

MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 21, 2014
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA

Official EQB Approved
On June 17, 2014

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on November 18, 2013. The agenda was mailed to interested parties on February 10, 2014, and was posted at the DEQ on February 20, 2014. Mr. John Wendling, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed. Mr. Jimmy Givens, Deputy Executive Director, talked on safety precautions in case of an emergency. Mr. Wendling welcomed Tyler Powell, Deputy Secretary of Environment. Mr. Wendling also introduced new Board members, Shannon Ferrell and Loretta Turner. Mr. Wendling welcomed Scott Thompson, Executive Director of DEQ to his first Board meeting as Executive Director.

MEMBERS PRESENT

Tony Dark
Shannon Ferrell
David Griesel
Tracy Hammon
Jerry Johnston
James Kinder
Jan Kunze
Steve Mason
Tim Munson
Billy Sims
Loretta Turner
John Wendling

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
Eddie Terrill, Air Quality Division
Beverly Botchlet-Smith, Air Quality Division
Rob Singletary, Environmental Attorney Supervisor
Laura Finley, Environmental Attorney
Kendal Stegmann, Air Quality Division
Brooks Kirlin, Air Quality Division
Kelly Dixon, Land Protection Division
Hillary Young, Land Protection Division
Kole Kennedy, Land Protection Division
Fenton Rood, Land Protection Division
Mike Stiekney, Environmental Complaints & Local Services
Gary Collins, Environmental Complaints & Local Services
Richard McDaniel, Environmental Complaints & Local Services
Bruce Vande Lune, Environmental Complaints & Local Services
Shellie Chard-McClary, Water Quality Division
Carl Parrot, Water Quality Division
Mark Hildebrand, Water Quality Division
Chris Armstrong, State Environmental Laboratory Services
Wendy Caperton, Communications Coordinator
Skylar McElhane, Public Information Officer
Erin Hatfield, Public Information Officer
Cindy Przekurat, Executive Director's Office
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

None

OTHERS PRESENT

Tyler Powell, Office of the Secretary of Energy and Environment
Sharon Myers, Air Quality Advisory Council
Jeff Shepherd, Solid Waste Management Advisory Council
Cathy Canty, Water Quality Management Advisory Council
Lori Roberts, Court Reporter

Approval of Minutes – Mr. Griesel moved to approve the Minutes from the November 13, 2013 Regular Meeting. Mr. Mason made the second.

transcript pages 6 - 8

Tony Dark	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	John Wendling	Yes

Approval of Minutes – Mr. Johnston moved to approve the Minutes from the December 18, 2013 Special Meeting. Ms. Kunze made the second.

transcript pages 8 - 9

Tony Dark	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	John Wendling	Yes

Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2014 – Mr. Griesel made a motion that Mr. Wendling remains Chair and Mr. Johnston made the second.

transcript pages 9 - 11

Tony Dark	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	John Wendling	Yes

Mr. Griesel made a motion that Ms. Kunze remains Vice-Chair and Mr. Johnston made the second.

transcript pages 11 - 12

Tony Dark	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	John Wendling	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Mr. Wendling called upon Ms. Sharon Myers, Chair of the Air Quality Advisory Council (AQAC) to present the air rules. Ms. Myers stated the DEQ proposes to amend Subchapter 17, Part 3, General Purpose Incinerators, and Part 9, Commercial and Industrial Solid Waste Incineration Units (CISWI), to adjust CISWI enforceable requirements and compliance dates consistent with federal requirements that were revised February 7, 2013. The proposed rulemaking incorporates changes required as a result of revisions to the emission guidelines in 40 CFR Part 60, Subpart DDDD for state plans applicable to existing CISWI units as part of the required update to Oklahoma's Section 111(d)/129 plan. Ms. Myers stated no adverse comments were received on this proposal. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Mason moved to approve and Mr. Dark made the second.

transcript pages 12 - 15

Tony Dark	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	John Wendling	Yes

Ms. Myers presented Part B of the proposed rulemaking, stating the DEQ proposes to revoke the existing Appendix Q (Incorporation by Reference) and to replace it with a new Appendix Q to incorporate the latest changes to EPA regulations. Among the changes proposed are the addition

of the model CISWI rule in 40 CFR Part 60, Subpart DDDD, and 40 CFR Part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units, to coincide with the proposed modification of Subchapter 17. The update will also include changes to 40 CFR Part 60, New Source Performance Standards (NSPS) including the recent amendment to the oil and natural gas NSPS in 40 CFR Part 60, Subpart 0000; and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). The update includes the recent amendment to the definition of "volatile organic compound" (VOC) in 40 CFR 51.100(s)(1). In addition, the DEQ proposes 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. Wendling called for a motion. Mr. Dark moved to approve and Mr. Johnston made the second.

transcript pages 16 - 18

Tony Dark	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	John Wendling	Yes

Rulemaking – OAC 252:515 Solid Waste Management – Mr. Wendling called upon Mr. Jeffrey Shepherd, Chair of the Solid Waste Management Advisory Council (SWMAC) to present the solid waste rules. Mr. Shepherd stated the DEQ proposes changes to Subchapter 19 by amending and revoking Part 13, Wheel Washes due to the expiration of the funding mechanism for reimbursement of capital investment costs associated with the purchase and installation of a wheel wash system by landfill disposal sites and commercial incinerator facilities. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Griesel moved to approve and Dr. Hammon made the second.

transcript pages 18 - 20

Tony Dark	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	John Wendling	Yes

Mr. Shepherd stated the DEQ proposes to amend Subchapter 35, Oklahoma Recycling Initiative, in order to simplify requirements for governmental entities. Specifically, the DEQ is removing burdensome and unnecessary requirements for governmental entities who are applying for reimbursement under the Oklahoma Recycling Initiative. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Mason moved to approve and Mr. Dark made the second.

transcript pages 21 - 22

Tony Dark	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	John Wendling	Yes

Mr. Shepherd stated the DEQ proposes to amend Subchapter 41 by adding a new Section 13 in response to legislative changes to 27A O.S. § 2-10-802.2, relating to Roofing Material Recycling Facilities. The proposed rule clarifies the statutory provisions regarding how solid waste fees are collected. Following questions and comments from the Board and none by the public, Mr. Wendling called for a motion. Mr. Dark moved to approve and Mr. Munson made the second.

transcript pages 23 - 29

Tony Dark	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	John Wendling	Yes

Mr. Shepherd stated the DEQ proposes to amend OAC 252:515 by correcting outdated citations throughout Chapter 515. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Kinder made the motion and Mr. Munson made the second.

transcript pages 30 - 31

Tony Dark	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	John Wendling	Yes

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Wendling called upon Ms. Cathy Canty, Chair of the Water Quality Management Advisory Council (WQMAC) to present the water rules. Ms. Canty stated the DEQ proposes to amend Chapter 606 to: update the numbering of subparagraphs incorporated by reference in 40 CFR 124.10 to be consistent with the current CFR; replace the provision for prorating the initial stormwater permit fees with a provision allowing the initial fee to cover the subsequent 12 months; and revoke Appendix D and move the fee language to Section 3-4. DEQ received no formal comments on Chapter 606. Following no comments by the Board or the public, Mr. Wendling called for a motion. Mr. Dark moved to approve and Mr. Mason made the second.

transcript pages 31 - 34

Tony Dark	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	John Wendling	Yes

Rulemaking – OAC 252:656 Water Pollution Control Facility Construction Standards – Ms. Canty stated the legislature established a water reuse committee made up of national regional and local reuse experts, municipalities, industries and general public to recommend updates to the existing water reuse regulations. The items that are being recommended in Chapter 656 that were recommended by the subgroup and accepted by the full committee for inclusion of the rules are: 3, 4, 5, 6, 8, 9 and 10 (as listed below). Ms. Canty stated the DEQ proposes amendments to Chapter 656 including the following to: (1) require that the submission of plans include at least one set of construction plans be on 11" X 17" paper and one set of specifications be loosely bound and suitable for scanning; (2) strengthen the existing prohibition against locating lagoons in areas subject to karstification; (3) add disinfection criteria for reclaimed water systems and distinguish those criteria from the criteria required for OPDES discharges; (4) clarify that the minimum dosage for Category 3 reclaimed water is based on MS-2 phage inactivation; (5) add traveling bridge filters as an approved method for filtration; (6) update the hydraulic loading rates for disc filters; (7) require a pilot study before designing filters to be used to polish total suspended solids from lagoon effluent; (8) add a requirement for signage around water reuse land application sites; (9) clarify that fencing is required for Category 5 reclaimed water land application sites; (10) add a requirement for above-ground signage for existing reclaimed water piping that does not meet the purple pipe standards; and (11) make other minor clarifications, reorganize some of the existing rules and make typographical corrections. DEQ received no formal comments through the official comment period on Chapter 656. Following questions and

comments by the Board and none by the public, Mr. Wendling called for a motion. Mr. Sims made a motion to approve and Mr. Griesel made the second.

transcript pages 34 - 40

Tony Dark	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	John Wendling	Yes

Rulemaking – OAC 252:710 Waterworks and Wastewater Works Operator Certification –

Ms. Canty stated the DEQ proposes to revoke the current Appendix A in Chapter 710 and replace it with a new Appendix A to clarify that an entity is required to meet only one of the conditions listed for a particular operator classification level in order to fall under that classification. DEQ received no formal comments during the official comment period for Chapter 710. Following a brief discussion by DEQ staff and the Board and none by the public, Mr. Wendling called for a motion. Mr. Dark moved to approve and Dr. Hammon made the second.

transcript pages 40 - 44

Tony Dark	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	John Wendling	Yes

Before proceeding with the next agenda item, Mr. Wendling proposed that after the Executive Director's Report he would like to move the Performance Review of the Executive Director before the New Business; there were no objections.

transcript page 44

For the record Mr. Dark left the meeting.

November 2014 Board Meeting Date – Ms. Martha Penisten, General Counsel of the DEQ, explained that the November 2014 Board meeting date has to be changed to November 13 or 18 due to a conflict with the established date November 12. Following a brief discussion, Mr. Wendling proposed the new Board meeting date to be Thursday, November 13. Mr. Griesel moved to approve the November 13 Board meeting date and Mr. Johnston made the second.

transcript pages 45 - 47

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	John Wendling	Yes
Jan Kunze	Yes		

Executive Director's Report – Mr. Thompson stated there have been a few changes in the Agency. Ms. Kelly Dixon is Acting Division Director for the Land Protection Division. Ms. Catherine Sharp is Acting Division Director for the Administrative Services Division. A new office has been created called External Affairs with Lloyd Kirk, Tim Ward and Saba Tahmassebi. They will have an ombudsman function and also handle new business and permit assistance. Also, Mr. Thompson spoke on legislation and keeping track of specific bills going before the Legislature.

transcript pages 47 - 56

Performance Review of Executive Director – Mr. Wendling stated he would like to move to Item 15. Performance Review of the Executive Director to get detailed information on the

activities that has been going on within the agency in the last two months since Mr. Thompson has been Executive Director. Mr. Griesel made a motion to go into Executive Session and Mr. Kinder made the second.

transcript pages 56 - 57

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	John Wendling	Yes
Jan Kunze	Yes		

The Board reconvened. Mr. Wendling called for a motion to come out of Executive Session and resume the Board meeting. Mr. Sims moved to approve and Mr. Johnston made the second.

transcript page 57 - 59

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	John Wendling	Yes
Jan Kunze	Yes		

New Business – None

Next Meeting – The next schedule meeting will be Tuesday, June 17, 2014 in McAlester.

Adjournment – Mr. Johnston moved to adjourn and Mr. Munson made the second. Meeting adjourned at 12:00 p.m.

transcript pages 59 - 60

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFIED COPY

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF THE OKLAHOMA ENVIRONMENTAL QUALITY
BOARD MEETING
ON FEBRUARY 21, 2014 AT 9:30 A.M.
IN OKLAHOMA CITY, OKLAHOMA

* * * * *

YOUNG REPORTING SERVICES
414 N.W. 4th Street, Suite 1409
Oklahoma City, Oklahoma 73102
(405) 236-8426 * Fax (405) 236-8429
www.youngreporting.com

Reported by: LORI L. ROBERTS, CSR No. 1588

Page 2

1
2 MEMBERS OF THE BOARD
3
4 TONY DARK, Member
5 SHANNON FERRELL, Member
6 DAVID GRIESEL, Member
7 DR. TRACY HAMMON, Member
8 JERRY JOHNSTON, Member
9 JAMES KINDER, Member
10 JAN KUNZE, Vice-Chair
11 STEVE MASON, Member
12 TIM MUNSON, Member
13 BILLY SIMS, Member
14 KERRITA TURNER, Member
15 JOHN WENDLING, Chair
16
17
18
19
20
21
22
23
24
25

Page 4

1 MS. FIELDS: Mr. Johnston?
2 MR. JOHNSTON: Here.
3 MS. FIELDS: Mr. Kinder?
4 MR. KINDER: Yes.
5 MS. FIELDS: Ms. Kunze?
6 MR. KUNZE: Here.
7 MS. FIELDS: Mr. Mason?
8 MR. MASON: Present.
9 MS. FIELDS: Mr. Munson?
10 MR. MUNSON: Here.
11 MS. FIELDS: Mr. Sims?
12 MR. SIMS: Present.
13 MS. FIELDS: Ms. Turner?
14 MS. TURNER: Here.
15 MS. FIELDS: Mr. Wendling?
16 MR. WENDLING: Here.
17 MS. FIELDS: We have a quorum.
18 MR. WENDLING: All right. Thank you, very much.
19 Before we get started, could I have a raise of
20 hands of those people that have not been in this meeting
21 before?
22 Okay. We have at least one and I think we have
23 maybe a few other board members, but what I would like
24 to do is just pause for a safety moment. And what I --
25 just to be on the safe side, I've asked Jimmy to

Page 3

1 PROCEEDINGS:
2 MR. WENDLING: Welcome everybody. I've got the
3 call to order I would like to read.
4 The February 21, 2014, regular meeting of the
5 Environment Quality Board has been called according to
6 the Oklahoma Open Meeting Act, Section 311 of Title 25
7 of the Oklahoma Statutes. Notice was filed with the
8 Secretary of State on November 18, 2013, Agendas were
9 mailed to interested parties on February 10, 2014, and
10 were posted at the DEQ on February 20th of this year,
11 2014.
12 Only matters pertaining on the posted Agenda may
13 be considered. If this meeting is continued or
14 reconvened, we must announce today the date, time, and
15 place of the continued meeting, and the Agenda for such
16 continuation will remain the same as today's Agenda.
17 Can I have a roll call, please?
18 MS. FIELDS: Mr. Dark?
19 MR. DARK: Yes.
20 MS. FIELDS: Mr. Ferrell?
21 MR. FERRELL: Here.
22 MS. FIELDS: Mr. Griesel?
23 MR. GRIESEL: Here.
24 MS. FIELDS: Dr. Hammon?
25 DR. HAMMON: Here.

Page 5

1 instruct everyone if we did have an incident or
2 something did occur while the meeting was in session,
3 what we as a group should do from a safety perspective.
4 Jimmy.
5 MR. GIVENS: If we were to have an emergency,
6 particularly one that requiring evacuation of the
7 building, obviously the fire alarms would go off. We
8 would have lights flashing. You would exit out one of
9 these two doors out into the lobby, out the front door,
10 and then take a left, go out to the parking lot on the
11 north side of the building. That's where we convene and
12 try to make sure that we have everybody out of the
13 building.
14 Any other sort of emergency would be by verbal
15 announcement over the intercom system.
16 MR. WENDLING: All right. Thank you, Jimmy.
17 I wanted to -- we may have -- I think we have a
18 guest with us that normally attends our meeting and I
19 would like to recognize Tyler Powell. He's our Deputy
20 Secretary of Environment. Tyler, thanks for being with
21 us today.
22 Also we have two new board members that are with
23 us for the first time. And we have Shannon Ferrell who
24 represents the environmental -- I'm sorry, the
25 agricultural sector. He's been appointed by the

Page 6

1 governor. And we have Loretta Turner who represents the
 2 environmental professional areas, so welcome to both of
 3 you. And they did instruct you that after your first
 4 meeting we have about a two week one-on-one intense
 5 training?
 6 MR. FERRELL: They just told me that the new guy
 7 buys lunch.
 8 MR. WENDLING: All right. Well, welcome aboard.
 9 We appreciate the help. Thank you.
 10 You know, last year was a very busy year. We --
 11 in the middle of the year, we ended up with an
 12 unexpected retirement of Steve Thompson. And then many
 13 of us kicked things in gear in one of our roles as -- on
 14 the Environment Quality Board is to select the new
 15 director. So it was busy and we moved forward and we
 16 were able to end the year with the appointment of Scott
 17 Thompson as the new executive director.
 18 And so, Scott, welcome to your first regular
 19 meeting of the Environmental Quality Board as executive
 20 director. So we do look forward later in the meeting to
 21 your comments and your update to the Board.
 22 So with that, I would like to go to the third
 23 Agenda item which is approval of the minutes of our
 24 November 13th regular meeting.
 25 MR. GRIESEL: I make a motion to approve.

Page 7

1 MR. MASON: I second.
 2 MR. WENDLING: All right. We have a motion to
 3 approve. Could we have role call, please?
 4 MS. FIELDS: Mr. Dark?
 5 MR. DARK: Yes.
 6 MS. FIELDS: Mr. Ferrell?
 7 MR. FERRELL: Yes.
 8 MS. FIELDS: Mr. Griesel?
 9 MR. GRIESEL: Yes.
 10 MS. FIELDS: Dr. Hammon?
 11 DR. HAMMON: Yes.
 12 MS. FIELDS: Mr. Johnston?
 13 MR. JOHNSTON: Yes.
 14 MS. FIELDS: Mr. Kinder?
 15 MR. KINDER: Yes.
 16 MS. FIELDS: Ms. Kunze?
 17 MS. KUNZE: Yes.
 18 MS. FIELDS: Mr. Mason?
 19 MR. MASON: Yes.
 20 MS. FIELDS: Mr. Munson?
 21 MR. MUNSON: Yes.
 22 MS. FIELDS: Mr. Sims?
 23 MR. SIMS: Yes.
 24 MS. FIELDS: Ms. Turner?
 25 MS. TURNER: Yes.

Page 8

1 MS. FIELDS: Mr. Wendling?
 2 MR. WENDLING: Yes.
 3 MS. FIELDS: Motion passed.
 4 MR. WENDLING: All right. Thank you.
 5 Now we'll move to the next agenda item which was
 6 the special meeting we had on December 18th.
 7 MR. JOHNSTON: I move to approve Jerry Johnston.
 8 MS. KUNZE: I second.
 9 MR. WENDLING: All right. Role call, please?
 10 MS. FIELDS: Mr. Dark?
 11 MR. DARK: 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 9

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: Mr. Wendling?
 8 MR. WENDLING: Yes.
 9 MS. FIELDS: Motion passed.
 10 MR. WENDLING: All right, thank you.
 11 I think the next item on the Agenda has to do
 12 with the election of officers. We have the election of
 13 Chair and Vice-Chair for calendar year 2014.
 14 Now, I did want to make the statement that I
 15 originally thought that when I was put on as Chairman,
 16 it was a two-year commitment so it kind of surprised me.
 17 So -- but with that, I will open it to anyone that would
 18 like to make a motion.
 19 MR. GRIESEL: I would like to make a motion to
 20 John Wendling by our Chairman for the next year.
 21 MR. JOHNSTON: I second that motion.
 22 MR. WENDLING: I'm okay with that. I'm happy to
 23 do that.
 24 MR. KINDER: I move the nominations cease and
 25 elect you back.

Page 10

1 MR. GRIESEL: Second.
 2 MR. WENDLING: All right. Let's do roll call.
 3 MS. FIELDS: Mr. Dark?
 4 MR. DARK: 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: Definitely, 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: Mr. Wendling?

Page 11

1 MR. WENDLING: I will do it.
 2 MS. FIELDS: Motion passed.
 3 MR. WENDLING: All right. Next is the
 4 Vice-Chair for calendar year 2014 because currently Jan
 5 is -- Jan Kunze is our current Vice-Chair.
 6 MR. GRIESEL: So move.
 7 MR. JOHNSTON: Second.
 8 MS. KUNZE: I will say when I took the
 9 Vice-Chair, I definitely thought John had a two-year
 10 term.
 11 MR. WENDLING: All right. Roll call, please?
 12 MS. FIELDS: Mr. Dark?
 13 MR. DARK: Yes.
 14 MS. FIELDS: Mr. Ferrell?
 15 MR. FERRELL: Yes.
 16 MS. FIELDS: Mr. Griesel?
 17 MR. GRIESEL: Yes.
 18 MS. FIELDS: Dr. Hammon?
 19 DR. HAMMON: Yes.
 20 MS. FIELDS: Mr. Johnston?
 21 MR. JOHNSTON: Yes.
 22 MS. FIELDS: Mr. Kinder?
 23 MR. KINDER: Yes.
 24 MS. FIELDS: Ms. Kunze?
 25 MS. KUNZE: Yes, I will be happy to do it.

Page 12

1 MS. FIELDS: Mr. Mason?
 2 MR. MASON: Yes.
 3 MS. FIELDS: Mr. Munson?
 4 MR. MUNSON: Yes.
 5 MS. FIELDS: Mr. Sims?
 6 MR. SIMS: To quote Ms. Kunze, definitely, yes.
 7 MS. FIELDS: Ms. Turner?
 8 MS. TURNER: Yes.
 9 MS. FIELDS: Mr. Wendling.
 10 MR. WENDLING: You bet.
 11 MS. FIELDS: Motion passed.
 12 MR. WENDLING: All right. Thank you.
 13 I'll move forward on the Agenda to the
 14 rulemaking period. We have several items there for
 15 review today and potential approval, but I wanted to ask
 16 a question from our legal counsel here.
 17 Each section, like question number six, it's got
 18 an A and a B, and seven has four parts. Do we address
 19 those as one group or do we need to rule on those
 20 individually?
 21 MR. EUBANKS: Well, in the past we've done them
 22 individually (inaudible).
 23 MR. WENDLING: All right. Well, we'll just do
 24 it that way.
 25 All right. The first one is Ruleraking CAC

Page 13

1 252:100 Air Pollution Control. And we have two areas to
 2 review that we'll take the first one, and I guess Sharon
 3 Myers, the chair of the Air Quality Advisory Council
 4 will be presenting.
 5 Sharon.
 6 MS. MYERS: Good morning, members of the
 7 Environmental Quality Board. It's good to be here. The
 8 DEQ proposes to amend Subchapter 17, Part 3, General
 9 Purpose Incinerators and Part 9, Commercial and
 10 Industrial Solid Waste Incineration Units, to adjust the
 11 CISWI enforceable requirements and compliance dates
 12 consistent with federal requirements that were revised
 13 February 7, 2013. The proposed rulemaking incorporates
 14 changes required as a result of the revisions to the
 15 emissions guidelines in 40 CFR Part 60, Subpart EDDD for
 16 state plans applicable to existing CISWI units as part
 17 of the required update to Oklahoma's Section 111(d)/129
 18 plan.
 19 Both changes would primarily use the model rule
 20 in Sections 60.2575 through 60.2875 of 40 CFR Part 60,
 21 Subpart DDDD, which are included for incorporation by
 22 reference in conjunction with the update to Subchapter 2
 23 and appendix Q that is also being presented for adoption
 24 today.
 25 The other implementation and language that is

Page 14

1 not part of the model rule such as the exemption section
 2 has been updated to reflect the current contact --
 3 content of Subpart DDDD. A minor change is proposed for
 4 Part 3 of Subchapter 17. Part 3 covers general purpose
 5 incinerators, that is those incinerators not covered by
 6 the various federal standards and other Subchapter 17
 7 parts that apply to specific types of incinerators. The
 8 proposal would update the list of these standards in AOC
 9 252:100-17-2. No adverse comments were received on
 10 these proposals.

11 MR. WENDLING: All right. Thank you.
 12 Let's cover Part A first. Any questions and
 13 discussion by the Board on Part A?
 14 All right. Any questions, comments from the
 15 public?
 16 All right. Hearing none, do I have -- can I
 17 have a motion?

18 MR. MASON: Move approval.
 19 MR. DARK: Second.
 20 MR. WENDLING: All right. Roll call, please?
 21 MS. FIELDS: Mr. Dark?
 22 MR. DARK: Yes.
 23 MS. FIELDS: Mr. Ferrell?
 24 MR. FERRELL: Yes.
 25 MS. FIELDS: Mr. Griesel?

Page 15

1 MR. GRIESEL: Yes.
 2 MS. FIELDS: Dr. Hammon?
 3 DR. HAMMON: Yes.
 4 MS. FIELDS: Mr. Johnston?
 5 MR. JOHNSTON: Yes.
 6 MS. FIELDS: Mr. Kinder?
 7 MR. KINDER: Yes.
 8 MS. FIELDS: Ms. Kunze?
 9 MS. KUNZE: Yes.
 10 MS. FIELDS: Mr. Mason?
 11 MR. MASON: Yes.
 12 MS. FIELDS: Mr. Munson?
 13 MR. MUNSON: Yes.
 14 MS. FIELDS: Mr. Sims?
 15 MR. SIMS: Yes.
 16 MS. FIELDS: Ms. Turner?
 17 MS. TURNER: Yes.
 18 MS. FIELDS: Mr. Wendling?
 19 MR. WENDLING: Yes.
 20 MS. FIELDS: Motion passed.
 21 MR. WENDLING: All right. Thank you.
 22 Part B dealing with the Appendix Q. And it was
 23 reviewed. Any questions and comments from the Board on
 24 this section?
 25 MS. MYERS: I haven't done that part yet.

Page 16

1 MR. WENDLING: Oh, I'm sorry. I thought they
 2 went all together. I'm sorry.
 3 MS. MYERS: The DEQ proposes to revoke the
 4 existing Appendix Q (incorporation by reference) and to
 5 replace it with a new Appendix Q to incorporate the
 6 latest changes to EPA regulations. In addition the DEQ
 7 proposes to update the language in 252:100-2-3
 8 (incorporation by reference), to reflect the latest date
 9 of incorporation of the EPA regulations in Appendix Q.
 10 Among the changes proposed are the addition of
 11 the model commercial and industrial solid waste
 12 incineration units, referred to as CISWI, in Rule 40 CFR
 13 Part 60, Subpart DDDD, and 40 CFR Part 214, Solid Waste
 14 Used As Fuels or Ingredients in Combustion Units to
 15 coincide with the proposed modification of Subchapter
 16 17, which you just approved. The update will also
 17 include changes to 40 CFR Part 60, New Source
 18 Performance Standards, known as NSPS, including the
 19 recent amendment to the oil and natural gas NSPS in 40
 20 Part 60 -- 40 CFR Part 60, Subpart GGGG, and Part 63,
 21 National Emission Standards For Hazardous Air
 22 Pollutants, referred to as NESHAPs. The update includes
 23 the recent amendment to the definition of "volatile
 24 organic compound" in 40 CFR 51.100(s)(1). This proposal
 25 reflects the incorporated standards as they existed on

Page 17

1 November 1st, 2013, and include all the applicable
 2 federal regulations added or amended since
 3 September 13th, 2012.
 4 As you may also recall, the Oklahoma Rules on
 5 rulemaking dictate that the procedure of revoking the
 6 old Appendix Q in its entirety and replacing it with a
 7 new Appendix Q reflecting the changes we are proposing
 8 today.
 9 MR. WENDLING: Okay. All right. Thank you,
 10 Sharon.
 11 Any questions, comments on the Board on Section
 12 B on the Agenda?
 13 All right. Comments, questions from the public?
 14 All right. Hearing none, do I have -- can I
 15 have a motion on this part of the rulemaking?
 16 MR. DARK: Move approval.
 17 MR. JOHNSTON: Second.
 18 MR. WENDLING: All right. Roll call, please?
 19 MS. FIELDS: Mr. Dark?
 20 MR. DARK: Yes.
 21 MS. FIELDS: Mr. Ferrell?
 22 MR. FERRELL: Yes.
 23 MS. FIELDS: Mr. Griesel?
 24 MR. GRIESEL: Yes.
 25 MS. FIELDS: Dr. Hammon?

Page 18

1 DR. HAMMON: Yes.
 2 MS. FIELDS: Mr. Johnston?
 3 MR. JOHNSTON: Yes.
 4 MS. FIELDS: Mr. Kinder?
 5 MR. KINDER: Yes.
 6 MS. FIELDS: Ms. Kunze?
 7 MS. KUNZE: Yes.
 8 MS. FIELDS: Mr. Mason?
 9 MR. MASON: Yes.
 10 MS. FIELDS: Mr. Munson?
 11 MR. MUNSON: Yes.
 12 MS. FIELDS: Mr. Sims?
 13 MR. SIMS: Yes.
 14 MS. FIELDS: Ms. Turner?
 15 MS. TURNER: Yes.
 16 MS. FIELDS: Mr. Wendling?
 17 MR. WENDLING: Yes.
 18 MS. FIELDS: Motion passed.
 19 MR. WENDLING: All right. Thank you.
 20 All right. Next area of rulemaking has to do
 21 with OAC 252:515 Solid Waste Management. We've got four
 22 parts to this particular area, and this will be
 23 presented by Jeffrey Shepherd, Chair of Solid Waste
 24 Management Council. Welcome.
 25 MR. SHEPHERD: Good morning. I will start with

Page 19

1 Item Number A, proposed changes to Chapter 515
 2 Management of Solid Waste, Wheel Washes. The Department
 3 is proposing to amend OAC 252:515-19 by amending and
 4 revoking Part 13, Wheel Washes due to expiration of the
 5 funding mechanism. Specifically, the funding mechanism
 6 expired in June 2007.
 7 Wheel Wash requirements for landfills were
 8 created by statute but have now expired. The Department
 9 proposes that we delete rules that are no longer
 10 effective or necessary. These are rules that were
 11 previously adopted to comply with the statute.
 12 MR. WENDLING: All right. Thank you.
 13 Any questions, comments from the Board?
 14 All right. Questions or comments from the
 15 public?
 16 All right. Hearing none, can I have a motion,
 17 please?
 18 MR. GRIESEL: So move.
 19 DR. HAMMON: Second.
 20 MR. WENDLING: And what was the motion for?
 21 MR. GRIESEL: To approve (inaudible).
 22 MR. WENDLING: Okay. Thank you. Roll call,
 23 please?
 24 MS. FIELDS: Mr. Dark?
 25 MR. DARK: Yes.

Page 20

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

Page 21

1 MR. SHEPHERD: Item B, Proposed Changes to
 2 Chapter 515 Management of Solid Waste, the Oklahoma
 3 Recycling Initiative. The Department is proposing to
 4 amend OAC 252:515 Subchapter 35, Oklahoma Recycling
 5 Initiative, in order to simplify requirements for
 6 government entities. The proposed changes remove
 7 burdensome and unnecessary requirements of governmental
 8 entities who are applying for reimbursement under the
 9 Oklahoma recycling initiative.
 10 MR. WENDLING: Was this something that was
 11 brought to the Council's attention for a change or --
 12 MR. SHEPHERD: Fenton -- I think it was brought
 13 by the Department to the Council to sort of streamline
 14 the process of applications.
 15 MR. WENDLING: All right. All right. Thank
 16 you.
 17 Any questions, comments from the Board?
 18 All right. Any comments, questions from the
 19 public?
 20 All right. Hearing none, could I have a motion,
 21 please?
 22 MR. MASON: I move approval.
 23 MR. DARK: Second.
 24 MR. WENDLING: Roll call, please?
 25 MS. FIELDS: Mr. Dark?

Page 22

1 MR. DARK: 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: Mr. Wendling?
 23 MR. WENDLING: Yes.
 24 MS. FIELDS: Motion passed.
 25 MR. WENDLING: All right. Thank you.

Page 23

1 Move to Section C.
 2 MR. SHEPHERD: Okay. Proposed changes to
 3 Chapter 515, Management of Solid Waste Roofing Material,
 4 Recycling Reporting and Fees. The Department is
 5 proposing to amend OAC 252:515 by adding a new
 6 Subchapter 41-13 in response to legislative changes to
 7 27 A O.S. 802.2 relating to roofing material recycling
 8 facilities. The proposed rule clarifies the statutory
 9 provisions regarding how solid waste fees are collected.
 10 The statute now requires that roofing material recycling
 11 facilities be regulated like other solid waste
 12 management operations. These proposed rules clarify the
 13 manner in which facilities will report on materials
 14 received, recycled, or non-recyclable materials sent for
 15 disposal. Additionally the amount of material stored
 16 onsite will be tracked in the manner in which these
 17 facilities collect and remit fees will be specified.
 18 MR. WENDLING: All right. Comments, questions
 19 from the Board?
 20 MR. MASON: I have a question. I sense that
 21 maybe the DEQ has been dealing with some inadvertent
 22 shingle dumps that have been created in the last few
 23 years --
 24 MR. SHEPHERD: Yes.
 25 MR. MASON: -- that weren't permitted and it's a

Page 24

1 whole mess. Is this a health matter?
 2 MR. SHEPHERD: I believe so. I mean, I think
 3 it's creating a permitting process for these facilities.
 4 So they can't just go out and take shingles, charge
 5 people, and then leave town. Because that's where we
 6 are. I believe we have two large shingle dumps. So
 7 this will create the necessary permitting so that they
 8 can be tracked.
 9 MR. DARK: Logistically, how would that happen?
 10 Explain that to me. I'm curious.
 11 MR. SHEPHERD: How old -- logistically how --
 12 MR. DARK: Well, we've got these piles of
 13 shingles now and now we have a rule, so now it's up to
 14 the DEQ to enforce that rule.
 15 MR. SHEPHERD: Yes.
 16 MR. DARK: How will that happen?
 17 MR. SHEPHERD: Well, I would imagine that if
 18 somebody was to want to open a shingle recycling
 19 facility, they would have to obtain a permit from the
 20 DEQ. And then once the permit is obtained, then the
 21 proper tracking through inspections, fees being paid, et
 22 cetera, would then allow the DEQ to track their
 23 operations and make sure they're in compliance.
 24 MR. DARK: But the existing piles of shingles,
 25 how is that addressed?

Page 25

1 MR. SHEPHERD: I'm not sure how that's going to
 2 be addressed.
 3 MR. DARK: I'm not either. I don't see this
 4 rule attacking that issue at all. Just a question.
 5 MR. JOHNSTON: I have a question. In the new
 6 rules, is it going to be like a regular dump where they
 7 have to have no runoff and all of the things? Can they
 8 not just dump them in somewhere and --
 9 MR. SHEPHERD: No, this is specifically for
 10 recycling shingles. I think what everybody is trying to
 11 do is create an opportunity for people to bring the
 12 shingles to these operators who would then shred them
 13 and hopefully be able to sell them to the asphalt paving
 14 manufacturers so that they could use them as part of
 15 their asphalt mix.
 16 MR. JOHNSTON: Is that happening now?
 17 MR. SHEPHERD: I don't believe that there has
 18 been any -- has there been an application submitted.
 19 MR. ROOD: Oh, I thought he was referring to the
 20 asphalt. I'm sorry.
 21 MR. SHEPHERD: They're using it -- some of the
 22 asphalt people are doing it, yes, but I don't think an
 23 application for a recycling facility has been submitted.
 24 MR. JOHNSTON: But these piles are supposedly
 25 people that do the recycling or --

Page 26

1 MR. SHEPHERD: I'm not sure where the big piles
 2 are.
 3 Fenton, do you know?
 4 MR. ROOD: I'm Fenton Rood. We've got two major
 5 dump issues in the Oklahoma City metropolitan area.
 6 They were -- those problems were largely the reason why
 7 the legislature passed the statute that they did. The
 8 market for using the material in asphalt is becoming
 9 relatively well developed. Just as an example, all the
 10 recent overlays in the city of El Reno were done with
 11 asphalt containing the roofing material.
 12 MR. JOHNSTON: Are the things in these piles
 13 just asphalt or is it all the plywood they took off the
 14 deck and all those things?
 15 MR. ROOD: The problem with the two dump sites
 16 that we're dealing with is they took everything, and
 17 obviously the asphalt companies only want the shingles.
 18 MR. MASON: So under Subchapter 41, there's
 19 already, without looking at these new rules, there's
 20 already a structure for these facilities to have
 21 permits?
 22 MR. SHEPHERD: No. These -- it's a new statute.
 23 MR. MASON: Have we done outreach? Because we
 24 are getting ready to expand our control over community?
 25 Have we talked to the recycling material association?

Page 27

1 MR. SHEPHERD: Yes.
 2 MR. MASON: So they're aware of this? Before we
 3 reach out and grab more people to regulate and they are
 4 okay.
 5 MR. THOMPSON: Right. Actually, we have set
 6 this up in a way so that we don't grab the people who
 7 are currently doing legitimate recycling and just
 8 dealing with shingles. What this really does is prevent
 9 future open dumps that are illegal dumps that are mainly
 10 people receiving shingles but other materials as well.
 11 It doesn't address the historical dumps, so we're going
 12 to have to find some other way to deal with those.
 13 We have worked with local landowners and we have
 14 pursued some of the folks who were involved in the
 15 dumping, but I don't hold out a lot of hope that we'll
 16 get adequate funding out of that source to resolve
 17 those. But we have reached out, we met with the asphalt
 18 companies and the shingle recyclers. And if you're
 19 taking material and handling it in trucks or roll-offs,
 20 and it's basically clean shingles more or less, not a
 21 lot of other debris. And you don't make a pile out of
 22 it. You take it to them and shred it and take it to an
 23 asphalt plant or take it straight to the asphalt plant
 24 where it can be incorporated, then this doesn't apply to
 25 you. But if you're going to set up a separate facility

Page 28

1 where you put the stuff on the ground, then you've got
 2 to have a solid waste permit, and that's what this does.
 3 MR. SHEPHERD: Yeah. I think there is a couple
 4 of the asphalt manufacturers that are taking loads of
 5 shingles only and shredding them and then using them
 6 right away.
 7 MR. THOMPSON: And we are not overly concerned
 8 about the piles of just shingles because that's a
 9 valuable commodity that is usable. What we're concerned
 10 about are these guys that claim they're recycling but
 11 aren't really.
 12 MR. MASON: Sounds like you guys have an
 13 outreach so I'm comfortable.
 14 MR. THOMPSON: Yes, we have 20 or 30 people here
 15 and we mapped it before we developed the rules.
 16 MR. WENDLING: All right. Any other questions
 17 from the Board?
 18 Okay. Comments from the public?
 19 All right. Seeing none, can I have a motion
 20 please?
 21 MR. DARK: Move for approval.
 22 MR. MUNSON: Second.
 23 MR. WENDLING: Roll call?
 24 MS. FIELDS: Mr. Dark?
 25 MR. DARK: Yes.

Page 29

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

Page 30

1 MR. SHEPHERD: Last item. Proposed changes to
 2 Chapter 515, Management of Solid Waste. The Department
 3 is proposing to amend OAC 252:515 by correcting outdated
 4 citations throughout Chapter 515. This represents the
 5 solid waste body of rules. Each of the tabs you see
 6 represents a legal citation that is no longer correct.
 7 This proposed rule is simply to collect all of the legal
 8 citations.
 9 MR. WENDLING: All right. Thank you. Seems
 10 pretty standard.
 11 Any comments from the Board, any questions?
 12 Anything from the public?
 13 All right. Can I have a motion, please?
 14 MR. KINDER: Jimmy Kinder, I make a motion.
 15 MR. MUNSON: Second.
 16 MR. WENDLING: Roll call, please?
 17 MS. FIELDS: Mr. Dark?
 18 MR. DARK: 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 31

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: Mr. Wendling?
 15 MR. WENDLING: Yes.
 16 MS. FIELDS: Motion passed.
 17 MR. WENDLING: All right. Thank you,
 18 Mr. Shepherd.
 19 MR. SHEPHERD: Thank you.
 20 MR. WENDLING: Appreciate it.
 21 Okay. Item 8 on the Agenda OAC 252:606 Oklahoma
 22 Pollutant Discharge Elimination System Standards
 23 (ODES). That's to be covered by Cathy Canty, Chair of
 24 the Water Quality Management Advisory Council.
 25 Welcome, Cathy.

Page 32

1 MS. CANTY: Thank you. I'm Cathy Canty. I'm
 2 the Chair for the Water Quality Management Advisory
 3 Council. I'm bringing you three chapters today for
 4 revision, 606, 656, and 710.
 5 Before bringing the rules before the Council,
 6 the DEQ discussed the proposed rules with stakeholders
 7 during two public meetings, informal public meetings.
 8 One was in Tulsa on November 5th and the other on
 9 November 6th in Oklahoma City. As a result of those
 10 efforts, the DEQ staff -- well, they did have a couple
 11 of informal comments which they worked on, and a result
 12 of those efforts, the DEQ identified and addressed
 13 express concerns. Indirectly what happened is they had
 14 no period -- no comments during the formal time period,
 15 so they worked everything out ahead of time.
 16 We'll start with 606, and then we'll see if you
 17 guys have any questions. There are three changes there.
 18 First, we're recommending to update the numbering of
 19 subparagraph incorporated by reference in 40 CFR 124.10
 20 to be consistent with the current CFR.
 21 Second, to replace the provision for pro-rating
 22 the initial stormwater fees with the provision allowing
 23 initial fee to cover a subsequent 12-month period.
 24 Currently, if you get a permit, you renew on June 30th
 25 no matter when you get it. This would allow them to

Page 33

1 have a full year.
 2 And third, to revoke Appendix D and move the fee
 3 language to the text of Section 3-4, which is where the
 4 fee language belongs. Moving that did not change any of
 5 the fees. As stated, DEQ received no formal comments on
 6 Chapter 606.
 7 Questions?
 8 MR. WENDLING: All right. Thank you.
 9 Any questions and comments from the Board on
 10 changes?
 11 All right. Anything from the public?
 12 All right. Hearing none, can I have a motion,
 13 please?
 14 MR. DARK: I move approval.
 15 MR. MASON: Second.
 16 MR. WENDLING: All right. Roll call, please?
 17 MS. FIELDS: Mr. Dark?
 18 MR. DARK: 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 34

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: Mr. Wendling?
 15 MR. WENDLING: Yes.
 16 MS. FIELDS: Motion passed.
 17 MR. WENDLING: All right. Thank you.
 18 MS. CANTY: Are you ready for 656?
 19 MR. WENDLING: We're ready for 656.
 20 MS. CANTY: Okay.
 21 MR. WENDLING: Thank you.
 22 MS. CANTY: As you may recall, the legislature
 23 established a water reuse committee made up of national,
 24 regional, and local reuse experts, municipalities,
 25 industries, and general public to recommend updates to

Page 35

1 the existing water reuse regulations. A subgroup of
 2 this committee was created to incorporate new
 3 technologies for water reuse the rules to minimize the
 4 need for variances. This subgroup is comprised of
 5 consulting engineers, national and local water reuse
 6 experts, municipalities, and general public, and is
 7 facilitated by the DEQ staff. Seven of the items being
 8 recommended in 656 were recommended by the subgroup and
 9 accepted by the full committee for inclusion of the
 10 rules. These items, if you want to know, then are items
 11 1, 4, 5, 6, 8, 9, and 10 as listed on your Agenda, and
 12 we'll go through all of these.
 13 So for Chapter 656 the Water Quality Management
 14 Advisory Council's recommending the following changes:
 15 One, require the submission of plans include at
 16 least one set of construction plans be on 11x17 paper
 17 and one set of specifications be loosely bound and
 18 suitable for scanning. This change is in part to the
 19 Agency's effort to be paperless, and that will help them
 20 scan it in.
 21 Two, strengthen the existing prohibition against
 22 locating lagoons in areas subject to karst locations.
 23 Oklahoma had two or three wastewater systems which had
 24 failed due to sink holes which occurred in these types
 25 of lagoon cells because they were located in an area

Page 36

1 with gypsum or karst soils. This has led to extensive
 2 expense and litigation for these communities.
 3 Three, add disinfection criteria for reclaimed
 4 water systems and distinguish those criteria from the
 5 criteria required by the OPDES discharges.
 6 Four, clarify the minimum disinfection dosage
 7 for Category 3 reclaimed water design is based on MS-two
 8 phage virus inactivation.
 9 Five, add traveling bridge filters as an
 10 approved method for filtration.
 11 Six, update the hydraulic loading rates for disc
 12 filters.
 13 Seven, require a pilot study before designing
 14 filters to be used to polish TSS from lagoon effluent.
 15 Eight, clarify that signage is required to be
 16 posted at land application sites; this requirement was
 17 in Chapter 627 but was overlooked for inclusion in
 18 Chapter 656.
 19 Nine, clarify that fencing is required for
 20 Category 5 reclaimed water land application sites; as
 21 with item eight, this requirement is in Chapter 627 but
 22 was overlooked in the inclusion in Chapter 656.
 23 Ten, add a requirement for above-ground signage
 24 for existing reclaimed water piping that was installed
 25 without purple pipe. The signage requirement does not

Page 37

1 apply to existing water reuse systems that use purple
 2 pipe.
 3 Eleven, make other minor clarifications in
 4 typographical corrections.
 5 Again DEQ received no formal comments through
 6 the official comment period for these rules.
 7 MR. WENDLING: All right. Thank you, Cathy.
 8 Thank you for the extra color you add to the comments
 9 too. That's very -- helps clarify things too.
 10 Any questions, comments from the Board?
 11 MR. MASON: I have a question. The karst
 12 restriction, does that eliminate large parts of
 13 northeastern Oklahoma from lagoons.
 14 MS. CANTY: Carl or Shellie? I think they would
 15 know better or have better detail than --
 16 MS. CHARD-MCCLARY: Shellie Chard-McClary, I'm
 17 the Water Quality Division Director. And actually the
 18 only places where we have seen this has primarily been
 19 just a few counties in southwest Oklahoma. That's where
 20 we have seen the ones that really meet the true
 21 definition of the karst soils that have caused us
 22 problems. The geotechnical studies that have been done
 23 on other projects in western Oklahoma have been
 24 determined to be suitable.
 25 And actually they're, I think it's two counties

Page 38

1 are where we have actually seen the biggest issue and
 2 where we have litigation on one of them started in about
 3 '96 or '97. The other is -- started a little bit after
 4 that but both are still ongoing. But as far as active
 5 projects we have seen in my 22 years, it's two projects
 6 and we had a third project that chose an alternate site
 7 and that's all that's been affected.
 8 But we just wanted to make it clear so we didn't
 9 have towns of 500 spending all of their funds fighting
 10 engineering firms and lawyers and that sort of issue.
 11 MR. MASON: Okay.
 12 MR. WENDLING: All right. Thank you.
 13 Any other questions?
 14 DR. HAMMON: I have a quick questions. How much
 15 of the piping is not purple out there? How many would
 16 this apply to?
 17 MS. CANTY: We talked about that and we talked
 18 about whether or not it was going to be burdensome and I
 19 know our group felt like it was not going to be
 20 burdensome.
 21 But, Carl, do you want to answer that? Because
 22 I know we talked about that, would that be burdensome.
 23 MR. PARROTT: Yeah, I'm Carl Parrott, chief
 24 engineer of Water Quality. And we have about 125
 25 facilities that have a Category 5 water reuse systems,

Page 39

1 and so they will be required to put some signage on
 2 their water reuse lines.
 3 The only ones that will be required to change to
 4 purple pipe is new construction. So there are about ten
 5 that are Category 3 out there right now, three and four.
 6 DR. HAMMON: Have you had any feedback from
 7 these facilities at all that would have to do the new
 8 signage requirement?
 9 MR. PARROTT: We did have a comment during the
 10 informal comment period, and we worked with them to
 11 actually require less signs than what we had initially
 12 put in the rule and what was initially recommended by
 13 our water reuse subcommittee that worked on this.
 14 MR. WENDLING: Any other questions from the
 15 Board?
 16 Comments, questions from the public?
 17 All right. Can I have a motion, please?
 18 MR. SIMS: Make a motion to approve.
 19 MR. GRIESEL: Second.
 20 MR. WENDLING: All right. Roll call?
 21 MS. FIELDS: Mr. Dark?
 22 MR. DARK: Yes.
 23 MS. FIELDS: Mr. Ferrell?
 24 MR. FERPELL: Yes.
 25 MS. FIELDS: Mr. Griesel?

Page 40

1 MR. GRIESEL: Yes.
 2 MS. FIELDS: Dr. Hammon?
 3 DR. HAMMON: Yes.
 4 MS. FIELDS: Mr. Johnston?
 5 MR. JOHNSTON: Yes.
 6 MS. FIELDS: Mr. Kinder?
 7 MR. KINDER: Yes.
 8 MS. FIELDS: Ms. Kunze?
 9 MS. KUNZE: Yes.
 10 MS. FIELDS: Mr. Mason?
 11 MR. MASON: Yes.
 12 MS. FIELDS: Mr. Munson?
 13 MR. MUNSON: Yes.
 14 MS. FIELDS: Mr. Sims?
 15 MR. SIMS: Yes.
 16 MS. FIELDS: Ms. Turner?
 17 MS. TURNER: Yes.
 18 MS. FIELDS: Mr. Wendling?
 19 MR. WENDLING: Yes.
 20 MS. FIELDS: Motion passed.
 21 MR. WENDLING: All right. Thank you.
 22 One more on --
 23 MS. CANTY: Yep.
 24 MR. WENDLING: -- 710.
 25 MS. CANTY: 710 and I will be done.

Page 41

1 Clarify -- well, the Water Quality Management
 2 Advisory Council is recommending approval of Chapter
 3 710. Clarify that when a facility has a advanced
 4 treatment plant but serves a small population that the
 5 operator still needs to have an advanced certification
 6 license. This will affect small public water systems
 7 with advanced treatment systems such as reverse osmosis,
 8 ion exchange, etc., water systems with advanced
 9 treatment systems such as -- oh, I've said that. Sorry
 10 about that. And wastewater systems with water quality
 11 base limits which will require advanced treatment
 12 technologies.
 13 The DEQ received no formal comments during the
 14 official comment period for these rules. However, after
 15 the January Council meeting, the DEQ received a call
 16 from an equipment vendor expressing a concern about a
 17 particular technology that he sells which would fall
 18 under this. He expressed concerns that operators would
 19 be required to move from an A license to operate a
 20 super-pulsator. For super-pulsators, DEQ has determined
 21 that an operator must have a license, a minimum license
 22 of a B license and in some cases (due to population
 23 design flow) an A license will be required. At this
 24 time it appears that out of 14 plants with
 25 super-pulsator, three plants will go from at C operator

1 to a B operator, and one plant will go from a B operator
 2 to an A operator. And our group knew that that was
 3 increasing the requirements, but we felt like that if
 4 you're going to be operating something a little bit more
 5 high-tech, then you need the education to go along with
 6 it.
 7 MR. WENDLING: If we pass this, is there a
 8 timeline for these operators to obtain these additional
 9 training requirements?
 10 MS. CANTY: Kind of like a grace period or a --
 11 MR. WENDLING: Yeah.
 12 MS. CANTY: Shellie? We talked about that.
 13 MS. CHARD-MCCLARY: Shellie Chard-McClary, Water
 14 Quality Division Director. We would -- typically
 15 anytime a plant is upgraded or they do construction,
 16 there's a minimum of a year time period that that would
 17 allow them to attend the training and pass a licensing
 18 exam. However, we have worked with systems in the past
 19 that allow them to contract with a higher level operator
 20 if it's going to take a little bit longer either because
 21 of class scheduling or other hardships. But it's not,
 22 the rule's in effect, okay, it's right now. So we do
 23 have that framework set up.
 24 MR. WENDLING: All right. Thank you.
 25 Questions, comments from the Board?

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

1 MR. SIMS: Yes.
 2 MS. FIELDS: Ms. Turner?
 3 MS. TURNER: Yes.
 4 MS. FIELDS: Mr. Wendling?
 5 MR. WENDLING: Yes.
 6 MS. FIELDS: Motion passed.
 7 MR. WENDLING: Thank you.
 8 Thank you, Ms. Canty.
 9 Before we move on to the next part of the
 10 Agenda, I would like to propose a -- an adjustment in
 11 the order of some of the items. And I would like to --
 12 after the executive director's report, I would like to
 13 move the performance review ahead of new business and
 14 next meeting, so I think that's more similar to a
 15 pattern we have used in the past so I would like to do
 16 that. So why don't we cover Item Number 11 and then
 17 we'll move to the Executive Director's Report.
 18 If I have no objections with that, we'll -- we
 19 have in front of us in our packets, we were given a
 20 calendar showing the current approved Environmental
 21 Quality Board meeting that was established last year for
 22 November of 2014 and its two alternative dates.
 23 Could someone give us a little bit of a further
 24 explanation of the reasons behind the proposed change in
 25 the meeting date.

1 MS. PENISTEN: I know the answer to that. When
 2 we established that date, we assumed, believed that the
 3 Veteran's Day holiday was on Monday of that week, but
 4 later we learned that it was on Tuesday. So it's --
 5 since State employees don't work on Veterans Day we
 6 would have a difficult time getting set up for the Board
 7 meeting and making all the arrangements if we met the
 8 day after the holiday. So we just suggest putting a day
 9 in between the holiday and the Board meeting.
 10 So I think we have either got the November 12th
 11 date on there as -- no, that's the current meeting, 13th
 12 as an alternative date or -- that's a Thursday -- or
 13 Tuesday, November 18th as another alternative.
 14 MR. WENDLING: All right. Thank you for helping
 15 us understand.
 16 Does any of the members have a -- board members
 17 have a preference of either of those dates? The only
 18 thought I had is you move it to the next week or the
 19 week before, we get into the Thanksgiving holidays. I
 20 don't know if that poses a problem for anybody. It
 21 might. So if there is no objections, I would propose
 22 that we move it to the 13th.
 23 MR. GRIESEL: I'll make a motion to move it to
 24 the 13th.
 25 MR. JOHNSTON: Second.

1 MR. WENDLING: All right. Do we need a roll --
 2 okay, do we need a roll call for the approval of the
 3 date?
 4 MS. PENISTEN: Yes.
 5 MR. WENDLING: All right, roll call?
 6 MS. FIELDS: Mr. Dark has left.
 7 Mr. Ferrell?
 8 MR. FERRELL: Yes.
 9 MS. FIELDS: Mr. Griesel?
 10 MR. GRIESEL: Yes.
 11 MS. FIELDS: Dr. Hammon?
 12 DR. HAMMON: Yes.
 13 MS. FIELDS: Mr. Johnston?
 14 MR. JOHNSTON: Yes.
 15 MS. FIELDS: Mr. Kinder?
 16 MR. KINDER: Yes.
 17 MS. FIELDS: Ms. Kunze?
 18 MS. KUNZE: Yes.
 19 MS. FIELDS: Mr. Mason?
 20 MR. MASON: Yes.
 21 MS. FIELDS: Mr. Munson?
 22 MR. MUNSON: Yes.
 23 MS. FIELDS: Mr. Sims?
 24 MR. SIMS: Yes.
 25 MS. FIELDS: Ms. Turner?

1 MS. TURNER: Yes.
 2 MS. FIELDS: Mr. Wendling?
 3 MR. WENDLING: Yes.
 4 MS. FIELDS: Motion passed.
 5 MR. WENDLING: All right. Just to clarify, this
 6 is going to be on the 13th of November. Thank you.
 7 Next order of business is the Executive
 8 Director's Report, so what I would do at this time, I
 9 will turn this over to Scott.
 10 MR. THOMPSON: Thank you. Well, it's about the
 11 60 day point. We have made a few changes in the Agency
 12 and I will just go through a few of those.
 13 Kelly Dixon is acting in my old job in the land
 14 protection division. Catherine Sharp is acting director
 15 of the administrative services division. We have
 16 created an external affairs office with Lloyd Kirk, Tim
 17 Ward, and Saba Tahmassebi.
 18 Saba is also the chief engineer for the Agency
 19 now, and he is going to have -- that group is going to
 20 have kind of an ombudsman function. So if people feel
 21 that -- like they would like to appeal how we're
 22 interpreting some rules or something in an enforcement
 23 process or just seeking out information on how we do
 24 things here, then that's a point of contact that people
 25 will have to go through and -- as opposed to a more

1 formal appeals process. And I think that's going to
 2 help out.
 3 They're also going to do new business
 4 assistance, new permit assistance for people who are
 5 considering coming in to Oklahoma working with the
 6 Commerce Department. But we look forward to that, and
 7 they're already working on some projects. So I think
 8 that's good. It's healthy.
 9 Let's see. We have some legislation going, and
 10 we're keeping track of some other bills too. I will
 11 just look down through here. We're being asked to
 12 license animal crematoriums. I think of that as the
 13 dead cat bill. But this was not a request of ours. It
 14 is -- the crematorium folks have requested this bill, so
 15 we will do what the legislature and the Governor direct
 16 us to do in regard to that.
 17 And the bill to combine DEQ and the Water
 18 Resources Board into the Department of Natural
 19 Resources, I don't think that's going to go forward.
 20 There is usually a bill like that every year, and this
 21 one I think is -- we have spoken with the author and I
 22 don't think that's going to go anywhere.
 23 There's quite a few shell bills out there, and
 24 until there's more information on those, if they live
 25 through this next week and get out of their first

1 committee hearings, then we'll find out if there's any
 2 language that we need to look at and follow up.
 3 Likewise, there is a bill that directs us to
 4 deal with noise from windmills. And I sat through some
 5 of the discussion of that and there was a lot of concern
 6 about the low frequency noise that's produced by those
 7 and how close some of them are to houses. The purpose
 8 of that bill mainly seems to be setting up siting
 9 criteria and distances from houses that you can set up a
 10 new windmill for energy generation purposes, not the
 11 old-fashioned water windmill.
 12 But, you know, if -- again, if the legislature
 13 and the Governor's office direct us to do that, then
 14 we'll have a lottery for which division has to implement
 15 that and try to figure out how you regulate the noise
 16 from the windmills.
 17 Just off the top of my head, I wondered a little
 18 bit about how if any of the low frequency stuff actually
 19 transmitted to the ground or structures as opposed to
 20 just being able to measure it like you would typical
 21 noise meter. So I don't know. It will take some
 22 research if that really gets serious and that part
 23 remains in the bill, but we're neutral on that one.
 24 And the Good Samaritan Clean-Up Protection Bill
 25 is one of ours. It allows people who didn't create a

Page 50

1 problem, particularly this is aimed at abandoned mine
 2 discharges, like we have up in Tar Creek. And in a lot
 3 of the western states and country, there are some in the
 4 eastern states too as well, where, you know, you have
 5 impacted water discharging. You don't have a
 6 responsible party there to control, to cause to clean it
 7 up in a lot of cases.

8 And -- but universities could do research, we
 9 could do remediation projects, or maybe someone like the
 10 Conservation Commission could do it with coal mine
 11 sites. We could go in and put something in, in
 12 constructive wetlands to greatly improve water quality.
 13 We have a demonstration project up at Tar Creek that's
 14 really improved water quality 80, 90, 95 percent, and
 15 reducing the metals impact to the creeks.

16 But you can't always meet all the standards in a
 17 practical or maybe the technology doesn't exist or you
 18 just can't afford to do it. So this bill is consistent
 19 with EPA policy on this type of approach, and several
 20 other states have adopted similar bills and made that
 21 law. And so that's what we're doing. We are looking at
 22 trying to make that law so it's clear that people can
 23 step in and improve water quality without getting
 24 hammered for doing so. And it's a good bill.

25 The next bill, the Brownfields Revolving Loan

Page 51

1 Fund, that is our Brownfields program which we have
 2 given out loans to try to help redevelop areas or to do
 3 investigations. One of the major loans was to the
 4 Skirvin Hotel to -- that helped deal with the asbestos
 5 problem there, which had been one of the major obstacles
 6 in the redevelopment of that property a long time ago.
 7 And that money is about to be repaid into our revolving
 8 loan fund next year, as well as another project in the
 9 Village to rehabilitate an abandoned -- or an old
 10 apartment complex which I think may have had asbestos
 11 issue too.

12 And so what we're doing there is just trying to
 13 say, hey, how about if we put that in a fund and draw
 14 interest on it so that we have -- whatever interest is
 15 accrued goes back into that fund, and we have a little
 16 bit more money to loan out or grant out to local
 17 governments, et cetera. Although some private parties
 18 can access this by -- in low interest loans. It's just
 19 an opportunity, and I don't see any issues with that
 20 one.

21 There is a Tire Bill that adjusts how the
 22 capital reimbursement is paid back for tire processors.
 23 Currently it's limited to ten percent. That would
 24 remove that, that proposed language would remove that
 25 cap, but it would still be capped by the amount of tires

Page 52

1 they processed in a given month. So if -- we don't
 2 think it would have a significant impact on the fund.

3 And then there's a chance that -- there is some
 4 talk about moving the capital reimbursement from the
 5 first step in the reimbursement process to later steps
 6 so that on the off chance that you actually had a large
 7 reimbursement request out of that section, it wouldn't
 8 -- you'd pay the other stuff first. You pay for the
 9 regular processing and pick up the tires first.

10 And we have a Solid Waste Bill which would allow
 11 on interim covered areas to try some different
 12 technologies. There's some products out there that you
 13 can spray down that -- and then this would only be
 14 applied to areas that are going to receive future waste
 15 and essentially up on the flat slope area instead of
 16 having to put intermediate cover and vegetate those.

17 MR. MASON: Scott, why is that a requirement
 18 (inaudible).

19 MR. THOMPSON: Because the statute has language
 20 that requires vegetation now. So this is -- what this
 21 would do is allow us to approve on a case-by-case basis
 22 some trials, some pilots, or, you know, an attempt to
 23 try to do this. And then we could look at the
 24 technology and see if it actually works well. And if it
 25 does, great. If it doesn't, then we can rescind that

Page 53

1 and try something else or go back to requiring soil and
 2 vegetation on those areas. But, you know, if you're
 3 going to come back -- if it's an area that you're not
 4 going to come back to, it's kind of pointless, you might
 5 as well vegetate it. But if it's an area that you're
 6 going to come back and do that, it's kind of a waste to
 7 bring all that soil in and vegetate it and tear it up
 8 again. So anyway, that's a request bill by industry.

9 We also have a section in there about having the
 10 Council and Board revisit the life of site issue or the
 11 duration of solid waste permits. And their primary
 12 focus there is solid waste processing facilities to try
 13 to set some criteria, because you can't really calculate
 14 a life of site for a processing facility like you can
 15 for a landfill. And, you know, I don't think there's a
 16 problem with this bill. It made it out of committee.
 17 All of our bills made it out of committee, so they're
 18 going forward to the next step.

19 I'm not -- I think the glass recycling one is
 20 another study of trying to find ways to help the
 21 recycling of glass for the industries in the State that
 22 use manufactured glass products and would like to have
 23 some recycle feed stock to make it more economical to
 24 operate here and to continue to keep their facilities
 25 here.

Page 54

1 It is not a bottle mill. So the -- there's
 2 quite a bit of opposition to that, if you haven't been
 3 around for the last 20 or 30 years. Every time there's
 4 a bottle bill it doesn't make it.
 5 And then some of the other bills -- well, water
 6 reuse is a big issue at the capital and other places in
 7 the Governor's office has issued a press release
 8 directing agencies to pursue water reuse projects and
 9 water conservation projects. It's a priority from the
 10 Secretary of Environmental Energy, Colonel Teage, so
 11 we're doing what we can there to move forward in that
 12 arena, some of the rules that they're -- the water reuse
 13 approvals. But there's several projects that people are
 14 proposing around the State and that means a different
 15 thing to everybody. Everybody's project is a little bit
 16 different, it's unique to wherever they are and what
 17 they're looking at.
 18 But that's a critical issue, the drought. You
 19 know, the likelihood it's going to continue, despite we
 20 got some good rain in the last year, still most of
 21 western Oklahoma is pretty dry and most of the lakes are
 22 way down still. So people have great concerns about
 23 that. It's common for water reuse to be done across the
 24 country in other states, so I'm sure it will be a lot of
 25 looking a lot technologies that have been used in other

Page 55

1 places successfully.
 2 And then there's one bill that clarifies who can
 3 serve on the Water Quality Management Advisory Council
 4 in terms of representing a lab. So that is pretty much
 5 it.
 6 MR. WENDLING: Scott, I had -- I know on some of
 7 these shell bills up above that, there's really nothing
 8 to them yet so you really don't know, but this one
 9 caught my attention here. It's Senate Bill 1167, EPA
 10 approval invalid in Oklahoma. So where is that going?
 11 MR. KINDER: I'm curious about that.
 12 MR. THOMPSON: I'll have to ask, Jimmy, do you
 13 know what the status of that bill is? Or Michelle? We
 14 have Michelle Wynn also is a legislative liaison for the
 15 Agency and she has a great deal of experience at the
 16 capital.
 17 MR. GIVENS: It remains a shell bill, and quite
 18 honestly, we see this sort of bill every year for the
 19 past three, four, five years and it never has gotten
 20 very far. Whether it will this time or not remains to
 21 be seen. Have you heard any lately?
 22 MS. WYNN: Michelle Wynn, legislative liaison.
 23 That bill is currently not scheduled to be heard in the
 24 Senate Rules Committee.
 25 MR. WENDLING: All right. Thank you.

Page 56

1 MR. THOMPSON: That's all I have.
 2 MR. WENDLING: All right. Thank you, Scott.
 3 I would like to at this point move to item 15,
 4 performance review of the executive director. And among
 5 our statutory duties of the Board is our
 6 responsibilities of course to appoint a competent
 7 executive director to assist the DEQ, and the DEQ
 8 conduct periodic reviews in planning activities related
 9 to goals. And what I would like to do at this time is
 10 to have a more detailed understanding of the activities
 11 within the Agency in the last two months since Scott's
 12 taking over, so some of that may be confidential in
 13 nature, so I would like to do that in the closed
 14 session.
 15 MR. GRIESEL: I would like to make a motion to
 16 enter into executive session.
 17 MR. KINDER: Second.
 18 MR. WENDLING: All right. Roll call, please?
 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 57

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: Mr. Wendling?
 15 MR. WENDLING: Yes.
 16 MS. FIELDS: Motion passed.
 17 MR. WENDLING: All right, thank you.
 18 Now, I'm making an assumption here, do we
 19 convene in that back room? All right. Thank you.
 20 (Whereupon, the Board was in Executive Session
 21 from 10:41 a.m. to 11:51 a.m.)
 22 MR. WENDLING: All right. I never used that
 23 gavel before. It actually works.
 24 So with that, we need a motion to come out of
 25 executive session.

1 MR. SIMS: So move.
 2 MR. JOHNSTON: Second.
 3 MR. WENDLING: All right. Roll call, please?
 4 MS. FIELDS: Mr. Ferrell?
 5 MR. FERRELL: Yes.
 6 MS. FIELDS: Mr. Griesel?
 7 MR. GRIESEL: Present.
 8 MS. FIELDS: Dr. Hammon?
 9 DR. HAMMON: Yes.
 10 MS. FIELDS: Mr. Johnston?
 11 MR. JOHNSTON: Yes.
 12 MS. FIELDS: Mr. Kinder?
 13 MR. KINDER: Yes.
 14 MS. FIELDS: Ms. Kunze?
 15 MS. KUNZE: Yes.
 16 MS. FIELDS: Mr. Mason?
 17 MR. MASON: Here, yes.
 18 MS. FIELDS: Mr. Munson?
 19 MR. MUNSON: Yes.
 20 MS. FIELDS: Mr. Sims?
 21 MR. SIMS: Yes.
 22 MS. FIELDS: Ms. Turner?
 23 MS. TURNER: Yes.
 24 MS. FIELDS: Mr. Wendling?
 25 MR. WENDLING: Yes.

1 DR. HAMMON: Yes.
 2 MS. FIELDS: Mr. Johnston?
 3 MR. JOHNSTON: Yes.
 4 MS. FIELDS: Mr. Kinder?
 5 MR. KINDER: Yes.
 6 MS. FIELDS: Ms. Kunze?
 7 MS. KUNZE: Yes.
 8 MS. FIELDS: Mr. Mason?
 9 MR. MASON: Yes.
 10 MS. FIELDS: Mr. Munson?
 11 MR. MUNSON: Yes.
 12 MS. FIELDS: Mr. Sims?
 13 MR. SIMS: Yes.
 14 MS. FIELDS: Ms. Turner?
 15 MS. TURNER: Yes.
 16 MS. FIELDS: Mr. Wendling?
 17 MR. WENDLING: Yes.
 18 MS. FIELDS: Motion passed.
 19 MR. WENDLING: All right. Thank you.
 20 That ends the regular meeting of the Executive
 21 DEQ Board, so what I would like to do now is that we
 22 typically open this up to the forum, the public forum
 23 part of the meeting. It looks like we do have one
 24 person that is registered so I would like to read this
 25 document first.

1 MS. FIELDS: Motion passed.
 2 MR. WENDLING: All right. Thank you.
 3 Now that we're back in regular session, we have
 4 a few last minute items on the Agenda.
 5 Sorry, now that we're back out of executive
 6 session we just have a few more Agenda items. First one
 7 is new business, which is any matters not known about
 8 which could not have been reasonably foreseen prior to
 9 the time of the posting of the Agenda. Do we have any
 10 new business?
 11 All right. Hearing none, we'll move to the next
 12 Agenda item, which is the next meeting. We're scheduled
 13 at this point in time for -- to be in McAlester on
 14 June 17th, so you might take note of that, and for you
 15 new board members, we'll make sure we get you the
 16 appropriate information as far as the calendar goes.
 17 And the last item is adjournment.
 18 MR. JOHNSTON: Move to adjourn.
 19 MR. MUNSON: Second.
 20 MR. WENDLING: All right. Roll call?
 21 MS. FIELDS: Mr. Ferrell?
 22 MR. FERRELL: Yes.
 23 MS. FIELDS: Mr. Griesel?
 24 MR. GRIESEL: Yes.
 25 MS. FIELDS: Dr. Hammon?

1 All right. Welcome to this public forum of the
 2 Environmental Quality Board. Public input is valuable
 3 to the Board and Department and we welcome your
 4 participation. If you desire to make comments at
 5 today's forum but you did not sign the sheet at the
 6 table when you came in, would you please raise your
 7 hand? So anyone that intended to sign in that did not?
 8 All right. We do have one, but please try to
 9 limit your comments to five minutes. I'll advise you
 10 when five minutes have passed and will ask you to
 11 complete your presentation.
 12 Forums allow you to make suggestions or express
 13 concerns about environmental laws, rules, or policy.
 14 However, concerns with an action or decision in a
 15 specific case or matter, such as a particular permit
 16 application or enforceable case, should be communicated
 17 directly to the Department. The Board cannot and does
 18 not intervene in those case-specific decisions. We also
 19 ask that you not use the forum to advertise or publicize
 20 commercial products or services.
 21 Because of the nature of the issues that are
 22 appropriate for the forum, you may not receive an
 23 immediate response to your comments. Department staff
 24 or Board generally will need to some time to evaluate
 25 the comments and respond to them.

1 So in that perspective, we're here to listen, to
2 understand concerns, and provide feedback at the
3 appropriate time. So with that, there was a person that
4 signed up as Phil Cross, and he is affiliated with Fox
5 25 and he would like to speak to the board regarding
6 board spending.

7 Mr. Cross --

8 MR. CROSS: Yes, Mr. Chairman, actually I
9 came --

10 MR. WENDLING: -- you have five minutes please
11 to make your comments.

12 MR. CROSS: Well, I came here today because the
13 DEQ and the Board have so far rejected all my requests
14 for comment regarding spending concerns in an
15 investigation that I have been working on for a few
16 months concerning the DEQ Board. It concerns the
17 Board's meeting Agenda item that says you will be
18 meeting for dinners prior to every meeting. I'm not
19 sure if you're aware of this, but I checked through the
20 DEQ Mission and Goals for 2014 and social events are
21 nowhere on it.

22 Somewhere in the past several years when this
23 has been approved, DEQ board members have spent a total
24 he have about \$5,000 of taxpayer money on hotel rooms
25 and that does not include the per diem expenses that are

1 used for public meals. And it also is a potential
2 violation of the spirit of the Open Meetings Act, and
3 I've been trying to get some sort of comment or reaction
4 concerning this potential travel problem from any member
5 of the Board and would like to ask if everybody had a
6 good dinner last night and who stayed in a hotel last
7 night on taxpayer expense?

8 Would anybody be willing to offer any sort of
9 the comment regarding the spending of taxpayer money?

10 No one?

11 Mr. Thompson, you have just taken over this
12 position. I'm sure you're aware that there's an audit
13 going on of your Agency and of the past turnover here.
14 Do you have any sort of comment or reaction concerning
15 the travel expenditures of the DEQ?

16 MR. THOMPSON: No. We'll respond to your
17 questions in writing.

18 MR. CROSS: In writing? You won't be doing any
19 sort of the comment?

20 Will be the Board, will anybody from the Board
21 who was appointed to serve the public be willing to
22 offer any sort of comment?

23 MR. EUBANKS: The Board will respond to your
24 comments in writing as well.

25 MR. CROSS: In writing?

1 MR. EUBANKS: And your questions.

2 MR. CROSS: At what point can I expect a
3 comment?

4 MR. WENDLING: Thank you, Mr. Cross. If you
5 would give us a list of your questions, we will assign
6 that to the appropriate person within the department.

7 MR. CROSS: Well, at this point the DEQ has
8 refused to even pass along any of my communications,
9 that they will not pass on or put me in contact with the
10 Board because the Board is not a DEQ employee, therefore
11 I would like to know who I should direct those comments
12 to.

13 MR. WENDLING: Well, I'll tell you, you have an
14 option. You can submit your comments to me and I will
15 make sure they get delegated appropriately.

16 MR. CROSS: Well, I'm sure you're aware that I
17 did submit comments and requests to you through your
18 private employment at CG&E, and I was told that you were
19 well aware of my request to speak with you and to get
20 direction from you but you refused that request.

21 MR. WENDLING: I did not receive any comments.

22 Another option you have is to -- you have five
23 minutes. You can state your questions, they will be
24 recorded. We'll have that information, and then we'll
25 provide information back to you in a timely manner.

1 MR. CROSS: My questions are why are you meeting
2 for dinners prior to public meetings, thus allowing for
3 per diem expenses on the taxpayer's dime, staying in
4 hotel rooms. Why are some meetings equaling
5 reimbursements for some members who have to travel a
6 distance to get to meetings, in some cases they're
7 equalling \$100 an hour for meetings, and is that an
8 appropriate use of the taxpayer money. And are these
9 personal perks affecting your ability to provide clear
10 and precise oversight of the DEQ.

11 Also, at these dinners, I would wonder if any
12 members of the agencies that you are supposed to
13 regulate attend, and if you engage in personal functions
14 with the agencies that the DEQ regulates.

15 And that would be my questions.

16 MR. WENDLING: All right. Thank you. And we
17 have captured those. And I will -- we'll -- I'll talk
18 with Mr. Thompson and we will try to provide you some
19 feedback within the next few weeks to address your
20 comments.

21 If you need anything more particular right now,
22 you could meet with our the DEQ press office on any of
23 the questions you have, and they will be happy to meet
24 with you.

25 MR. CROSS: Fair enough. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WENDLING: All right. Thank you.
Any other people happen to sign up while we were
in discussion?
If not, I think we're officially adjourned for
the day. Thank you.
(Proceedings concluded at 12:01 p.m.)

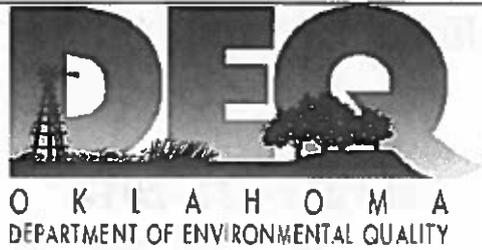
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-- CERTIFICATE --

I, Lori L. Roberts, Certified Shorthand
Reporter for the State of Oklahoma, certify that the
above and foregoing meeting was by me taken in stenotype
and thereafter transcribed and is a true and correct
transcript of said meeting; that the meeting was taken
on February 21, 2014, at 9:30 a.m., in Oklahoma City,
Oklahoma; that I am not an attorney for nor relative of
any of said parties, or otherwise interested in the
event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal of office this 4th day of March, 2014.

Lori L. Roberts
CSR No. 1588
Commission Expires: 12/31/14



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
February 21, 2014
Oklahoma City, Oklahoma

NAME and/or AFFILIATION	Address and/or Phone and/or E-Mail
Oliane Fields	
Skylar McElhany	DEQ
Shelley Chad McClary	DEQ
Rafaela Ford	DEQ
Laura Finley	DEQ
JEFF A. SHEPHERD	DEQ
Eddie Ferris	DEQ
Martha Christen	DEQ
Sharon Myers	AQU
Jan L Kunze	EQ
Lewis Armstrong	DEQ
Simon W Kind	DEQ
Gerry Johnston	EQB
Billy Sims	EQB
Tony Dark	EQB
Steve Mason	EQB
Eli Smallwood	110. W. 7 th
Mark Hildebrand	DEQ
Cathy Carty	WQMAC
Cindy Perreturat	DEQ
Jimmy Owens	DEQ
John WENDLING	EQ
Lloyd Kirk	DEQ
Kate Kennedy	DEQ
Derek Johnson	OKC
Richard McDermott	DEQ



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
February 21, 2014
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Bruce VanDeLone	DEQ
Kelly Dym	DEQ
Vendal Stegmann	DEQ
Hillary Jones	DEQ
Miko Starnes	DEQ
Bob Singletary	DEQ
Carl Parrott	DEQ
Dan Blankenship	Stillwater
Beverly Borchert Smith	DEQ
Shannon L. Ferrell	DEQ - Environmental Quality Board
Raymond Melton	420 W Main Ave, Raymond, melton@okc.com
Loretta Turner	DEQ Board
Bud Ground	ASU
Phil Cross	Fox 25
Cory Young	" "
Griese/DK	" "
Brooks Koller	AQD-DEQ
Agatha Shufra	COPH.
Jeanette Nance	KOB
Gerald Bacher	WFEC
Michelle Wynn	DEQ
Clayton Barbanks	DEQ OAG