federal funding will be for FY 16, which is
 4 what this budget request represents, but for the
 5 current fiscal year, we're getting about 22 million
 6 in federal funding and about 44 million in fee
 7 funding.
 8 Federal mandates, I'll run through this
 9 fairly quickly. Obviously, these don't represent
 10 all of the federal mandates, all the federal
 11 requirements that we have to meet or that we have
 12 to take on as part of our -- part of our programs
 13 to -- where is that coming from? All -- all the
 14 requirements we have to meet are all the things
 15 that we have to do in order to maintain delegation
 16 from EPA for our delegated programs.
 17 Air quality, I put both of the currently
 18 most prominent NAAQS standards up here. We -- and
 19 by the way, much of what I'm talking about today
 20 and the reason I will kind of speed through it is
 21 that it is largely a repeat of what we have talked
 22 about in past years. There are a couple of fairly
 23 significant new proposals. A lot of these are just
 24 updates to what we've talked about in the past.
 25 Ozone NAAQS Standard 75, it's likely to be

Page 24

1 reduced by EPA. The speculation is it will end up
 2 in -- in the range of 60 to 70 ppb. We will know
 3 what the proposal is very soon and it's scheduled
 4 to go final by fall of next year. If it goes into
 5 that range of 60 to 70 and especially if it is at
 6 the lower end of that range, it will be extremely
 7 difficult for -- extremely difficult for Oklahoma
 8 to be able to maintain attainment for ozone in this
 9 -- in the state.
 10 Let me go ahead and talk about sulphur
 11 dioxide NAAQS. The standard for it is also 75 ppb.
 12 The issue there is not that we were expecting a
 13 lowering imminently, but rather, that there has
 14 been a lot of debate about how to determine whether
 15 somebody is in attainment or not, and EPA has
 16 vacillated over the course of the last few years
 17 about whether to use modeling or monitoring or both
 18 to determine that. They have recently ended up
 19 deciding that the way to go is a combination of the
 20 two, so we will be working with the sources here in
 21 the state that have the potential to contribute to
 22 a violation of the SO2 standard to try to get ahead
 23 of that curve and make sure that we stay in
 24 attainment with SO2.
 25 The only two areas right now that are --

Page 25

1 that's question marks are Tulsa and Muskogee
 2 counties. They were initially reported to EPA as
 3 unclassifiable because we didn't have enough data
 4 to go on, but otherwise, the state is in attainment
 5 and hopefully will stay that way when we get the
 6 data from the modeling and the monitoring.
 7 Let me grab -- also, on air quality,
 8 Cross-State Air Pollution Rule, commonly called
 9 CSAPR. Those of you who are in the air quality
 10 business know that it's designed to reduce
 11 precursors to ozone and particulate matter in the
 12 eastern half of the country. We've talked about
 13 this one before as well. It was finalized in 2011,
 14 later vacated by DC Circuit with the Supreme Court
 15 that reinstated it, so it's now back in effect.
 16 The stay has been lifted and air quality will be
 17 talking again to utilities in the state, and EPA,
 18 and try to figure out what this means for Oklahoma
 19 in evaluating the data and what we will have to do
 20 in order to meet our responsibilities under the
 21 so-called CSAPR Rule.
 22 Federal haze -- excuse, regional haze,
 23 federal implementation plan is in effect for OG&E.
 24 A state implementation plan is now in effect for
 25 PSO. The -- there was a settlement that involved

Page 26

1 EPA and DEQ and PSO that allowed us to move ahead
 2 with the state implementation plan for PSO.
 3 Thank you.
 4 But OG&E did challenge the federal
 5 implementation plan in court. They ultimately were
 6 unsuccessful and -- and so we are working with OG&E
 7 to implement the requirements under the -- the
 8 federal plan into their permits as they come up for
 9 renewal or as they get new permits.
 10 It is possible that our state
 11 implementation plan still will have some issues for
 12 EPA because of its so-called glide path, is not
 13 what they would like to see. I will tell you that
 14 that portion of it, blame Texas, legitimately,
 15 because the issue is that they have not gotten a
 16 plan in place that allows us to meet our
 17 responsibilities and it's primarily because they
 18 don't have a plan in place for -- for their sources
 19 yet, but we'll just have to see how that plays out.
 20 And probably the most controversial on a
 21 national scale right now as far as air quality goes
 22 is the 111(d) rule for existing power plants. The
 23 -- the carbon proposal that's part of the action
 24 plan by the president, comment period ends very
 25 soon. EPA plans to finalize this during the summer

Page 27

1 of 2015.
 2 As the slide notes, there's expected to be
 3 extensive litigation and political debate and that
 4 is probably one of the more notable understatement
 5 that I could make about this particular proposal.
 6 But we aren't waiting, we are trying to work with
 7 the Office of Secretary of Energy and Environment
 8 and all the stakeholders to try to figure out how
 9 we can get ahead of the curve -- curve on
 10 addressing this if and when it does go final.
 11 Okay. Moving from air to some land
 12 protection rules. Again, many of these you've
 13 heard before. Coal production residues, we've
 14 talked for probably three years now thinking the
 15 EPA was going to come out with a rule on this. It
 16 does appear that they are right on the verge of
 17 doing so now. We have previously commented be
 18 careful with what we do because you don't want to
 19 throw the baby out with the bath water. You want
 20 to make sure that you don't eliminate legitimate
 21 beneficial uses of this material, so we'll have to
 22 wait and see. I think they are likely to come out
 23 with something less than hazardous -- hazardous
 24 waste designation for this material, but whether
 25 they'll have some hybrid remains to be seen.

Page 28

1 Definition of solid waste, this is not --
 2 frankly, a couple of things in here are not so much
 3 mandates as they are just things that we think you
 4 ought to be aware of that are coming down the
 5 federal rulemaking track. Definition of solid
 6 waste has been going on for about six years now.
 7 Initially what they came out with was not very
 8 satisfactory to many states, including Oklahoma.
 9 We didn't think it was very well thought out. They
 10 have come out with a revised proposal that we --
 11 actually, that -- that does do a better job, we
 12 think, of having a fair balance between allowing
 13 what they were going for in the first place, but
 14 still allowing the states to have some ability to
 15 take enforcement action for violations. So this
 16 should be coming out soon. It was supposed to come
 17 out in August, did not, but it should allow for
 18 some recycling under some relaxed standards, but
 19 still, without causing too many problems for the
 20 state -- states who have to implement it.
 21 Solvent-contaminated wipes, this was put
 22 on here, probably could have left it off because
 23 you just heard about it and which documented rule
 24 relating to it. Again, this is not so much a
 25 mandate as it is trying to make some adaptations

Page 29

1 that allow for a little bit more flexibility for
 2 businesses that have to use solvents in their
 3 cleaning processes for the businesses that they
 4 operate.
 5 Landfill emissions, fairly big deal.
 6 There are a couple of proposals that EPA has on the
 7 table right now. One is actually a formal rule
 8 proposal, the other is what they call an advanced
 9 notice of proposed rulemaking. That, in essence,
 10 is designed to reduce methane emissions from
 11 landfills. The impact, as is normally the case,
 12 will be felt most seriously by municipalities and
 13 maybe by some of the smaller commercial landfills.
 14 DEQ has already provided comments that
 15 don't really take a position one way or the other
 16 on whether these rules ought to go into effect, but
 17 it urges flexibility in the way that they are
 18 implementing. Let's give the landfills some
 19 options for how they comply, at the very least.
 20 Turning quickly to water quality. Safe
 21 Drinking Water Act, public water supply rules.
 22 Arsenic rule, you've heard about in the past as
 23 well as for chlorate and -- and Chromium 6. These
 24 are still being bounced around at EPA. We don't
 25 have to take on for chlorate and -- and Chromium 6

Page 30

1 when they come out with those rules. We do have to
 2 take on whether they do with arsenic because we
 3 already have that as part of our primacy package.
 4 The unregulated contaminant monitoring?
 5 Rule 4, they are beginning to work on. You've
 6 heard about Versions 1, 2 and 3 in the past. This
 7 is the next phase of that. They will be
 8 considering what additional parameters PWS's should
 9 have to monitor for and inevitably that will mean
 10 that there will be some -- well, right now they're
 11 -- they're determining what sorts of things we
 12 ought to monitor for to determine what will
 13 actually become a regulated contaminant down the
 14 road. So there's some additional burdening now
 15 with the potential for additional burden down the
 16 road, especially on -- on smaller systems.
 17 The Total Coliform Rule simply ups the
 18 monitoring requirements for a lot of PWS systems,
 19 certain seasonal systems, and is more stringent
 20 about what happens when you fail a bacteriological
 21 sample.
 22 We're going to have to seek an extension
 23 on applying for primacy. We simply are not ready
 24 to apply for primacy at this point.
 25 Regardless of that, it does create

Page 31

1 additional workload because even if EPA is
 2 implementing this requirement for awhile, we get a
 3 lot of phone calls, we get a lot of requests for
 4 technical assistance, we get a lot of requests for
 5 help me interrupt what EPA is telling me I have to
 6 do. That impacts both water quality and, as you
 7 would imagine, because we're talking about
 8 sampling, our state environmental lab as well.
 9 On the wastewater side of the Clean Water
 10 Act, Cooling Water In- -- Intake Rule was
 11 finalized, but again, a very controversial rule,
 12 back in litigation. This is the one that requires
 13 utilities and -- and other sorts of facilities to
 14 try to minimize the impact to aquatic life from
 15 impingement and entrainment.
 16 Electronic Reporting Rule you've heard
 17 about in the past, but it is looking like it may
 18 come out in final form in 2015. This is what was
 19 required by the state and regulating entities to
 20 submit all of the information. The electronic
 21 form, in a lot of ways, probably a good idea in
 22 terms of implementation. It's something that does
 23 require a lot of work on behalf of both the state
 24 and the industries.
 25 Besides 111(d), probably the most

Page 32

1 controversial provision or proposed rule out there
 2 right now is on Waters of The United States,
 3 sometimes called WOTUS, sometime -- sometimes
 4 called woe to us, and that is because while the
 5 intent was to clarify what constitutes the dividing
 6 line between what is a water of the U.S. and what
 7 is not, many people, many states, much of the
 8 regulating community concludes that they haven't
 9 done nearly the clarification that they set out to
 10 do. And, of course, there's some controversy about
 11 even what they have defined as waters of the U.S.,
 12 whether they, in fact, should be considered waters
 13 of the U.S. So both in terms of scope and in terms
 14 of clarity, this rule has been pretty widely
 15 criticized. I will be surprised if this rule comes
 16 out in this form, so I suspect that we will have
 17 some changes made before it is finalized.
 18 Treatment as states interpretive rule, we
 19 don't know when it's coming out, but it is expected
 20 not too far down the line. EPA desires to make it
 21 simpler for tribes to obtain treatment as state to
 22 implement certain provisions of The Clean Water
 23 Act. And while we have no qualms with that in
 24 principal, in practical effect, in Oklahoma, what
 25 they're proposing is highly problematic. We don't

Page 33

1 have, like places, maybe Arizona, where there are
 2 well-defined reservations. We have tribal trust
 3 land and it is very difficult to determine what is
 4 tribal trust land. This puts the burden on the
 5 state, in essence, to identify what is tribal trust
 6 land within 30 days and that is a virtual
 7 impossibility. So this does have the potential to
 8 create a headache for the state and frankly a
 9 little bit of a headache for EPA and the tribes.
 10 One other thing that I'll mention on your
 11 state environmental laboratory, this actually
 12 impacts both water quality and the lab, but EPA
 13 essentially has said you're going to have to use
 14 some more stringent criteria for a lot of your
 15 sampling, going to have to change some of your
 16 methods, you're going to have to go to lower
 17 detection limits and that means -- that's part of
 18 the reason, quite honestly, that we need to be able
 19 to update our lab equipment on a fairly regular
 20 basis, because equipment -- to meet the sorts of
 21 requirements the EPA places on us, requires some
 22 pretty high tech equipment and it requires it to
 23 kept up to date and it requires personnel to know
 24 how to run these more sophisticated methods.
 25 Finally, our legislative recommendations,

Page 34

1 we have three for you to consider. The first is
 2 probably no surprise to you. It grows out of the
 3 -- the version of some of our revolving fund money.
 4 What we would like to do is to set up a -- a fund
 5 that is specifically designated as being for
 6 capital improvement sorts of projects. That
 7 includes not only improvement to, say, our physical
 8 facility in Oklahoma City, but this fund can also
 9 contain monies that are designated for remediation
 10 projects.

11 Does it put it beyond the reach of the
 12 legislature, of course not, but it does help us
 13 emphasize that the money that we are putting in
 14 this particular account is for longer term sorts of
 15 projects and hopefully that will make it a little
 16 bit easier for us to explain that we have to have a
 17 -- the amount of money that we're going to spend on
 18 some of these remediation projects, for example, we
 19 have to have it in hand before we start the
 20 project. So it's just a way to highlight, we would
 21 like to preserve money for long-term projects.

22 Injection fee for drinking water treatment
 23 residuals, this is an effort to be sensitive to the
 24 needs of municipalities and rural water districts,
 25 to give them another option for disposal of

Page 35

1 treatment residuals.

2 The problem right now is that our fee
 3 structure, by statute, is set up so that there is a
 4 -- a minimum fee of \$10,000 per year for -- for
 5 underground injection of non-haz waste. We would
 6 propose to move that to a maximum of \$10,000 per
 7 year for this particular purpose. We're trying to
 8 maintain funding for the program, obviously, but
 9 still allow smaller communities and rural water
 10 districts to have an option for -- another disposal
 11 option that isn't cost prohibitive on the basis of
 12 the fee amount alone.

13 And finally, permit signatures, most of
 14 you are aware that Saba Tahmassebi is our agency
 15 chief engineer. Currently, our statute allows the
 16 executive director to delegate to the -- well,
 17 actually, personnel in the field for Tier 1, the
 18 lowest level of permits, to the division directors
 19 for Tier 2, the middle permitting tier, but does
 20 not allow for delegation to anyone else. And since
 21 the chief engineer is now responsible for
 22 overseeing the agency permitting process, it makes
 23 sense that the chief engineer also -- that -- that
 24 the executive director could delegate to the chief
 25 engineer also the authority to sign permits and in

Page 36

1 particularly, Tier 1 and 2 permits. We have to
 2 have a statutory change for that to happen, though.

3 Okay. I know that's a lot of material in
 4 a fairly short period of time. I will be happy to
 5 try to answer any questions, whether it relates to
 6 the budget or whether it relates to federal
 7 mandates or whether it relates to our three
 8 proposals for legislation. And if I can't answer,
 9 probably the division directors or other staff can
 10 Representative?

11 REPRESENTATIVE BRUMBAUGH: This is kind of
 12 asking you to put on your crystal ball, but where
 13 do you see 111(d) coming down with these new source
 14 performance program? I know we're coming up on a
 15 deadline and I get a lot of feedback from the power
 16 plants and whatnot, you know, with the
 17 Massachusetts Supreme Court case already saying now
 18 everything has to be regulated under that standard.
 19 Where do you see this coming down?

20 MR. GIVENS: You're talking about
 21 standards for new power plants?

22 REPRESENTATIVE BRUMBAUGH: Yeah, yeah

23 MR. GIVENS: Our -- and I'm -- well, I see
 24 Tyler holding up his hand. Tyler or -- or Eddie
 25 probably has a better take on that than I do.

Page 37

1 My -- my -- my initial impression was that
 2 it pretty much requires a sequestration pro- --
 3 process to meet that, but is there anything new?

4 MR. TERRILL: Well, let me -- let me try.
 5 Everybody's bouncing this around because nobody
 6 knows for sure. But it's going to be litigated,
 7 obviously, and to me, it's really tied as to what
 8 they do with the existing power plants. If that
 9 falls, then the whole thing falls. And I believe
 10 that they have misinterpreted their authority, the
 11 EPA has, and I think it's going to be very
 12 difficult for them to -- to win the challenges that
 13 are pending. The question comes, is the court
 14 going to allow them to move forward now or wait
 15 until the rule goes final, but either way, what
 16 we're planning on doing here in Oklahoma is we're
 17 working collaboratively to get our comments in by
 18 the December 1st deadline. At that point, we'll
 19 put everything on hold and just see what happens,
 20 let the Court play out, see what happens with the
 21 rule. It's a very good possibility EPA won't even
 22 propose the rule in the same format that they --
 23 they have it in now. They've gotten so many
 24 comments, like almost two million comments to go --
 25 to wade through. So to be honest about it, if I

1 was going to bet, I'd bet we never put a plan
 2 together. I think it's going to be handled in
 3 other -- in other ways. That could all change, but
 4 that -- that's -- that's kind of what I believe is
 5 going to happen.
 6 MR. POWELL: And I think from our end,
 7 we're going from kind of focusing on working with
 8 the different affected utilities with the different
 9 kind of rate payers the state will agree to go
 10 through and at least figure out in the event that
 11 we do have to put together a plan if, you know, we
 12 -- we don't have exactly what any kind of process
 13 it goes through, what is a way that we're going to
 14 have to go through and deal with that, so we don't
 15 kind of get caught, where we'll be forced to
 16 implement the federal plan or letting EPA step in.
 17 So I think that's kind of the fine line, we're
 18 balancing this, you know. Not necessarily us
 19 beginning to put together a plan, but at least get
 20 the stakeholders in a room and talking and kind of
 21 understanding what the issues are, kind of
 22 cooperatively making sure everyone's comments are
 23 addressed and concerns and voice those directly to
 24 EPA.
 25 MR. TERRILL: I think it will all play

1 out. Whoever the president is, I think that will
 2 determine the direction, what -- what Congress
 3 looks like in 2016. They've teed up the issue.
 4 There's going to be a lot of discussion and 2016, I
 5 think that will determine where -- where this rule
 6 actually goes, if they go back to the drawing
 7 board, whatever, making the assumption that the --
 8 I believe the challenges are even done with in
 9 2016.
 10 MS. VAUGHT: Jimmy, if I -- this is Cheryl
 11 Vaught. I might -- if I might follow up quickly
 12 Tyler or Eddie, could you speak to us
 13 about whether our state is looking at working with
 14 other states in the region, whether through the
 15 RTA, Southwest Power Corp, or otherwise. I know
 16 that allows some continuance of our deadlines for
 17 compliance and I know Montana and Wyoming, speaking
 18 to these people there last week, they are working
 19 with four other states so that they have more time
 20 and maybe buy some more time for more certainty on
 21 the rule before having to look at potential
 22 compliance. Can you talk about whether there will
 23 be a regional solution?
 24 MR. POWELL: By no means have we made any
 25 type of decision, whatsoever. You know, those are

1 decisions that we will have to take based off what
 2 any final rule looks like and we can't make those
 3 decisions now.
 4 I think that there are also concerns with
 5 Southwest Power Plant in Oklahoma with some of
 6 their kind of broader concerns being eight -- eight
 7 or nine states, whatever they're at now, going
 8 through and figuring out how to balance the load.
 9 So those discussions are probably a little
 10 premature at this point.
 11 MR. GIVENS: What they said.
 12 MR. FERRELL: And this is a little --
 13 sorry, this is a -- Jimmy, this is a question for
 14 you and Tyler, too, on the treatment as states
 15 interpretive rule. I've been engaged in lots of
 16 conversations with lots of stakeholders about the
 17 implications for the rule as proposed by EPA, kind
 18 of along the same, you know, line of thought about
 19 the 111(d) rule, has -- has the state been engaged
 20 in any conversations to say if this rule comes out
 21 in the form that is proposed currently, how would
 22 we go about engaging stakeholders to kind of deal
 23 with that proactively or -- or is there anything
 24 that can be done at this point in time?
 25 MR. GIVENS: Well, you bring up an

1 interesting point. And maybe somebody can answer
 2 the question for me. I've heard varying views on
 3 whether we will have the opportunity to formally
 4 comment on this interpretive rule or not. At one
 5 point, I was told the answer was no. There --
 6 there has been some indication from EPA later that
 7 there might be a 60-day comment period on it. We
 8 have certainly informally tried to express our
 9 concerns and what that means for Oklahoma. Beyond
 10 that, I don't have a good answer. I thought I
 11 heard somebody start to say something.
 12 Tyler, do you have anything to add to
 13 that?
 14 MR. POWELL: On TAS, I think the other
 15 important thing is the provision in the
 16 transportation highway bill that Senator Inhofe was
 17 able to put in there, that requires tribes in
 18 Oklahoma to have to have a cooperative agreement
 19 signed with the state before TAS can be issued.
 20 MR. GIVENS: By the way, for the benefit
 21 of the court reporter, Eddie Terrill, division
 22 director of the Air Quality Division, and Tyler
 23 Powell, from the Office of Secretary of Energy and
 24 Environment.
 25 MR. MASON: Jimmy, on the chief engineer

1 permit signature section, does the chief engineer
 2 job description require it be a licensed
 3 professional engineer in Oklahoma and is assigned
 4 -- is Saba licensed in Oklahoma?
 5 MR. GIVENS: The chief engineer position
 6 is actually what's called an Engineering Manager 5,
 7 I think, and he is a licensed -- licensed
 8 professional engineer and licensed in Oklahoma.
 9 MR. MASON: Thank you.
 10 MS. VAUGHT: Jimmy, can you go back real
 11 quickly to the injection slide, if you wouldn't --
 12 I just have a very quick question there to make
 13 sure I understand the financial implication of this
 14 since -- now, there's just going to be a cap at
 15 10,000, my question is were we assessing larger
 16 communities at an amount between \$10,000 and
 17 \$50,000 ever?
 18 MR. GIVENS: I'm sorry, did you say had we
 19 been or --
 20 MS. VAUGHT: Yes.
 21 MR. GIVENS: Or will we be?
 22 MS. VAUGHT: Have we historically been.
 23 MR. GIVENS: Has -- has anybody gone over
 24 that yet?
 25 MR. THOMPSON: I think I can handle that.

1 The purpose of this is really related to our
 2 co-permitting with the Corporation Commission of
 3 Class 2 wells as Class 5 wells for drinking water
 4 residues and what we didn't want to do was wind up
 5 charging little towns a lot. We wanted to give
 6 them a little more of a break on fees than we
 7 charge commercial operations. So I don't believe
 8 that we have cities operating injection wells
 9 currently and paying the fee and this is just
 10 looking at it and saying, hey, let's -- let's
 11 reduce the fee for these -- for municipalities and
 12 put a cap on it.
 13 MS. VAUGHT: Great. That makes perfect
 14 sense. I wanted to make sure we weren't losing
 15 dollars in that spread between 10 and 50,000 ever,
 16 so that's great. That's what I needed. Thank you.
 17 MR. THOMPSON: And I'll add to that just
 18 slightly, that -- that the point of having that
 19 co-permitting rule is so that cities in Oklahoma
 20 can treat brackish water and have a way to get rid
 21 of it, because on the coasts people discharge into
 22 the oceans, but we don't have that luxury in
 23 Oklahoma. And really, the impediment to trying to
 24 treat salty water and use it and treat it to a
 25 fresh water standard and use it as potable water

1 for other sources is we just don't have a good
 2 economical way to get rid of it and this opens up a
 3 door that makes it possible for Oklahoma towns to
 4 be able to try that.
 5 MR. KINDER: Jimmy, this has to do with
 6 your funding for your labs. We've heard over and
 7 over again that, you know, we're needing to update
 8 the equipment in the lab and I also saw that EPA is
 9 requiring more stringent requirements of this
 10 summer. What's going to be the lead time as far as
 11 getting that equipment in and I guess I'm looking
 12 at funding and whether or not our labs will be able
 13 to be up and running in time to meet that
 14 requirement? Can you talk to me about that?
 15 MR. GIVENS: Well, I'm going to refer you
 16 to Chris on what additional equipment might be
 17 necessary. I don't know if we actually have to
 18 have new equipment that we don't have or whether
 19 it's a matter of trying to make sure that the
 20 equipment we have doesn't, you know, create
 21 problems before we get there.
 22 Chris?
 23 MR. ARMSTRONG: It's a combination of both
 24 replacement instrumentation, as well as new
 25 instrumentation for upcoming methods that we'll

1 need to implement based on the -- those sensitive
 2 sufficiency methods rule, based on emerging
 3 contaminants that we need to get involved with as a
 4 result of what we're doing with water reuse in the
 5 state at this point in time. Approximately 65
 6 percent of our instrumentation currently is beyond
 7 its economic life span.
 8 Now, your question about how long will it
 9 take when we get the funding, that can vary
 10 dramatically depending on the type of
 11 instrumentation that you're purchasing. It can go
 12 anywhere from six months up to a full year to
 13 actually purchase instrumentation, and that's with
 14 the complexity of design specifications, getting
 15 the instrumentation built out, getting it installed
 16 and not to mention what we have to do with
 17 purchasing both inhouse and through the state
 18 system. All instrumentation is considered IT owned
 19 instrumentation at this point in time, which adds
 20 some complexity to purchasing instrumentation,
 21 also.
 22 MR. KINDER: Thank you.
 23 MS. KUNZE: I'll ask, are there any
 24 additional discussion items or questions from the
 25 board? Anything additional from the public?

Page 46

1 With that, Jimmy, thank you very much for
 2 the presentation.
 3 We now have the opportunity to -- to amend
 4 or approve the report as it stands, so I'll ask if
 5 I have a motion?
 6 MR. GRIESEL: So moved.
 7 MR. JOHNSTON: Second.
 8 MS. KUNZE: I have a motion and a second
 9 to approve. Roll call?
 10 MS. FIELDS: Mr. Blankenship?
 11 MR. BLANKENSHIP: Yes.
 12 MS. FIELDS: Mr. Ferrell?
 13 MR. FERRELL: Yes.
 14 MS. FIELDS: Mr. Griesel?
 15 MR. GRIESEL: Yes.
 16 MS. FIELDS: Dr. Hammon?
 17 DR. HAMMON: Yes.
 18 MS. FIELDS: Mr. Johnston?
 19 MR. JOHNSTON: Yes.
 20 MS. FIELDS: Mr. Kinder?
 21 MR. KINDER: Yes.
 22 MS. FIELDS: Ms. Kunze?
 23 MS. KUNZE: Yes.
 24 MS. FIELDS: Mr. Mason?
 25 MR. MASON: Yes.

Page 47

1 MS. FIELDS: Mr. Munson?
 2 MR. MUNSON: Yes.
 3 MS. FIELDS: Mr. Sims?
 4 MR. SIMS: Yes.
 5 MS. FIELDS: Ms. Turner?
 6 MS. TURNER: Yes.
 7 MS. FIELDS: Ms. Vaught?
 8 MS. VAUGHT: Yes.
 9 MS. FIELDS: Motion passed.
 10 MS. KUNZE: Thank you.
 11 I'll now go to Item Number 9, is the
 12 Executive Directors' Report. I'll turn it over to
 13 Scott Thompson.
 14 MR. THOMPSON: Okay. Thank you.
 15 All right. At your place at the table
 16 there should be a little CD. That is our new way
 17 of giving you the annual report. Historically,
 18 we've printed those in nice, you know, glossy
 19 documents, and by doing it electronically it's
 20 available online, on the website, so you can
 21 download it and review it forever and pass it on to
 22 other folks in the link. And I think we may do
 23 things a little differently than we have in the
 24 past because it's a one-time event. Now, the
 25 interim report that we're preparing right now has a

Page 48

1 lot of reporting requirements that were -- that we
 2 comply with just to report to the governor's office
 3 or legislature and so that stuff's going to be in
 4 there, but we're going -- there's stories and then
 5 the updates on what's happening, we may update that
 6 throughout the year, so there may be some place on
 7 the website, especially as we start moving toward
 8 the newer website, where we have -- some of those
 9 materials are fresher, closer to when something
 10 happens.
 11 But this document is going to save us in
 12 the neighborhood of \$11,000 a year, something, on
 13 average, to not print it, so I think that's
 14 positive. And we'll figure out, you know, other
 15 ways to try to save money, but getting that
 16 information to folks and making it available.
 17 With the -- I really like this facility.
 18 I've driven by it several times. Getting to come
 19 inside is a treat and it reminds me a lot of we
 20 recently had our Brownfield conference and some of
 21 the speakers there talked about -- there was a
 22 fellow, his name is Bill Strickland, has a private
 23 foundation where he went -- he grew up in one of
 24 the worst neighborhoods in Pittsburgh and stayed
 25 there and wound up getting an education and had a

Page 49

1 lot of interest in art and he wound up taking over
 2 a vo-tech school in the area and building it up and
 3 working on it. And he had a belief system that if
 4 you make the place nice, people will treat it right
 5 and they will respect it. And it's a private
 6 school, essentially. It's all privately funded, in
 7 any event, and it's in one of the worst, most
 8 dangerous neighborhoods in Pittsburgh.
 9 And walking into the front entrance of
 10 this facility reminded me of pictures of his
 11 facility that he has built, constructed, with the
 12 art all over the place and everything. And he's
 13 taking kids from the neighborhood and providing
 14 them with free education and they're going on to
 15 trades, they're going on to -- they have music
 16 school, they have chef school. I -- I don't
 17 remember it all. It was very impressive. It was a
 18 very inspiring thing to see and so there was a
 19 great deal of interest at that conference and we
 20 had several speakers that had some similar things.
 21 We had a lot of redevelopment discussion. And the
 22 mayor of Tulsa was there, Secretary Teague was
 23 there and Steve Mason was there and spoke. And we
 24 had a -- just -- it was just an excellent event,
 25 very high quality. People were very excited. It

1 was a great deal of fun and -- and Carl Byrd, the
 2 -- would be the deputy mayor of Tulsa, he got
 3 personally very excited and said if he understood
 4 what the event was really going to be, we'd had it
 5 at the BOK Center and made sure we got a thousand
 6 people there, because it was -- it was just
 7 outstanding. And there's a -- a lot of buzz and a
 8 lot of talk about bringing some of those folks back
 9 to Oklahoma and try to put together some projects
 10 and I -- I'm certain that we will have several
 11 redevelopment projects, Brownfield projects that
 12 come out of that conference in the Tulsa area --
 13 area and elsewhere. And so I just think it was so
 14 good that I was sitting there and listening during
 15 the event and that we had drug a few more people,
 16 like the secretary of commerce and a few more folks
 17 out because I think it's really going to benefit
 18 Oklahoma in the long run and that's a lot of it.
 19 There's some folks -- we had some technical
 20 breakout sessions, some legal sessions. We had a
 21 lot of continuing education opportunities for
 22 different folks, like architects, lawyers,
 23 engineers, and so we get a wide variety of people
 24 to attend the conference and we cover a broad
 25 number of subjects.

1 But, in essence, what it does, it gets
 2 people pretty interested in end results, in the
 3 things that you see in downtown Tulsa and downtown
 4 Oklahoma City and that -- you know, I also have a
 5 passion, we worked on EPA pretty hard, which --
 6 which thumped them pretty good with some data about
 7 how they've given out money in the past and how
 8 only certain parts of the country are really
 9 getting all the funding. And especially the rural
 10 areas are not getting much at all. And so while
 11 you're not going to have as much economic gain in a
 12 rural area, some of those folks ought to have some
 13 opportunities to try to improve their situation,
 14 improve their main streets and downtown areas or
 15 businesses and some of that we're doing with our
 16 own clean-up programs, repurposing those. They're
 17 being given by the state military department to
 18 cities or the counties and they're turning those
 19 into either public use for fire and police and
 20 things like that or in some cases, for private use
 21 for businesses. So I just think that's excellent
 22 and that's the kind of approach, the collaborative
 23 approach, to try to do things with people, that we
 24 want to try to bring to everything we do in the
 25 agency, even if it's enforcement, because most

1 folks, I believe, will work with us and will do the
 2 right thing if you can help them understand what it
 3 is, or we can all try to get to the best place
 4 possible. And then, you know, as I've said in the
 5 past, the bad guys will sort themselves out and we
 6 can deal with them appropriately, but we don't need
 7 to treat everybody like that. We need to work with
 8 people up front and I think -- I wish I could have
 9 gotten everybody in the agency to that conference
 10 to really understand the atmosphere of -- of how
 11 you can actually operate with folks and -- and
 12 really wind up doing more than you intended to
 13 start out with in some cases, like Mr. Strickland's
 14 learning center. So it's a -- and we might be able
 15 to -- at some point, we'll have some of the
 16 conference materials, some of the video that we had
 17 available, we believe, so we'll update you and let
 18 you know about that, but if you haven't heard some
 19 of those talks from Mr. Strickland or -- or John
 20 Knot, it's pretty amazing what they're doing. John
 21 Knot's working on a 6,000 acre redevelopment in
 22 Denver right now and he's incorporating a lot of
 23 similar principles that Mr. Strickland did, in
 24 terms of helping locals learn how to work and --
 25 and be part of the restoration and the renaissance

1 in their community and so it's really impressive.
 2 On another note, we continue to lose staff
 3 at the agency. Rob Singletary has abandoned us for
 4 the Water Resources Board or will shortly, to be
 5 their general counsel, but we're going to force him
 6 to work on our comments on 111(d) before he gets
 7 out the door and -- and/or kidnap him if he winds
 8 up on the water board and we're not completely
 9 done. But -- so that's a great loss to us. Rob is
 10 an excellent guy. I'm sure he will do very well at
 11 the water board, be a great help to them.

12 And Angela Hughes is going to go work for
 13 a consulting firm on Tinker and work on
 14 construction projects there and so that's a big
 15 loss. She's worked a lot on the Tar Creek site and
 16 the some other -- and the armory cleanups and
 17 things like that, so -- and we're -- we've lost a
 18 -- a good engineer out of water quality recently,
 19 Michael Taylor, is that his name? Yeah.

20 MS. CHARD-McCLARY: He's one of our best
 21 drinking water state revolving fund engineers, is
 22 going to work for a consulting company.

23 MR. THOMPSON: Right, and so, you know,
 24 that's just -- some of the stuff we have to try to
 25 deal with because we can't keep losing that quality

Page 54

1 of staff because in the next five years many, many
2 of the managers at the agency could be retiring and
3 we've got to maintain some quality folks to take
4 their place because, you know, our goal in this
5 agency is to continue to improve the quality of
6 service that we deliver to folks and to be as
7 helpful as possible and senior staff can do that
8 better than somebody who's brand-new and doesn't
9 quite know what's going on.

10 And then as you saw in Jimmy's
11 presentation, there is a constant barrage of rule
12 changes out of EPA and being considered all the
13 time, at a pace that is just really -- it makes no
14 sense. Even if you agree with everything in the
15 underlying assumptions or -- or determinations by
16 EPA, which I don't think that we do in many cases,
17 just that rate of change is not sustainable by
18 small towns or by industry or by us in terms of the
19 adaptation. Specifically the sensitive testing
20 rule that was alluded to, that is -- they've
21 attempted to do things like this in the past.
22 They're trying to push testing limits so low, it's
23 almost pointless. It's going to force massive
24 changes in laboratory equipment. You know, you can
25 get into situations where you have to have ultra

Page 56

1 able to have the manpower to go out and verify up
2 front and say you're meeting, you know, the
3 standards or the rule. So I just think hopefully
4 we're going to slow this stuff down. It has to
5 make more sense. It has to be more thought out. I
6 mean, you can't put into effect something like
7 111(d) and it really not be feasible the way the
8 power grid is currently constructed, not take into
9 account the cost of what it would take to change
10 the way we generate power. And, you know, our
11 whole economy is electronic these days. Our whole
12 banking system is really electronic. Paper is
13 almost incidental to the system currently and so we
14 have to maintain the ability to power the grid
15 effectively and, you know, it's one thing to have
16 pipe dreams about the way it might be and I think
17 10 years from now we may have some different
18 technologies. We may have some battery storage
19 capability which would make certain things much
20 more feasible, but we've got to develop that and
21 get it in place and make it work before you can
22 really radically change things.

23 And, you know, there's some changes that
24 can be made. There's some ways we can clean things
25 up to make it better in the short term, but it all

Page 55

1 clean sampling techniques, ultra clean laboratory
2 techniques, high risk of false positive information
3 or bad data and then at the end of the day what you
4 have is a data quality level that's really perhaps
5 suitable for pure research if you can get it. It
6 is not really realistic in terms of how cities and
7 towns can operate their facilities at present time.
8 So, you know -- and what the U.S. Rule 111(d), the
9 existing 111(b), I think, stuff, those things just
10 aren't really well thought out and put together in
11 a way that they will work and so I think that
12 hopefully a lot of that's going to get pulled back
13 and go back to the drawing board and work through
14 that in a way that makes more sense, because
15 putting nebulous rules out there like the way the
16 Waters of The U.S. Rule is written isn't going to
17 help anybody if it went out in its current form,
18 which I do not think that it will. Even if the
19 government behaves in terms of how they treat
20 people under that rule, third parties could step in
21 and sue anybody that has violated the Waters of The
22 U.S. and there would be no objective criteria for
23 you to be able to defend yourself very well. And
24 the government, either EPA or the Corp of Engineers
25 or probably us or anybody else, isn't going to be

Page 57

1 has to make sense and right now, personally, I'm
2 not seeing that. I'm not hearing that from folks.

3 And there are -- I've talked with some --
4 some people about -- Pennsylvania has some good
5 ideas that actually sound like they're real, that
6 if you could target fix, a new source review, I
7 believe is it, that you could allow utilities to
8 invest in efficiency and run their most efficient
9 plans more often, and right now they're prohibited.
10 Even if they built an extremely efficient plan they
11 can't really maximize the use of that. And so, you
12 know, if -- if they're allowed to do that and we
13 can retire some of the older plants that aren't as
14 efficient and we can do it at a pace that you can
15 actually, you know, adapt the grid to what you're
16 doing or hopefully build some of that capacity
17 where you have -- already have the -- the capacity
18 -- capacity to receive it on the grid or something
19 then, you know, there's hope, but short term, I --
20 I just don't see that really being realistic,
21 especially with the schedule that's proposed out.
22 So we're going to be dealing with that.

23 We're going to be working with the
24 Attorney General's Office and the Secretary's
25 Office and the affected folks and develop some

Page 58

1 comments on these things as appropriate and, you
 2 know, try to hopefully get more reasoning to the
 3 thing because I just -- it's sort of mind-numbing
 4 and I've been doing this for 30 years, but the way
 5 things are lined up and the -- the pace with which
 6 they're trying to implement things right now, I
 7 just don't see how you can possibly get it done.
 8 So anyways, that is all I have.

9 MS. KUNZE: Thank you, Scott.
 10 Does anybody have any questions?
 11 MR. MASON: I do.
 12 MS. KUNZE: Discussion for Scott?
 13 MR. MASON: I agree with Scott. The
 14 Brownfield conference, just right away, was a very
 15 nice job. Brownfields is kind of really the cool
 16 thing right now, is critical as we redevelop our
 17 urban cores because all our urban cores generally
 18 are Brownfields, so you guys -- it's a very nice
 19 show.

20 Congratulations on ozone attainment this
 21 summer. Five years ago, practically speaking, we
 22 were out of compliance, really. So what's
 23 different? What's changed that suddenly ozone is
 24 not the mammoth problem it was five years ago?
 25 MR. THOMPSON: Well, you know, the

Page 59

1 weather. I really -- I think that's part of it.
 2 It -- it is, and I think, you know, there probably
 3 are things going on that Eddie can speak to better
 4 than I with folks trying to reduce some of their
 5 emissions, their generation of ozone, but it -- and
 6 -- and again, you look at the ozone rule coming
 7 out, it's -- it's going to make everything
 8 unattainment if they do what they're talking about.
 9 And if you're in a current unattainment area, maybe
 10 that's what you want, you want everybody else
 11 critical, too, I don't know, so -- but, you know,
 12 we'll just have to see what they actually come out
 13 with and whether they stick to the schedule they're
 14 talking or whether they go back to the drawing
 15 board a little bit and -- and what it means, but
 16 those impacts could be pretty significant. I don't
 17 know what that -- you know, if they go to a new
 18 standard, I think the map sizing show pretty much
 19 everybody is out of attainment or huge chunks of
 20 the country are and most of Oklahoma, but Eddie can
 21 speak to that.

22 MR. TERRILL: It depends on where they go
 23 with the standard, but, yeah, we're going to have
 24 some -- still a problem. To speak on your other
 25 point, I think it is weather related, but also

Page 60

1 fuels are cleaner, automobiles are cleaner,
 2 transport in the state is less, so it's getting
 3 better. You know, the real problem is the Clean
 4 Air Act needs to be revised. You guys have heard
 5 me say this many times before. EPA requires to
 6 evaluate the standard every five years as per the
 7 act. That's ridiculous. Eight -- eight to 10
 8 years is probably an optimal time frame in which to
 9 evaluate these standards, so that needs to change,
 10 the -- the -- they need to go back and take a look
 11 at the way they implement it. The science may very
 12 well say that the standard needs to be somewhere
 13 around 6.5 to 6.8. That doesn't mean you can get
 14 there and so there needs to be -- the -- the act
 15 needs to be opened up and it's not going to happen
 16 until congress figures out a way to collaboratively
 17 work together and figure out how they can open that
 18 up and not gut it, which the environmental folks
 19 aren't going to allow, or make it way too
 20 stringent, which makes no sense either. It already
 21 is way too stringent, so -- but I'm hopeful that
 22 they will set a standard that is reasonable and the
 23 weather cooperates a little bit and give them some
 24 other things that are going to happen and we may
 25 have a chance to maybe not initially be in

Page 61

1 attainment, but be close enough, we can come back
 2 in with minimal impact to our sources here in the
 3 state.

4 MS. KUNZE: Any other discussion?
 5 Thank you, Scott. Thank you, Eddie.
 6 With that, I'm going to move to Item
 7 Number 10 and it relates to the statutory duties
 8 that are assigned to the board. We are responsible
 9 for the appointment and setting the compensation of
 10 the executive director, as well as some involvement
 11 in the -- in the planning activities of the
 12 department and that gives us the opportunity to --
 13 to set periodic reviews and we have the opportunity
 14 to -- to go into executive session if we so choose
 15 to today to discuss performance with Scott. So at
 16 that point, I'm going to ask if the -- if the board
 17 wants -- has any open -- discussion for the open
 18 meeting or if we -- if I have a motion to go into
 19 executive session. We're allowed to do that
 20 pursuant to Title 25 of the Oklahoma Statutes,
 21 Section 307(b)(1).

22 MR. GRIESEL: I would make a motion to
 23 enter into executive session.
 24 MS. KUNZE: I have a motion.
 25 DR. HAMMONS: Second.

Page 62

1 MS. KUNZE: And I have a second. And
 2 Quiana, roll call, please?
 3 MS. FIELDS: Mr. Blankenship?
 4 MR. BLANKENSHIP: Yes.
 5 MS. FIELDS: Mr. Ferrell?
 6 MR. FERRELL: Yes.
 7 MS. FIELDS: Mr. Griesel?
 8 MR. GRIESEL: Yes.
 9 MS. FIELDS: Dr. Hammon?
 10 DR. HAMMON: Yes.
 11 MS. FIELDS: Mr. Johnston?
 12 MR. JOHNSTON: 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: Mr. Sims?
 22 MR. SIMS: Yes.
 23 MS. FIELDS: Ms. Turner?
 24 MS. TURNER: Yes.
 25 MS. FIELDS: Ms. Vaught?

Page 64

1 MR. BLANKENSHIP: Yes.
 2 MS. FIELDS: Mr. Ferrell?
 3 MR. FERRELL: Yes.
 4 MS. FIELDS: Mr. Griesel?
 5 MR. GRIESEL: Yes.
 6 MS. FIELDS: Dr. Hammon?
 7 DR. HAMMON: Yes.
 8 MS. FIELDS: Mr. Johnston?
 9 MR. JOHNSTON: Yes.
 10 MS. FIELDS: Mr. Kinder?
 11 MR. KINDER: Yes.
 12 MS. FIELDS: Ms. Kunze?
 13 MS. KUNZE: Yes.
 14 MS. FIELDS: Mr. Mason?
 15 MR. MASON: Yes.
 16 MS. FIELDS: Mr. Munson?
 17 MR. MUNSON: Yes.
 18 MS. FIELDS: Mr. Sims?
 19 MR. SIMS: Yes.
 20 MS. FIELDS: Ms. Turner?
 21 MS. TURNER: Yes.
 22 MS. FIELDS: Ms. Vaught?
 23 MS. VAUGHT: Yes.
 24 MS. FIELDS: Motion passed.
 25 MS. KUNZE: Okay. Thank you.

Page 63

1 MS. VAUGHT: Yes.
 2 MS. FIELDS: Motion passed.
 3 MS. KUNZE: Okay. I believe we've set
 4 aside a room down the hall and Quiana will show us
 5 where it is for the executive session. I'm going
 6 to ask, do I have a volunteer from the board to
 7 keep the minutes in the open session -- or in the
 8 executive session? Cheryl, thank you very much.
 9 I'll mention -- I -- I will mention this,
 10 give the public an opportunity for a break. I do
 11 want to remind -- mind you that there's an
 12 opportunity for a public forum following the
 13 adjournment of this meeting and if anybody does
 14 choose to address the board there is a signup sheet
 15 on the front table.
 16 (Thereupon, the executive session was
 17 had.)
 18 MS. KUNZE: I'm going to ask if I have a
 19 motion to come out of the executive session?
 20 MR. GRIESEL: So moved.
 21 MS. KUNZE: I've got a move --
 22 MR. KINDER: Second.
 23 MS. KUNZE: I have a motion and a second.
 24 Roll call?
 25 MS. FIELDS: Mr. Blankenship?

Page 65

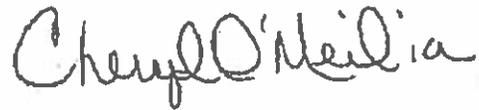
1 Item Number 11, we're to new business.
 2 Does anybody have any new business which not --
 3 which was not foreseen before the posting of the
 4 agenda?
 5 Okay. Being no new business, we're ready
 6 for adjournment.
 7 MR. BLANKENSHIP: So moved.
 8 MR. KINDER: Next meeting announcement?
 9 MS. KUNZE: Oh, okay. We are --
 10 SPEAKER: Oh, sorry.
 11 MS. KUNZE: Our next meeting will be
 12 February --
 13 MS. FIELDS: February 20th.
 14 MS. KUNZE: Okay. I believe that's the
 15 one that's out at the department in Oklahoma City
 16 and it will be on Friday, February 20th. Okay. I
 17 guess that corrected me.
 18 Now, then, does anybody -- do I have a
 19 motion for adjournment?
 20 MR. BLANKENSHIP: So moved.
 21 MS. KUNZE: Thank you. Do I have a
 22 second?
 23 DR. HAMMON: Second.
 24 MS. KUNZE: I have a motion and a second.
 25 Roll call?

1 MS. FIELDS: Mr. Blankenship?
 2 MR. BLANKENSHIP: Yes.
 3 MS. FIELDS: Mr. Ferrell?
 4 MR. FERRELL: 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: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 MS. FIELDS: Ms. Kunze?
 14 MS. KUNZE: Yes.
 15 MS. FIELDS: Mr. Mason?
 16 MR. MASON: Yes.
 17 MS. FIELDS: Mr. Munson?
 18 MR. MUNSON: Yes.
 19 MS. FIELDS: Mr. Sims?
 20 MR. SIMS: Yes.
 21 MS. FIELDS: Ms. Turner?
 22 MS. TURNER: Yes.
 23 MS. FIELDS: Ms. Vaught?
 24 MS. VAUGHT: Yes.
 25 MS. FIELDS: Motion passed.

CERTIFICATE

1
 2
 3 I, CHERYL O'MEILIA, Certified Shorthand
 4 Reporter, do hereby certify that the above and foregoing
 5 proceeding was by me taken and transcribed pursuant
 6 to agreement, and under the stipulations
 7 hereinafore set out, and that I am not an attorney
 8 for nor relative of any of said parties or
 9 otherwise interested in the event of said action.

10
 11 IN WITNESS WHEREOF, I have hereunto set my hand
 12 and official seal this 21st day of November, 2014.
 13
 14

15
 16
 17
 18
 19
 20


21 CHERYL J. O'MEILIA, C.S.R.
 22 State of Oklahoma, No. 1574
 23
 24
 25

1 MS. KUNZE: At this time, we could have
 2 the public forum. I'd ask if anybody has signed
 3 up?
 4 With that, I guess we'll conclude today's
 5 activities. We have -- we have no one requesting
 6 to speak to the board.
 7 (Adjourned at 11:30 a.m.)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



ENVIRONMENTAL QUALITY BOARD

Attendance Record

November 13, 2014

Broken Arrow, 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>
Jamie Henson ODEQ	jamie.henson@deq.ok.gov
Quiana Fields ODEQ	
Felix Terrill DEQ	
Shelle ChaudMcClary DEQ	
Rick Austin DEQ	
Cindy Hefner DEQ	
Martha Hefner DEQ	
Erin Huff DEQ	
Jimmy Givens	"
Gary Collins DEQ	
Michelle Wynn DEQ	
Billy Davis DEQ Board	
Brian Duran GCT WQSAE	
Amber Miller DEQ	
Jerry Johnston DEQ Board	
Jimmy Kinder DEQ Board	
Mike Edwards DEQ Haz Waste	
Tyler Powell OSEE	
Shannon Ferrell DEQ Board	
Kelly Dixon DEQ	
Loretha Turner DEQ Board	
Tracy Hammon DEQ Board	
Dan Blankenship DEQ Board	
Derek Campbell CITY OF SAND SPRINGS	
Jan L Kunze EQ Board	
CLAYTON EUBANKS OAG	



ENVIRONMENTAL QUALITY BOARD

Attendance Record
November 13, 2014
 Broken Arrow, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Lee R. Grater	Hwy Waste Mgmt Comm	105 Shadowood Dr Enid OK 73703
Tim Massol		4013 NW Expressway Bldg 70 OKC OK 73102
CHRIS ARMSTRONG	ODEQ	
Adam McGehee	DEP	3201 Quail Springs Pkwy OKC, OK
Jon Roberts	DEQ	
Carolyn Stager	OMC	201 N.E 22 OKC 73105
Bob Blythe	State Rep	2505 W Toledo BA
Mark Lawson	Sprint Wireless Systems	Mark.Lawson@sprintaero.com
LEE PADEN	LAW OFFICE OF LEE PADEN, PC	LPADEW@jones.net
Vernon Seaman	INCOG	vseaman@incog.org
David Griesel	ODEQ	griesel@sbcglobal.net