

**MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 20, 2015
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA**

Official EQB Approved
On June 16, 2015

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on November 17, 2014. The agenda was mailed to interested parties on February 11, 2015, and was posted at the DEQ on February 19, 2015. Mr. John Wendling, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed. Mr. Scott Thompson, Executive Director of DEQ, talked on safety precautions in case of an emergency. Mr. Wendling welcomed Representative Lewis Moore.

MEMBERS PRESENT

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

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Martha Penisten, General Counsel
Michelle Wynn, Legislative Liaison
Eddie Terrill, Air Quality Division
Beverly Botchlet-Smith, Air Quality Division
Lloyd Kirk, Office of External Affairs
Shellie Chard-McClary, Water Quality Division
Terry Lyhane, Water Quality Division
Carl Parrott, Water Quality Division
Mark Hildebrand, Water Quality Division
Chris Armstrong, State Environmental Laboratory Services
Gary Collins, Environmental Complaints & Local Services
Richard McDaniel, Environmental Complaints & Local Services
Bruce Vande Lune, Environmental Complaints & Local Services
Fenton Rood, Land Protection Division
Patrick Riley, Land Protection Division
Mike Broderick, Land Protection Division
Hillary Young, Land Protection Division
David Cates, Land Protection Division
Kole Kennedy, Land Protection Division
Martha Grafton, Land Protection Division
Jon Roberts, Land Protection Division
Betsey Streuli, Environmental Attorney Supervisor
Erin Hatfield, Public Information Officer
Cindy Przekurat, Executive Director's Office
Jamie Henson, Water Quality Division
Carol Bartlett, Land Protection Division
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Daniel Blankenship

OTHERS PRESENT

Representative Lewis Moore
Tyler Powell, Office of the Secretary of Energy & Environment
Clayton Eubanks, Office of the Attorney General
George MacDurmon, Radiation Management Advisory Council
Jeff Shepherd, Solid Waste Management Advisory Council
Duane Winegardner, Water Quality Management Advisory Council
Kerry Huff, Court Reporter

Mr. Wendling stated that this would be Mr. Johnston's last meeting and presented a plaque for his 20 years of service. Mr. Johnston thanked the Board and DEQ staff.

Approval of Minutes – Mr. Johnston moved to approve the Minutes from the November 13, 2014 Regular Meeting. Mr. Griesel made the second.

transcript pages 8 - 9

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

Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2015 – Dr. Hammon thanked Mr. Wendling for his leadership as Chair and moved to nominate Ms. Jan Kunze. Mr. Griesel made the second. Mr. Kinder made a motion to cease nominations and elect Ms. Kunze by acclamation and Mr. Ferrell made the second. Ms. Kunze presented a plaque to Mr. Wendling for his service as Chair.

transcript pages 9 – 13

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

Ms. Kunze then called for nominations for Vice-Chair. Mr. Kinder nominated Mr. Tim Munson and Mr. Griesel made the second. Mr. Sims moved to cease the nominations and elect Mr. Munson by acclamation and Mr. Ferrell made the second.

transcript pages 13 – 15

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

Rulemaking – OAC 252:410 Radiation Management – Ms. Kunze called upon Mr. George MacDurmon, Chair of the Radiation Management Advisory Council (RMAC), to present the radiation rule. Mr. MacDurmon stated the DEQ proposes to amend OAC 252:410, Subchapters 1 and 10 to: (1) change the date for the incorporation of federal rules by reference to January 1, 2014, effective March 18, 2016; (2) make corrections from last year’s rulemaking in the exclusions section of Subchapter 10 (Radioactive Materials Program) [252:410-10-1(b)] to exclude the definitions of “construction” and “commencement of construction” which are reserved to NRC; (3) make DEQ rules consistent with the updated federal rules including changes governing source material and the addition of a new Part 37 pertaining to physical protection and security of large quantities of certain radioactive materials; and (4) clarify the due date for payment of annual fee for generally-licensed devices. Following questions and comments by the Board and none by the the public, Mr. Mason made a motion to reject the rules due to differences between the rules as presented to the Board and as presented to the Council. Mr. Griesel made the second.

transcript pages 15 - 24

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

Rulemaking – OAC 252:515 Solid Waste Management – Ms. Kunze called upon Mr. Jeffrey Shepherd, Chair of the Solid Waste Management Advisory Council (SWMAC), to present the solid waste rules. Mr. Shepherd stated the DEQ proposes to permanently amend OAC 252:515:21-32 and 21-71 to remove a non-attainable requirement for used tire facilities to collect fifty percent of priority cleanup-list tires from illegal dumps. Due to the success of tire dump remediation efforts, the ‘fifty-percent’ requirement is no longer attainable. This proposed rulemaking is to ensure that qualified applicants do not become ineligible for compensation from the Used Tire Recycling Indemnity Fund due to non-compliance with the fifty-percent requirement. Following questions and comments by the Board and none by the public, Ms. Kunze called for a motion. Mr. Johnston moved to approve and Mr. Griesel made the second.

transcript pages 24 – 29

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

Rulemaking – OAC 252:515 Solid Waste Management (Emergency) – Mr. Shepherd stated the DEQ proposes to amend OAC 252:515:21-32 and 21-71, as described in Agenda Item 6, also as an emergency measure. Implementing the proposed rule as an emergency rule will allow used tire facilities and qualified applicants to remain eligible for compensation from the Used Tire Indemnity Fund and will continue to incentivize used tire facilities to perform the cleanup, transportation, and processing of used tires prior to the effective date of the proposed permanent rule. The proposed rulemaking is necessary to preserve the public safety, health and welfare and to avoid prejudice to the public interest. Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Sims moved to approve and Dr. Hammon made the second.

transcript pages 30 – 32

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

Rulemaking – OAC 252:515 Solid Waste Management – Mr. Shepherd stated that there are seven different rulemakings under this item. Ms. Kunze stated to go through each rule individually. Mr. Shepherd stated for Subchapter 1, that DEQ proposes to require solid waste landfills to submit permit modifications for sampling ports on gas monitoring probes (related to amendments in Subchapter 15). Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Kinder made the second.

transcript pages 32 - 33

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

Mr. Shepherd stated for Subchapter 3, this proposed change will allow DEQ to specify timelines within permits for the construction and operation of new disposal facilities. Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Munson moved to approve and Mr. Ferrell made the second.

transcript pages 34 – 35

Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Billy Sims	Yes

Tracy Hammon	Yes	Loretta Turner	Yes
Jerry Johnston	Yes	Cheryl Vaught	Yes
James Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Mr. Shepherd stated for Subchapter 15, DEQ proposes to rename Subchapter 15 as Methane Gas Monitoring and Control to correct a past error in naming the Subchapter and to include in the Subchapter a requirement for gas monitoring probes to be constructed with sampling ports. Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Kinder moved to approve and Mr. Munson made the second.

transcript pages 35 – 37

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

Mr. Shepherd stated for Subchapter 21, the proposed change is to remove the ‘fifty percent’ requirement, as described in Agenda item 6 and 7, as pertaining to erosion control installers. Following no comments by the Board or the public, Ms. Kunze called for a motion. Mr. Wendling moved to approve and Mr. Munson made the second.

transcript pages 37 – 39

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

Mr. Shepherd stated for Subchapter 21, DEQ proposes to remove the requirement that used tire manifests must be four-part and carbonless. All alternative manifest forms shall be approved by the DEQ. Following no questions by the Board or the public, Ms. Kunze called for a motion. Mr. Sims moved to approve and Dr. Hammon made the second.

transcript pages 39 - 40

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

Mr. Shepherd stated for Subchapter 41, the proposed change will remove an invalid citation from the existing roofing material recycling rules. Following questions by the Board and none by the public, Ms. Kunze called for a motion. Mr. Johnston moved to approve and Mr. Griesel made the second.

transcript pages 40 – 42

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

Mr. Shepherd stated for Subchapter 41, the proposed change will clarify closure cost estimate procedures for roofing material recyclers. Following no questions by the Board or the public, Ms. Kunze called for a motion. Mr. Munson moved to approve and Mr. Ferrell made the second.

transcript pages 42 – 44

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

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) –

Ms. Kunze called upon Mr. Duane Winegardner, Chair of the Water Quality Management Advisory Council (WQMAC), to present the water rules. Mr. Winegardner stated before bringing these rules before the Board the rules were discussed at the October 7 WQMAC meeting. Also, DEQ held two informal public meetings, on November 17 in Tulsa and on November 18 in Oklahoma City. Following those meetings DEQ received two comment letters, which are found in the Board packet and the DEQ response to those comments. Mr. Winegardner stated the DEQ proposed to amend OAC 252:606, Subchapters 1, 3, 5, 8 and 11 to: (1) amend definitions and other language consistent with applicable laboratory accreditation rules; (2) update the publication date of the federal regulations incorporated by reference from July 1, 2013 to July 1, 2014; (3) clarify language regarding OPDES permit applications; (4) clarify terms related to discharge permits; (5) clarify that biosolids analyses must be performed by an accredited laboratory and to allow a university familiar with Oklahoma crops and soils to perform certain soil analyses; (6) clarify that compliance test results must be from an accredited laboratory; (7) clarify that discharge monitoring reports are to include all valid compliance test results; and (8) clarify OPDES facility recordkeeping requirements. Following questions and comments by the Board and none by the public, Ms. Kunze called for a motion to approve Subchapters 1, 3, 5, 8 (as amended) and 11. Dr. Hammon moved to approve the amendment in Subchapter 8 as read by Ms. Kunze: *an accredited laboratory or by a university laboratory that demonstrates to the reasonable satisfaction of the Oklahoma DEQ to have the analytical expertise and be familiar with Oklahoma crops and soils.* Mr. Kinder made the second.

transcript pages 44 - 60

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

After approval of the amendment Ms. Kunze called for a motion to approve Subchapters 1, 3, 5, 8 and 11. Mr. Johnston moved to approve and Mr. Wendling made the second.

transcript pages 44 - 60

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

Rulemaking OAC 252:627 – Operation and Maintenance of Water Reuse System – Mr.

Winegardner stated the DEQ proposes to amend OAC 252:627, Subchapters 1, 3 and 5 to: (1) remove the requirement to obtain a permit to supply for the use of reclaimed water within the wastewater treatment plant boundaries; (2) add buffer zone and setback distance requirements; (3) reserve Category 1 as a future category of reclaimed water; (4) add permitted uses for Category 2 and Category 3 reclaimed water; (5) add Category 6 (use of reclaimed water within boundaries of a wastewater treatment plant) to the list of categories of reclaimed water; (6) add permitted uses for Category 6 reclaimed water; (7) add a requirement for supplier to maintain flow measuring device in proper working order; (8) revise regulatory references for Category 3 and 4 reclaimed water use restrictions; (9) add requirements for using Category 6 reclaimed water; and (10) clarify that Category 6 reclaimed water must meet effluent limits but no additional sampling is required.

Following no questions by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Ms. Vaught made the second.

transcript pages 60 - 63

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

Ms. Kunze announced a ten minute break, then the meeting reconvened.

transcript page 63

Rulemaking – OAC 252:631 Public Water Supply Operation – Mr. Winegardner stated the DEQ proposes to amend OAC 252:631, Subchapters 1 and 3 to: (1) add definitions for “accredited laboratory,” “direct integrity test,” “indirect integrity monitoring,” and “point of connection”; (2) update the date of incorporation by reference for federal regulations from July 1, 2013 to July 1, 2014; (3) replace “laboratory approval” language with “laboratory accreditation”; (4) remove requirement to determine the disinfection residual once daily at the point(s) of connection to the wholesale system for purchase water systems; (5) modify requirements for monitoring disinfection residual in distribution system for purchase water systems; (6) clarify requirements for membrane filtration systems; (7) clarify the requirements for submitting fluoridation analytical reports to DEQ and Oklahoma Department of Health (ODH); and clarify recordkeeping requirements for purchase water systems. Mr. Winegardner mentioned there is a typographical error at 631-3-10 (3) (B) where “distribution” is spelled incorrectly. Following no questions by the Board or the public, Mr. Mason moved to approve subject to Mr. Winegardner scrivener correction. Mr. Griesel made the second.

transcript pages 63 – 66

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

Rulemaking – OAC 252:656 Water Pollution Control Facility Construction Standards – Mr. Winegardner stated the DEQ proposes to amend OAC 252:656, Subchapters 1, 3, 11, 13, 21, 23, 27 and Appendix A to: (1) add definitions for “25-year flood”, “100-year flood,” and “CT”; (2) clarify permit requirements regarding the use of reclaimed water within wastewater treatment plant boundaries; (3) add Best Management Practices for Category 6 uses within a wastewater treatment plant to the minimum Operation and Maintenance Manual requirements; (4) clarify the requirements for surface evaporation lagoons (total retention lagoons); (5) remove requirements for backfill consistency and cover on lined dike slopes; (6) allow the use of top mounted self-priming suction lift pumps in grit chambers; (7) add standards for on-site generation of sodium hypochlorite; (8) add ozone disinfection standards; (9) add membrane filtration to supplemental treatment standards requirements; (10) reserve Category 1 as a future category of reclaimed water; (11) add permitted uses for Category 2 and Category 3 reclaimed water; (12) add Category 6 to the list of categories of reclaimed water; (13) add permitted uses for Category 6 reclaimed water; (14) hydrants; and (15) make other minor clarifications. Mr. Winegardner mentioned a typographical error in 656, where, in the definition of CT, “is” needs to be changed to “are.” Mr. Mark Hildebrand, Environmental Programs Manager of the WQD, mentioned two more errors in 656: on page 16 “microorganisms” is spelled incorrectly under 656-21-4 (A) (2). Also, under 656-23-4 (D), “biological” was misspelled. Following no questions by the Board or the public, Ms. Kunze called for a motion to approve with the three error corrections for Chapter 656. Mr. Ferrell moved to approve as corrected and Mr. Johnston made the second.

	<i>transcript pages 66 – 70</i>		
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jerry Johnston	Yes	John Wendling	Yes
James Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Steve Mason left the meeting before roll call vote on Chapter 656 rulemaking.

Rulemaking OAC 252:4 Rules of Practice and Procedure (Water Quality Tier Rules) – Mr. Winegardner stated the DEQ proposes to amend the Water Quality tier rules to make it possible to apply for a Class V underground injection well permit for disposal of drinking water treatment residuals (e.g., membrane filter reject water) into a Class II-D well, permitted by the Oklahoma Corporation Commission, by submitting a Tier I application to the DEQ. The proposed rulemaking is intended to reduce the burden of managing drinking water treatment residuals for communities that are faced with increasing water demands and that have difficulty meeting surface water discharge standards. Mr. Winegardner mentioned there is a spelling correction on page 16 “microorganisms”. Following questions by the Board and none by the public, Ms. Kunze called for a motion to approve with the correction of microorganisms. Mr. Sims moved to approve and Mr. Wendling made the second.

	<i>transcript pages 70 - 73</i>		
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jerry Johnston	Yes	John Wendling	Yes
James Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Rulemaking OAC 252:650 Underground Injection Control (Revocation) – Mr. Winegardner stated the DEQ proposes to revoke in its entirety Chapter 650, Underground Injection Control Rules, pertaining to the construction and operation of any injection well facility for the disposal of liquid non-hazardous waste. Chapter 650 was previously revoked and replaced with Chapter 652, which is currently in effect. However, due to an administrative error, the revocation of Chapter 650 was never recorded with the Office of Administrative Rules. This proposed rulemaking is to correct that error. Following no questions by the Board or the public, Ms. Kunze called for a motion to correct the error. Mr. Kinder moved to approve and Mr. Griesel made the second.

	<i>transcript pages 74 - 75</i>		
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jerry Johnston	Yes	John Wendling	Yes
James Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Executive Director’s Report – Mr. Thompson discussed updates on DEQ accomplishments in 2014, recent staff reorganization within the agency and results of the recent DEQ Operational Audit.

transcript pages 76 – 87

New Business – None

Next Meeting – The next scheduled meeting will be June 16, 2015 in Oklahoma City, DEQ Multipurpose Room.

Adjournment – Ms. Kunze called for a motion to adjourn. Mr. Johnston moved to adjourn and Mr. Griesel made the second. Meeting adjourned at 11:35 a.m.

transcript pages 88 - 89

Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jerry Johnston	Yes	John Wendling	Yes
James Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

No public forum issues were presented.

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

Environmental Quality Board 2/20/2015

<p>1 2 3 4 TRANSCRIPT OF PROCEEDINGS OF THE 5 OKLAHOMA ENVIRONMENTAL QUALITY BOARD 6 ON FEBRUARY 20, 2015, AT 9:30 A.M., 7 HELD IN OKLAHOMA CITY, OKLAHOMA 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 REPORTED BY KERRY L. HUFF, CSR #1725 25</p>	<p>1 2 * * PROCEEDINGS * * 3 MR. WENDLING: All right. I'm going to call to 4 order the meeting today. The February 20th, 2015, 5 Regular Meeting of the Environmental Quality Board 6 has been called according to the Oklahoma Open 7 Meeting Act, Section 311 of Title 25 of the Oklahoma 8 statutes. 9 Notice was filed with the secretary of state on 10 November 17th, 2014. Agendas were mailed to 11 interested parties on February 11th of 2015 and were 12 posted at the DEQ facility on February 19th of 2015. 13 Only matters appearing on a posted agenda may 14 be considered. If this meeting is continued or 15 reconvened, we must announce the date, time and place 16 of the continued meeting, and the agenda for such 17 continuation will remain the same as today's agenda. 18 I'd like to welcome all our guests who are here 19 with us today to our first meeting of the year. I 20 hope you had a good trip here. And as always, you 21 know, watching the weather, sometimes it's hard to 22 predict several days out what's going to happen 23 especially this time of year so welcome everybody. 24 Before we get started I've asked Mr. Scott 25 Thompson to kind of -- there may be some visitors here that are not familiar with the facility. So</p>
<p>1 * * MEMBERS OF THE BOARD * * 2 PRESENT: 3 SHANNON FERRELL 4 DAVID GRIESEL 5 TRACY HAMMON 6 JERRY JOHNSTON 7 JOHN WENDLING 8 JAMES KINDER 9 JAN KUNZE 10 STEVE MASON 11 TIM MUNSON 12 BILLY SIMS 13 LORETTA TURNER 14 CHERYL VAUGHT 15 16 ABSENT: 17 DANIEL BLANKENSHIP 18 19 20 21 22 23 24 25</p>	<p>1 I've asked him to give you kind of a little debrief 2 from a safety perspective on how to handle the 3 situation in case some sort of emergency. So Scott? 4 MR. THOMPSON: Okay. I want to thank you. As 5 you came in, the front door is right over. So if you 6 go out that door or the double doors, go to your 7 right. Take a second right past the main door to the 8 building. There is also another door if you go left 9 down that hall, then you'll take a left and kind 10 of -- there will be a little jog. 11 And that's a back door which you can get out of 12 the building. And so that's the primary stuff. 13 Bathrooms -- there is a handicapped restroom right 14 across the hall from those double doors and down a 15 little bit. 16 And there is men's, women's room around the 17 corner around the core area there. So I think, you 18 know, if it gets really bad, I'll throw a chair 19 through one of these windows or something. And that 20 back door on that wall goes to a little room, but it 21 also has an exit to a hallway. So that's it for 22 that. 23 MR. WENDLING: Before we get started with roll 24 call, I do want to recognize I was told that 25 Representative -- State Representative Lewis Moore is</p>

Environmental Quality Board 2/20/2015

5	<p>1 here to join us. Moore, welcome.</p> <p>2 REPRESENTATIVE MOORE: Sir? Thank you very</p> <p>3 much.</p> <p>4 MR. WENDLING: Thanks for coming.</p> <p>5 REPRESENTATIVE MOORE: Happy to be here.</p> <p>6 MR. WENDLING: Any comments you'd like to make</p> <p>7 at this point?</p> <p>8 REPRESENTATIVE MOORE: I might want to hear</p> <p>9 some more stuff first, I think.</p> <p>10 MR. WENDLING: All right. Thank you for being</p> <p>11 here.</p> <p>12 REPRESENTATIVE MOORE: I'm happy to be here,</p> <p>13 though. Thank you.</p> <p>14 MR. WENDLING: Roll call, please.</p> <p>15 MS. FIELDS: Mr. Blankenship is absent.</p> <p>16 Mr. Ferrell?</p> <p>17 MR. FERRELL: Present.</p> <p>18 MS. FIELDS: Mr. Griesel?</p> <p>19 MR. GRIESEL: Here.</p> <p>20 MS. FIELDS: Dr. Hammon?</p> <p>21 DR. HAMMON: Here.</p> <p>22 MS. FIELDS: Mr. Johnston?</p> <p>23 MR. JOHNSTON: Here.</p> <p>24 MS. FIELDS: Mr. Kinder?</p> <p>25 MR. KINDER: Here.</p>	7
6	<p>1 look a lot better than I could look by myself. This</p> <p>2 is a great, great group of people to be with. And we</p> <p>3 have had some tough times and had some good times.</p> <p>4 I'm just going to remember the good times.</p> <p>5 MR. WENDLING: Thank you, Jerry. All right.</p> <p>6 With that I'd like to move to Agenda Item No. 3,</p> <p>7 approval of the minutes, and I hope that all of you</p> <p>8 have had an opportunity to review the minutes.</p> <p>9 I was -- unfortunately I wasn't able to be with</p> <p>10 you at the last meeting due to some getting done with</p> <p>11 some knee surgery. So it's good to be back, and my</p> <p>12 knee is in a lot better shape than it was back then.</p> <p>13 So, anyway, do I have a motion regarding the minutes?</p> <p>14 MR. JOHNSTON: So moved. I want to get my name</p> <p>15 in here at the last.</p> <p>16 MR. GRIESEL: I'll second.</p> <p>17 MR. JOHNSTON: All right. Roll call, please.</p> <p>18 MS. FIELDS: Mr. Ferrell?</p> <p>19 MR. FERRELL: Yes.</p> <p>20 MS. FIELDS: Mr. Griesel?</p> <p>21 MR. GRIESEL: Yes.</p> <p>22 MS. FIELDS: Dr. Hammon?</p> <p>23 DR. HAMMON: Yes.</p> <p>24 MS. FIELDS: Mr. Johnston?</p> <p>25 MR. JOHNSTON: Yes.</p>	8

Environmental Quality Board 2/20/2015

<p style="text-align: right;">9</p> <p>1 MS. FIELDS: Mr. Kinder? 2 MR. KINDER: Yes. 3 MS. FIELDS: Ms. Kunze? 4 MS. KUNZE: Yes. 5 MS. FIELDS: Mr. Mason? 6 MR. MASON: Yes. 7 MS. FIELDS: Mr. Munson? 8 MR. MUNSON: Yes. 9 MS. FIELDS: Mr. Sims? 10 MR. SIMS: Yes. 11 MS. FIELDS: Ms. Turner? 12 MS. TURNER: Yes. 13 MS. FIELDS: Ms. Vaught? 14 MS. VAUGHT: Yes. 15 MS. FIELDS: Mr. Wendling? 16 MR. WENDLING: Yes. 17 MS. FIELDS: Motion passed. 18 MR. WENDLING: All right. Thank you. Next on 19 the agenda is election of officers. This is the time 20 that we elect election of a new chair and vice-chair 21 for 2015 and just to -- I've been on the Board in 22 this role for about two years, and it's been a great 23 two years. 24 And I'm looking at this point to let someone 25 else kind of take over the reigns for a while and</p>	<p style="text-align: right;">11</p> <p>1 MS. KUNZE: Not sure what I should say here but 2 I'll say yes. And I'm just saying yes in that I 3 would be proud to be -- serve in that capacity on 4 this board. 5 MS. FIELDS: Mr. Mason? 6 MR. MASON: Yes. 7 MS. FIELDS: Mr. Munson? 8 MR. MUNSON: Yes. 9 MS. FIELDS: Mr. Sims? 10 MR. SIMS: Yes. 11 MS. FIELDS: Ms. Turner? 12 MS. TURNER: Yes. 13 MS. FIELDS: Ms. Vaught? 14 MS. VAUGHT: Yes. 15 MS. FIELDS: Mr. Wendling? 16 MR. WENDLING: Yes. 17 MS. FIELDS: Motion passed. 18 MR. WENDLING: All right. Thank you. And with 19 that I will swap chairs. 20 MS. KUNZE: I can't be chair and just let you 21 still do it? John, why don't you stay there. 22 MR. WENDLING: I don't know -- 23 MS. KUNZE: A couple of things I want to say -- 24 and, John, I remember this meeting in 2013 when the 25 Board decided and you agreed to be the chair and</p>
<p style="text-align: right;">10</p> <p>1 take a little bit of a break. So with that I would 2 like to see if anyone has anyone they would like to 3 offer up for consideration. 4 MR. GRIESEL: I'd like to make a motion. 5 DR. HAMMON: John -- oh, sorry. John, I'd like 6 to thank you for your leadership the last two years, 7 and I move to nominate Jan Kunze to take chair of the 8 Board. 9 MR. GRIESEL: I'll second. 10 MR. WENDLING: Any questions, comments? 11 MR. KINDER: I make a motion to nominate and 12 cease in the elect at hand by acclamation. 13 MR. FERRELL: Second. 14 MR. WENDLING: All right. Roll call, please. 15 MS. FIELDS: Mr. Ferrell? 16 MR. FERRELL: Yes. 17 MS. FIELDS: Mr. Griesel? 18 MR. GRIESEL: Yes. 19 MS. FIELDS: Dr. Hammon? 20 DR. HAMMON: Yes. 21 MS. FIELDS: Mr. Johnston? 22 MR. JOHNSTON: Yes. 23 MS. FIELDS: Mr. Kinder? 24 MR. KINDER: Yes. 25 MS. FIELDS: Ms. Kunze?</p>	<p style="text-align: right;">12</p> <p>1 asked me to be the vice-chair. 2 And I thought, selfishly, well, that will be 3 fun because whether you know it or not, John and I go 4 way back. And I've known John for a long time. So I 5 thought this would be a wonderful opportunity to get 6 to work with John and get to work with a friend 7 again. 8 We probably didn't know everything that we were 9 going to work through at that time, but it has been a 10 couple of years of a lot of change, and I know I have 11 benefitted by your leadership as we both have gotten 12 a good education on state processes and things to go 13 through. 14 As I look around the Board, there is a lot of 15 people that -- new faces since 2013 as well as Scott 16 being our executive director. And some of this 17 change and the positive outcome is because of your 18 steadfast leadership and -- 19 MR. WENDLING: I appreciate it. 20 MS. KUNZE: I know I speak for the entire Board 21 when I say how much we appreciate your commitment to 22 that, and we would like you to have this plaque. And 23 our hope is that every time you see that, you know 24 that the members of this board appreciate you making 25 us stronger when you were here.</p>

Environmental Quality Board 2/20/2015

13	<p>1 MR. WENDLING: Thank you all very much. It's 2 been an honor, a pleasure, and I'll still be with you 3 as a team member. So it's -- we have got a long way 4 to go, and I will swap chairs now. 5 MS. KUNZE: We may have to throw a chair 6 through a window here yet. I will admit this feels 7 strange. I will just say to the board members I am 8 very committed to this, and I promise to do the best 9 I can. 10 I'm following some wonderful leadership both in 11 Jerry and in John, but I am -- I do pledge to you 12 that we will -- I'll do everything possible to keep 13 us moving forward. And with that, I'm going to 14 ask -- we need to elect a new vice-chair, and I'll 15 ask if we have any nominations. 16 MR. KINDER: I have a nomination. I'd like to 17 nominate for vice-chair, Tim Munson. 18 MS. KUNZE: Okay. 19 MR. GRIESEL: I'll second. 20 MS. KUNZE: I have a nomination and a second 21 for Tim. Are there any further nominations? 22 MR. SIMS: I wish the nomination ceased, to be 23 elected by acclamation. 24 MS. KUNZE: Okay. 25 MR. FERRELL: Second.</p>	15
14	<p>1 MS. KUNZE: Motion and second that we elect Tim 2 to vice-chair by acclamation. Do a roll-call vote. 3 MS. FIELDS: Mr. Ferrell? 4 MR. FERRELL: Yes. 5 MS. FIELDS: Mr. Griesel? 6 MR. GRIESEL: Yes. 7 MS. FIELDS: Dr. Hammon? 8 DR. HAMMON: Yes. 9 MS. FIELDS: Mr. Johnston? 10 MR. JOHNSTON: Yes. 11 MS. FIELDS: Mr. Kinder? 12 MR. KINDER: Yes. 13 MS. FIELDS: Mr. Mason? 14 MR. MASON: Yes. 15 MS. FIELDS: Mr. Munson? 16 MR. MUNSON: Yes. 17 MS. FIELDS: Mr. Sims? Mr. Sims? 18 MR. SIMS: Yes. 19 MS. FIELDS: Ms. Turner? 20 MS. TURNER: Yes. 21 MS. FIELDS: Ms. Vaught? 22 MS. VAUGHT: Yes. 23 MS. FIELDS: Mr. Wendling? 24 MR. WENDLING: Yes. 25 MS. FIELDS: Ms. Kunze?</p>	16

Environmental Quality Board 2/20/2015

<p style="text-align: right;">17</p> <p>1 process. These new regulations in Chapter 10 of the 2 Code of Federal Regulations, Part 37, include both 3 new and amended requirements for affected DEQ 4 licensees. 5 The effective date of these rules was the 6 subject of some discussion in the council. The 7 original proposed rule made the change effective at a 8 date determined through the normal implementation 9 process. 10 The exact timing would depend on actions of the 11 governor and the legislature, but probably would have 12 been in the fall of 2015. The only public comment on 13 the proposed rules at the council meeting was a 14 request from an affected facility to delay 15 implementation of the new rules governing the 16 increased controls to a date as long as the NRC would 17 allow giving more time for facilities to implement 18 the change. 19 The council accepted this proposal and made an 20 amendment that was developed by the staff to delay 21 the effective date until March 18th of 2016. This is 22 one day before the last date that will be accepted by 23 the Nuclear Regulatory Commission. 24 Please note that after further review by the 25 legal staff the version now before you is slightly</p>	<p style="text-align: right;">19</p> <p>1 guard. Thank you. 2 MS. KUNZE: Thank you, George, for that 3 presentation. I'll ask if there are any questions or 4 discussion by the Board. 5 DR. HAMMON: I have a question and a quick 6 comment. On part 101 which is the program fees, it 7 has changed to read that it's \$300 per site. Is that 8 intended to be a \$300-per-device fee? 9 MR. MACDURMON: I think that's per site. Yes. 10 DR. HAMMON: So multiple devices can be 11 covered? 12 MR. MACDURMON: Yes. Yes. 13 DR. HAMMON: The comment I had -- there's a 14 small typo. It says, Devises, instead of devices in 15 the title. 16 MR. MACDURMON: Okay. Thank you. 17 MS. KUNZE: Are there any other -- 18 MR. MASON: Yeah. I have a comment. I think 19 it's really directed towards Martha. If a council 20 passes wording, I don't know if the agency then 21 should be wordsmithing wording. And shouldn't they 22 be bringing us literally what the council passed with 23 maybe a recommendation we amend what the council 24 passed versus taking the liberty of changing the 25 wording?</p>
<p style="text-align: right;">18</p> <p>1 changed from the version that was passed at the 2 council meeting to achieve this goal while keeping 3 the currently incorporated federal rules in place 4 until March 18th, 2016. 5 The edit does not change the effect of the rule 6 as recommended by the council. Implementation of 7 these changes is required by our agreement with the 8 NRC. The DEQ radiation staff intends to offer 9 workshops this summer in Tulsa and in Oklahoma City 10 to help radioactive materials licensees understand 11 the new requirements. 12 Finally, there two changes being recommended by 13 the council. The first is to correct some clerical 14 errors on which definitions from the federal rules 15 were adopted by reference in our existing rules. 16 These will correct our rules but have no 17 practical effect. Finally, the second recommended 18 change clarifies the requirements for generally 19 licensed devices that require registration with the 20 DEQ. 21 On behalf of the Radiation Management Advisory 22 Council, I request that the Board approve these 23 amendments. If you have any questions, I'd be glad 24 to answer those to the best of my ability or to call 25 in Mike Broderick from the staff if you catch me off</p>	<p style="text-align: right;">20</p> <p>1 MS. PENISTEN: Well, we hashed it around in the 2 agency, but the effect of the original language would 3 have been to do away with federal rules that were 4 incorporated between the dates of January 1st, 2014, 5 and March 18th, 2016. 6 So given that the -- there is no prohibition in 7 the statutes for changes to the rules between the 8 council meeting and the board meeting, then we 9 discussed it and thought that it was appropriate to 10 do that. 11 MR. MASON: But in my experience on this board 12 I think that's a change in protocol and whether the 13 statute allows it -- I personally think when a 14 council passes something, you should bring us what 15 the council passes. 16 And we may say there is a scrivener error or 17 something and give the board the opportunity to 18 correct it. Because then we're going to get into 19 this game of how much leeway does the staff have to 20 start changing wording and rules that are passed by a 21 council. 22 MS. PENISTEN: Right. I understand your 23 concern. 24 MR. MASON: And that's a very slippery slope. 25 This may be reasonable, but next time how much</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">21</p> <p>1 latitude do you all have to change things? 2 MS. PENISTEN: We'll do what you suggested next 3 time if there is a next time. Hopefully there won't 4 be. 5 MR. MASON: Okay. And then so I have a problem 6 now. Am I looking at a rule that was -- I guess it 7 would help me to see what the council passed versus 8 what you've taken the liberty of editing in this 9 presentation in front of me. 10 MS. PENISTEN: I don't know if we have the -- 11 have it in writing here, but I can tell you what the 12 council's language was. 13 MR. MASON: Please. 14 MS. PENISTEN: The underlined sentence you have 15 there in the 410-1-7. The underlined language was 16 not there, and the first sentence, Was there -- the 17 year 2013 was overstricken, and the year 2014 was 18 included as new, and that was all there was to it. 19 Well, no. That's not true either. Except that 20 in front of that I think that -- Mike, help me out 21 here. It said, Effective March 6 -- 18th, 2016 -- 22 references in this chapter to Title 10 of the code of 23 federal regulations, meaning be January 1, strike 24 2013, add 2014 publication of 10 CFR. And that's all 25 there was to it.</p>	<p style="text-align: right;">23</p> <p>1 for any other questions or discussions from the 2 Board. 3 And if not, are there any questions, comments 4 or discussion from the public? 5 There being none, I guess we'll take action on 6 what's presented to us. 7 MR. MASON: I'd like to make a motion to reject 8 these rules because we have not been presented with 9 what the council passed. 10 MR. GRIESEL: I'll second. 11 MS. KUNZE: I have a motion and a second to 12 reject the rules as not what the council had passed. 13 Quiana, can we have a roll call? 14 MS. FIELDS: Mr. Ferrell? 15 MR. FERRELL: Yes. 16 MS. FIELDS: Mr. Griesel? 17 MR. GRIESEL: Yes. 18 MS. FIELDS: Dr. Hammon? 19 DR. HAMMON: Yes. 20 MS. FIELDS: Mr. Johnston? 21 MR. JOHNSTON: Yes. 22 MS. FIELDS: Mr. Kinder? 23 MR. KINDER: Yes. 24 MS. FIELDS: Mr. Mason? 25 MR. MASON: Yes.</p>
<p style="text-align: right;">22</p> <p>1 MR. MASON: When we get to motion time I'm 2 going to make a motion that we reject these rules and 3 that what's presented to the Board is what the 4 council passed because it's -- I'm confused now. 5 MS. KUNZE: Yeah. I'm confused also. I was 6 going to ask, would it be possible as we move through 7 the meeting maybe to get what the council passed -- 8 MS. PENISTEN: Yes. 9 MS. KUNZE: -- in writing? Could we maybe get 10 that changed so that we could look at both? 11 MS. PENISTEN: Yes. 12 MR. MASON: And then I don't know if we can 13 vote on that because that wasn't posted for this 14 meeting. We need some legal advice. 15 MS. KUNZE: Yeah. Probably not. 16 MR. MASON: I have a post -- I think we're 17 messed up here. 18 MS. KUNZE: Well, we'll go ahead and move 19 through to this but maybe ask for the other language 20 that's something we could have to review. 21 MR. MASON: And I'm still going to make a 22 motion we don't pass this because what was posted 23 publicly is not what the council passed no matter how 24 small the scrivener error. It's a slippery slope. 25 MS. KUNZE: I understand. With that, I'll ask</p>	<p style="text-align: right;">24</p> <p>1 MS. FIELDS: Mr. Munson? 2 MR. MUNSON: Yes. 3 MS. FIELDS: Mr. Sims? 4 MR. SIMS: Yes. 5 MS. FIELDS: Ms. Turner? 6 MS. TURNER: Yes. 7 MS. FIELDS: Ms. Vaught? 8 MS. VAUGHT: Yes. 9 MS. FIELDS: Mr. Wendling? 10 MR. WENDLING: Yes. 11 MS. FIELDS: Ms. Kunze? 12 MS. KUNZE: Yes. 13 MS. FIELDS: Motion passed. 14 MS. KUNZE: Okay. Thank you, George. 15 MR. MACDURMON: Thank you. 16 MS. KUNZE: I will move to Agenda Item No. 6 17 which is the solid waste management rule making, and 18 I'll ask for Mr. Jeffrey Shepherd, who is the chair 19 of that council. 20 MR. SHEPHERD: Good morning. I guess we'll 21 start with Rulemaking, Item No. 6. The DEQ proposes 22 to permanently amend OAC 252 515 21-32 and 21-71 to 23 remove a non-attainable requirement for used tire 24 facilities to collect 50 percent of priority 25 cleanup-list tires from illegal dumps.</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">25</p> <p>1 The remediation program was established in 2 2011, and due to its success a 50-percent requirement 3 is no longer attainable. This proposed rulemaking 4 will ensure that qualified applicants do not become 5 ineligible for compensation from the Used Tire 6 Recycling Indemnity Fund due to non-compliance with 7 the 50-percent requirement. 8 MS. KUNZE: Thank you, Jeffrey. I'll ask if 9 there are any questions or discussion from the Board. 10 MR. WENDLING: This is John Wendling. I had a 11 question. When I was reading this it was -- and 12 maybe it was the way I was reading it. It was a 13 little unclear to me because maybe I was reading a 14 little bit too deep into this. 15 But when I think of something that was put in 16 place with a target of 50 percent, it was put in 17 place for a reason, and now we're saying it's 18 unattainable. So the question I have is if we strike 19 this from the rule, are we going to get back into a 20 situation again where we have to go back to putting a 21 requirement and a percentage that a certain amount of 22 cleanup is handled a certain way? 23 So I was a little concerned about taking -- 24 there was a reason it was in there for the first 25 place, and now it's unattainable. So are we going to</p>	<p style="text-align: right;">27</p> <p>1 this point to propose an alternate, but I think we 2 could go forward with this since it's really not 3 reachable and then ask the council to propose 4 something else later in a future amendment. 5 MR. WENDLING: Again, my big concern is if we 6 remove it, what incentive do we have to continue to 7 clean up -- 8 MR. THOMPSON: Currently what we do is the funds 9 that are not paid out -- the funds that sit at the 10 tax commission, we authorize the payment of those to 11 the processors for a variety of activities. Okay, 12 And then if there is a month that there is some 13 leftover funds, we can take those funds, and there is 14 dumps that were very costly to clean up. So they 15 weren't -- they were not the easy picking. 16 That's a lot of what we have left. And so we 17 were able to take those excess funds and bid out 18 those more costly jobs, those dumps that were really 19 hard to get to and maybe had to use a lot of heavy 20 equipment to get the tires out. I mean there's trees 21 growing up through them or things like that. 22 So that process, that is still available to us 23 to incentivize finishing out the dumps. Now, there 24 will be new dumps created. We're not believing, you 25 know, that we're going to see the absolute end of</p>
<p style="text-align: right;">26</p> <p>1 change behavior by taking something out? So I was 2 just curious. 3 MR. SHEPHERD: Yes. I think it's become 4 unattainable because the program has been so 5 successful that there is not nearly as many waste 6 tire dumps available to use the money to clean up. 7 I don't know if we are still collecting -- 8 Cole, are we still collecting money on for waste tire 9 dumps as far as the tire fund is concerned? So we're 10 still collecting money in the tire fund to clean up 11 the waste tire dumps. We're just not requiring the 12 operators to use 50 percent of those -- of the tires 13 that they collect from waste tire dumps. 14 MR. THOMPSON: I think the basic issue is there 15 is few dumps now, and where they're geographically 16 located is sort of a burden for somebody who is very 17 far from those dumps. A processor would have to go 18 get tires from those versus processors that are 19 closer. 20 So not all processors have equal access. We 21 used to have dumps everywhere, millions and millions 22 of tires, and we dwindled that down to a point where 23 requiring the 50 percent is probably really not 24 attainable for some of those guys, to be fair. 25 And so I don't know that we would be ready at</p>	<p style="text-align: right;">28</p> <p>1 tire dumps in Oklahoma, but at least they're down to 2 very small numbers and more controllable. 3 But we will -- as money is available in that 4 fund, we will be able to clean up some stuff. And 5 that is one thing Representative Moore has been 6 interested in is the old facility in Choctaw. 7 And we have a lot of abandoned tire chips there 8 that are really not useable the way they were 9 processed. So that's one of the things we want to 10 target to clean up with some of those funds. 11 So that's the biggest item left on the list of 12 current volumes of waste tires that I'm aware of 13 currently. So anyway, that's -- 14 MR. WENDLING: All right. Thank you. 15 MS. KUNZE: Any other questions or comments 16 from the Board? 17 Any questions, comments or discussion from the 18 public? 19 Okay. I'll ask if we have a motion. 20 MR. JOHNSTON: So moved. 21 MR. GRIESEL: Second. 22 MS. KUNZE: I have a motion and a second to 23 approve the permanent adoption for this rulemaking. 24 Do a roll call. 25 MS. FIELDS: Mr. Ferrell?</p>

Environmental Quality Board 2/20/2015

29	<p>1 MR. FERRELL: Yes.</p> <p>2 MS. FIELDS: Mr. Griesel?</p> <p>3 MR. GRIESEL: Yes.</p> <p>4 MS. FIELDS: Dr. Hammon?</p> <p>5 DR. HAMMON: Yes.</p> <p>6 MS. FIELDS: Mr. Johnston?</p> <p>7 MR. JOHNSTON: Yes.</p> <p>8 MS. FIELDS: Mr. Kinder?</p> <p>9 MR. KINDER: Yes.</p> <p>10 MS. FIELDS: Mr. Mason?</p> <p>11 MR. MASON: Yes.</p> <p>12 MS. FIELDS: Mr. Munson?</p> <p>13 MR. MUNSON: Yes.</p> <p>14 MS. FIELDS: Mr. Sims?</p> <p>15 MR. SIMS: Yes.</p> <p>16 MS. FIELDS: Ms. Turner?</p> <p>17 MS. TURNER: Yes.</p> <p>18 MS. FIELDS: Ms. Vaught?</p> <p>19 MS. VAUGHT: Yes.</p> <p>20 MS. FIELDS: Mr. Wendling?</p> <p>21 MR. WENDLING: Yes.</p> <p>22 MS. FIELDS: Ms. Kunze?</p> <p>23 MS. KUNZE: Yes.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 MS. KUNZE: Item No. 7. Jeffrey, I think you</p>	31
30	<p>1 get to stay up there for a while.</p> <p>2 MR. SHEPHERD: Moving on. Agenda Item No. 7.</p> <p>3 The DEQ proposes to amend OAC 252-515-21-32 and 21-71</p> <p>4 is required -- as described in Agenda Item 6, also as</p> <p>5 an emergency measure.</p> <p>6 Implementing the proposed rule as an</p> <p>7 emergency rule will allow used tire facilities and</p> <p>8 qualified applicants to remain eligible for</p> <p>9 compensation during physical year from the Used Tire</p> <p>10 Indemnity Fund and will continue to incentivize used</p> <p>11 tire facilities to perform the cleanup,</p> <p>12 transportation and processing of used tires prior to</p> <p>13 the effective date of the proposed permanent rule.</p> <p>14 The proposed rulemaking is necessary to</p> <p>15 preserve the public safety, health and welfare and to</p> <p>16 avoid prejudice to the public interest. Used tire</p> <p>17 facilities that will be required to remediate illegal</p> <p>18 dumps will still be required to remediate illegal</p> <p>19 dumps.</p> <p>20 MS. KUNZE: Okay. Do we have any questions or</p> <p>21 comments from the board?</p> <p>22 Any questions, comments or discussion from the</p> <p>23 public?</p> <p>24 Okay. I'll ask for a motion.</p> <p>25 MR. SIMS: Move the approval.</p>	32

Environmental Quality Board 2/20/2015

<p style="text-align: right;">33</p> <p>1 MR. FERRELL: Yes. 2 MS. FIELDS: Mr. Griesel? 3 MR. GRIESEL: Yes. 4 MS. FIELDS: Dr. Hammon? 5 DR. HAMMON: Yes. 6 MS. FIELDS: Mr. Johnston? 7 MR. JOHNSTON: Yes. 8 MS. FIELDS: Mr. Kinder? 9 MR. KINDER: Yes. 10 MS. FIELDS: Mr. Mason? 11 MR. MASON: Yes. 12 MS. FIELDS: Mr. Munson? 13 MR. MUNSON: Yes. 14 MS. FIELDS: Mr. Sims? 15 MR. SIMS: Yes. 16 MS. FIELDS: Ms. Turner? 17 MS. TURNER: Yes. 18 MS. FIELDS: Ms. Vaught? 19 MS. VAUGHT: Yes. 20 MS. FIELDS: Mr. Wendling? 21 MR. WENDLING: Yes. 22 MS. FIELDS: Mr. Kunze? 23 MS. KUNZE: Yes. 24 MS. FIELDS: Motion passed. 25 MS. KUNZE: Thank you. Move to Item 2.</p>	<p style="text-align: right;">35</p> <p>1 MS. FIELDS: Mr. Johnston? 2 MR. JOHNSTON: 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. Sims? 10 MR. SIMS: Yes. 11 MS. FIELDS: Ms. Turner? 12 MS. TURNER: 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: Item 3. 21 MR. SHEPHERD: The DEQ proposes to rename 22 Subchapter 15 as methane gas monitoring and control 23 to correct a past error in naming the subchapter and 24 to include in the subchapter a requirement for gas 25 monitoring probes to be constructed with sampling</p>
<p style="text-align: right;">34</p> <p>1 MR. SHEPHERD: Item No. 2. Subchapter 3. This 2 proposed change will allow the DEQ to specify 3 timelines within permits for the construction and 4 operation of new disposal facilities. The proposed 5 language is in accordance with statutory change to 6 27AOS 2-10-301 (D) that states the Environmental 7 Quality Board may promulgate rules regarding permit 8 requirements for the commencement of construction and 9 operation of disposal sites. 10 MS. KUNZE: Any questions or discussion from 11 the Board? 12 Questions or discussions or comments from the 13 public? 14 Okay. I'll ask for a motion on Item 2. 15 MR. MUNSON: Move we approve. 16 MS. KUNZE: I have a motion. Do I have a 17 second? 18 MR. FERRELL: Second. 19 MS. KUNZE: Motion and second. 20 MS. FIELDS: Mr. Ferrell? 21 MR. FERRELL: Yes. 22 MS. FIELDS: Mr. Griesel? 23 MR. GRIESEL: Yes. 24 MS. FIELDS: Dr. Hammon? 25 DR. HAMMON: Yes.</p>	<p style="text-align: right;">36</p> <p>1 ports. This change is similar to change No. 1 of 2 this agenda item. 3 MS. KUNZE: Okay. Questions or discussion from 4 the Board? 5 Questions, comments or discussion from the 6 public? 7 I'll ask for a motion. 8 MR. KINDER: Motion to approve. 9 MR. MUNSON: Second. 10 MS. KUNZE: Motion and a second to approve Item 11 No. 3. Roll call. 12 MS. FIELDS: Mr. Ferrell? 13 MR. FERRELL: Yes. 14 MS. FIELDS: Mr. Griesel? 15 MR. GRIESEL: Yes. 16 MS. FIELDS: Dr. Hammon? 17 DR. HAMMON: Yes. 18 MS. FIELDS: Mr. Johnston? 19 MR. JOHNSTON: Yes. 20 MS. FIELDS: Mr. Kinder? 21 MR. KINDER: Yes. 22 MS. FIELDS: Mr. Mason? 23 MR. MASON: Yes. 24 MS. FIELDS: Mr. Munson? 25 MR. MUNSON: Yes.</p>

Environmental Quality Board 2/20/2015

37	<p>1 MS. FIELDS: Mr. Sims?</p> <p>2 MR. SIMS: Yes.</p> <p>3 MS. FIELDS: Ms. Turner?</p> <p>4 MS. TURNER: Yes.</p> <p>5 MS. FIELDS: Ms. Vaught?</p> <p>6 MS. VAUGHT: Yes.</p> <p>7 MS. FIELDS: Mr. Wendling?</p> <p>8 MR. WENDLING: Yes.</p> <p>9 MS. FIELDS: Ms. Kunze?</p> <p>10 MS. KUNZE: Yes.</p> <p>11 MS. FIELDS: Motion passed.</p> <p>12 MS. KUNZE: Thank you. Item 4.</p> <p>13 MR. SHEPHERD: Subchapter 21. This proposed</p> <p>14 change will remove the 50-percent requirement as</p> <p>15 described in Agenda Item 6 and 7 as pertaining to</p> <p>16 erosion control installers. This change is not</p> <p>17 deemed an emergency because there are currently no</p> <p>18 erosion control installers operating under the Used</p> <p>19 Tire Recycling Program.</p> <p>20 MS. KUNZE: Okay. Questions or discussion from</p> <p>21 the Board?</p> <p>22 Questions, comments or discussion from the</p> <p>23 public?</p> <p>24 There being none, I'll ask for a motion.</p> <p>25 MR. WENDLING: Motion to approve.</p>	39
38	<p>1 MR. MUNSON: Second.</p> <p>2 MS. KUNZE: I have a motion and second to</p> <p>3 approve. Roll call.</p> <p>4 MS. FIELDS: Mr. Ferrell?</p> <p>5 MR. FERRELL: Yes.</p> <p>6 MS. FIELDS: Mr. Griesel?</p> <p>7 MR. GRIESEL: Yes.</p> <p>8 MS. FIELDS: Dr. Hammon?</p> <p>9 DR. HAMMON: Yes.</p> <p>10 MS. FIELDS: Mr. Johnston?</p> <p>11 MR. JOHNSTON: Yes.</p> <p>12 MS. FIELDS: Mr. Kinder?</p> <p>13 MR. KINDER: Yes.</p> <p>14 MS. FIELDS: Mr. Mason?</p> <p>15 MR. MASON: Yes.</p> <p>16 MS. FIELDS: Mr. Munson?</p> <p>17 MR. MUNSON: Yes.</p> <p>18 MS. FIELDS: Mr. Sims?</p> <p>19 MR. SIMS: Yes.</p> <p>20 MS. FIELDS: Ms. Turner?</p> <p>21 MS. TURNER: Yes.</p> <p>22 MS. FIELDS: Ms. Vaught?</p> <p>23 MS. VAUGHT: Yes.</p> <p>24 MS. FIELDS: Mr. Wendling?</p> <p>25 MR. WENDLING: Yes.</p>	40
39	<p>1 MS. FIELDS: Ms. Kunze?</p> <p>2 MS. KUNZE: Yes.</p> <p>3 MS. FIELDS: Motion passed.</p> <p>4 MS. KUNZE: Thank you. Item 5.</p> <p>5 MR. SHEPHERD: Subchapter 21. DEQ proposes to</p> <p>6 remove the requirement that used tire manifests must</p> <p>7 be four-part and carbonless. This will allow for</p> <p>8 handheld devices to be used that generate electronic</p> <p>9 manifests. All alternative manifest forms shall be</p> <p>10 approved by the DEQ.</p> <p>11 MS. KUNZE: Do we have any questions or</p> <p>12 discussion from the Board?</p> <p>13 Questions, discussion or comments from the</p> <p>14 public?</p> <p>15 I'll ask for a motion.</p> <p>16 MR. SIMS: Move to approve.</p> <p>17 DR. HAMMON: Second.</p> <p>18 MS. KUNZE: I have a motion and second. Roll</p> <p>19 call.</p> <p>20 MS. FIELDS: Mr. Ferrell?</p> <p>21 MR. FERRELL: Yes.</p> <p>22 MS. FIELDS: Mr. Griesel?</p> <p>23 MR. GRIESEL: Yes.</p> <p>24 MS. FIELDS: Dr. Hammon?</p> <p>25 DR. HAMMON: Yes.</p>	40
40	<p>1 MS. FIELDS: Mr. Johnston?</p> <p>2 MR. JOHNSTON: Yes.</p> <p>3 MS. FIELDS: Mr. Kinder?</p> <p>4 MR. KINDER: Yes.</p> <p>5 MS. FIELDS: Mr. Mason?</p> <p>6 MR. MASON: Yes.</p> <p>7 MS. FIELDS: Mr. Munson?</p> <p>8 MR. MUNSON: Yes.</p> <p>9 MS. FIELDS: Mr. Sims?</p> <p>10 MR. SIMS: Yes.</p> <p>11 MS. FIELDS: Ms. Turner?</p> <p>12 MS. TURNER: Yes.</p> <p>13 MS. FIELDS: Ms. Vaught?</p> <p>14 MS. VAUGHT: Yes.</p> <p>15 MS. FIELDS: Mr. Wendling?</p> <p>16 MR. WENDLING: Yes.</p> <p>17 MS. FIELDS: Ms. Kunze?</p> <p>18 MS. KUNZE: Yes.</p> <p>19 MS. FIELDS: Motion passed.</p> <p>20 MS. KUNZE: Item No. 6.</p> <p>21 MR. SHEPHERD: Subchapter 41. This proposed</p> <p>22 change will remove an invalid citation from the</p> <p>23 existing roofing material recycling rules.</p> <p>24 MS. KUNZE: Questions or comments from the</p> <p>25 Board?</p>	40

Environmental Quality Board 2/20/2015

41	<p>1 Do we have any questions or comments from the 2 public? 3 MR. SIMS: This is related to a citation that 4 was later found not to be worthy or accurate or 5 whatever could be taken off the record. Is that -- 6 MR. SHEPHERD: Yes. 7 DR. HAMMON: So it also defines closure cost 8 estimate as well as average and condensed? 9 MR. SHEPHERD: I believe so. Yeah. 10 DR. HAMMON: Okay. 11 MS. KUNZE: Questions or comments or discussion 12 from the public? 13 With that, I'll ask for a motion. 14 MR. JOHNSTON: So moved. 15 MR. GRIESEL: Second. 16 MS. KUNZE: I have a motion and a second for 17 approval. Roll call. 18 MS. FIELDS: Mr. Ferrell? 19 MR. FERRELL: Yes. 20 MS. FIELDS: Mr. Griesel? 21 MR. GRIESEL: Yes. 22 MS. FIELDS: Dr. Hammon? 23 DR. HAMMON: Yes. 24 MS. FIELDS: Mr. Johnston? 25 MR. JOHNSTON: Yes.</p>	43	<p>1 Do we have any questions or comments or 2 discussion from the public? 3 I'll ask for a motion. 4 MR. MUNSON: Move approval. 5 MS. KUNZE: I have a motion. 6 MR. FERRELL: Second. 7 MS. KUNZE: I have a motion and a second that 8 we approve. Roll call. 9 MS. FIELDS: Mr. Ferrell? 10 MR. FERRELL: Yes. 11 MS. FIELDS: Mr. Griesel? 12 MR. GRIESEL: Yes. 13 MS. FIELDS: Dr. Hammon? 14 DR. HAMMON: Yes. 15 MS. FIELDS: Mr. Johnston? 16 MR. JOHNSTON: Yes. 17 MS. FIELDS: Mr. Kinder? 18 MR. KINDER: Yes. 19 MS. FIELDS: Mr. Mason? 20 MR. MASON: Yes. 21 MS. FIELDS: Mr. Munson? 22 MR. MUNSON: Yes. 23 MS. FIELDS: Mr. Sims? 24 MR. SIMS: Yes. 25 MS. FIELDS: Ms. Turner?</p>
42	<p>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. Sims? 8 MR. SIMS: Yes. 9 MS. FIELDS: Ms. Turner? 10 MS. TURNER: 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: I bet you're glad to get to No. 7. 19 MR. SHEPHERD: Last one. Subchapter 41. The 20 proposed language will clarify closure cost estimate 21 procedures for roofing material recyclers -- 22 recyclers. This will ensure closure cost estimate 23 procedures are more uniform throughout OAC 252.515. 24 MS. KUNZE: Okay. I'll ask, any questions or 25 discussion from the Board?</p>	44	<p>1 MS. TURNER: Yes. 2 MS. FIELDS: Ms. Vaught? 3 MS. VAUGHT: Yes. 4 MS. FIELDS: Mr. Wendling? 5 MR. WENDLING: Yes. 6 MS. FIELDS: Ms. Kunze? 7 MS. KUNZE: Yes. 8 MS. FIELDS: Motion passed. 9 MS. KUNZE: Thank you very much. 10 MR. SHEPHERD: Thank you. 11 MS. KUNZE: We'll move to Agenda Item No. 9. 12 We'll ask Mr. Duane Winegardner who is the chair of 13 the Water Quality Management Advisory Council. Thank 14 you, Duane. 15 MR. WINEGARDNER: Good morning. Good morning. 16 Today the Water Quality Management Advisory Council 17 has six chapters of proposed rulemaking for the Board 18 to vote on. We'll take them one at a time. 19 Before bringing these to the Board, we 20 discussed them in our October 7th meeting and then 21 DEQ held two informal public meetings, one in 22 November 17th in Tulsa and one November 18th in 23 Oklahoma City. 24 And following those, DEQ received two comment 25 letters and these comment letters are included in</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">45</p> <p>1 your package and also DEQ's response to them. These 2 proposed rules were unanimously recommended for 3 adoption by the council on January 13th of this year 4 incorporating the changes based on the comments 5 received. 6 Chapters 606, which is the OPDES standard – 7 the department is proposing to make seven changes. 8 One is to amend the definitions and other language 9 consistent with applicable laboratory accreditation 10 rules which were approved in July. 11 Number two, update the CFR publication date to 12 the most recent CFR publication year. Number three, 13 clarify the language regarding OPDES permit 14 applications and clarify the terms related to 15 discharge permits. 16 Number four, clarify that biosolids analysis 17 must be performed by an accredited laboratory and to 18 allow a university familiar with Oklahoma crops and 19 soils to perform certain analyses. Number five, 20 clarify that analytical results from a compliance 21 tests are to be from an accredited laboratory 22 wherefrom operators certified under Chapter 710. 23 Number six, clarify that discharge monitoring 24 reports are to include all valid compliance test 25 results. And Number seven, clarify OPDES facility</p>	<p style="text-align: right;">47</p> <p>1 vague to me on universities. 2 MS. CHARD-MCCLARY: I'm Shelly Chard-McClary, 3 Water Quality Division Director. The purpose of this 4 was to clarify that the state universities that did 5 do this kind of soil analysis did not have to go 6 through the accreditation process. In Oklahoma the 7 only ones we have ever seen are through OSU. 8 If another entity, another university could 9 demonstrate to us that they did meet either the 10 accreditation standards or they did have that 11 relationship to the extension services or those type 12 of entities, we would accept that as well. 13 But the real intent was to keep OSU from having 14 to go through this entire process for each of their 15 locations and the county extension services from 16 having to go through that accreditation process, but 17 we would accept other universities as well. 18 MR. KINDER: I guess I've got a question. I'm 19 a little bit unclear. Is the current soils lab at 20 OSU – is it accredited, that site? 21 MS. CHARD-MCCLARY: It does not have to be 22 accredited, and we are saying they can be used. 23 MR. KINDER: But right now it is, in fact – is 24 not accredited? 25 MS. CHARD-MCCLARY: It has not gone through the</p>
<p style="text-align: right;">46</p> <p>1 recordkeeping's requirements. We recommend that you 2 consider these for passage. 3 MS. KUNZE: Okay. Do I have any questions or 4 comments from the Board? 5 DR. HAMMON: So how does one determine that a 6 university is familiar with Oklahoma crops and soils? 7 Are there any criteria for that, or is it the 8 university's word? 9 MR. WINEGARDNER: The only one I can think of 10 is OSU, but there may be some others. Shelly, do you 11 have a comment there or – I rely upon staff a lot. 12 DR. HAMMON: It just seemed a little subjective 13 when I read it because you could have an out-of-state 14 university saying that they are familiar. 15 MR. SIMS: Well, the procedure in Oklahoma on 16 soil testing is county agents accept them and all 17 soil testing for crops are done – sent to OSU for 18 the most part unless they go to a private laboratory, 19 which some do occasionally, but the bulk of them – 20 so the point is OSU has familiarity with the soil 21 testing all over the state from every county because 22 of that procedure. So I guess that -- 23 MR. WENDLING: But I'd like to hear -- it just 24 seemed to me -- I had the same issue. If other labs 25 were required to be accredited, it seemed a little</p>	<p style="text-align: right;">48</p> <p>1 accreditation process with our state environmental 2 laboratory or the national standards. They don't 3 have to go through those, and we did not want them to 4 be forced to go through that process. 5 MR. KINDER: But as you read the rule, a 6 commercial lab – which there are some out of 7 state – would be able to if they are accredited? 8 MS. CHARD-MCCLARY: Yes. We have reciprocity 9 through this process with other states so it would 10 not be a separate process they would go through. 11 They would just send their documentation that they 12 received from their accrediting lab. 13 MS. KUNZE: Any further discussion or does the 14 Board have any additional questions? 15 DR. HAMMON: I just worry that the wording is 16 still a little vague for what was intended there. I 17 don't know if there is a clarification piece that 18 could be put in, you know. Just the proof of 19 familiarity is what concerns me in putting it in a 20 rule. 21 MS. CHARD-MCCLARY: Do you have a proposal? 22 DR. HAMMON: I don't know if it was something, 23 again -- was approved by your division. 24 MS. CHARD-MCCLARY: This – it did go through 25 not only the Water Quality Division but also the</p>

Environmental Quality Board 2/20/2015

<p>49</p> <p>1 state environmental lab and through the council. 2 DR. HAMMON: Well, I meant the university that 3 is familiar with Oklahoma soils and crops is also 4 approved by your division. 5 MS. CHARD-MCCLARY: It would be the state 6 environmental laboratory, is the -- 7 DR. HAMMON: Okay, I don't -- 8 MS. CHARD-MCCLARY: It's a -- we are mirroring 9 some of the language that's in the laboratory rules 10 that went through the council and the Board ahead of 11 these so that all of the accreditation language -- we 12 don't want to get out in front of them because, you 13 know, that could muddy the water. 14 So we're following what's been put in the 15 laboratory accreditation rules. If that's something 16 you would like the lab and water quality to go back 17 and revisit for a future rulemaking effort, we would 18 be happy to do that if that would provide greater 19 comfort. 20 MR. WENDLING: You know, it just seems odd to 21 me that -- I mean, I'm sorry, I bleed orange too, 22 but it just seems odd to me that we require other 23 entities to hit a threshold and evaluation but yet 24 the language here -- I have to agree with Tracy -- 25 says a university that's familiar.</p>	<p>51</p> <p>1 University. That would be leaving other folks out of 2 that. So if somebody wants to send it to Nebraska or 3 Kansas State, they may do that. I mean I don't deal 4 with biosolids on a daily basis, but that was the 5 thought process behind that. 6 And we'd be glad to change the wording to 7 something that is not as vague, but that's kind of 8 what we came up with, with all our -- putting our 9 heads together and allowing them to still do these 10 testings. 11 DR. HAMMON: My thought is essentially this 12 wording opens it up to any university because 13 familiarity is someone's word. So if you are looking 14 to have any university be able to run these tests 15 that says, Yeah, I'm familiar with Oklahoma crops and 16 soils -- if that's the purpose of this, the wording 17 is fine. 18 MS. VAUGHT: Is the accredited -- when you 19 mentioned university accreditation, all the other 20 accreditation that they go through, is there some 21 specific process that they go through as to this kind 22 of testing? I mean we know universities have to be 23 accredited. But I'm trying to figure out if there is 24 a way to say, you know, equivalent type of 25 accreditation during other means so that it's more</p>
<p>50</p> <p>1 It just -- for some reason it doesn't tell me 2 that it is reviewed and goes through some scrutiny by 3 the DEQ and gets approved I mean in a different way 4 than accreditation. So it just seems like it's just 5 thrown in there. So that's the impression I have. 6 MR. KINDER: I have one more question. How 7 arduous is the accreditation process, and how 8 expensive is it? I guess my question really relates 9 to why isn't OSU accredited. 10 MS. CHARD-MCCLARY: Okay, I'm going to ask 11 Chris Armstrong who -- the accreditation program is 12 in the state environmental laboratory, and I'm going 13 to ask him to help me -- or Mark or somebody -- 14 somebody who knows more about this than I do. 15 MR. HILDEBRAND: What we've got right now is 16 OSU is doing a whole bunch of these for our 17 communities on the biosolids, and they're charging a 18 very low fee. They don't want to jump through the 19 hoops of being an accredited laboratory and meeting 20 our regs when they're an academic university that has 21 all the accreditation and all that on their own. 22 They don't want to be out that fees and track all the 23 accreditation process, and that's one reason we put 24 this wording in there. 25 And we didn't want to just say Oklahoma State</p>	<p>52</p> <p>1 specific and more equivalent. 2 MR. HILDEBRAND: I don't know if Chris would 3 know that or not. 4 MS. KUNZE: I was going to say Chris -- 5 MR. ARMSTRONG: Chris Armstrong, State 6 Environmental Laboratory Services. I can't speak 7 specifically to OSU's accreditation. But what I can 8 speak to is the analyses that are performed in a 9 soil's lab are different types of methods of analyses 10 than what we would accredit to and because of that 11 there has always been kind of this area where, you 12 know, you viewed it as though OSU has done this 13 forever. 14 They maintained, you know, the proficiency to 15 actually run those tests. State environmental lab is 16 not prepared to actually accredit those tests. Some 17 of them are very different. They were developed in 18 the '50s right down to the size soil scoop that 19 you're going to use for your soil sample. 20 So we don't really have a means to accredit all 21 that at this point in time. Now, they're old tests. 22 They are actually tests from the '50s, and I know 23 that didn't clarify it for you guys for 24 accreditation. But that is kind of -- that is kind 25 of why you see this gray.</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">53</p> <p>1 I think the intent was to truly make it broader 2 and not just designate OSU but to allow other 3 state -- other states that had soil forensic labs. 4 soil specialty labs to actually be able to provide 5 this kind of data as well. Thanks. 6 MR. SIMS: Actually OSU over the years has 7 developed the criteria for doing all of this testing 8 going back to the '50s and other laboratories I think 9 have followed suit -- private laboratories. But 10 they're actually the ones who set the criteria that's 11 used for these type of tests. 12 And the other point you made is -- that's kind 13 of subsidized for the local people who use the OSU 14 facilities because they provide the service but that 15 always gives them some research background as I 16 understand it maybe because they provide that 17 service. 18 MR. ARMSTRONG: If we were to substitute 19 expertise rather than familiarity because of what 20 we're dealing with, would you all be able to accept 21 that? 22 MR. MASON: Listening to what's been said by 23 Tracy and John, that may be a solution. Another 24 solution is you just add on the end of this. And 25 approved by the DEQ Water Quality Division, listening</p>	<p style="text-align: right;">55</p> <p>1 UNIDENTIFIED SPEAKER: Subchapter 8. 2 MR. EUBANKS: Subchapter 8. 3 MS. KUNZE: 8. 4 MR. EUBANKS: We're going to need to vote 5 individually on each subchapter now because if we're 6 going to make a motion to amend the language in 8, or 7 I suppose we could have a motion to approve 252.606, 8 Subchapters 1, 3, 5 and 11, if there's no issues with 9 those and then go back and amend -- 10 MR. KINDER: Can we make a motion for the 11 amendment to pass and then wait and then pass all of 12 them at the same time as amended? 13 MR. EUBANKS: We could just amend No. 8 first. 14 MR. KINDER: Yeah. And do it passed or not and 15 then at the very end then pass for the block together 16 as amended. 17 MS. KUNZE: How about I read this again, and I 18 still want to ask for discussions from the public. 19 So let me read this again. The amendment -- the 20 changing language that we're proposing is, That 21 demonstrates to the reasonable satisfaction of the 22 Oklahoma Department of Environmental Quality to have 23 the expertise and familiar -- and be familiar with 24 Oklahoma crops and soils. 25 MR. WENDLING: So how would that read in</p>
<p style="text-align: right;">54</p> <p>1 to what you've been saying. 2 DR. HAMMON: Which would be a good solution as 3 well as long you guys are good with the university 4 being proposed. 5 MR. ARMSTRONG: I'm good with that. I assume 6 that Shelly is good with that. 7 MS. CHARD-MCCLARY: That's fine. Absolutely. 8 MS. KUNZE: Kind of wrapping up. Jimmy put 9 it -- put down I think what we were just discussing. 10 It's language that would say that demonstrates to the 11 reasonable satisfaction of the DEQ to be familiar 12 with Oklahoma crops and soils? 13 MR. ARMSTRONG: How about expertise? 14 Demonstrates expertise and familiarity. 15 MS. KUNZE: Okay. I was going to say that 16 would be an amendment to the language that has been 17 brought to us. 18 MR. KINDER: Are you looking for a motion to 19 amend? 20 MR. JOHNSTON: Can you read the amendment? 21 MS. KUNZE: Hang on minute. 22 MR. EUBANKS: Now we need to figure out how 23 we're going to vote on all these subchapters. I'm 24 not even sure which Subchapter No. 5 falls under. Is 25 it 1, 3, 5, 8 or 11?</p>	<p style="text-align: right;">56</p> <p>1 context with of all items -- I'm assuming Page 7, 2 Item B? Would that be what we would have to read? 3 MS. KUNZE: Do you have that, Jimmy? 4 MR. KINDER: Yeah. This is where -- I think 5 that would be tacked onto the end of B -- your 6 amendment. Is that how that would read? You want to 7 read it as amended? 8 MR. ARMSTRONG: Excuse me. I would make a 9 suggestion that for expertise you add analytical 10 expertise to that. 11 MR. EUBANKS: Say that again. Analytical 12 expertise? 13 MR. ARMSTRONG: Yes. 14 MS. KUNZE: So we would have under 11B, all 15 soil analysis performed under 606-86 B10 B1 must be 16 performed by an accredited laboratory or by a 17 laboratory that demonstrates to the reasonable 18 satisfaction of the Oklahoma DEQ to have analytical 19 expertise and be familiar with Oklahoma crops and 20 soils? 21 DR. HAMMON: We've lost the word university so 22 I think saying under a university laboratory that 23 demonstrates expertise and familiarity -- 24 MS. KUNZE: Okay. Here we go. Let's try this 25 again. By an accredited laboratory or by a</p>

Environmental Quality Board 2/20/2015

57	<p>1 university laboratory that demonstrates to the</p> <p>2 reasonable satisfaction of the Oklahoma DEQ to have</p> <p>3 the expertise and be familiar with Oklahoma crops and</p> <p>4 soils.</p> <p>5 MR. ARMSTRONG: You left out analytical.</p> <p>6 MS. KUNZE: Analytical expertise. Do you all</p> <p>7 want to have election of officers? Here we go.</p> <p>8 MR. WENDLING: Welcome to the chair.</p> <p>9 MS. KUNZE: An accredited laboratory or by a</p> <p>10 university laboratory that demonstrates to the</p> <p>11 reasonable satisfaction of the Oklahoma DEQ to have</p> <p>12 the analytical expertise and be familiar with</p> <p>13 Oklahoma crops and soils.</p> <p>14 MR. EUBANKS: Yes.</p> <p>15 MS. KUNZE: Okay. Thank you guys. With that,</p> <p>16 I'm going to ask if there is any other questions or</p> <p>17 discussions from the Board.</p> <p>18 Any questions, comments or discussions from the</p> <p>19 public?</p> <p>20 Okay. I believe we can take a motion since</p> <p>21 these are all under the same subchapter to move for</p> <p>22 approval of Item 1, 3, 5, 8 as amended — and 11. So</p> <p>23 I'll ask for a motion.</p> <p>24 DR. HAMMON: I move to approve.</p> <p>25 MR. KINDER: Excuse me. You have to approve</p>	59	<p>1 MS. TURNER: Yes.</p> <p>2 MS. FIELDS: Ms. Vaught?</p> <p>3 MS. VAUGHT: Yes.</p> <p>4 MS. FIELDS: Mr. Wendling?</p> <p>5 MR. WENDLING: Yes.</p> <p>6 MS. FIELDS: Ms. Kunze?</p> <p>7 MS. KUNZE: Yes.</p> <p>8 MS. FIELDS: Motion passed.</p> <p>9 MS. KUNZE: Now I'm going to ask for a motion</p> <p>10 that we approve the Subchapter Items 1, 3, 5, 8 and</p> <p>11 11.</p> <p>12 MR. JOHNSTON: So moved.</p> <p>13 MR. WENDLING: Second.</p> <p>14 MS. KUNZE: I have a motion and second. Roll</p> <p>15 call.</p> <p>16 MS. FIELDS: Mr. Ferrell?</p> <p>17 MR. FERRELL: Yes.</p> <p>18 MS. FIELDS: Mr. Griesel?</p> <p>19 MR. GRIESEL: Yes.</p> <p>20 MS. FIELDS: Dr. Hammon?</p> <p>21 DR. HAMMON: Yes.</p> <p>22 MS. FIELDS: Mr. Johnston?</p> <p>23 MR. JOHNSTON: Yes.</p> <p>24 MS. FIELDS: Mr. Kinder?</p> <p>25 MR. KINDER: Yes.</p>
58	<p>1 the amendment first.</p> <p>2 MS. KUNZE: Okay.</p> <p>3 DR. HAMMON: I move to approve the amendment as</p> <p>4 read by Jan Kunze.</p> <p>5 MS. KUNZE: Okay.</p> <p>6 MR. KINDER: Second.</p> <p>7 MS. KUNZE: I have a motion and a second to</p> <p>8 amend No. 8 as read. Do I have a roll call?</p> <p>9 MS. FIELDS: Mr. Ferrell?</p> <p>10 MR. FERRELL: Yes.</p> <p>11 MS. FIELDS: Mr. Griesel?</p> <p>12 MR. GRIESEL: Yes.</p> <p>13 MS. FIELDS: Dr. Hammon?</p> <p>14 DR. HAMMON: Yes.</p> <p>15 MS. FIELDS: Mr. Johnston?</p> <p>16 MR. JOHNSTON: Yes.</p> <p>17 MS. FIELDS: Mr. Kinder?</p> <p>18 MR. KINDER: Yes.</p> <p>19 MS. FIELDS: Mr. Mason?</p> <p>20 MR. MASON: Yes.</p> <p>21 MS. FIELDS: Mr. Munson?</p> <p>22 MR. MUNSON: Yes.</p> <p>23 MS. FIELDS: Mr. Sims?</p> <p>24 MR. SIMS: Yes.</p> <p>25 MS. FIELDS: Ms. Turner?</p>	60	<p>1 MS. FIELDS: Mr. Mason?</p> <p>2 MR. MASON: Yes.</p> <p>3 MS. FIELDS: Mr. Munson?</p> <p>4 MR. MUNSON: Yes.</p> <p>5 MS. FIELDS: Mr. Sims?</p> <p>6 MR. SIMS: Yes.</p> <p>7 MS. FIELDS: Ms. Turner?</p> <p>8 MS. TURNER: Yes.</p> <p>9 MS. FIELDS: Ms. Vaught</p> <p>10 MS. VAUGHT: Yes.</p> <p>11 MS. FIELDS: Mr. Wendling?</p> <p>12 MR. WENDLING: Yes.</p> <p>13 MS. FIELDS: Ms. Kunze?</p> <p>14 MS. KUNZE: Yes.</p> <p>15 MS. FIELDS: Motion passed.</p> <p>16 MS. KUNZE: Okay. Thank you guys. Thanks</p> <p>17 everybody. We'll move to Item No. 10.</p> <p>18 MR. WINEGARDNER: Okay. Item No. 10 is from</p> <p>19 Chapter 627 having to do with waste water reuse. The</p> <p>20 department is proposing to accomplish ten different</p> <p>21 items here. One is to remove the requirement to</p> <p>22 attain — obtain a permit for the use of reclaimed</p> <p>23 water within waste water treatment plant boundaries.</p> <p>24 Number two, add reference to buffer zone and setback</p> <p>25 distance requirements.</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">61</p> <p>1 Number three, reserve Category 1 as a future 2 category for reclaimed water. Number four, add 3 makeup water for OG&E production to the permitted 4 uses for Category 2 and add one for cooling systems 5 and closed-loop cooling systems such as boiler water 6 and hydraulic fracturing to the permitted category 7 three and then uses Category 3 as other uses for 8 reclaimed water. 9 Number five, add a new category – 6 – for the 10 use of reclaimed water within the boundaries of waste 11 water treatment plant to all of the categories for 12 reclaimed water. Number six, allow uses for category 13 reclaimed water without a permit. 14 Number seven, add a requirement for supplier to 15 maintain flow measuring devices in proper working 16 order. Number eight, create a citation for 17 Category 3 for reclaimed water on sod farms. 18 Number nine, require the use of cautionary 19 signs on hydrants, hose bibs for Category 6 reclaimed 20 water. And number ten, clarify that Category 6 21 reclaimed water must meet effluent limits and best 22 management practices according to the plant's 23 operation and maintenance manual. However, no 24 sampling is required. We recommend that you consider 25 these for approval.</p>	<p style="text-align: right;">63</p> <p>1 MR. MUNSON: Yes. 2 MS. FIELDS: Mr. Sims? 3 MR. SIMS: Yes. 4 MS. FIELDS: Ms. Turner? 5 MS. TURNER: Yes. 6 MS. FIELDS: Ms. Vaught? 7 MS. VAUGHT: Yes. 8 MS. FIELDS: 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. Thank you, Duane. 14 We've been in session for a while here and a ways to 15 go so I'm going to suggest that we all take a 16 five-to-ten minute break. 17 (A break was taken.) 18 MS. KUNZE: I'd ask that we reconvene. We have 19 a lot of things to move through so I'm going to turn 20 it back over to Duane, and we'll -- we're at Agenda 21 Item No. 11. 22 MR. WINEGARDNER: Okay. Agenda Item No. 11 is 23 for Chapter 631. And that's for the Public Water 24 Supply Operation. And the department is proposing to 25 make nine changes to this one. Number one is to add</p>
<p style="text-align: right;">62</p> <p>1 MS. KUNZE: I'll ask if there are any questions 2 or discussion from the Board. 3 Do I have any questions, comments or discussion 4 from the public? 5 There being none, I'll ask for a motion that we 6 approve OAC 252-627, Subchapters 1,3 and 5. Do I 7 have a motion? 8 MR. FERRELL: Move to approve. 9 MS. KUNZE: Do I have a motion? 10 MS. VAUGHT: Second. 11 MS. KUNZE: I have a motion and a second. Roll 12 call. 13 MS. FIELDS: Mr. Ferrell? 14 MR. FERRELL: Yes. 15 MS. FIELDS: Mr. Giesel? 16 MR. GRIESEL: Yes. 17 MS. FIELDS: Dr. Hammon? 18 DR. HAMMON: Yes. 19 MS. FIELDS: Mr. Johnston? 20 MR. JOHNSTON: Yes. 21 MS. FIELDS: Mr. Kinder? 22 MR. KINDER: Yes. 23 MS. FIELDS: Mr. Mason? 24 MR. MASON: Yes. 25 MS. FIELDS: Mr. Munson?</p>	<p style="text-align: right;">64</p> <p>1 definitions for accredited laboratory, direct 2 integrity test, indirect integrity monitoring and 3 point of connection. 4 Number two is to delete the definition of 5 approved laboratory and replace with the language for 6 accredited laboratory accreditation which is 7 consistent with the changes the council approved in 8 July. 9 Number three is update the CFR publication date 10 to the most recent publication year. Number four, 11 replace laboratory approval with laboratory 12 accreditation language. Number five is clarify that 13 systems that use membrane filtration are required to 14 perform direct integrity testing and indirect 15 integrity monitoring and document the results. 16 Number six is to remove the requirement to 17 determine the disinfection residual once daily at the 18 points of connection to the wholesale system for 19 purchase water systems. Number seven, modify 20 requirements for monitoring disinfection residual in 21 the distribution systems for purchase water systems. 22 These requirements were agreed to upon after 23 numerous discussion involving the stakeholders. 24 Number eight, clarify the requirements for submitting 25 fluoridation analysis reports to DEQ and ODH. Number</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">65</p> <p>1 nine, remove the requirement for purchase water 2 systems that are required to maintain a disinfection 3 residual to submit monthly operation reports to DEQ. 4 Now, there is a typo that we caught on 5 631 3-10, No. 3. Under B of that one there is -- 6 distribution is spelled wrong. That can be easily 7 corrected. We recommend, though, that you approve 8 these. 9 MS. KUNZE: Okay. Thank you, Duane. I'll ask 10 if we have any questions or discussion by the Board. 11 Questions, discussions or comment by the 12 public? 13 MR. MASON: I move approval subject to 14 Mr. Winegardner's scrivener correction. 15 MR. GRIESEL: Second. 16 MS. KUNZE: I have a motion and a second to 17 approve the changes in Chapter 631, Subchapters 1 and 18 3. Roll call. 19 MS. FIELDS: Mr. Ferrell? 20 MR. FERRELL: Yes. 21 MS. FIELDS: Mr. Griesel? 22 MR. GRIESEL: Yes. 23 MS. FIELDS: Dr. Hammon? 24 DR. HAMMON: Yes. 25 MS. FIELDS: Mr. Johnston?</p>	<p style="text-align: right;">67</p> <p>1 residual disinfection concentrations. 2 Number two, add Category 6, the use of 3 reclaimed water within the boundaries of a waste 4 water treatment plant to the list of categories of 5 reclaimed water and clarify that a permit to supply 6 is not required for the use of this reclaimed water 7 within the waste water treatment plant boundaries. 8 Number three, add best management practices for 9 Category 6 uses within the waste water treatment 10 plant to the operation and maintenance manual 11 requirements. Number four, clarify the requirements 12 for surface evaporation lagoons which are total 13 retention lagoons. 14 Number five, remove requirements for backfill 15 consistency and cover on lined dike slopes. Number 16 six, allow the use of top-mounted self-priming 17 suction lift pumps and grid chambers. 18 Number seven, add standards for on-site 19 generation of sodium hypochlorite and ozone 20 disinfection standards. Number eight, add membrane 21 filtration to supplemental treatment standard 22 requirements. 23 Number nine, reserve Category 1 as a future 24 category for reclaimed water. Number ten, add makeup 25 water for OG&E production to the permitted uses for</p>
<p style="text-align: right;">66</p> <p>1 MR. JOHNSTON: Yes. 2 MS. FIELDS: Mr. Kinder? 3 MR. KINDER: Yes. 4 MS. FIELDS: Mr. Mason? 5 MR. MASON: Yes. 6 MS. FIELDS: Mr. Munson? 7 MR. MUNSON: Yes. 8 MS. FIELDS: Mr. Sims? 9 MR. SIMS: Yes. 10 MS. FIELDS: Ms. Turner? 11 MS. TURNER: Yes. 12 MS. FIELDS: Ms. Vaught? 13 MS. VAUGHT: Yes. 14 MS. FIELDS: Mr. Wendling? 15 MR. WENDLING: Yes. 16 MS. FIELDS: Ms. Kunze? 17 MS. KUNZE: Yes. 18 MS. FIELDS: Motion passed. 19 MS. KUNZE: Thank you, Duane. I'll leave it 20 with you on Agenda Item No. 12. 21 MR. WINEGARDNER: Thank you. Chapter 656. 22 Water Pollution Facility Construction Standards. 23 We're recommending several changes to that one. 24 Number one, add definition for a 25-year flood, a 25 100-year flood and CT, and that's the product of</p>	<p style="text-align: right;">68</p> <p>1 Category 2 and add once through cooling systems and 2 closed-loop cooling systems as boiler water and 3 hydraulic fracturing to the permitted Category 3 for 4 reclaimed water reuse. 5 Number 11, add Category 6 to the list of 6 categories for reclaimed water use. Number 12, add 7 allowed uses of Category 6 reclaimed water. 8 Number 13, clarify cautionary language requirements 9 for Category 6 reclaimed water from hose bibs and 10 yard hydrants. 11 There is again a typographical error on 656. 12 and that is in the definitions of CT where there 13 is -- a word "is" needs to be changed to an "are." 14 That's just an editorial comment. We recommend that 15 you approve these. 16 MS. KUNZE: I'll ask, any questions or 17 discussion from the Board? 18 MR. HILDEBRAND: Duane, I think we had a couple 19 more typos. 20 MR. WINEGARDNER: Uh-oh. 21 MS. KUNZE: Okay. 22 MR. HILDEBRAND: We had a typo on Page 16 of 23 Chapter 656. We had misspelled microorganisms. That 24 would have been 656 21-4, A, No. 2. We misspelled 25 microorganisms and then also on Page 17 of 656 we</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">69</p> <p>1 misspelled biological.</p> <p>2 I'm trying to find the exact citation. There</p> <p>3 it is. That's under 656 23-4, D. We had an I</p> <p>4 instead of an O in biological so just those.</p> <p>5 MS. KUNZE: Okay. And Duane what was the typo</p> <p>6 you corrected?</p> <p>7 MR. WINEGARDNER: The very first one was --</p> <p>8 okay. It was in the definition of CT. 656 1-2</p> <p>9 definitions. CT. It says, Disinfectants and</p> <p>10 conditions. It says "is" and it needs to say "are"</p> <p>11 in the EPA Guidance Manual.</p> <p>12 MS. KUNZE: Thank you. I'll ask again, any</p> <p>13 questions or comments from the Board?</p> <p>14 Questions, comments or discussion from the</p> <p>15 public?</p> <p>16 With that, we have three typo changes, and I'll</p> <p>17 ask for a motion to approve Chapters 656, Subchapters</p> <p>18 1, 3, 11, 13, 21, 23 and 27. Do I have a motion?</p> <p>19 MR. FERRELL: Move to approve as corrected.</p> <p>20 MR. JOHNSTON: Second.</p> <p>21 MS. KUNZE: I have a motion and a second. Roll</p> <p>22 call.</p> <p>23 MS. FIELDS: Mr. Ferrell?</p> <p>24 MR. FERRELL: Yes.</p> <p>25 MS. FIELDS: Mr. Griesel?</p>	<p style="text-align: right;">71</p> <p>1 changes to amend the water quality tier rules to make</p> <p>2 it possible to apply for a Class V underground</p> <p>3 injection well permit for disposal of drinking water</p> <p>4 treatment residuals, membrane filtration, reject</p> <p>5 water into a Class 2D well permitted by the Oklahoma</p> <p>6 Corporation Commission by submitting a Tier One</p> <p>7 application to the DEQ.</p> <p>8 The proposed rulemaking is intended to reduce</p> <p>9 the burden of managing drinking water treatment</p> <p>10 residuals for communities that are faced with</p> <p>11 increasing water demands and that have difficulty</p> <p>12 meeting surface water discharge standards.</p> <p>13 Again, there is a spelling correction, and it's</p> <p>14 on Page 16 but it's the same one that we just cited</p> <p>15 having to do with the microorganisms.</p> <p>16 MS. KUNZE: Okay. Questions or discussion from</p> <p>17 the Board?</p> <p>18 MS. VAUGHT: I would like a little more</p> <p>19 clarity on communities that have issues meeting</p> <p>20 surface water discharge standards. What are the</p> <p>21 difficulties? Are they water quality difficulties?</p> <p>22 Is it the process that's the difficulty?</p> <p>23 MR. WINEGARDNER: Primarily it's the -- excuse</p> <p>24 me. I think primarily it's the fact that we are in a</p> <p>25 drought, and very often the streams that we're</p>
<p style="text-align: right;">70</p> <p>1 MR. GRIESEL: Yes.</p> <p>2 MS. FIELDS: Dr. Hammon?</p> <p>3 DR. HAMMON: Yes.</p> <p>4 MS. FIELDS: Mr. Johnston?</p> <p>5 MR. JOHNSTON: Yes.</p> <p>6 MS. FIELDS: Mr. Kinder?</p> <p>7 MR. KINDER: Yes.</p> <p>8 MS. FIELDS: Mr. Mason? Okay. Mr. Munson?</p> <p>9 MR. MUNSON: Yes.</p> <p>10 MS. FIELDS: Mr. Sims?</p> <p>11 MR. SIMS: Yes.</p> <p>12 MS. FIELDS: Ms. Turner?</p> <p>13 MS. TURNER: Yes.</p> <p>14 MS. FIELDS: Ms. Vaught?</p> <p>15 MS. VAUGHT: Yes.</p> <p>16 MS. FIELDS: Mr. Wendling?</p> <p>17 MR. WENDLING: Yes.</p> <p>18 MS. FIELDS: Ms. Kunze?</p> <p>19 MS. KUNZE: Yes.</p> <p>20 MS. FIELDS: Motion passed.</p> <p>21 MS. KUNZE: Thank you. We'll go to Agenda Item</p> <p>22 No. 13.</p> <p>23 MR. WINEGARDNER: It's 13. Okay. Item No. 13</p> <p>24 is before Chapter 4, the Rules of Practice and</p> <p>25 Procedure. The department is proposing to make</p>	<p style="text-align: right;">72</p> <p>1 discharging to don't have the flow to allow the</p> <p>2 necessary dilution to meet the OPDES discharge.</p> <p>3 MS. VAUGHT: Okay. Thank you very much.</p> <p>4 MS. KUNZE: Any additional questions or</p> <p>5 discussion from the Board?</p> <p>6 Do we have any questions, comments or</p> <p>7 discussion from the public?</p> <p>8 With that and the typo of microorganisms that</p> <p>9 Duane mentioned, I'll ask that we have a motion.</p> <p>10 MR. SIMS: I move the approval with the</p> <p>11 correction.</p> <p>12 DR. HAMMON: I think the correction was</p> <p>13 actually in the section before and not in this</p> <p>14 particular chapter.</p> <p>15 MR. SIMS: Did I understand it was repeated in</p> <p>16 this section? Did I understand that it was also</p> <p>17 repeated -- misspelled in this section also? Is that</p> <p>18 what you were saying?</p> <p>19 MR. WINEGARDNER: Let me check with my editors.</p> <p>20 MR. HILDEBRAND: No. No.</p> <p>21 MS. CHARD-MCCLARY: It's already been</p> <p>22 addressed. It's not even a factor.</p> <p>23 MR. SIMS: I move the approval.</p> <p>24 MS. KUNZE: We have a motion to approve as</p> <p>25 presented. Do I have a second?</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">73</p> <p>1 MR. WENDLING: Second. 2 MS. KUNZE: Motion and a second. Roll call. 3 MS. FIELDS: Mr. Ferrell? 4 MR. FERRELL: Yes. 5 MS. FIELDS: Mr. Griesel? 6 MR. GRIESEL: Yes. 7 MS. FIELDS: Dr. Hammon? 8 DR. HAMMON: Yes. 9 MS. FIELDS: Mr. Johnston? 10 MR. JOHNSTON: Yes. 11 MS. FIELDS: Mr. Kinder? 12 MR. KINDER: Yes. 13 MS. FIELDS: Mr. Munson? 14 MR. MUNSON: Yes. 15 MS. FIELDS: Mr. Sims? 16 MR. SIMS: Yes. 17 MS. FIELDS: Ms. Turner? 18 MS. TURNER: Yes. 19 MS. FIELDS: Ms. Vaught? 20 MS. VAUGHT: Yes. 21 MS. FIELDS: Mr. Wendling? 22 MR. WENDLING: Yes. 23 MS. FIELDS: Ms. Kunze? 24 MS. KUNZE: Yes. 25 MS. FIELDS: Motion passed.</p>	<p style="text-align: right;">75</p> <p>1 MS. KUNZE: I have a motion and a second to 2 correct the error with Chapter 650. Roll call. 3 MS. FIELDS: Mr. Ferrell? 4 MR. FERRELL: Yes. 5 MS. FIELDS: Mr. Griesel? 6 MR. GRIESEL: Yes. 7 MS. FIELDS: Dr. Hammon? 8 DR. HAMMON: Yes. 9 MS. FIELDS: Mr. Johnston? 10 MR. JOHNSTON: Yes. 11 MS. FIELDS: Mr. Kinder? 12 MR. KINDER: Yes. 13 MS. FIELDS: Mr. Munson? 14 MR. MUNSON: Yes. 15 MS. FIELDS: Mr. Sims? 16 MR. SIMS: Yes. 17 MS. FIELDS: Ms. Turner? 18 MS. TURNER: Yes. 19 MS. FIELDS: Ms. Vaught? 20 MS. VAUGHT: Yes. 21 MS. FIELDS: Mr. Wendling? 22 MR. WENDLING: Yes. 23 MS. FIELDS: Ms. Kunze? 24 MS. KUNZE: Yes. 25 MS. FIELDS: Motion passed.</p>
<p style="text-align: right;">74</p> <p>1 MS. KUNZE: Thank you. We'll move to Chapter 2 650. 3 MR. WINEGARDNER: This is an easy one. DE4 4 Chapter 650, the UIC section. The DEQ proposes to 5 revoke in its entirety Chapter 650, underground 6 injection control rules pertaining to the 7 construction and operation of any injection-well 8 facility for the disposal of liquid nonhazardous 9 waste. 10 Chapter 650 was previously revoked and replaced 11 with Chapter 652 which is currently in effect. 12 However, due to an administrative error, the 13 revocation of Chapter 650 was never recorded with the 14 Office of Administrative Rules. The proposed 15 rulemaking is to correct that error. We recommend 16 that you approve this. 17 MS. KUNZE: Okay. Duane has challenged us to 18 make this not easy, but I'll ask if there is any 19 questions or discussion from the Board. 20 Questions, comments or discussion from the 21 public? 22 With that, I'll ask for a motion to correct 23 this error. 24 MR. KINDER: So moved. 25 MR. GRIESEL: Second.</p>	<p style="text-align: right;">76</p> <p>1 MS. KUNZE: Thank you. Thank you, Duane 2 MR. WINEGARDNER: Thank you. 3 MS. KUNZE: That gets us to Agenda Item No. 15, 4 and I will turn it over to Scott for the executive 5 director's report. 6 MR. THOMPSON: Thank you. All right. Some of 7 the things we'd like to cover today are we recently 8 presented some of our accomplishments for 2014 at the 9 legislative committee, and so we're going to point 10 out a few of those. 11 This year we created the Office Of External 12 Affairs. Most of you folks are familiar with that. 13 We appointed the chief engineer. Recently we have 14 reorganized the whole water quality division along 15 programmatic lines, functional lines a little better 16 so that all of the drinking water program is in one 17 section. All the waste water is in one section, and 18 other activities are in another. 19 And so I think that, you know, one, it makes it 20 easier for me to figure out who to talk to about 21 water. And so I think that's going to be helpful to 22 us in the way we process permits and work. 23 The -- and I think it's going to be a little 24 easier on regulated community to interact with us. 25 We focused a lot on customer-service attitudes within</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">77</p> <p>1 the agency. We've done some internal training. 2 We're going to continue to do some more of that. 3 We've established a regular work group with 4 OML, a municipal league, and that's going pretty 5 well. We actually have a subcommittee working on 6 specific language changes in some of our water rules 7 to address some of their concerns. 8 And it's going to be some back and forth on 9 that, but we're working through those items, and at 10 some point they'll probably going through the 11 council -- water council and come to the Board. 12 So we're continuing to provide as much 13 technical assistance to small businesses and 14 communities as we can and try to help people find 15 more cost-effective solutions for their water issues 16 and maybe find new sources of water. 17 The UIC language that was just passed is to 18 help facilitate folks being able to chase brackish 19 water that they currently can't afford to dispose of 20 the residue. And if we can go down Class II wells 21 with that mineral water basically or salty water, 22 then that might facilitate some of those towns being 23 able to find sources of water because Western 24 Oklahoma is hurting very badly. 25 Foss has -- is potentially running out of water</p>	<p style="text-align: right;">79</p> <p>1 not that. And you can't get maps that match up from 2 tribes' NBIA and resolve those kind of issues inside 3 of 30 days very well at all unless you're dealing 4 with just one partial possibly. 5 So anyway I wouldn't be surprised if we didn't 6 have to work with Clayton some on some of those 7 issues and go through -- but we have already 8 basically made that legal argument and it should be 9 essentially the same thing on this other situation if 10 EPA pursues that. 11 I think they recognized it's different in 12 Oklahoma. All these noncontinuous properties -- 13 difference between trust land and allotted land or 14 other properties is real irrelevant here. 15 So we worked on some permits by rule to 16 streamline reporting for the oil and gas sector, and 17 we worked out a couple of MOUs this year with the 18 corporation commission. And the most recent one was 19 to facilitate water reuse of preferably treated waste 20 water in the oil patch as opposed to them using 21 potable water or other higher quality sources of 22 water. 23 So maybe we can save some ponds or some shallow 24 aquifers a little bit. We worked with the Quapaw 25 Tribe up at Tar Creek. We partnered with them, and</p>
<p style="text-align: right;">78</p> <p>1 this year, and they serve five towns including 2 Clinton. All those towns are scrambling for other 3 sources of water and the most abundant source out 4 there should be brackish water that's currently 5 unutilized or underutilized. 6 So that -- I think that's critical for Western 7 Oklahoma to be able to access that water. We -- some 8 of this is a repeat of the past, but I'll go through 9 some of it. We had sued EPA under the Tribal New 10 Source Review Rule and prevailed. 11 We prevailed on the appeals of that, and so I 12 think that's important. There's a new rule they're 13 proposing that is going to probably trigger a similar 14 legal argument from us. And the new rule basically 15 says if we can't prove within 30 days that some 16 property is not tribal trust land, they're going to 17 assert that it is and assert federal authority on 18 behalf of a tribe on those properties when it should 19 be state authority. 20 So basically what they're saying is if even it 21 isn't trust property, if we can't show it's not, 22 they're going to assert federal authority which -- or 23 tribal authority which is just going to create a 24 mess. 25 I mean if it's legally not that, it's legally</p>	<p style="text-align: right;">80</p> <p>1 we're continuing to do so. We have streamlined our 2 401 certification process. 3 We have worked with the City of Enid and cut 4 nitrogen. They put in a 1.3-billion-dollar expansion 5 of that facility, and they had previously 6 historically used waste water for cooling water. 7 We went through some time periods where that 8 was only partially allowed and then some of the new 9 rules actually sort of created some liability 10 concerns between the city and Koch. We worked 11 through those issues. 12 So we kind of ended the deal to allow 13 5 million gallons a day of waste water to be used for 14 cooling water at that facility to save potable water 15 for the city of Enid. And I saw one estimate. At 16 the price they charge for potable water, that could 17 be about 6-and-a-half-million dollars a year worth of 18 water saved. 19 And Enid is hurting as well as many parts of 20 the state. That buys them some cushion in terms of 21 their water supply to be able to hang on as they try 22 to look for additional sources. 23 We have done some things with some of the 24 discharges from lakes that in kind of the emergency 25 situation we're in, in the drought that there was</p>

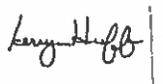
Environmental Quality Board 2/20/2015

<p style="text-align: right;">81</p> <p>1 some discharges that were for future sort of 2 permitting possibilities and dilution factors for 3 rivers. 4 But right now, like, for example Foss, it's 5 just -- we can't be doing that. We have got to 6 preserve as much water in that lake as possible and 7 hopefully find some additional sources. 8 We're working on water conservation. I think 9 that will be a big effort in the coming year. Tim 10 Ward is heading that up for us in the External 11 Affairs Office. I think we'll try to do more 12 outreach on water conservation efforts and education. 13 We've cleaned up an additional six armories 14 this year that are being returned to the local 15 communities for reuses, and we have increased 16 availability of radiography examinations. 17 Oklahoma is one of the busiest places for 18 radiographers in the state. So we've been 19 overwhelmed somewhat at times with the number of 20 folks seeking those, and we have upped our ability to 21 give those classes out for folks to get certified. 22 And as we mentioned earlier, we have really 23 made a huge change in the number of tire dumps that 24 are out there in Oklahoma -- across Oklahoma. And 25 that's pretty much a milestone that we have reached.</p>	<p style="text-align: right;">83</p> <p>1 And we think we're going to try to get more 2 consistency and standardization among our field staff 3 as to how we approach certain situations or 4 enforcement cases so that we don't have it different 5 in one county than it is in another. 6 And so lastly we had the state audit finally 7 wrapped up. You guys I believe received a copy of 8 that electronically, and it was no major problems 9 with it. There were some citations of issues. 10 And we went back with some responses on those. 11 There was one item that the state auditor still 12 thought we had to do some additional work on. They 13 accepted our other responses. Some of the items had 14 been cleared up before the audit even occurred. 15 But for the time period they audited it, they 16 noted there was an issue and then we were able to 17 respond that, yeah, well, on this day it was already 18 corrected. But the last item was making sure that 19 the employee maintaining our inventory listing should 20 not be involved in the purchasing or authorizing of 21 the disposal surplus property. 22 Just a separation of duties so that you had 23 different folks, you know, controlling those 24 components so you can make sure there wasn't any 25 materials being surplused or whatever or purchases</p>
<p style="text-align: right;">82</p> <p>1 We are in the process of upgrading the agency 2 website. And among the other changes that we have 3 made organizationally, we added a webmaster that we 4 picked up from another agency. 5 And we also added a chief financial officer 6 from outside the agency to assist us with how we 7 track our money and presenting that to the 8 legislature and to you guys, the council members as 9 to how -- what's going on and where we stand and what 10 the uses of that money are. So there will be a lot 11 more clarity than there has been. 12 And we were running a bill this year about 13 trying to reuse an existing trust fund to hold those 14 funds that we have contractually obligated that may 15 carry over through the end of the fiscal year so that 16 it doesn't look like we just have money sitting there 17 that can be taken. 18 The state is obligated -- the agency is 19 obligated to fulfill those contracts. And Saba 20 Tahmassebi, the chief engineer, has moved over into 21 the executive director's office recently. 22 The ECLS division did a big reorganization. 23 All the field offices are down to Richard McDaniel 24 and then Robert Huber has taken some of the other 25 programmatic stuff over to coordinate.</p>	<p style="text-align: right;">84</p> <p>1 that didn't add up. 2 And they did not detect any actual problem with 3 that. It was just a standard practice that they 4 thought we ought to have a little more separation of 5 those duties. And we went back and forth a couple of 6 times and we basically agreed. 7 And we are -- we're taking the actions 8 necessary to segregate those duties for maintaining 9 those inventory records and peoples off on the asset 10 management part of the program and separating those 11 duties from the folks approving what gets surplused 12 and how that's handled. 13 And that's really it. And I was pretty pleased 14 that there weren't any other substantial issues 15 identified in the audit. So that concludes my 16 report. Can I entertain any questions? 17 MR. KINDER: Scott, I got a question. How are 18 we doing on the field offices and staffing? 19 MR. THOMPSON: Is Gary here? Give us an update 20 on that. 21 MR. COLLINS: Field offices? Is that the 22 question? 23 MR. KINDER: Yeah. Staffing the field offices. 24 Where are we on that? 25 MR. COLLINS: We have been able to just in the</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">85</p> <p>1 past month hire a couple more in Western Oklahoma. 2 So we're right now fully staffed based on the number 3 of FTs that we have funded. We're still a couple 4 short, but those FTs aren't funded. So we're hoping 5 that in the future we can hire a couple more. 6 But as of right now, we finally got a couple of 7 people hired at Burns Flat. So we're as funded as we 8 can get with the funds we have. 9 MR. KINDER: Very good. Thank you. 10 MR. THOMPSON: I would add that, you know, 11 obviously you guys probably read, like, the 12 newspapers about the state -- have the state budget 13 coming up for the next fiscal year. And it does not 14 look good. 15 Like, in two days or something we went from a 16 300-million-dollar hole to a 600-million-dollar hole 17 theoretically. I still don't quite understand how 18 that came about or that calculation was made. 19 There are already efforts to reinstitute more 20 of a hard freeze on hiring. It doesn't mean -- we 21 could still hire critical positions, but we will have 22 to go through our cabinet secretary for every opening 23 or every promotion. 24 Not necessarily a career progression which is 25 somebody advancing from a one to a two, but if you're</p>	<p style="text-align: right;">87</p> <p>1 We have had a short fall this year in solid 2 waste funds in comparison to last year and the first 3 half of the year, about \$440,000 less. I'm not quite 4 sure why. I would assume with the drop-off in oil, 5 that might even be a little more the second half of 6 the year, but you never know. 7 Maybe people have more money and they'll buy 8 more stuff and throw away more trash. It's kind of 9 hard to predict some of the fee incomes and how the 10 market affects them, but they do fluctuate at times. 11 They don't always increase, and sometimes they 12 do decrease substantially. So we could be looking at 13 million dollars less in solid waste fees at the end 14 of the year or so. And if we lose some GR through -- 15 and this fiscal year if they cut back their monthly 16 allocation of GR that we're supposed to get, that 17 will affect what we wind up with at the end of the 18 year and how much we might have to carry over to meet 19 those needs. 20 So that's all up in the air. We'll keep 21 tracking that monthly and working with the 22 legislature, and we will update the subcommittee as 23 you guys ask us to on the status on all that and have 24 it all available. So that -- I'm really done, I 25 think.</p>
<p style="text-align: right;">86</p> <p>1 moving into a different job, then that would require 2 a freeze. 3 And, you know, we may not fill positions 4 pretty soon as this starts coming at us and we start 5 looking at our cash balances and income and what it 6 looks like for the next year and especially, you 7 know, if things don't look any rosier for the 8 following fiscal year. 9 So the end of FY 2016 and the beginning and all 10 through 2017 look like it could be pretty rough right 11 now unless state revenues -- but there is a little 12 hope. I think they're getting serious about dealing 13 some of the moneys that are -- don't really go 14 through the specific appropriation process, that 15 they're dedicated right off the top of funds to go 16 different places. 17 And I think that's where they're going to have 18 to really focus a lot of efforts. There is talk of 19 going to revolving funds again. We're going to 20 present information that we already have with house, 21 fiscal staff and senate and fiscal staff and our 22 subcommittee chairs with where we stand financially 23 and what we're looking at and how much we predict to 24 have at the end of the year to carry over and the 25 next year to make payrolls and et cetera.</p>	<p style="text-align: right;">88</p> <p>1 MS. KUNZE: Any other questions? With that, 2 I'll ask if there is any new business. 3 A couple quick announcements. One being our 4 next meeting which is June 16th and that board 5 meeting will be held here at the DEQ in Oklahoma 6 City. And I have one other thing I want to mention 7 and on a personal note. 8 If you notice that Steve Mason had to leave, he 9 just got a message that his mom passed away. And so 10 all of us probably in this room know Steve very well 11 so please keep him and his family in your thoughts. 12 And with that -- and I think it would probably 13 be appropriate that I'm going to look to Jerry. I 14 think we can adjourn. Jerry, would you like to make 15 that motion? 16 MR. JOHNSTON: I would make that motion and we 17 adjourn. My last motion. 18 MR. GRIESEL: I second. 19 MS. KUNZE: We have a motion from Jerry and a 20 second for adjournment. Roll call. 21 MS. FIELDS: Mr. Ferrell? 22 MR. FERRELL: Yes. 23 MS. FIELDS: Mr. Griesel? 24 MR. GRIESEL: Yes. 25 MS. FIELDS: Dr. Hammon?</p>

Environmental Quality Board 2/20/2015

<p style="text-align: right;">89</p> <p>1 DR. HAMMON: Yes. 2 MS. FIELDS: Mr. Johnston? 3 MR. JOHNSTON: Yes. 4 MS. FIELDS: Mr. Kinder? 5 MR. KINDER: Yes. 6 MS. FIELDS: Mr. Munson? 7 MR. MUNSON: Yes. 8 MS. FIELDS: Mr. Sims? 9 MR. SIMS: Yes. 10 MS. FIELDS: Ms. Turner? 11 MS. TURNER: Yes. 12 MS. FIELDS: Ms. Vaught? 13 MS. VAUGHT: Yes. 14 MS. FIELDS: Mr. Wendling? 15 MR. WENDLING: Yes. 16 MS. FIELDS: Ma, Kunze? Ms. Kunze? 17 MS. KUNZE: Yes. 18 MS. FIELDS: Motion passed. 19 MS. KUNZE: At this point I'm not sure if 20 anyone has signed up for the public forum but if we 21 have anybody that is registered to speak for the 22 public forum or anybody in attendance that would like 23 to, you can raise your hand and get signed up. 24 I'm going to say going, going gone if anybody 25 would like to speak. Not having anybody for the</p>	<p style="text-align: right;">91</p> <p>1 ** CERTIFICATE ** 2 3 STATE OF OKLAHOMA) 4) SS: 5 COUNTY OF MCCLAIN) 6 7 I, Kerry L. Huff, a Certified Shorthand Reporter 8 within and for the State of Oklahoma, do hereby 9 certify that I reported all of the foregoing matter, 10 and that I later reduced it to typewritten form, as 11 the same appears herein. 12 I further certify that I am not a relative of, nor 13 attorney for, nor clerk or stenographer for any party 14 to this matter, and that I am not otherwise 15 interested in the event of the same. 16 I further certify that the above and foregoing 17 typewritten pages contain a full, true and correct 18 transcript of my stenograph notes so taken, during 19 said matter. 20 WITNESS my hand and seal this 25th day of February, 21 2015. 22  23 KERRY L. HUFF, C.S.R. 24 Oklahoma Certified Shorthand Reporter 25 Certificate No. 1725 Expiration Date: December 31, 2015</p>
<p style="text-align: right;">90</p> <p>1 public forum, we are through. Thank you guys. 2 (Meeting adjourned at 11:35 a.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	



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Eddie Terrill	DEQ
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Chris Brown	DEQ Bd
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Landy Kiger	AES
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Jan L. Kunze	EG Board
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Griese	DEQ Bd.
Jane Abraham - City of OKC	jane.abraham@okc.gov
Martha Grafton	DEQ
Clayton Eubanks	OAG
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