MINUTES
ENVIRONMENTAL QUALITY BOARD
NOVEMBER 10, 2015
DEPARTMENT OF ENVIRONMENTAL QUALITY
CANADIAN VALLEY TECHNOLOGY CENTER
HELEN WARD SEMINAR CENTER, BUILDING 200
CHICKASHA, OKLAHOMA

Official EQB Approved
On February 19, 2016

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Canadian Valley Technology Center, 1401 W. Michigan Avenue, Chickasha, 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 17, 2014. The agenda was mailed to interested parties on October 30, 2015, and was posted at the DEQ and the facility on November 9, 2015. Ms. Kunze, Chair, called the meeting to order. Ms. Fields called roll and a quorum was confirmed. Mr. Kinder talked on safety precautions in case of an emergency.

MEMBERS PRESENT	DEQ STAFF PRESENT
Daniel Blankenship	Scott Thompson, Executive Director
Shannon Ferrell	Jimmy Givens, Deputy Executive Director
David Griesel	Martha Penisten, General Counsel
Jimmy Kinder	Sarah Penn, Deputy General Counsel
Jan Kunze	Michelle Wynn, Legislative Liaison
Steve Mason	Beverly Botchlet- Smith, Air Quality Division
Tim Munson	Cheryl Bradley, Air Quality Division
Homer Nicholson	Catherine Sharp, Administrative Services Division
Billy Sims	Terry Lyhane, Water Quality Division
Cheryl Vaught	Chris Armstrong, State Environmental Laboratory Services
John Wendling	Lloyd Kirk, Office of External Affairs
	Gary Collins, Environmental Complaints & Local Services
	Richard McDaniel, Environmental Complaints & Local Services
	Kelly Dixon, Land Protection Division
	Saba Tahmassebi, Chief Engineer
	Jon Roberts, Land Protection Division
	Mike Edwards, Land Protection Division
	Laura Finley, Environmental Attorney Supervisor
	Skylar McElhaney, Office of External Affairs
	Erin Hatfield, Office of External Affairs
	Grant Thompson, Office of External Affairs
	Cindy Przekurat, Executive Director's Office
	Kathy Aebischer, Administrative Services Division
	Quiana Fields, Board & Council Secretary

MEMBERS ABSENT	OTHERS PRESENT
Tracy Hammon	Clayton Eubanks, Office of the Attorney General
Loretta Turner	Gerald Butcher, Air Quality Advisory Council
	Lee Grater, Hazardous Waste Management Advisory Council
	Kerry Huff, Court Reporter

Approval of Minutes – Mr. Blankenship moved to approve the Minutes from the September 15, 2015 Regular Meeting. Mr. Wendling made the second.

transcript pages 6 - 8

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Rulemaking – OAC 252:4 Rules of Practice and Procedure – Ms. Kunze called upon, Ms. Sarah Penn, Deputy General Counsel of the DEQ, to present the rule. Ms. Penn stated the DEQ is proposing to amend Chapter 4, Subchapter 17 (Electronic Reporting) and to revoke Appendix E (Electronic signature agreement) to allow for electronic verification of the reporting entity's identity rather than requiring a notarized paper submittal for the identification process. Following questions by the Board and none by the public, Ms. Kunze called for a motion. Mr. Sims moved to approve and Mr. Munson made the second.

transcript pages 8 - 12

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Kunze called upon, Mr. Gerald Butcher of the Air Quality Advisory Council (AQAC), to present the rule. Mr. Butcher stated the DEQ is proposing to revoke the existing Appendix Q, Incorporation by Reference, and adopt an updated Appendix Q to incorporate EPA's latest regulatory changes including Table 1 found in 40 CFR Part 51, Subpart A, Appendix A. 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 questions or comments by the Board or the public, Mr. Kinder moved to approve. Mr. Griesel made the second.

transcript pages 12 - 15

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Butcher stated the DEQ is proposing to amend Subchapter 5 (Registration, Emission Inventory and Annual Operating Fees) for consistency with EPA's Air Emission Reporting Requirements contained in 40 CFR Part 51, Subpart A. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Griesel moved to approve and Mr. Munson made the second.

transcript pages 15 - 18

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Butcher stated the DEQ is proposing to amend Subchapter 7 (Permits for Minor Facilities) to simplify the permitting process for facilities whose only obligation to obtain a permit is due to the presence of an emergency engine that is subject to a federal standard and to clarify which air quality control rules apply to de minimis and permit-exempt facilities. Following a question by the Board and none by the public, Ms. Kunze called for a motion. Mr. Blankenship moved to approve and Mr. Munson made the second.

transcript pages 18 - 21

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Butcher stated the DEQ is proposing to amend Subchapter 9 (Excess Emission Reporting Requirements During Periods of Startup, Shutdown, and Malfunction [SSM]) to comply with EPA's State Implementation Plan (SIP) Call and to conform with EPA's restated and updated SSM policy applicable to SIPs. Due to a question raised by an AQAC member as follow-up to the Council's October meeting, the AQD staff believes that they did not properly explain the proposed changes to OAC 252:100-9-8(d)(2) during the meeting which could have affected the vote of one or more Council members on approval of the proposed revisions. The error cannot be corrected without an opportunity to present the proposed rulemaking to the full Council again along with all relevant facts. Therefore, Mr. Butcher asked the Board to return the proposed Subchapter 9 revisions to the AQAC for further consideration. Following no questions or comments by the Board and none by the public, Ms. Kunze called for motion to table the proposed rulemaking and return it to the AQAC. Mr. Mason made the motion as stated and Mr. Nicholson made the second.

transcript pages 21 - 24

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

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 rule. Mr. Grater stated the DEQ is proposing to incorporate by reference the federal hazardous waste regulations found in CFR Parts 124 and 260-279 revised as of July 1, 2015, including the revocation of the Comparable Fuels Rule and the Gasification Rule as well as revisions pertaining to the "Definition of Solid Waste: Final Rule". Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Griesel made the second.

transcript pages 24 - 27

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Grater stated the DEQ is proposing to update and improve the rules for Transfer Station Development and Operations Plans, which were originally promulgated in the early 1990s. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Munson moved to approve and Mr. Kinder made the second.

transcript pages 27 - 30

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	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 which must be approved by the Board prior to its submission to the Governor, Speaker of the House and Senate President Pro Tempore by January 1.. 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 proposed for the upcoming legislative session. With regard to the DEQ's annual funding needs, Mr. Givens requested an amended budget approval that is $350,000 less than the amount DEQ proposed to the Board in September 2015. Following discussion, Ms. Kunze called for a motion on the amended budget request. Mr. Sims moved to approve and Mr. Blankenship made the second.

transcript pages 30 - 74

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

After the amended budget request vote and the Board's discussion of the remainder of the Report, Ms. Kunze called for a motion to approve the Annual Environmental Quality Report including a correction of the word "selenium" to "strontium" under the Safe Drinking Water Act requirements. Mr. Wendling moved to approve and Mr. Griesel made the second.

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Executive Director's Report – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency activities underway. Also, the DEQ Annual Report will be available on CD and online and in addition as an iBook. Mr. Thompson recognized Mr. Grant Thompson, graphic artist of the DEQ, by taking it upon himself to make the report an interactive web-based report. Mr. Thompson called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2016 budget update.

transcript pages 74 - 90

Executive Session – 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 pursuant to 25 O.S. § 307(B)(1).. Mr. Griesel moved to approve and Ms. Vaught made the second. Ms. Vaught was designated as the scribe for executive session.

transcript pages 90 - 92

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Ferrell left the meeting prior to the Board entering into Executive Session.

Mr. Nicholson left the meeting at the conclusion of executive session.

In open session, Ms. Kunze called for a roll call vote to reconvene the Regular Board meeting.

transcript page 93

Daniel Blankenship	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Upon approval of the motion to reconvene, Ms. Kunze thanked Mr. Thompson and staff in moving the agency forward. Ms. Kunze called for a motion on a specific recommendation of the Executive Director's annual performance review. Ms. Vaught made a motion to increase Mr. Thompson's salary by three percent to begin at the next available pay period in December. Mr. Griesel made the second.

transcript pages 94 - 96

Daniel Blankenship	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

New Business – None

Next Meeting – The next scheduled meeting will be February 19, 2016 in Oklahoma City, DEQ Multipurpose Room.

Mr. Mason left the meeting before adjournment.

Adjournment – Ms. Kunze called for a motion to adjourn. Mr. Griesel moved to adjourn and Mr. Kinder made the second. Meeting adjourned at 1:35 p.m.

transcript pages 97 – 98

Daniel Blankenship	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

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

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TRANSCRIPT OF PROCEEDINGS

OF THE ENVIRONMENTAL QUALITY

BOARD MEETING

NOVEMBER 10, 2015, AT 9:30 A.M.

IN CHICKASHA, OKLAHOMA

* * * * * *

REPORTED BY KERRY L. HUFF, CSR #1725

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MEMBERS OF THE COUNCIL:

Daniel Blankenship

Shannon Ferrell

David Griesel

Dr. Tracy Hammon

Jimmy Kinder

Steve Mason

Tim Munson - Vice-Chair

Homer Nicholson

Billy Sims

Loretta Turner

Cheryl Vaught

John Wendling

Jan Kunze - Chair

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MS. KUNZE: I'm going to call this to order and welcome everybody to the Environmental Quality Board meeting. This meeting -- the November 10, 2015, regular meeting of the Environmental Quality Board meeting has been called according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma statutes.

Notice was filed with the Secretary of State on November 17, 2014. Agendas were mailed to interested parties on October 30, 2015, and were posted at the DEQ and the facility on November 9th, 2015.

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

Welcome everyone. I'm going to ask Jimmy Kinder to go through some of the housekeeping items and get us started.

MR. KINDER: Okay. Thank you. Good morning. Welcome to the Canadian Valley Technology Center. Thank you for letting them be host for us today.

For our safety, I want to point out the exits, the one behind me and then one in front of me here.

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In case of a fire alarm, please use those exits. Also in case of emergency weather, the staff will tell us -- inform us which direction that we will go.

And they also -- this is a school so whenever you hear a bell go off, don't be concerned. It's just some students changing classes, so much different than the fire alarm. I want to welcome -- there you go. I planned that, by the way.

Also a little bit about the town, Chickasha. I just thought I'd give a little bit of feel for Chickasha with some things that I didn't know actually about Chickasha. Of course it is the home of the University of Science and Arts of Oklahoma.

But Chickasha is the Choctaw word for Chickasaw so there you go. Chickasha is also the bane of every new weatherman in Southwest Oklahoma because whenever a storm comes up, they pretty much butcher the word.

Also, if you haven't ever been here during this season, they have a Festival of Light, and it starts November 21st through the December 31st. It has 3.5 million lights. It draws 250,000 visitors a year here. It's a big deal.

If you haven't ever attended it, it's great. I will tell you kind of an anecdotal personal note. The last time I came I saw a young man propose to a

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1 young woman. I went back home to church the next
2 morning and found out that one of my friend's sons
3 got engaged that night. Guess who? That was them.
4 So it was kind of interesting.
5 Also if you like to go through the drive-in,
6 they have a drive-in movie theater here. So for all
7 you people that are a little nostalgic about the
8 drive-in movie, thank you. And a little bit of
9 cowboy wisdom I'll end up with is never pass up a
10 good chance to shut up so thank you.
11 MS. KUNZE: Thank you, Jimmy. That's probably
12 good advice for me. I did want to mention that at
13 the conclusion of our board meeting we will have an
14 opportunity for a public forum. That's any
15 opportunities that citizens have to make comments
16 about DEQ activities, and there is a sign-up sheet
17 back at the back table.
18 Cindy will help you fill out a little sheet.
19 So if anybody here wants to address the Board, be
20 sure to do that. At the conclusion of our meeting we
21 will have a public forum.
22 With that, Quiana, I'll ask you for a roll
23 call.
24 MS. FIELDS: Mr. Blankenship?
25 MR. BLANKENSHIP: Here.

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1 MS. FIELDS: Mr. Ferrell?
2 MR. FERRELL: Here.
3 MS. FIELDS: Mr. Griesel?
4 MR. GRIESEL: Here.
5 MS. FIELDS: Dr. Hammon is absent. Mr. Kinder?
6 MR. KINDER: Here.
7 MS. FIELDS: Mr. Mason?
8 MR. MASON: Here.
9 MS. FIELDS: Mr. Munson?
10 MR. MUNSON: Here.
11 MS. FIELDS: Mr. Nicholson?
12 MR. NICHOLSON: Here.
13 MS. FIELDS: Mr. Sims?
14 MR. SIMS: Here.
15 MS. FIELDS: Ms. Turner is absent. Ms. Vaught?
16 MS. VAUGHT: Here.
17 MS. FIELDS: Mr. Wendling?
18 MR. WENDLING: Here.
19 MS. FIELDS: Ms. Kunze?
20 MS. KUNZE: Here.
21 MS. FIELDS: We have a quorum.
22 MS. KUNZE: Thank you. Our first agenda item
23 will be the approval of the minutes from the
24 September 15th meeting. I believe those were sent
25 out and everybody has had a chance to review.

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1 MR. BLANKENSHIP: So moved.
2 MR. WENDLING: Second.
3 MS. KUNZE: Okay. I have a motion and second
4 to approve the minutes of the September 15th meeting.
5 Roll call?
6 MS. FIELDS: Mr. Blankenship?
7 MR. BLANKENSHIP: Yes.
8 MS. FIELDS: Mr. Ferrell?
9 MR. FERRELL: Yes.
10 MS. FIELDS: Mr. Griesel?
11 MR. GRIESEL: Yes.
12 MS. FIELDS: Mr. Kinder?
13 MR. KINDER: Yes.
14 MS. FIELDS: Mr. Mason?
15 MR. MASON: Yes.
16 MS. FIELDS: Mr. Munson?
17 MR. MUNSON: Yes.
18 MS. FIELDS: Mr. Nicholson?
19 MR. NICHOLSON: Yes.
20 MS. FIELDS: Mr. Sims?
21 MR. SIMS: Yes.
22 MS. FIELDS: Ms. Vaught?
23 MS. VAUGHT: Yes.
24 MS. FIELDS: Mr. Wendling?
25 MR. WENDLING: Yes.

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1 MS. FIELDS: Ms. Kunze?
2 MS. KUNZE: Yes.
3 MS. FIELDS: Motion passed.
4 MS. KUNZE: Thank you. Item No. 5 is
5 rulemaking on the practice and procedure that relates
6 to electronic reporting, and I'm going to turn it
7 over to Sarah Penn, the Deputy General Counsel at the
8 DEQ.
9 MS. PENN: Good morning. Today I'm presenting
10 revisions to DEQ's Chapter 4, Subchapter 17
11 electronic reporting rules. Chapter 4 rules do not
12 have a council, hence the proposed changes are being
13 submitted to the Board directly rather than pursuant
14 to a council recommendation.
15 As a quick refresher, the Subchapter 17
16 electronic reporting rules were implemented due to
17 EPA's Cross-Media Electronic Reporting Rule commonly
18 known as CROMERR.
19 The CROMERR rule was passed to establish the
20 legal framework for electronic reporting under EPA's
21 regulatory system and to ensure enforceability of the
22 information collected electronically.
23 The changes proposed today once effective will
24 allow registrants to DEQ's electronic reporting
25 system to have their identity verified online through

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1 LexisNexis, the world's largest database for legal
2 and public records.
3 This online verification will be instead of
4 printing form, having it notarized and sending it
5 through the mail. The new process by providing
6 almost instantaneous identity verification will allow
7 the person registering to submit documents
8 electronically, to complete the registration process
9 all at the same time rather than having to wait a
10 week or more.
11 This will save both the registrant and DEQ time
12 and money. The DEQ asked for the Board's approval on
13 this proposed rulemaking, but of course I'll
14 entertain questions if you have any.
15 MS. KUNZE: Okay. Do we have any questions or
16 discussion by the Board?
17 MR. MASON: I have a question. I think it's
18 great we're trying to, as an environmental agency, be
19 green. Are we any closer to stop submitting three
20 sets of stamped plans for permit applications?
21 MS. PENN: Well, as I'm not in charge of that,
22 I would say I don't know, but we can certainly find
23 out. I know that there is always every effort being
24 made to reduce the permit applications, and I know
25 that Air Quality itself is requesting and working on

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1 implementing the electronic permitting system.
2 So there are steps being made to do that, and
3 so for that particular issue I'm not sure, but I'm
4 sure someone here can answer that question for you.
5 MS. KUNZE: Any additional questions? Any
6 other discussion by the Board?
7 MR. THOMPSON: Okay. I would say it's a
8 program-by-program call on how many copies they need.
9 I think we're still at a point where we probably need
10 at least one good hard copy. Some programs may wish
11 multiple so they can have other people review it.
12 But when you have large drawings and stuff,
13 it's very difficult to look at them on a computer
14 screen because you get them in piecemeal. So we do
15 request I think as a routine thing to get an
16 electronic version so that we can move it into our
17 electronic file system right off the bat.
18 But I'd say if you're -- feel free to question
19 whoever and which program is reviewing your document
20 and ask for sure how many copies they need, but we're
21 moving that way. It's still a challenge to look at
22 big maps and stuff.
23 We're trying to when we scan documents and
24 recycle them -- we do offer the program people the
25 opportunity to keep the large-scale drawings and such

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1 as that. So that system is in place. I wouldn't say
2 it's perfect yet, and we're still struggling a little
3 bit with CROMERR in terms of the federal system and
4 the approval of electronic signatures for legal
5 enforceability.
6 In that way some of this may help us with that,
7 but we're having to wait on the EPA to finish
8 designing their system for that so that we can move
9 forward.
10 MR. MASON: Thank you.
11 MS. KUNZE: Thank you, Scott. Any other
12 questions or discussion by the Board?
13 Do we have any questions, comments or
14 discussion from the public?
15 If not, possible action by the Board to
16 adopt -- make a permanent adoption of these
17 regulations?
18 MR. SIMS: I make a motion to approve.
19 MR. MUNSON: Second.
20 MS. KUNZE: I have a motion and a second. Roll
21 call?
22 MS. FIELDS: Mr. Blankenship?
23 MR. BLANKENSHIP: Yes.
24 MS. FIELDS: Mr. Ferrell?
25 MR. FERRELL: Yes.

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1 MS. FIELDS: Mr. Griesel?
2 MR. GRIESEL: Yes.
3 MS. FIELDS: Mr. Kinder?
4 MR. KINDER: Yes.
5 MS. FIELDS: Mr. Mason?
6 MR. MASON: Yes.
7 MS. FIELDS: Mr. Munson?
8 MR. MUNSON: Yes.
9 MS. FIELDS: Mr. Nicholson?
10 MR. NICHOLSON: Yes.
11 MS. FIELDS: Mr. Sims?
12 MR. SIMS: Yes.
13 MS. FIELDS: Ms. Vaught?
14 MS. VAUGHT: Yes.
15 MS. FIELDS: Mr. Wendling?
16 MR. WENDLING: Yes.
17 MS. FIELDS: Ms. Kunze?
18 MS. KUNZE: Yes.
19 MS. FIELDS: Motion passed.
20 MS. KUNZE: Thank you.
21 MS. PENN: Thank you.
22 MS. KUNZE: Move to Item No. 6 which is changes
23 to Chapter 100 on the air pollution control, and I'm
24 going to turn it over, and I think we have a
25 substitute but a representative from the Air Quality

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1 Advisory Council.
2 MR. BUTCHER: Sharon Myers couldn't be here
3 today. I'm Gerald Butcher. I'm the Vice-Chair of
4 the Air Council so I'm here to talk to you about four
5 different rule changes. The first has to do with
6 Subchapter 2.
7 The department is proposing to update language
8 in Subchapter 2, incorporation by reference, to
9 reflect a new date of incorporation for Appendix Q.
10 This proposal is part of the annual update of Title
11 40, Code of Federal Regulations, incorporations by
12 reference in Chapter 100.
13 The purpose of the update is to update OAC
14 252:100, Appendix Q, incorporation by reference -- is
15 to incorporate the latest changes of EPA regulation.
16 Included are changes or additions to the 40 CFR 60,
17 New Source Performance Standards and Part 63, the
18 National Emission Standards For Hazardous Air
19 Pollutants.
20 One rule being added to the list is Table 1 to
21 Appendix A of Subpart A of 40 CFR Part 51. The
22 addition will ensure that the department's emission
23 inventory reporting thresholds are consistent with
24 the amended federal thresholds in Table 1.
25 In addition to adding one new federal rule, the

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1 list of rules attached represents rules already
2 incorporated in Appendix Q that were amended by EPA.
3 Title 40 of the Code of Federal Regulations,
4 incorporation by reference are updated annually in
5 the DEQ Air Quality Pollution Control Rules.
6 The Oklahoma rules on rulemaking dictate the
7 procedure for amending a rule appendix by revoking
8 the old and creating an entirely new appendix.
9 MS. KUNZE: Thank you, Gerald.
10 MS. KUNZE: Do we have any questions or
11 discussion by the Board?
12 Any questions, comments or discussions by the
13 public?
14 Do we want to take action for permanent
15 adoption?
16 MR. KINDER: So moved.
17 MR. GRIESEL: Second.
18 MS. KUNZE: I have a motion and a second that
19 we adopt the rules. Roll call?
20 MS. FIELDS: Mr. Blankenship?
21 MR. BLANKENSHIP: Yes.
22 MS. FIELDS: Mr. Ferrell?
23 MR. FERRELL: Yes.
24 MS. FIELDS: Mr. Griesel?
25 MR. GRIESEL: Yes.

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1 MS. FIELDS: Mr. Kinder?
2 MR. KINDER: Yes.
3 MS. FIELDS: Mr. Mason?
4 MR. MASON: Yes.
5 MS. FIELDS: Mr. Munson?
6 MR. MUNSON: Yes.
7 MS. FIELDS: Mr. Nicholson?
8 MR. NICHOLSON: Yes.
9 MS. FIELDS: Mr. Sims?
10 MR. SIMS: Yes.
11 MS. FIELDS: Ms. Vaught?
12 MS. VAUGHT: Yes.
13 MS. FIELDS: Mr. Wendling?
14 MR. WENDLING: Yes.
15 MS. FIELDS: Ms. Kunze?
16 MS. KUNZE: Yes.
17 MS. FIELDS: Motion passed.
18 MS. KUNZE: Thank you.
19 MR. BUTCHER: The next rule we want to talk
20 about is Subchapter 5. And the purpose of the
21 revision to OAC 252:100, Subchapter 5, Registration,
22 Emission Inventory and Operating Fees, is to provide
23 consistency with the EPA Air Emission Reporting
24 Requirements contained in Table 1 of Appendix A of
25 Subpart A of 40 CFR Part 51 as they apply to the

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1 submission of emission inventories for de minimis
2 facilities and permit exempt facilities.
3 States are required to submit an annual
4 emission inventory and a triennial emissions
5 inventory to EPA. Table 1 contains the point source
6 emission thresholds by pollutant that determines if
7 the emission from a point source mush be reported on
8 the inventory and whether the emissions from that
9 point source must be reported annually or on a
10 triennial basis.
11 In a revision to Table 1 published in the
12 Federal Register on February 19th of this year, EPA
13 lowered the threshold for reporting lead emission
14 sources at a point source from five tons per year to
15 0.5 tons per year to match the requirements of Lead
16 Ambient Air Monitoring Requirements Rule.
17 Revised lead threshold is lower than emission
18 limits for de minimis facilities and permit exempt
19 facilities. This proposed revision corrects that
20 problem.
21 Also OAC 252:100-5-2(a)(3) exempts owners or
22 operators of de minimis facilities and permit-exempt
23 facilities from the requirement to submit an annual
24 emission inventory to the department. The proposed
25 change inserts language in paragraph (3) that removes

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1 this exemption from any of these facilities if the
2 annual emission rate of any pollutant listed in the
3 aforementioned Table 1 exceeds any of the emission
4 thresholds for that pollutant contained in the table.
5 In the event the owner or operator of such
6 facility shall submit an emission inventory according
7 to the schedule contained in Table 1.
8 MS. KUNZE: Okay. Do we have any questions or
9 discussion on Item No. 2?
10 Questions or discussion by the Board?
11 Do we have any questions, comments or
12 discussion by the public?
13 If not, I'll ask for a motion.
14 MR. GRIESEL: So moved.
15 MR. MUNSON: Second.
16 MS. KUNZE: I have a motion and a second.
17 Quiana?
18 MS. FIELDS: Mr. Blankenship?
19 MR. BLANKENSHIP: Yes.
20 MS. FIELDS: Mr. Ferrell?
21 MR. FERRELL: Yes.
22 MS. FIELDS: Mr. Griesel?
23 MR. GRIESEL: Yes.
24 MS. FIELDS: Mr. Kinder?
25 MR. KINDER: Yes.

18

1 MS. FIELDS: Mr. Mason?
2 MR. MASON: Yes.
3 MS. FIELDS: Mr. Munson?
4 MR. MUNSON: Yes.
5 MS. FIELDS: Mr. Nicholson?
6 MR. NICHOLSON: Yes.
7 MS. FIELDS: Mr. Sims?
8 MR. SIMS: Yes.
9 MS. FIELDS: Ms. Vaught?
10 MS. VAUGHT: Yes.
11 MS. FIELDS: Mr. Wendling?
12 MR. WENDLING: Yes.
13 MS. FIELDS: Ms. Kunze?
14 MS. KUNZE: Yes.
15 MS. FIELDS: Motion passed.
16 MS. KUNZE: Thank you.
17 MR. BUTCHER: Next rule is Subchapter 7. The
18 Department is proposing a new Permit By Rule for
19 facilities only needing an air permit for one or more
20 emergency-use engines. This will allow facilities
21 that have an emergency generator subject to the
22 federal New Source Performance Standard or the
23 National Emission Standard for Hazardous Air
24 Pollutants to obtain the required air permit at a
25 lower cost. $350 for PBR versus $1,000 for a general

19

1 permit and in a more expedited manner.
2 The Department is also proposing to relieve
3 single-family residences and primary and secondary
4 schools from the requirement to obtain an air permit
5 for emergency-use engine. The proposal is added to
6 residential and school facilities for the list of
7 exemptions in OAC 252:100-7-2.
8 MS. KUNZE: Okay. I'll ask if there is any
9 questions or discussion from the Board on
10 Subchapter 7.
11 MS. VAUGHT: This isn't a complaint about the
12 revision but just a budget question. What -- Scott,
13 you may need to answer this. What will be the
14 difference -- we touched on this briefly before, but
15 what would be the difference in collections with this
16 adjustment for the 350? Do we have an adjustment on
17 that?
18 MR. THOMPSON: I don't know what the total cost
19 would be. Do you have that number, Beverly?
20 I think the key is we are okay in air quality
21 in terms of funding and so we don't think that's of
22 substantive impact overall. And some of the
23 facilities that were concerned about this have, you
24 know, over 100 generators, especially, like, the
25 phone companies, to run their towers in case there's

20

1 a power shortage. So from that standpoint it seems
2 like overkill to hit them for that much money per
3 each unit.
4 MS. VAUGHT: Thank you.
5 MS. KUNZE: Any additional questions or
6 discussion by the Board?
7 Do we have any questions, comments or
8 discussion from the public?
9 Quiana, I'll ask -- I guess I'll ask the Board
10 if we have a motion.
11 MR. BLANKENSHIP: I move for approval.
12 MR. MUNSON: Second.
13 MS. KUNZE: I have a motion and a second for
14 approval. Quiana?
15 MS. FIELDS: Mr. Blankenship?
16 MR. BLANKENSHIP: Yes.
17 MS. FIELDS: Mr. Ferrell?
18 MR. FERRELL: Yes.
19 MS. FIELDS: Mr. Griesel?
20 MR. GRIESEL: Yes.
21 MS. FIELDS: Mr. Kinder?
22 MR. KINDER: Yes.
23 MS. FIELDS: Mr. Mason?
24 MR. MASON: Yes.
25 MS. FIELDS: Mr. Munson?

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1 MR. MUNSON: Yes.
2 MS. FIELDS: Mr. Nicholson?
3 MR. NICHOLSON: Yes.
4 MS. FIELDS: Mr. Sims?
5 MR. SIMS: Yes.
6 MS. FIELDS: Ms. Vaught?
7 MS. VAUGHT: Yes.
8 MS. FIELDS: Mr. Wendling?
9 MR. WENDLING: Yes.
10 MS. FIELDS: Ms. Kunze?
11 MS. KUNZE: Yes.
12 MS. FIELDS: Motion passed.
13 MS. KUNZE: Thank you. Issue 4?
14 MR. BUTCHER: Yeah. Issue 4 is from
15 Subchapter 9 revision. In discussing a response to a
16 question raised by Air Quality Advisory Council
17 member as followup to the Council's October meeting,
18 the AQD staff believes that they misspoke at the
19 meeting relative to application of OAC 252:100-9-8
20 (d)(2).
21 Staff is aware that misinterpretation could
22 have affected the vote of one or more Council members
23 on approval of the proposed revision to Subchapter 9.
24 Staff cannot remedy the error without an opportunity
25 to present the proposal to the Council along with all

22

1 relevant facts.
2 Therefore, the staff is asking that the Board
3 return the proposed Subchapter 9 revision to the Air
4 Quality Council for further consideration. Their
5 intention is to bring a modified proposal to the
6 Council for consideration at its January 2016
7 meeting.
8 As Vice-Chair of the Air Quality Advisory
9 Council, I recommend that the Board accept the
10 staff's recommendation and return the proposed
11 Subchapter 9 revisions to the Air Quality Advisory
12 Council for consideration.
13 MS. KUNZE: I'll ask if the Board has any
14 questions or comments on Subchapter 9?
15 MR. MASON: I have a question. So are you
16 asking us to vote no against the rules?
17 MR. BUTCHER: No. We're just asking you to
18 return it to -- just table it and return it to the
19 Air Quality Council for them to rewrite it.
20 MR. MASON: So I need some help on what type of
21 motion can we pass. To table it or reject it?
22 MS. KUNZE: Turn it back to the Air Quality
23 Council.
24 MS. KUNZE: Any other discussion by the Board?
25 Do I have any questions or comments from the

23

1 public?
2 Okay. Now then I'll ask for a motion that we
3 table it and return it back to the Air Quality
4 Council.
5 MR. MASON: So moved.
6 MR. NICHOLSON: Second.
7 MS. KUNZE: I have a motion and a second. Roll
8 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: Mr. Kinder?
16 MR. KINDER: Yes.
17 MS. FIELDS: Mr. Mason?
18 MR. MASON: Yes.
19 MS. FIELDS: Mr. Munson?
20 MR. MUNSON: Yes.
21 MS. FIELDS: Mr. Nicholson?
22 MR. NICHOLSON: Yes.
23 MS. FIELDS: Mr. Sims?
24 MR. SIMS: Yes.
25 MS. FIELDS: Ms. Vaught?

24

1 MS. VAUGHT: Yes.
2 MS. FIELDS: Mr. Wendling?
3 MR. WENDLING: Yes.
4 MS. FIELDS: Ms. Kunze?
5 MS. KUNZE: Yes.
6 MS. FIELDS: Motion passed.
7 MR. BUTCHER: Thank you.
8 MS. KUNZE: Thank you, Gerald. We'll now move
9 to a revision to Subchapter 205 of the Hazardous
10 Waste Management, and I'll ask Lee Grater who is the
11 chair of the Hazardous Waste Management Advisory
12 Council --
13 MR. GRATER: Thank you. The Hazardous Waste
14 Management Advisory Council met on October 8th where
15 we voted on -- unanimously to approve two amendments
16 prepared by -- proposed by DEQ.
17 The purpose of the first proposed amendment is
18 to incorporate by reference the federal hazardous
19 waste regulations found in 40 CFR parts 124 and 260
20 through 279, revised as of July 1st, 2015.
21 There were two relevant changes to the federal
22 haz waste program during the past year that requires
23 to be incorporated in order to maintain an equivalent
24 hazardous waste state program.
25 The first is a revised definition of solid

25

1 waste rule and a technical correction. The technical
2 correction became necessary after the US Court of
3 Appeals in the DC District and the DC Circuit on
4 June 27, 2014, vacated the comparable fuels rule and
5 the gasification rule.
6 These changes maintain equivalency to the
7 federal -- existing federal rules and will therefore
8 have no substantive impact on the Hazardous Waste
9 Program implemented by DEQ. The agency is not aware
10 of any Oklahoma facilities that will be affected by
11 the rule changes.
12 The proposed amendment was unanimously approved
13 by the Council and the Council recommends that the
14 Board approve the proposed changes as presented. The
15 definition of solid waste rule removes from the
16 definition of a solid waste those hazardous secondary
17 materials that are going to be recycled providing the
18 management and recycling is performed compliance with
19 the rule.
20 If something is not a solid waste, it cannot be
21 a hazardous waste. This federal rule is a revision
22 to the 2008 federal rule that the DEQ did not adopt
23 because of the many deficiencies we believed existed
24 in the rule due to the fact that it was fully
25 self-implementing with very little regulatory

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1 oversight.
2 This new federal rule addresses many of DEQ's
3 concerns including defining what constitutes
4 legitimate recycling and providing for agency
5 approval for sites that do the actual recycling. The
6 Council also unanimously approved this rule, and we
7 request that the Board also approve this rule.
8 MS. KUNZE: I'll ask if we have any questions
9 or discussion by the Board on Item one? Questions or
10 discussion?
11 Do we have any questions, comments or
12 discussion from the public?
13 With that I'll ask if there is an action. Do I
14 have a motion?
15 MR. FERRELL: Move to approve.
16 MR. GRIESEL: Second.
17 MS. KUNZE: I have a motion to approve and a
18 second. Roll call?
19 MS. FIELDS: Mr. Blankenship?
20 MR. BLANKENSHIP: Yes.
21 MS. FIELDS: Mr. Ferrell?
22 MR. FERRELL: Yes.
23 MS. FIELDS: Mr. Griesel?
24 MR. GRIESEL: Yes.
25 MS. FIELDS: Mr. Kinder?

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1 MR. KINDER: Yes.
2 MS. FIELDS: Mr. Mason?
3 MR. MASON: Yes.
4 MS. FIELDS: Mr. Munson?
5 MR. MUNSON: Yes.
6 MS. FIELDS: Mr. Nicholson?
7 MR. NICHOLSON: Yes.
8 MS. FIELDS: Mr. Sims?
9 MR. SIMS: Yes.
10 MS. FIELDS: Ms. Vaught?
11 MS. VAUGHT: Yes.
12 MS. FIELDS: Mr. Wendling?
13 MR. WENDLING: Yes.
14 MS. FIELDS: Ms. Kunze?
15 MS. KUNZE: Yes.
16 MS. FIELDS: Motion passed.
17 MS. KUNZE: Lee, the second item?
18 MR. GRATER: The second proposal was for minor
19 changes to the rules governing transfer stations as
20 described in Subchapter 15 of Chapter 205 of
21 Title 252, specifically Subchapters 15-1, 2, 3, 4 and
22 5.
23 These rules were first promulgated in the early
24 1990s and have only been revised once in the early
25 2000s. Since that time the agency has gained

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1 valuable experience in dealing with these rules and
2 have identified several areas of improvement that
3 addresses ambiguities and operational questions that
4 have arisen over the years.
5 The rule changes have to do primarily with the
6 approval and renewal process to the development and
7 operational plans that are required for transfer
8 station including putting an expiration date on the
9 DNO plans so that they must be renewed ten years
10 after approval. Other proposed changes are concerned
11 with handling of waste, storage limitations and
12 consolidation of regulated waste.
13 Finally there's a proposed rule change that
14 clarifies the status of radioactive waste, more
15 specifically that they are managed in compliance with
16 the NRC and the DEQ's radiation management section.
17 These proposed changes were passed unanimously by the
18 Council.
19 MS. KUNZE: Any questions or discussion by the
20 Board? We're being too easy on him just because he's
21 got that boot on him.
22 Questions or discussion?
23 Do we have any questions, comments or
24 discussion from the public?
25 If not, I'll ask for a motion.

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1 MR. MUNSON: Move for approval.
2 MR. KINDER: Second.
3 MS. KUNZE: I have a motion and a second to
4 approve. Roll call?
5 MS. FIELDS: Mr. Blankenship?
6 MR. BLANKENSHIP: Yes.
7 MS. FIELDS: Mr. Ferrell?
8 MR. FERRELL: Yes.
9 MS. FIELDS: Mr. Griesel?
10 MR. GRIESEL: Yes.
11 MS. FIELDS: Mr. Kinder?
12 MR. KINDER: Yes.
13 MS. FIELDS: Mr. Mason?
14 MR. MASON: Yes.
15 MS. FIELDS: Mr. Munson?
16 MR. MUNSON: Yes.
17 MS. FIELDS: Mr. Nicholson?
18 MR. NICHOLSON: Yes.
19 MS. FIELDS: Mr. Sims?
20 MR. SIMS: Yes.
21 MS. FIELDS: Ms. Vaught?
22 MS. VAUGHT: Yes.
23 MS. FIELDS: Mr. Wendling?
24 MR. WENDLING: Yes.
25 MS. FIELDS: Ms. Kunze?

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1 MS. KUNZE: Yes.
2 MS. FIELDS: Motion passed.
3 MS. KUNZE: Thank you.
4 MR. GRATER: Thank you.
5 MS. KUNZE: Our next agenda item is to consider
6 and make comments or approved the annual
7 environmental quality report. It is required to be
8 completed by January 1st of each year, and its
9 purpose is to outline the DEQ's annual funding needs,
10 include information on any new federal mandates and
11 to summarize the DEQ recommended statutory changes.
12 And with that, I'm going to turn it over to
13 Jimmy Givens, the Deputy Executive Director at the
14 DEQ for a presentation.
15 MR. GIVENS: Thank you Madam Chair and members
16 of the Board. I've done this enough times now that
17 normally I get up here and I'm not particularly
18 nervous, but before our meeting today, Jimmy Kinder
19 and I were talking and he mentioned to me how these
20 days it's so simple for people to double-check your
21 facts just by getting out their phone. Now I'm
22 nervous.
23 MR. KINDER: My phone is holstered.
24 MR. GIVENS: Yeah. Everybody turn their phones
25 off, please. I want to start by mentioning that last

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1 week I was in Mangum for a ceremony having to do with
2 a Brownfields Grant. They were -- they are planning
3 on renovating a hotel there in Mangum that was built
4 in I think 1929 and eventually closed permanently in
5 1986 or something like that.
6 They're trying to renovate it, bring back some
7 business to that hotel area -- some retail
8 business -- provide some senior housing. I bring
9 this up because when we get in meetings like this, a
10 lot of times we take a look at the sorts of things we
11 have already talked about and are going to be talking
12 about, and I think sometimes it's hard to see the big
13 picture.
14 And so I want to convey to you how excited
15 people are out in the communities around the state
16 for things that DEQ is able to do to help them. And
17 I think it's important for you to hear that sort of
18 thing just as it is for those of us on staff to hear
19 that sort of thing.
20 When you adopt rules that have to do with
21 Brownfields, for example, it makes a difference to
22 people living in Mangum, Oklahoma. And so I -- you
23 say, well, what does that have to do with the
24 environmental quality report?
25 Not much except that I do think when we're

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1 trying to take a look at big-picture sorts of things,
2 it's helpful to try to remember that when we talk
3 about those things, they play out in real life in
4 small communities around the state as well as in
5 urban areas, and I thought it was worthwhile to
6 mention that right up front.
7 The environmental quality report, as you well
8 know by now, consists of three parts. We have
9 already essentially covered the budget part in the
10 September meeting so I will briefly touch on it.
11 We'll take a look at some of the biggest
12 federal requirements that have come down the pike
13 recently or on the horizon and then we'll talk a
14 little bit about what we are proposing for
15 legislation in the upcoming 2016 session.
16 As far as the budget request, we're going to
17 ask you -- you are required -- before we submit this
18 environmental quality report to the governor and
19 legislature you're required to review it and to
20 approve it with or without modification.
21 We're actually asking for a slight modification
22 to what we presented to you in September, and there's
23 a reason for that. In September we proposed to
24 submit a budget request that contained -- that
25 amounted to $1,733,575.

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1 That would have been what we received in FY
2 '15. Obviously we're currently in FY '16. Literally
3 only a few days after that board meeting, Scott and
4 Michelle were called to the capitol and to put it
5 very plainly, the agencies were told if you're
6 thinking about asking for more money than you're
7 getting this year in general appropriations, don't
8 bother.
9 So we are asking you for a slightly amended
10 approval, a slightly amended request. Officially we
11 have already submitted this, but we're asking for
12 your blessing after the fact because we really were
13 in a position where we had no choice but to submit a
14 standstill request.
15 There is $350,000 less than what we proposed in
16 September. So that's part one, the budget request
17 with this modification from what was approved in
18 September. You'll notice that we also mentioned the
19 amount that we are -- or not spending but budgeting
20 this year in federal funds and revolving funds --
21 about 29 million or about 49 million respectively.
22 Obviously we don't know what that will be in FY
23 '17, but it tends to be somewhere to whatever it was
24 that year before so that's probably in the ballpark.
25 Federal mandates. The environmental quality

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1 report requires us to report to you and the
2 legislature and governor on mandates that are being
3 imposed by the federal government. Obviously we
4 cannot include every single new federal requirement.
5 We would be here all day and all night. But we
6 try to pick out those that are most impactful to
7 either the agency or to the regulated community.
8 We'll start with air quality. The two biggies, if
9 you will, are obviously the ozone national and the
10 air quality standard.
11 It has just been revised. There was a proposal
12 back in 2011, I believe it was. The President
13 postponed it. It has come back up, and, again, they
14 have some 70-parts per billion as the new standard
15 lowered from 75.
16 There is a bit of good news for Oklahoma in the
17 sense that while a lowering is a challenge to meet,
18 the past couple of summers have been particularly
19 good for Oklahoma in terms of ozone.
20 So barring a particularly bad summer in 2016,
21 we appear to be in pretty decent shape to remain in
22 attainment which has to be designated in 2017 based
23 on 2014 through 2016. The other major development --
24 and all of you I'm sure are well aware of this -- is
25 the Clean Power Plan also known as 111(b) and

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1 111(d) -- or the Clean Air Act, designed to reduce
2 carbon emissions from electrical generation units.
3 State plans are due in less than a year.
4 However, there is a provision in the rule that allows
5 for a two-year extension. In essence, what the rule
6 says is you have to show EPA that you are trying to
7 figure out what you're going to do and make an honest
8 effort toward that end, and you can get an extension
9 to 2018.
10 Now, with that said, this rule is being heavily
11 litigated, to put it mildly. Last time I looked --
12 and don't check your cell phones on this one, but I
13 think it was 46 out of 50 states had challenged or
14 had entered an appearance in court either challenging
15 the rule or supporting EPA.
16 So you had -- I don't know -- 26, 27, 28
17 opposing and another 15 or whatever who were
18 supporting the rule. So it remains to be seen how
19 the Clean Power Plan Rule will play out over time.
20 Right now DEQ is barred by gubernatorial
21 executive order from developing a plan so we are in a
22 monitoring stage, kind of watching what's going on,
23 and we will move ahead when something is resolved one
24 way or the other.
25 I have this in the report and up here as land

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1 protection. This first one is actually an overlap
2 between land protection and air quality. A couple of
3 new rule proposals that EPA has issued that are
4 intended to lower emissions from landfills, and what
5 they do is lower the threshold for emissions that
6 require the installation of gas collection and
7 control system.
8 As I recall, it reduces the threshold by about
9 a third -- 50 metric tons to 34 metric tons. So this
10 is something that -- again, it's in the proposal
11 stage right now but could have a fairly significant
12 impact on the smaller landfills in the state.
13 On the haz waste side, a couple new proposals
14 that have recently been issued, haz waste, the
15 Generator Improvements Rule. EPA has styled it as a
16 modernization of the generator requirements.
17 Basically they're trying to move things around,
18 make it a little easier to follow what is required to
19 find what you're looking for. There are some
20 additional provisions on labeling of hazardous waste
21 containers, and maybe most importantly there is a
22 little bit more flexibility for small quantity
23 generators and conditional exempt small quantity
24 generators.
25 By that I mean that up until now if you went 11

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1 months out of the year and on that 12th month you
2 went slightly above the threshold to be thrown into
3 the higher category, you were in the higher category.
4 There is a little bit more flexibility now if
5 you have isolated incidents where you produce a
6 little bit more than whatever the threshold value is
7 were you can be able to stay in whatever category you
8 are routinely in. And I hope I – I hope I said that
9 essentially right.
10 John, you chime in if I mess up on this.
11 The pharmaceutical rule – again, I think EPA
12 is trying to be a little bit more flexible, adapt a
13 little bit more to specific situations. Healthcare
14 facilities have a challenge trying to comply with the
15 haz waste rules for pharmaceutical hazardous waste.
16 This rule will simply provide them a little bit
17 more flexibility in how they manage pharmaceuticals
18 to be able to accumulate a little bit more in a
19 central location, a little bit more of a time period
20 before they have to send it off for appropriate
21 treatment and disposal.
22 Finally on the water quality and lab side --
23 and I say water quality and lab because anytime EPA
24 makes changes to the water and waste water rules, you
25 can pretty much bet it's not only going to affect our

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1 water quality division. It's also going to affect
2 our state environmental lab.
3 I need to right now let you know about a
4 correction. I didn't bring my copy of the
5 environmental quality report up here. I believe it's
6 on Page 4. Is that where the provisions about water
7 quality start?
8 There is one that talks about the – some of
9 the parameters like perchlorate, hex chrom – and it
10 says selenium in your report. That is a mistake. It
11 should say strontium. So as part of your approval of
12 this environmental quality report, we're going to ask
13 for you to approve an amendment both in the heading
14 for that paragraph and in the body of that paragraph.
15 It should say strontium, not selenium.
16 EPA continues to take a look at contaminants or
17 pollutants in water and to determine what requires
18 either additional regulation or stringent regulation
19 or regulating something that hasn't been regulated
20 before.
21 Strontium, as mentioned, appears to be on a
22 fast track. The other two that are up there --
23 perchlorate and hexavalent chrom have been around for
24 a while. They continue to act like they're going to
25 establish standards, but so far that has not been

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1 forthcoming.
2 Revised Total Coliform Rule. We talked about
3 this in the past years, but it is going into effect
4 in 2016. Some systems, depending on what the result
5 shows, could end up having to increase monitoring,
6 but, more to the point, there is an increased
7 stringency on site sample plans, on assessments once
8 something does go wrong and more aggressive
9 corrective action that's required.
10 Obviously that's going to involve our Water
11 Quality Division, but it also impacts our lab in the
12 sense that our lab does a lot of outreach and
13 technical assistance to smaller systems around the
14 states.
15 So anything that requires more out of these
16 smaller systems is going to also require more
17 technical assistance, more hand-holding, for lack of
18 a better term, from our lab as well to get the right
19 samples in and to respond to any problems.
20 It also affects the lab in the sense that our
21 laboratory is an accrediting laboratory for other
22 lab -- environmental laboratories in the state. And
23 anytime you have a change in the requirements for
24 sampling and analysis, we also have to make sure that
25 those accredited labs are up to speed on whatever

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1 those changed requirements are.
2 Let me go ahead and mention finally in terms of
3 federal mandates, the Clean Water Act. We've talked
4 many years in a row about their electronic reporting
5 rule. It's effective next month. It will require
6 reports to be entered electronically now.
7 We talked in the past about the fact that while
8 in concept this is probably helpful. In practice it
9 is a challenge to implement. It's a challenge for
10 many smaller systems. It's also a challenge for us
11 because it requires an investment of resources that
12 EPA is not funding, and so we will do the best we
13 can, but it is a bit of a challenge to implement.
14 Waters of the US Rule, what it was originally
15 called and now reframed as the Clean Water Rule, came
16 out from EPA and the Corps of Engineers. It became
17 effective in August. Like the Clean Power Plan
18 Rules, heavily litigated.
19 It's the subject of a stay at the moment, and
20 we will continue to have to watch how that
21 particularly rule plays out over the course of the
22 next months and years, I suspect.
23 Finally Sufficiently Sensitive Test Methods
24 Rule was finalized a while back, but there were two
25 years for implementation. In essence what it does is

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1 it says is you have to have lower levels at which
2 you -- the lab can detect pollutants, lower
3 quantification levels.
4 And so we will have additional challenges
5 related to water quality standards, simply tracking
6 how well systems are doing on compliance. The lab
7 again like before will be impacted with the need for
8 additional equipment, the need for personnel who are
9 trained with these new analytical methods, and the
10 fact is that some private labs may not be able or may
11 not want to achieve the levels that are required.
12 And so our state environmental lab may have a
13 workload increase as a result of that.
14 You know, it may be appropriate for me to pause
15 here before I move to the final part which is the
16 legislative part and see if you have any questions
17 about either the budget or federal mandates pieces
18 before I move ahead. And if you do, I probably will
19 defer to somebody who knows more about these than I
20 do. Jimmy?
21 MR. KINDER: Jimmy, does your department have
22 anything to do with the Waters of the US? Are you
23 being pressed to mandate any of those programs?
24 MR. GIVENS: We haven't really been pressured
25 to take a position on the rule itself, and of course

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1 right now with it being stayed we're simply, you
2 know, in wait-and-see mode.
3 Honestly the impact within the state of
4 Oklahoma -- I suspect if the rule were to go through,
5 it's probably more in areas that, say, the ag
6 department regulates than DEQ. I don't think the
7 impact on DEQ will be huge because our definition and
8 our state law is fairly expansive of Waters of the
9 State. But it could have an impact on the
10 agricultural side in particular if it stands the way
11 it is.
12 MR. FERRELL: And actually I have an extension
13 of Jimmy's question too, and you hit on it. With the
14 current definition we have of Waters of the State, I
15 think that encompassed a lot of the -- pardon me to
16 use this word -- regulatable -- activities in the
17 state.
18 Has there -- and I don't know if the agency
19 would have had the opportunity or interest to do so,
20 but has there been any sort of rule impact analysis
21 the agency has done to determine if there would be
22 really a need for any expanded permitting activities
23 in the state as a result of that, or would most of
24 these be encompassed by the Waters of the State Rule
25 that we already have?

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1 MR. GIVENS: Yeah. I don't have an answer. I
2 think most of them would be encompassed.
3 But, Terry, have we done any sort of analysis
4 on whether this is going to make a big difference in
5 our permitting or not?
6 MR. LYHANE: Yeah. Informally we've looked at
7 it. I think exactly like Jimmy said, you know, most
8 of the industries and municipalities, the outgoing
9 source that we regulate, we already regulate under
10 this kind of broad definition. So we don't really
11 see a big impact but, just like Jimmy said, I think
12 ag is up for potential impacts.
13 MR. EUBANKS: If you want to see the impact of
14 agriculture, Oklahoma Farm Bureau, they did a
15 specific map for Oklahoma and several other states
16 which purports to show the expansion. But, you know,
17 who knows? It all remains to be seen.
18 MR. FERRELL: Thanks.
19 MR. GIVENS: By the way, I called on Terry --
20 that's Terry Lyhane, L-Y-H-A-N-E. He is the
21 Assistant Director for the Water Quality Division.
22 Other questions about what we have gone over so far?
23 MS. VAUGHT: Jimmy, since we got the adjusted
24 budget advisement, I'll call it, what has what has
25 happened -- what adjustments have been made? What

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1 are we going to have to do? And I imagine that's
2 still in process as to how all this will play out,
3 but can you give us a feel as to how it might affect
4 some of the departments, programs, et cetera?
5 MR. GIVENS: Well, again, what we will be
6 facing if we receive what we are asking for now is
7 exactly what we are receiving in this current fiscal
8 year. So it boils down to the fact that we cannot do
9 quite as much technical-assistance sorts of things.
10 It's not a devastating impact in terms of
11 general appropriations. As you know, the larger
12 impact has been on our revolving funds and some of
13 the long-term projects that we have been unable to
14 do.
15 In terms of general appropriations it will --
16 those go primarily to water quality, to our
17 environmental complaints and local services and to
18 our lab. All of those divisions -- all three of
19 those divisions have a healthy component of customer
20 assistance associated with them.
21 So when you start cutting back on general
22 appropriations, what you are really doing is cutting
23 back on our ability to reach out as much as we would
24 like to do and provide that sort of training and
25 technical assistance.

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1 MS. VAUGHT: Thank you.
2 MR. WENDLING: Jimmy, I had a question on
3 Page 4 of the report since I was going through the
4 information you had here. There was a statement in
5 here that says the new federal Coal Combustion
6 Residuals Regulations became effective October 19,
7 2015. It says that the DEQ is working on draft
8 rules. Is there any target dates when that has to be
9 done?
10 MR. GIVENS: Kelly --
11 MS. DIXON: We're going to bring it to the
12 Board in January hopefully.
13 MR. GIVENS: Yeah. It's coming soon but is
14 there is there a deadline that EPA has imposed for us
15 to have our Solid Waste Management Plan redone or
16 anything like that?
17 MR. TAHMASSEBI: No. There is no deadline
18 associated with that. The federal rule itself became
19 effective on October 19th and then states are
20 encouraged to adopt the new rules, but there are no
21 deadline happening yet. Yes.
22 MR. GIVENS: Kelly Dixon and Saba Tahmassebi.
23 I would spell it except I'd probably mess it up. Any
24 other questions on what we covered up to now?
25 Okay. Finally, legislative recommendations.

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1 We have three that we are proposing for the 2016
2 session. The first has to do with contracting with
3 the Oklahoma Rural Water Association.
4 Up until a few years ago every year our agency
5 budget bill -- appropriations and budget bill had a
6 provision that said, in essence, to the extent money
7 is available for you to do so, we would like for you
8 to contract with the Oklahoma Rural Water Association
9 to provide -- and I think the terminology was
10 technical assistance programs for rural water
11 operators.
12 And what that -- how that played out was we
13 contracted with the Rural Water Association to
14 actually provide both training and technical
15 assistance to the smaller water and waste water
16 systems around the state that were struggling maybe
17 with some sort of contaminant in the water supply or
18 they were having trouble monitoring or whatever the
19 case may be.
20 It was a good tool for us to use to reach out
21 around the state, and Rural Water Association is kind
22 of uniquely positioned to provide that sort of
23 assistance. The past few years the legislature has
24 gotten away from individual appropriations and budget
25 limit bills and has gone with just a general

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1 appropriations bill.
2 One of the side effects to that is we no longer
3 have a provision that says please contract with Rural
4 Water Association which we have always thought was a
5 very beneficial thing both for us and to the systems
6 around the state.
7 In essence, what we're doing is asking for
8 approval to propose legislation that would on an
9 ongoing basis allow us to do what we were doing on a
10 year-to-year basis before. Go ahead.
11 MR. BLANKENSHIP: I have a question on that, if
12 I may. And maybe this is more of a legal question.
13 Is there anything that prohibits the agency from
14 contracting for services with any other entity?
15 MR. GIVENS: No.
16 MR. BLANKENSHIP: So essentially DEQ can
17 continue this practice without this legislation?
18 MR. GIVENS: We could continue but what this
19 does is make it clear that we can contract directly
20 with the Rural Water Association without going
21 through a lengthy bidding process and often times
22 having bids submitted that are not, in our opinion,
23 as equipped to handle what we're seeking to have
24 done.
25 MR. BLANKENSHIP: So as -- since it's really

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1 providing services, does it require that it be -- I
2 mean my experiences on the bidding process is it's
3 the, you know -- the -- I'm trying to think of the
4 terminology -- the lowest responsible bidder, not
5 necessarily the lowest bidder. And don't get me
6 wrong.
7 I fully support this program, and I think the
8 Oklahoma Rural Water Association does a fantastic job
9 with it. I just am a little concerned about locking
10 us in with legislation over time and what that might
11 mean.
12 MR. GIVENS: Well, I want to be clear on two
13 points. You are correct. It would not -- even if we
14 don't get this, it would not prohibit us from seeking
15 the contract with the Rural Water Association.
16 It makes it a little easier on this to do this.
17 But in terms of responsible bidders, there may be
18 someone else out there that could do a similar job.
19 We have not really found somebody that's quite as
20 well-positioned to --
21 MR. BLANKENSHIP: Sure. Sure.
22 MR. THOMPSON: Jimmy, I would add that this
23 would not force us to contract with them.
24 MR. GIVENS: Right.
25 MR. THOMPSON: It would merely allow us to

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1 contract directly with them.
2 MR. BLANKENSHIP: Okay.
3 MR. THOMPSON: So if there was a problem -- if
4 the services weren't being delivered --
5 MR. BLANKENSHIP: Okay.
6 MR. THOMPSON: -- we can alter that.
7 MR. BLANKENSHIP: That was -- great. That was
8 just my concern was just absolutely locking us into
9 something that -- and, like I say, I think the Rural
10 Water Association does a fantast job with this, and
11 it's certainly something that's greatly needed.
12 But, you know, who knows? In five years, ten
13 years, once you kind of cast it in stone, so to speak
14 with legislation -- but if that's the approach is it
15 enables it but doesn't necessarily lock us in, then I
16 don't have any concern.
17 MR. THOMPSON: Okay.
18 MR. MASON: Hey, Scott, you know, ten years ago
19 when they gave us this land protection money, you
20 guys contracted with Ken Purdy in Tahlequah without
21 putting it out to bid, I think. If I'm right, what's
22 the difference?
23 MR. THOMPSON: Personally I think Rural Water
24 is a little different than a private company in that
25 we probably could sole-source to him. There's been a

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1 little dispute about that. This language was put in
2 our appropriation bill every year in the past and
3 it -- when they quit doing the appropriation bill the
4 way they did, that dropped out.
5 So we're trying to put it in permanent to
6 clarify that it's okay to do. Now, I have some other
7 ideas about if we are to get some fine money in the
8 next -- what Rural Water does is they'll go around
9 the state.
10 They're sort of a traveling show in terms of
11 going and training people all over the state
12 especially smaller systems and stuff. But one thing
13 I'd like to do with some of our fine money is kind of
14 a supplemental project is to maybe contract with some
15 other folks out there.
16 I know Rose State does some of this and
17 Accurate in Stillwater does some of this, but they're
18 a fixed position. You've got to send people to them.
19 So if we have a system that's out of compliance, part
20 of our solution might be to set up a contract with
21 those guys and pay for an operator to go to those
22 schools there and get a little more intensive
23 training on an issue at hand so that we don't have a
24 continuation of those violations or the improper
25 operation of a plant.

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1 MR. MASON: I guess my question is -- we did
2 this with Ken Purdy ten years ago in Tahlequah with
3 his solid waste nonprofit agency. Is it the same
4 thing? So why --
5 MR. THOMPSON: I would think it's the same
6 thing.
7 MR. MASON: Is it not the same thing?
8 MR. THOMPSON: That's what we're -- we're
9 having debates about that. I think it is, but this
10 would clarify it for us, and this should not be
11 really controversial, I wouldn't think at all.
12 MR. MASON: Does this clarification
13 specifically name this group or is it --
14 MR. THOMPSON: Yes.
15 MR. MASON: Then do you want broad
16 authorizations so you can contract with a Ken Purdy
17 again up in Tahlequah?
18 MR. THOMPSON: Well, we would have to evaluate
19 that and determine whether -- there would be
20 opportunities throughout the session to add other
21 entities into this at different points in the
22 legislative process if we determined that was
23 appropriate.
24 So we could look into that, but I think, you
25 know, clearly if we're working with a local

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1 government or another state agency, we can just do an
2 interagency agreement like that.
3 If -- but this, you know -- I used to believe
4 that these associations were essentially quasi-state
5 agencies, and after the county commissioner's deal,
6 it was pretty clear that that was not the case, and
7 we were not using those interagency agreements.
8 We were doing sole-source based on these people
9 were unique and had the ability to deliver the
10 services on a sole-source. And this is simply a
11 simple way to clarify that permanently and just say,
12 we can do this if we choose to.
13 MR. MASON: I guess to the first question, I
14 mean the state bidding process is a good -- it's the
15 process we have, and if it's operating correctly,
16 it's fair. Do we want to start carving out where
17 people don't have to submit proposals --
18 MR. THOMPSON: Well, you mean get
19 individuals -- that we have no track record of?
20 MR. MASON: Pardon me?
21 MR. THOMPSON: We can wind up in a lengthy
22 process to sort through potential bidders and
23 determine whether they're really capable of doing
24 this and whether or not their prices are valid and
25 they're really going to be able to deliver the number

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1 of services that we expect for the same amount of
2 money across the state.
3 And so I have my doubts about some of that, and
4 this is just a simpler mechanism. We have done this
5 for many, many years in terms of contracting with
6 Rural Water, and this just sort of ties it up and
7 makes it absolutely bullet proof that we can do it.
8 MR. MASON: Okay. All right. Thank you.
9 MR. BLANKENSHIP: I would maybe suggest that in
10 the language that you're asking for authorization to
11 directly contract with Oklahoma Rural Water
12 Association or other qualified entity.
13 MR. THOMPSON: Well, that would be too broad, I
14 think, but we can talk to the lawyers about that and
15 consider it.
16 MR. BLANKENSHIP: Okay.
17 MR. THOMPSON: I understand what you're saying.
18 Put similar entities like that?
19 MR. BLANKENSHIP: Yeah. Because you're exactly
20 right, though. Oklahoma Rural Water Association is a
21 private corporation.
22 MR. THOMPSON: Right.
23 MR. BLANKENSHIP: It's a private association so
24 it's not a public entity. So -- but, like I say, I
25 support what they're doing, and I think it's

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1 something that's needed. It's a great program. We
2 need to continue it. There is a huge need there. We
3 need to support that.
4 MR. THOMPSON: And I don't think the cost of
5 this program is huge.
6 MR. BLANKENSHIP: Yeah.
7 MR. THOMPSON: I think it's relatively modest
8 but it's valuable.
9 MR. BLANKENSHIP: Thank you.
10 MR. KINDER: One point I wanted to make is --
11 actually, being on the receiving end, I'm a rural
12 water director, and we all sit on there as
13 volunteers. And the rural water training is
14 invaluable to us.
15 I don't believe it's broke. And also if it
16 does become broke in the future, I think we have the
17 ability to come back in a setting just like this and
18 rescind that at that order. So --
19 MR. BLANKENSHIP: Yeah. I agree that we have
20 the ability to come back and do that, but if we're
21 locking in, it's going to take a considerable amount
22 of time to be able to work through that.
23 MR. THOMPSON: Well, the agency could make that
24 determination and say we're not going to use this
25 ability --

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1 MR. BLANKENSHIP: And I think that that's -- I
2 think that looks out for the benefit of all, and I'm
3 good with that. Thank you very much.
4 MR. GIVENS: Let me go ahead and cover the
5 other couple and then we'll see if there are any more
6 questions. Electronic notification permit actions in
7 keeping with the advance of technology. EPA has
8 indicated that they plan to issue rules that would
9 allow for public notice of draft permits to be done
10 electronically rather than by newspaper legal notice.
11 Haven't actually pulled the trigger on that
12 yet, but we're told it's going to happen probably
13 first in air quality. In anticipation of that as
14 well as simply in keeping up with the times, we
15 propose to amend the Uniform Environmental Permitting
16 Act to allow us to give legal notice of draft permits
17 and proposed permits and where notification of permit
18 filing is required -- or permitting application
19 filing is required that we be able to do that
20 electronically also.
21 I will tell you right up front that if this is
22 approved and were to be passed by the legislature, I
23 doubt that we would be able to immediately go solely
24 with electronic. We probably would have some sort of
25 transition period.

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1 But what we're looking for is authorization to
2 do it electronically as it proves to be viable in
3 getting the word out. Newspaper legal notice -- one
4 might question how effective it is anyway, but for
5 now that's the requirement.
6 MR. MASON: So, Jimmy, let's say I'm not
7 friends on Facebook with DEQ. Will I miss this
8 electronic notice? How are you going to do it? I'm
9 a little concerned if I'm not a friend on Facebook of
10 DEQ.
11 MR. GIVENS: Yeah. It probably would have to
12 be done in such a way that it would not be limited to
13 social media. It probably would be on our website
14 for one. I don't know honestly how we would
15 implement it beyond that.
16 MR. FERRELL: Jimmy, I know that most of the
17 notice requirements are kind of imbedded in the
18 specific permit regulations, but are there any ties
19 back to the state administrative procedure act that
20 we would need to tweak as well, or would this be just
21 entirely self-contained with the Uniform
22 Environmental Permitting Act?
23 MR. GIVENS: Martha, can you recall if there is
24 anything in the APA that we would have to amend to
25 make this workable?

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MR. THOMPSON: Now, would this change our practice of publishing in the local paper as well?

MR. GIVENS: Well, again, it would allow the option for us to do both until such time as we might determine that electronic alone would be sufficient. Shannon, I don't recall anything in the APA that would have to be changed, but it's certainly a valid question. If this were to go through, we should double-check and make sure.

MS. PENISTEN: Yeah. We can look at it.

MR. FERRELL: And I don't know definitely if it would be, but I was just thinking as a reviewable agency action, if that would couple back to the APA, but we can talk about it later.

MR. GIVENS: All right. Final item. We talked a little bit about coal combustion residuals already. There are -- in the new rules there are requirements -- siting requirements. And one of the things that was encountered and what we currently have in our state statutes is a prohibition on siting either new CCR landfills or expansions of CCR landfills in areas that are seismically active, for lack of a better term.

The rule actually gets into what that means, but, in essence, our rules allow the location of

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industrial monofills including CCR-type landfills in areas that would include the seismic impact areas.

What we are proposing to do is simply remove that exclusion so that now all landfills -- excuse me -- so that now CCR landfills would be subject to these restrictions on seismic impact areas.

It would only apply to the new landfills or expansions and not to existing. I think I've succeeded not only in confusing you but confusing myself on that. Maybe between the explanation of the text you can figure out what I'm trying to get at.

And that concludes the summary of the legislative proposals. Let me stop and see if there are any more questions on that.

If not, Madam Chair, I will turn it back over to you for -- hold on. I'm sorry. Mr. Nicholson?

MR. NICHOLSON: Let me figure out how to run this thing. There it is. On the CCR can you clarify that for me? Are you saying you could not have new landfill sites? What is this saying?

MR. GIVENS: You would not be able to site a new coal combustion residual landfill within an area that is seismically active -- what they call a seismic impact zone.

MR. NICHOLSON: That's all of Oklahoma, though,

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but we got coal plants all over the state that are generating 30,000 tons a year of CCR.

MR. GIVENS: Let me ask somebody from land protection or maybe Saba, how broadly are these seismic impact zones defined in these new rules? Do you know?

MR. TAHMASSEBI: I don't know. The rule gives a couple years before that is determined by each facility but then this rule only applies to coal combustion residuals for facilities that burn coal to generate electricity -- only utilities. So the coal mines are not affected by this, but the power utilities are. We have only a handful of those in the state.

MR. THOMPSON: Most of those facilities already have permits from DEQ to operate landfills and they have -- what did you say? Two years?

MR. TAHMASSEBI: Yes. They have -- I think the seismicity requirements kick in a year and a half, two years from now.

MR. THOMPSON: And part of this is that this federal rule could be self-implementing, but the utilities want us to step in and create rules and continue to regulate their facilities. So they're asking us to step up, do this so that we are there.

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There's a really odd relationship with EPA in terms of solid waste and their authority and jurisdiction. So utilities could do this on their own and self-implement if they choose, but we have met with them, and they asked us to step up and do this.

MR. NICHOLSON: We are going to be able to accommodate the coal generating plants and not have to transport this out of state? Is that what we're saying?

MR. THOMPSON: Yes, sir. We believe that we can.

MR. NICHOLSON: Okay.

MR. BLANKENSHIP: And I'd also be interested to have more information as this comes about as, you know, what the definition is on the seismic area or how that is defined because I am with Mr. Nicholson, you know.

You hear on the radio now that Oklahoma has more active earthquakes than anyplace else in the nations. So I too would be very concerned that we might have to export that waste so thank you.

MR. THOMPSON: Saba, is there an order of magnitude and a radius around that?

MR. TAHMASSEBI: Yes. I just don't know that.

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1 MR. THOMPSON: Okay.
2 MR. TAHMASSEBI: But then this is not really –
3 right now it's not a DEQ requirement. This is a
4 federal requirement so regardless of what we do, this
5 requirement exists. And then it's a
6 self-implementing federal rule that all utilities and
7 landfills that are CCR monofills are subject to.
8 But then we've been asked to adopt regulations
9 that mirror the federal rules so that the utilities
10 and landfill operators would deal with DEQ when their
11 compliance issues as opposed to addressing this in --
12 by citizens' lawsuit in district court. So the
13 requirement is the same whether or not DEQ adopts
14 these rules or not.
15 MR. MASON: I want to follow up a little more
16 detail on Homer's question and ask the question a
17 little different. Saba, you got a microphone? I can
18 barely hear you, please.
19 MR. TAHMASSEBI: Okay.
20 MR. MASON: Okay. Is it the same seismic
21 impact requirements that apply to municipal solid
22 waste landfill, and, if so, how much of the state
23 cannot get a new solid – municipal solid waste
24 landfill because of the seismic impact rule that we
25 currently enforce?

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1 MR. TAHMASSEBI: Well, this doesn't apply to
2 municipal solid waste landfills.
3 MR. MASON: No, no, no, no. Let me ask again.
4 MR. TAHMASSEBI: Yes.
5 MR. MASON: Now, Saba --
6 MR. THOMPSON: What he's saying is -- what
7 you're talking about doing is striking the exemption
8 for that requirement.
9 MR. TAHMASSEBI: I see.
10 MR. THOMPSON: Right? So where does that apply
11 now to solid waste landfills? Because it would be
12 the same under the statute. Or do we have – would
13 this simply authorize us to write rules for CCR in
14 which we would spell it out? How would that work?
15 MR. TAHMASSEBI: It would be the latter. It
16 would be somehow the way we do this would have to be
17 done in a way that doesn't affect municipal solid
18 waste landfills at all and then only affects new CCR
19 landfills.
20 MR. THOMPSON: So we would write a new chapter
21 of rules under this -- if this statute passes, it
22 doesn't mandate what that seismic area is. It would
23 tell us to draft a chapter of rules for CCR
24 landfills --
25 MR. TAHMASSEBI: Right. And this is what we've

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1 done. There's a new subchapter -- it's Chapter
2 517 – that addresses CCR only. It's separate from
3 the 515.
4 MR. MASON: Well, for today's purpose of
5 discussion let's just say we use the same seismic
6 criteria that we currently use for municipal solid
7 waste landfills on CCRs. So my question is if we go
8 over to the MS -- municipal solid waste for a moment
9 trying to answer Homer's question, what percent of
10 the state could have a new -- would be excluded from
11 a new municipal solid waste landfill because of
12 seismic criteria?
13 MR. TAHMASSEBI: That I don't know.
14 MR. THOMPSON: We would have to – we could
15 prepare a map.
16 MR. TAHMASSEBI: Yes.
17 MR. THOMPSON: I don't think we have had any
18 new applications that have caused us to rethink that
19 given the current site --
20 MR. MASON: I think we want to pursue his
21 question. It may not be today. I think you all –
22 MR. THOMPSON: Yeah.
23 MR. MASON: -- pull your municipal solid waste
24 landfill seismic criteria. Right? Homer really
25 wants that answered.

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1 MR. NICHOLSON: Yeah. Well, there is the
2 municipal consideration, but we also have power
3 plants across the state that are generating coal
4 waste. And you say that they are currently permitted
5 okay but –
6 MR. THOMPSON: Yeah. They have a grace period
7 for this rule that actually kicks in to give them
8 time to build disposal facilities or arrange for
9 other disposal. And so that's the time period in
10 which we're trying to get this sorted out.
11 And the details of that will be -- we can
12 double-check the federal requirements to see if there
13 is clear criteria for the seismicity and what that
14 would mean in Oklahoma and map that out.
15 This proposal is just for us to -- that we're
16 going to flow the statute which could not make it
17 through or we could pull it if we had to or whatever
18 during the session. But it's simply to allow us to
19 write rules for these and to clarify that they're not
20 exempt from seismicity requirements because the
21 federal does not exempt them.
22 To sort out the details or what does that
23 really mean? I understand that that's important. We
24 can come back at the next meeting with an updated --
25 or get you electronically in between an updated idea

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1 of what seismicity requirements mean for MSWs and
2 could mean for these facilities.
3 MR. BLANKENSHIP: So I think in hearing the
4 conversation, that it would not necessarily prohibit
5 a new landfill or the expansion of existing landfill,
6 but it would just be subject to -- if it's within a
7 seismic impact area, it would be subject to some
8 seismic design criteria. Is that correct?
9 MR. TAHMASSEBI: I am not really -- I'm not a
10 regulatory expert on this, yes, so I don't know. But
11 I think we'll do what Scott suggested which is for me
12 to get back with people who have a better
13 understanding of the requirements --
14 MR. BLANKENSHIP: -- and respond to
15 Mr. Nicholson and also your questions.
16 MR. BLANKENSHIP: Okay. Very good. Thank you.
17 MR. TAHMASSEBI: Yes, sir.
18 MR. MASON: I have another question for Saba.
19 MR. TAHMASSEBI: Yes. So you realize that I
20 don't know anything so you decided to --
21 MR. MASON: Well, then it's for Kelly that runs
22 the division.
23 MR. TAHMASSEBI: That's okay. Yeah. I'm the
24 punching bag. Go ahead.
25 MR. MASON: Okay. So it's for Kelly or Saba.

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1 How would this apply to -- for an existing CCR and
2 expansion of the permit boundary?
3 MR. TAHMASSEBI: I --
4 MR. MASON: Would this catch those sites?
5 MR. TAHMASSEBI: Are you talking about the
6 seismicity, or are you talking about --
7 MR. MASON: What's up on the screen.
8 MR. TAHMASSEBI: Yes. I think that's -- I
9 think that -- well, let's also include this
10 question -- the answer to that question in what we
11 are going to send you. But then I think that the
12 seismicity only -- requirements only applies to new
13 sitings and lateral expansions of existing sites.
14 MR. MASON: So if we laterally expand the
15 permit boundary of existing site --
16 MS. DIXON: Existing CCR.
17 MR. MASON: -- existing CCR this rule would
18 catch that?
19 MS. DIXON: Yes.
20 MR. TAHMASSEBI: That is --
21 MR. MASON: So potentially let's just pick on
22 Sooner Power Plant for a second that probably may
23 have some CCR holes. I don't know if it does. What
24 you just said is if they want to expand the permit
25 boundary because they got to bury more ash, this rule

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1 would pick them up and they would not be
2 grandfathered in?
3 MR. THOMPSON: And the key is the federal rule
4 would catch them anyway.
5 MR. MASON: Right.
6 MR. THOMPSON: So they would have to
7 self-certify and do that. This rule just allows us
8 to oversee that and set criteria.
9 MR. MASON: I'm just trying to help clarify
10 Homer's -- from that part of the state that Sooner
11 Power Plant and existing CCR, if they have more ash
12 they got to bury, they get picked up by this rule.
13 MR. FERRELL: Well, I was going to say -- and
14 to illuminate this discussion -- and it's basically
15 what Google will tell you. The proposed definition
16 in the federal rule mirrors the current rule for the
17 municipal sites which is defined in a fairly
18 technical manner.
19 I won't read you guys verbatim the language
20 talking about how they define the zone, but
21 importantly they also define the zone either by areas
22 that meet this certain technical criteria or they're
23 defined by the USGS on their seismic activity maps.
24 And I suspect that the question there might be
25 how recently were those maps updated because, you

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1 know, historically we probably wouldn't be in any
2 trouble, but if they've updated those maps recently,
3 they look a lot different. But that's in 257.63 of
4 the proposed federal rule.
5 MR. NICHOLSON: Sooner Plant was part of my
6 concerns. I would have been contacted about the CCR,
7 and I don't remember the numbers. Like, 30,000 tons
8 or 300,000 tons of waste that they've got to dispose
9 of, and, as I understand it, the new air quality
10 requirements -- it requires more scrubbers so they're
11 going to have more waste than they've had in the
12 past. So they're looking for a way to dispose of
13 that additional waste.
14 MR. THOMPSON: Some of this material will still
15 remain marketable, I believe, for cement making and
16 for construction use. And we have heard from some
17 folks that there may be a desire to excavate and mine
18 out historical landfills for this material which is a
19 good thing.
20 So how this is really going to work is not
21 clear to us, but I think we're going to try to do
22 everything we can to retain ability of those markets
23 for this -- that you ought to be able to reuse
24 beneficially.
25 Now, the volumes are going to be large. It is

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1 going to be significant, and there was a concern at
2 one time that the mercury treatment or the reducing
3 the mercury in the fly ash or from the air emissions
4 was going to render the fly ash not useable for
5 construction, but I think that some of the -- there
6 are some newer approaches to how to do that that may
7 not cause that problem.
8 MR. TAHMASSEBI: Yes. I think the utilities
9 are hopeful that in the future they will be putting
10 into beneficial reuse a much larger proportion of the
11 ash that they generate.
12 MR. MASON: Have we requested further clarity
13 on this seismic area or are we happy? I mean it
14 would come obviously after today's meeting.
15 MR. BLANKENSHIP: I think I'm okay. I mean
16 this is general in nature, and, of course,
17 everything -- the devil is in the details so -- but
18 with the discussion that we've had here I'm
19 comfortable at this point in time, but I look forward
20 to seeing some more information on it.
21 MR. MUNSON: I would like to request that we
22 get a little more clarification on specifically what
23 entities sets those boundaries and how often those
24 boundaries are updated because if it's the USGS
25 versus the Oklahoma Geologic Survey, that may have a

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1 completely -- may have a bearing on it. So I would
2 like -- if we're going to ask for some clarification
3 and some details, I would like to ask that that be
4 included with whatever we're provided.
5 MR. TAHMASSEBI: Certainly so. I think Trace
6 Young (phonetic) will send that email to all the
7 board members with some responses.
8 MR. GIVENS: Madam Chair, let me just clarify
9 that our deadline for submitting a request for bills
10 is December 4th. We don't necessarily have to have
11 the exact language by then, but we have to have the
12 concept in place.
13 So what we are asking for today is your
14 approval of the concepts. We are certainly happy to
15 share with you the exact language once that became --
16 becomes available. And then in terms of our overall
17 request for your approval of the environmental
18 quality report, again, we would ask for an amendment
19 in the sense that we're only asking for what we're
20 receiving the current fiscal year, which is about
21 $356,000 less than was approved in September. And
22 we're asking for that one correction from selenium to
23 strontium under the Safe Drinking Water Act
24 requirements.
25 MS. KUNZE: Okay. We've had good discussion

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1 throughout Jimmy's presentation. I thank everybody
2 for that. I think every time a bell rings somebody's
3 car is being towed. That's just me. And I've
4 interrupted your presentation several times so
5 hopefully we have saved some cars.
6 I'll ask if there is any other discussion or
7 questions for Jimmy along with his request and that
8 from the Board? Does the Board have any other
9 questions or discussion?
10 MR. WENDLING: Yeah. Do we have to approve the
11 budget component separately from the report?
12 MS. KUNZE: I would think so, but I'll look at
13 my friend --
14 ASSISTANT AG: Totally split up on the --
15 MS. KUNZE: I think it would be clearer if we
16 do.
17 ASSISTANT AG: It's a good point.
18 MS. KUNZE: Do we have any questions or
19 comments from the public?
20 With that I think John has a good idea that we
21 split out the budget component, and I'll ask if the
22 Board has any motion for action.
23 MR. SIMS: Motion that we approve the amended
24 budget request.
25 MR. BLANKENSHIP: Second.

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1 MS. KUNZE: Okay. I have a motion and a
2 second.
3 We'll do a roll call.
4 MS. FIELDS: Mr. Blankenship?
5 MR. BLANKENSHIP: Yes.
6 MS. FIELDS: Mr. Ferrell?
7 MR. FERRELL: Yes.
8 MS. FIELDS: Mr. Griesel?
9 MR. GRIESEL: Yes.
10 MS. FIELDS: Mr. Kinder?
11 MR. KINDER: Yes.
12 MS. FIELDS: Mr. Mason?
13 MR. MASON: Yes.
14 MS. FIELDS: Mr. Munson?
15 MR. MUNSON: Yes.
16 MS. FIELDS: Mr. Nicholson?
17 MR. NICHOLSON: Yes.
18 MS. FIELDS: Mr. Sims?
19 MR. SIMS: Yes.
20 MS. FIELDS: Ms. Vaught?
21 MS. VAUGHT: Yes.
22 MS. FIELDS: Mr. Wendling?
23 MR. WENDLING: Yes.
24 MS. FIELDS: Ms. Kunze?
25 MS. KUNZE: Yes.

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1 MS. FIELDS: Motion passed.
2 MS. KUNZE: Thank you. Do I have a second
3 motion?
4 MR. WENDLING: I motion that we approve the
5 annual environmental quality report with the --
6 subject to change that --
7 MS. KUNZE: The amendment?
8 MR. WENDLING: Amendment.
9 MR. GRIESEL: I'll second.
10 MS. KUNZE: I have a motion and a second for
11 approval of the environmental quality annual report
12 as amended. Roll call?
13 MS. FIELDS: Mr. Blankenship?
14 MR. BLANKENSHIP: Yes.
15 MS. FIELDS: Mr. Ferrell?
16 MR. FERRELL: Yes.
17 MS. FIELDS: Mr. Griesel?
18 MR. GRIESEL: Yes.
19 MS. FIELDS: Mr. Kinder?
20 MR. KINDER: Yes.
21 MS. FIELDS: Mr. Mason?
22 MR. MASON: Yes.
23 MS. FIELDS: Mr. Munson?
24 MR. MUNSON: Yes.
25 MS. FIELDS: Mr. Nicholson?

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1 MR. NICHOLSON: Yes.
2 MS. FIELDS: Mr. Sims?
3 MR. SIMS: Yes.
4 MS. FIELDS: Ms. Vaught?
5 MS. VAUGHT: Yes.
6 MS. FIELDS: Mr. Wendling?
7 MR. WENDLING: Yes.
8 MS. FIELDS: Ms. Kunze?
9 MS. KUNZE: Yes.
10 MS. FIELDS: Motion passed.
11 MS. KUNZE: Thank you. We will now do Agenda
12 Item No. 9, which, Scott, that's your director's
13 report.
14 MR. THOMPSON: Well, to me the most disturbing
15 thing about proposing a CCR rule when regulating that
16 in talking about seismicity is that as soon as we say
17 seismicity at the capitol, we're probably going to
18 wind up on that task force that the governor formed
19 to look into those issues. So we've avoided that so
20 far. JV got drug into that somehow -- the Water
21 Board did but -- so okay.
22 One of the key points this year, as Jimmy
23 mentioned earlier, we have been advised that there
24 will be a significant shortfall in income for the
25 state. It's expected. We've been asked to prepare

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1 for a 10-percent reduction in nonessential expenses.
2 And so there's a potential for decision in
3 terms of general revenue when it comes in once a
4 month for the state, what that means to us exactly
5 when that might kick in.
6 Any more detail about the 10-percent
7 nonessential expenses has not been clarified at this
8 point, and that's something we just have to continue
9 to work on and see what really happens and deal with
10 it as we can.
11 We will be glad to update you throughout the
12 year as that develops. The governor issued an
13 executive order, which I'm not certain if you guys
14 have copies of that in your packet. If not, we can
15 get you that or get links to it.
16 There were three items in this executive order
17 that was filed on October 26th. One has to deal with
18 the 10-percent reduction in non-mission protocol
19 agency expenses for the remainder of FY '16 and the
20 entirety of FY 2017.
21 So that would -- they're anticipating at least
22 a 10-percent reduction in appropriations, I would
23 think, based on that language but we'll see. Also
24 there is effective immediately a moratorium on
25 nonessential out-of-state travel for all employees

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1 and officers of agencies that is paid in whole or in
2 part by the State of Oklahoma.
3 And what we'll have to do for that is go
4 through our secretary -- each cabinet secretary will
5 have to approve out-of-state travel. And we've had a
6 process internally to look at out-of-state travel for
7 quite some time, and we will continue to work with
8 the secretary's office about the details of that,
9 which trips we should take and which trips they think
10 we shouldn't.
11 Or we may reduce the number of folks going to a
12 training session, for example, and have them come
13 back and try to the train other folks. Or we have
14 typically whenever possible, say, driven to Dallas,
15 you know, had people carpool in one van, et cetera.
16 And if we can do day trips instead of
17 overnights, I think that's some of the things we're
18 looking at, but we will have to flesh that out, and
19 it will be a case-by-case decision more or less. But
20 I would expect that we would have less travel.
21 Really the third part of the order covers that
22 and covers emergency expenses that exceed $10,000 and
23 that we need to have a process to go through to get
24 those approved and, in essence, expenses that high
25 have a process already. So I don't know what the

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1 extra step means. I think one of the clarification
2 we got was there probably will be no more
3 clarifications from the governor's office.
4 So the secretary's office will have to sort out
5 what does that mean for the agencies and this cabinet
6 and environmental energy. And we will be submitting
7 a written plan on how we're going to do this stuff by
8 December 1st.
9 The next item that I'm happy to report is
10 that – not to confuse you. We just did the
11 environmental quality report, but now I'm going to
12 talk about the annual report that we have done every
13 year that we used to do. Nice big colored copies of
14 things that – we generated most of that in-house,
15 all the design, and at times in the past we had it
16 printed by OU, but we also have the capability to
17 print ourselves.
18 And so we've done that, but there was a
19 decision a few years back to stop agencies from
20 producing large expensive-to-print documents. And so
21 last year we went to a digital version of the annual
22 report.
23 And this year we've made another step in
24 advancing our use of technology, and the report is
25 going to be available on a CD and online. And in

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1 addition it's available as an iBook. And we expect
2 it at some point to be available for a Kindle
3 readers.
4 So I want to recognize Grant Thompson who is
5 one of our graphic artists who took – stand up,
6 Grant. Grant took it on himself – and this is one
7 of those things that I like to see our folks do is he
8 took it on himself to make this an interactive
9 web-based report.
10 And so it's kind of cool. You know, you're
11 going to be able to go download this. It is fairly
12 large file sizes so it would probably work better if
13 you're hooked up to wifi. It would be a little
14 better on a larger screen than your phone.
15 So iPads or laptops or whatever I think would
16 work best, but it's pretty neat. It's a great deal
17 and so I'd really like to thank Grant for stepping up
18 and doing that on his own, just figuring out how to
19 do it.
20 If you need any further details on that – I
21 left the card over there. Can somebody pick up their
22 card for me? Yeah. There we go. That card has the
23 link, the address for how to get that. If you need
24 any help with getting the iBook or how to use one,
25 you can email Erin Hatfield through our

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1 communications office, and she will help you out with
2 that.
3 And Grant will be available after the meeting
4 or during the break, I guess, for a demonstration of
5 the annual report so he can show you how it works.
6 Stop by and take a look at that, and I think you'll
7 have a good time. It's pretty cool.
8 MR. MASON: Scott, you know, Skylar has been an
9 absolute wizard for the last 18 months with the media
10 coverage the agency has received. She's done a great
11 job. What's the plan to take this and make sure that
12 it gets distributed within the state to the media
13 particularly if there's an article about a county,
14 that the article gets sent to the county newspaper
15 and such?
16 MR. THOMPSON: Right. If it's something that
17 we produce ourselves, we do routinely do that. We
18 issue press releases. If it's an article that's
19 written by, say, the Journal Record or some other
20 entity, then there's copyright issues about us being
21 able to forward out copies of that article. Now, we
22 can forward links to –
23 MR. MASON: But I'm speaking about this report.
24 MR. THOMPSON: Oh, this particular report?
25 MR. MASON: This report is full of wonderful

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1 opportunities for media coverage.
2 MR. THOMPSON: Right. I'm sure that Skylar has
3 plans to distribute that, you know, nationwide.
4 MS. MCELHANEY: We actually have contacts in
5 various parts of the state.
6 MR. MASON: I'm sorry. I can't hear you.
7 MR. THOMPSON: I think, you know, we've talked
8 a lot about this Board of how do we present our case
9 to the legislature and what Skylar's done the last 18
10 months, the publicity we've seen in the media has
11 just skyrocketed. This is another great opportunity
12 to take specific articles and give it to the county
13 newspaper, et cetera, et cetera, et cetera.
14 MS. MCELHANEY: Thank you. I appreciate that.
15 Over the past several months our office has been
16 targeting reporters in various parts of the state who
17 have actually asked to get a copy of this, and we do
18 plan to contact those reporters to let them know it's
19 now available online and tell them where they can
20 find it. We also plan to continue to try to do more
21 outreach with media outlets across the state.
22 MR. MASON: Thank you.
23 MR. THOMPSON: I would add that just a few
24 weeks ago it was a meeting of – really international
25 in some cases – folks who were – the Society of

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1 Environmental Journalists in Norman, Oklahoma. And
2 Skylar and Erin and staff were there participating in
3 that.
4 I got to take some folks on a tour of Tar Creek
5 so that was kind of a fun day. I spent a lot of the
6 time talking to a journalist from Tokyo who was kind
7 of comparing Tar Creek to Fukushima and the buy-out
8 options and the way we handled the buy-out.
9 He was looking at that in terms of the way the
10 way they're approaching it in Japan and thought what
11 we had done made a little more sense in the way we're
12 going at it right now. So that was a really fun
13 day -- interesting day.
14 So we're doing a lot out there in terms of
15 reaching out to the media. How much of that is
16 clear, but I think we could do a better job of
17 distributing that to you guys and letting you know
18 more about what's going on.
19 I haven't seen any articles that came out of
20 that. Hopefully nobody is quoting me on things I
21 said on that trip. But, you know, I do think that
22 group is doing a great job, and, you know, one thing
23 that's occurred recently is earlier this year Clean
24 Air of London reTweeted us.
25 Now, I don't Tweet or get on Twitter or

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1 anything so I barely know what I'm talking about
2 there, but they started following us, and they've
3 reTweeted some of our stuff. That's kind of
4 interesting. It reaches a whole different set of
5 people than you would have ever expect this agency to
6 reach.
7 So things are changing, and we're trying to get
8 ahead of the curve a little bit. I think this iBook
9 idea is really cool. So hopefully the government
10 won't flood and bog down the Apple website too much
11 doing reports this way. At lease we get to do it for
12 a while before that happens.
13 So one more thing I'd like to mention is this
14 afternoon at 3:30 in Oklahoma City we're going to
15 have a ribbon-cutting ceremony for the Village Green
16 Air Monitoring Bench. And we mentioned this at the
17 last meeting.
18 Air Quality arranged to have this bench placed
19 in the Myriad Gardens, and it is at the east end of
20 the children's garden, and so it will be a fairly
21 sizeable ceremony because we have people from
22 Oklahoma City and the Parks Department and some other
23 folks.
24 I think Ron Curry, the Regional Administrator,
25 will be there so that's cool. If you happen to be in

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1 the area or can make it by and want to, you're
2 welcome to drop by and participate in that. And
3 that's all I have for this report.
4 If you guys have any questions, I'd be glad to
5 answer them.
6 MS. MCELHANEY: I just wanted to add one quick
7 thing. This is the first time we've ever done and
8 iBook, and it's actually available in 51 countries.
9 MR. THOMPSON: Okay. We had to figure out --
10 Grant had to figure out how to become a developer and
11 get licensed or whatever to do an iBook. Kathy
12 Aebischer, our CFO, is going to come up and cover the
13 most recent information we have about the first three
14 or four months of the year and income and expenses.
15 MS. AEBISCHER: Good morning. So DEQ, we
16 finished the -- information we present is the first
17 quarter of fiscal year which began July 1. I just
18 want to have a little discussion in clarification on
19 some of the items that have been discussed today.
20 DEQ is -- when you say, well, there is
21 diversified -- we have state funds, federal funds.
22 We have our revolving funds. So when we're talking
23 about the state, the governor is issuing a 10-percent
24 reduction, that is the state funds which is the
25 smallest portion that DEQ gets.

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1 It's very valuable to us, but it is the
2 smallest portion. Another thing this year, you
3 know -- we talked about we were funded out of special
4 cash fund for the state this year, which we were
5 concerned but it meant that we got the majority of
6 our money up front.
7 So we have one small payment in January. So
8 what does this mean? Well, as Scott was saying,
9 they're talking about a 10-percent reduction. When
10 we talk about issues with the state funds, what could
11 happen is the state -- they issue a state revenue
12 failure, and they reduce the monthly payments, which
13 won't affect DEQ since we've gotten our money up
14 front.
15 So that was the good thing. We thought it was
16 bad. It turned out to be good I think. We still
17 are, you know, very conscious of what we spend. They
18 have several projects in place that is saving us
19 money for when we're getting cut.
20 The big thing that's been going on a couple of
21 years is 20/20. We have reduced our energy so that's
22 helping offset some of our decreases, and we hope to
23 continue that. We have also finances meeting with
24 each division monthly.
25 So we look at everything -- every funding

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1 source. If there is going to be any changes in the
2 federal or changes in the state or revenue is coming
3 in lower than expected, we talk about, you know, what
4 are some of the things that can be done to kind of
5 shore that up.
6 So I would say this year there's a lot of
7 communication, a lot of planning and strategies in
8 place to react to whatever is going to happen within
9 the next year because I will be surprised if we get
10 what we're getting this year.
11 We hope that will be the case, but, you know,
12 with have a Plan B to kind of – what strategies do
13 we have in place next year to help us out if we
14 receive less money. And I just wanted to kind of
15 remind you there is several sources of funds, and we
16 have to react to any federal issues that come up or
17 if our revenue is lower than expected or if there is
18 state issues.
19 So I'm going to cover the revenue for the first
20 quarter this year. And we've been comparing, you
21 know, where were we at this time last year. So
22 revenue as a whole – we're about $600,000 less than
23 we were last year.
24 We're still not too concerned. We think there
25 might be timing issues. We know that there is a

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1 couple of large invoices that the entity is late on.
2 So we're not too concerned, but we are about 600,000
3 less than last year.
4 I have each division, what we projected, the
5 collections for the first three months and the
6 percentage of the total collections or the first
7 three columns. The last four columns is compared to
8 last year. So we have one division who is ahead.
9 Land.
10 Are there any questions on the revenue?
11 So this is our budget versus actual, and this
12 is all funding sources. Total budget is 85 million.
13 Expenses to date is 12 million. We are where we
14 expect to be at this time of year.
15 DEQ receives the majority of their revenue in
16 the first quarter, but really the big expenditures
17 come in the second and third quarter with the larger
18 projects, like, in land and other projects that take
19 the first three months to kind of ramp up.
20 There is not any concerns that we have. Things
21 seem to be progressing as we expect.
22 Do we have any questions?
23 In your packet there is a chart that I kind of
24 explain what's included in each of these expenditure
25 codes. Expenditure codes are – the state defines

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1 what those are and then we fit ourselves within it.
2 So if there is any questions of what's in any
3 of these line items, just let me know. Do we have
4 any questions on the expenditures? Okay.
5 And this chart just outlines all of the sources
6 of revenue or appropriations or the federal funds
7 that we receive and then what's expensed out of each
8 of those and the amount remaining.
9 MR. BLANKENSHIP: I have a question.
10 MS. AEBISCHER: Uh-huh.
11 MR. BLANKENSHIP: Can you tell me the
12 difference between the general appropriations and the
13 special cash appropriations? Those both are state
14 appropriations. Correct?
15 MS. AEBISCHER: They're both state
16 appropriations. Your general appropriations are a
17 12-month payout. So that's what DEQ normally
18 received, and you would get – whatever they
19 appropriated for the year, they divide it by 12 and
20 you get that monthly.
21 If there is a revenue failure, any payments
22 remaining, they would just make them less. Special
23 cash, in my experience, used to be special projects
24 used to be a one-time thing that the legislation
25 said, yes, and it's out of there. You get it all up

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1 front.
2 We were surprised because we weren't aware we
3 were going into that fund, but what it meant was we
4 got the payment up front. It's still state
5 appropriated. It's still by legislature and those
6 rules. It's just a difference in the way you receive
7 the money.
8 MR. BLANKENSHIP: So would we expect to see the
9 same thing next year? It sounds like it's a positive
10 thing as far as the agency is concerned.
11 MS. AEBISCHER: Yes. You know, I don't know.
12 We kind of asked how did we get in that, and they
13 just said that's where the money was to be given so
14 they switched us to the special cash so I'm not
15 sure --
16 MR. BLANKENSHIP: Okay.
17 MS. AEBISCHER: -- how they'll do it. But, you
18 know, as we find out we'll let you know. Yeah. I
19 kind of like it better in special cash.
20 MR. BLANKENSHIP: Especially if you get it all
21 up front –
22 MS. AEBISCHER: Yes.
23 MR. BLANKENSHIP: -- as opposed to being
24 possibly prorated.
25 MS. AEBISCHER: Exactly.

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1 MR. BLANKENSHIP: Thank you.
2 MS. AEBISCHER: Uh-huh. Do we have any
3 questions on this slide? Do we have any questions on
4 any other financial matter? Okay.
5 MR. THOMPSON: I'd like to add a couple of
6 things that I neglected to mention. One was this
7 morning the governor at the energy conference
8 recognized the DEQ as the first agency to meet the
9 20-by-20 goals which is basically energy
10 conservation, energy savings.
11 One of the projects I know we looked at pretty
12 hard was looking at LED lighting and it was a pretty
13 quick payoff on that. I was really impressed by just
14 a few years payoff. Fenton Rood has the numbers and
15 figures on all that if anybody is interested.
16 But we had quite a few staff across the agency
17 work on that project, and Eddie Terrill was there to
18 represent the agency at the energy conference today.
19 Another note locally here, one of the armory
20 clean-ups that's scheduled to occur pretty soon is
21 here in Chickasha, and it's one of the armories the
22 military gave away some time ago.
23 And so we're going to go in and deal with that
24 and take a look at that and make sure it's okay for
25 the city out there. So that's all I have.

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1 MS. KUNZE: Thank you, Scott. And I want to
2 add I appreciate and I know as you look at members of
3 the DEQ you have options of people that are doing
4 exceptional work, and I very much appreciate you
5 bringing Grant.
6 I'm not sure if this is a reward or punishment
7 to come to our meeting, but I appreciate you being
8 here today so we can add our thanks, and I also want
9 to echo Steve's comments to Skylar. It's nice that
10 we're able to be made more aware of some of those
11 activities of people going above and beyond.
12 Our next agenda item -- I'll make a few
13 comments. As a Board we have very specific duties
14 and responsibilities, one of those being to select
15 and set the compensation for the executive director
16 and to assist as the DEQ sets their goals and
17 activities for the year.
18 We have determined that we should annually
19 perform a performance review with Scott. And this
20 item was on our September agenda. A couple of things
21 happened. We had -- and I believe it was four board
22 members that had conflicts or were unable to attend
23 in September, and in addition we started our
24 conversation with Scott, and we identified some
25 additional information that the Board requested.

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1 And at this time I want to point out that the
2 state Title 25 of the Oklahoma statutes, Section 307
3 (b)(1) allows us to have that discussion in executive
4 session. And I want to ask right now if that is the
5 Board's preference, and, if so, I'll need a motion
6 and we'll do a vote.
7 MR. GRIESEL: So moved.
8 MS. VAUGHT: Second.
9 MS. KUNZE: I have a motion and a second that
10 we go into executive session to conduct a performance
11 review. Roll call?
12 MS. FIELDS: Mr. Blankenship?
13 MR. BLANKENSHIP: Yes.
14 MS. FIELDS: Mr. Ferrell?
15 MR. FERRELL: Yes.
16 MS. FIELDS: Mr. Griesel?
17 MR. GRIESEL: Yes.
18 MS. FIELDS: Mr. Kinder?
19 MR. KINDER: Yes.
20 MS. FIELDS: Mr. Mason?
21 MR. MASON: Yes.
22 MS. FIELDS: Mr. Munson?
23 MR. MUNSON: Yes.
24 MS. FIELDS: Mr. Nicholson?
25 MR. NICHOLSON: Yes.

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1 MS. FIELDS: Mr. Sims?
2 MR. SIMS: Yes.
3 MS. FIELDS: Ms. Vaught?
4 MS. VAUGHT: Yes.
5 MS. FIELDS: Mr. Wendling?
6 MR. WENDLING: Yes.
7 MS. FIELDS: Ms. Kunze?
8 MS. KUNZE: Yes.
9 MS. FIELDS: Motion passed.
10 MS. KUNZE: Okay. Now I get to designate
11 somebody to take minutes in the executive session,
12 and before I just pick on somebody, does anybody want
13 to volunteer?
14 MS. KUNZE: Okay. With Billy's help, Cheryl
15 has volunteered and will take the minutes.
16 At this time it's going to give an opportunity
17 for a quick break. I'll ask the Board members to
18 take a quick break, and our meeting room for the
19 executive session is right outside the door and on
20 the right.
21 And I'll remind anybody that's at the meeting,
22 if you want to sign up for it, the public forum will
23 be at the conclusion of the meeting. There is
24 sign-up information at the back desk.
25 (Break taken at 11:30 a.m. and reconvened at

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1 1:30 p.m.)
2 MS. KUNZE: I think that everyone's back in.
3 We had – a few of the Board members had other
4 commitments and had to leave, and I'll ask if we'd
5 take a roll call to confirm a quorum.
6 MS. FIELDS: Mr. Blankenship?
7 MR. BLANKENSHIP: Present.
8 MS. FIELDS: Mr. Ferrell has left.
9 Mr. Griesel?
10 MR. GRIESEL: Here.
11 MS. FIELDS: Mr. Kinder?
12 MR. KINDER: Here.
13 MS. FIELDS: Mr. Mason?
14 MR. MASON: Yes.
15 MS. FIELDS: Mr. Munson?
16 MR. MUNSON: Here.
17 MS. FIELDS: Mr. Nicholson has left. Mr. Sims?
18 MR. SIMS: Here.
19 MS. FIELDS: Ms. Vaught?
20 MS. VAUGHT: Here.
21 MS. FIELDS: Mr. Wendling?
22 MR. WENDLING: Here.
23 MS. FIELDS: Ms. Kunze?
24 MS. KUNZE: Here.
25 MS. FIELDS: Motion passed.

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1 MS. KUNZE: First I want to thank everybody for
2 their patience while we conducted the executive
3 session. It's something that the Board takes very
4 seriously, our responsibilities and meeting and
5 working with Scott and other members of the agency.
6 I want to thank Scott for his time in preparing
7 the information we requested and in the discussion –
8 the open discussion that we had it was very good to
9 see the progress that we've been able to make, and I
10 want to make it very clear that the Board is happy in
11 the direction that we're going and in some of the
12 accomplishments that have happened.
13 I believe Scott took this job beginning early
14 in 2014, and so we're coming up on two years, and it
15 is with great appreciation for all the energy and the
16 commitment both Scott and his staff have had in
17 moving this agency forward.
18 We have also identified some areas we want to
19 continue to work. The desire from all of us – and I
20 know it's Scott's desire too that we make this the
21 very best agency and the very best that we can
22 possibly be.
23 With that, I'm going to ask if there's a motion
24 related to the discussion that we had in executive
25 session?

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1 MS. VAUGHT: I would make a motion that we
2 increase our director's salary by 3 percent to begin
3 at the next available pay period in December -- the
4 first available pay period in December.
5 MR. GRIESEL: I'll second.
6 MS. KUNZE: Okay. I have a motion and a
7 second. Roll call?
8 MS. FIELDS: Mr. Blankenship?
9 MR. BLANKENSHIP: Yes.
10 MS. FIELDS: Mr. Griesel?
11 MR. GRIESEL: Yes.
12 MS. FIELDS: Mr. Kinder?
13 MR. KINDER: 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. Vaught?
21 MS. VAUGHT: Yes.
22 MS. FIELDS: Mr. Wendling?
23 MR. WENDLING: Yes.
24 MS. FIELDS: Ms. Kunze?
25 MS. KUNZE: Yes.

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1 MS. FIELDS: Motion passed.
2 MS. KUNZE: Do we have any new business?
3 With that I'm going to announce our next
4 meeting is going to be held on February 19th, 2016.
5 That meeting will be at the DEQ offices in downtown
6 Oklahoma City.
7 And before we adjourn I do want – we're at the
8 end of the year. I want to express my appreciation.
9 This is a very good Board. I'm sorry some of the
10 members had to go just due to the length of the
11 meeting, but throughout the year at no time did I ask
12 for help with anything that people haven't jumped in.
13 I think I've tagged most everybody to do
14 something for me since I've been – since I was
15 appointed to this Board. But I appreciate very much
16 your commitment and your time and energy in working
17 towards the common goal.
18 I also have enjoyed -- I knew a lot of people
19 at DEQ from my environmental career, but it's been a
20 lot of fun for me to get to know people and develop
21 some better relationships there. So thanks. It's
22 November. It's the holiday time, and I just want to
23 say thank you to everybody for allowing me to have
24 this position.
25 And with that, I'm going to ask if we have a

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1 motion to adjourn?
2 MR. GRIESEL: So moved.
3 MS. VAUGHT: Jan, can I say one thing first?
4 You do a tremendous job as board chair. You know,
5 I'm new to the Board, but the extra effort, the
6 committee meetings -- all the things you do to keep
7 this organized and moving forward, you make it look
8 easy and I know -- I'm sure we all know it's not easy
9 so I think I speak for everybody to say thank you so
10 much.
11 MR. SIMS: I agree.
12 MS. KUNZE: Thank you, Cheryl. I appreciate
13 those kind words. I believe I had a motion to
14 adjourn.
15 MR. GRIESEL: So moved.
16 MR. KINDER: Second.
17 MS. KUNZE: I have a motion and a second to
18 adjourn. Roll call?
19 MS. FIELDS: Mr. Blankenship?
20 MR. BLANKENSHIP: Yes.
21 MS. FIELDS: Mr. Griesel?
22 MR. GRIESEL: Yes.
23 MS. FIELDS: Mr. Kinder?
24 MR. KINDER: Yes.
25 MS. FIELDS: Mr. Mason has left the meeting.

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1 Mr. Munson?
2 MR. MUNSON: Yes.
3 MS. FIELDS: Mr. Sims?
4 MR. SIMS: Yes.
5 MS. FIELDS: Ms. Vaught?
6 MS. VAUGHT: Yes.
7 MS. FIELDS: Mr. Wendling?
8 MR. WENDLING: Yes.
9 MS. FIELDS: Ms. Kunze?
10 MS. FIELDS: Yes.
11 MS. FIELDS: Motion passed.
12 MS. KUNZE: Before everybody jumps up, hang on
13 just a second. I have a little bit of information.
14 We offer the opportunity for a public forum following
15 our meetings, and I don't believe we have anybody
16 here that has signed up.
17 The length of our meeting kind of -- we
18 outlasted the one public person that came to speak to
19 us, and I don't want to drop the ball on that. But I
20 had the chance to visit with a lady that did sign up
21 to speak in the public forum.
22 And I gave her the opportunity to go before we
23 started our formal meeting. She was a little bit
24 uncomfortable with that. I can understand. She had
25 never been to one of our meetings and when I told her

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1 we're going to start with you first up, she declined
2 today do that.
3 But what she left was a sample of her tap
4 water. She lives here in the City of Chickasha, and
5 I'm going to ask -- and I've got her name. If I can
6 leave it with you, Scott -- and I don't know whether
7 she needs help being pointed in the right direction
8 or some assistance. But I would appreciate if
9 somebody would follow up with her and maybe give her
10 the appropriate contact information, and thankfully
11 nobody drank out of this water.
12 MR. THOMPSON: I'll convey it to Chris
13 Armstrong and remind him not to drink it.
14 MS. KUNZE: Okay.
15 MR. THOMPSON: I don't know what we can run out
16 of a plastic bottle. Some things we can't but we can
17 probably contact her and see if she really has
18 something that we need to go see --
19 MS. KUNZE: Well, that would be my hope --
20 MR. THOMPSON: And I would like to mention one
21 thing that Erin is going to be here for just a little
22 bit and she has to run to the event in Oklahoma City,
23 but they're going to do one more show if people want
24 to see it if you didn't see it in your report. If
25 not, you can catch it later, but they'll run that

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1 immediately after this.
2 MS. KUNZE: Thanks everybody.
3 (Meeting concluded at 1:35 p.m.)
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1 ** CERTIFICATE **
2
STATE OF OKLAHOMA)
3) SS:
COUNTY OF MCCLAIN)
4
5 I, Kerry L. Huff, a Certified Shorthand Reporter
6 within and for the State of Oklahoma, do hereby
7 certify that I reported all of the foregoing matter,
8 and that I later reduced it to typewritten form, as
9 the same appears herein.
10 I further certify that I am not a relative of, nor
11 attorney for, nor clerk or stenographer for the
12 attorneys, or any party to this matter, and that I am
13 not otherwise interested in the event of the same.
14 I further certify that the above and foregoing
15 typewritten pages contain a full, true and correct
16 transcript of my stenograph notes so taken, during
17 said matter.
18 WITNESS my hand and seal this 19th day of November,
19 2015.
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KERRY L. HUFF, C.S.R.
23 Oklahoma Certified Shorthand Reporter
Certificate No. 1725
24 Expiration Date: December 31, 2015
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