

**MINUTES**  
**ENVIRONMENTAL QUALITY BOARD**  
**June 22, 2004**  
**OSU Student Union**  
**Stillwater, Oklahoma**

EQB Approved  
August 24, 2004

**Notice of Public Meeting** The Environmental Quality Board convened for a regular meeting at 9:30 a.m. June 22, 2004 in Room 280 OSU Student Union, Stillwater, Oklahoma. This meeting was held in accordance with 25 O.S. Sections 301-314, with notice of the meeting given to the Secretary of State on October 13, 2003 and amended on May 19, 2004. The agenda was mailed to interested parties on June 10, 2004 and was posted on June 18, 2004 at the meeting facility and at the Department of Environmental Quality. Richard Wuerflein, Chair, called the meeting to order. Roll call was taken and a quorum was confirmed. Mr. Wuerflein introduced the two new Board members: Sandra Rose and Tony Dark.

**MEMBERS PRESENT**

Richard Wuerflein  
Brita Cantrell  
Mike Cassidy  
Jack Coffman  
Tony Dark  
Bob Drake  
Jerry Johnston  
Steve Mason  
Herschel Roberts  
Sandra Rose

**MEMBERS ABSENT**

Jennifer Galvin  
Ken Purdy  
Terri Savage

**DEQ STAFF PRESENT**

Steve Thompson, Executive Director  
Jimmy Givens, General Counsel  
Eddie Terrill, Air Quality Division  
Scott Thompson, Land Protection Division  
Jon Craig, Water Quality Division  
Judy Duncan, Customer Service Division  
Myrna Bruce, Secretary, Board & Councils

**OTHERS PRESENT**

Susan Krug, Assistant Attorney General

The Attendance Sheet is attached as an official part of these Minutes.

**DEQ STAFF PRESENT**

David Dyke, Administrative Services Division  
Ellen Bussert, Administrative Services Division  
Jamie Fannin, Administrative Services Division  
Monty Elder, Customer Services Division

**Approval of Minutes** Mr. Wuerflein called for motion to approve the Minutes of the February 27, 2004 Regular Meeting. Mr. Johnston made motion to approve the Minutes as presented. Mr. Wuerflein pointed out a change to be made on page two changing a sentence to read, "Ms. Krug, Assistant Attorney General, advised that the rules could be approved." With that change, Mr. Drake seconded the motion.

<b>Roll call.</b>		Jerry Johnston	Yes
Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Abstain	Herschel Roberts	Yes
Jack Coffman	Yes	Sandra Rose	Yes
Tony Dark	Abstain	Richard Wuerflein	Yes
Bob Drake	Yes		<b>Motion carried.</b>

**Rulemaking - OAC 252:020 Emergency Planning and Community Right to Know** Ms. Judy Duncan, Customer Services Division Director, advised that under this rule facilities storing hazardous substances over threshold amounts are required to annually provide the DEQ the Hazardous Chemical Inventory or Tier 2 Form. Ms. Duncan explained that Board approval to update 252:020 would incorporate by reference the most current 40 CFR, July 1st, 2003, to reflect the exemption of retail gasoline stations for Tier 2 reporting, the current mailing addresses for Tier 2 forms that are sent to DEQ, as well as the current mailing addresses for claims of confidentiality sent to EPA. Mr. Wuerflein called for questions or comments from the Board and the public. Seeing none, he entertained a motion for approval as presented as a permanent rule. Mr. Mason made the motion and Mr. Coffman made the second.

<b>Roll call.</b>		Jerry Johnston	Yes
Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Herschel Roberts	Yes
Jack Coffman	Yes	Sandra Rose	Yes

Tony Dark	Yes	Richard Wuerflein	Yes
Bob Drake	Yes		<b>Motion carried.</b>

**Rulemaking - OAC 252:100 Air Pollution Control** The Air Quality Council Vice-Chair, Mr. David Branecky, advised that the Air Quality Council had made some minor revisions to Subchapter 8, Permits for Part 70 Sources that were driven by the need to move references in 252:2 to 252:4. The Council also approved minor textual changes for clarity purposes. With no questions from Board or the public, Mr. Wuerflein called for a motion. Mr. Johnston moved for approval as set forth by Mr. Branecky and Mr. Drake made the second.

<b>Roll call.</b>		Jerry Johnston	Yes
Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Herschel Roberts	Yes
Jack Coffman	Yes	Sandra Rose	Yes
Tony Dark	Yes	Richard Wuerflein	Yes
Bob Drake	Yes		<b>Motion carried.</b>

**Rulemaking - OAC 252:300 Laboratory Accreditation** Ms. Judy Duncan presented staff proposal as Anthony Bright, Laboratory Services Advisory Council Chair, was unable to attend the meeting. Ms. Duncan advised that the amendment would add radionuclides to the list of drinking water categories for which a laboratory may be accredited. She pointed out that when the rules were first adopted, accreditation under the drinking water category for radionuclides was not offered because the DEQ did not have the capability to provide inspections of laboratories that did radionuclide analysis. She related that with the advent of the National Environmental Laboratory Accreditation Program, the DEQ could now provide this service. She provided a copy of Appendix A which adds the radionuclides category explaining that it was unintentionally left out of the Board's information packet. Ms. Duncan proposed amendment of the text in 252:300-20 to add the radionuclides category and then also to adopt the new Appendix A that provides the specifics for that category. Ms. Duncan stated that compelling public interest necessitates the seeking of emergency certification of the rule and encouraged Board to adopt as an emergency. Mr. Wuerflein entertained a motion for finding of an emergency for adopting this rule. Mr. Coffman made the motion and Mr. Dark made the second.

<b>Roll call.</b>		Jerry Johnston	Yes
Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Herschel Roberts	Abstain
Jack Coffman	Yes	Sandra Rose	Yes
Tony Dark	Yes	Richard Wuerflein	Yes
Bob Drake	Yes		<b>Motion carried.</b>

With that approval, Mr. Wuerflein called for motion for emergency adoption of the rule and Appendix A as presented. Ms. Cantrell made that motion and Mr. Johnston made the second.

<b>Roll call.</b>		Jerry Johnston	Yes
Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Herschel Roberts	Abstain
Jack Coffman	Yes	Sandra Rose	Yes
Tony Dark	Yes	Richard Wuerflein	Yes
Bob Drake	Yes		<b>Motion carried.</b>

With that approval, Mr. Wuerflein called for motion for permanent adoption of the rule and Appendix A as presented. Mr. Coffman made that motion and Ms. Cantrell made the second.

<b>Roll call.</b>		Jerry Johnston	Yes
Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Herschel Roberts	Abstain
Jack Coffman	Yes	Sandra Rose	Yes
Tony Dark	Yes	Richard Wuerflein	Yes

Bob Drake

Yes

**Motion carried.**

**Annual Performance Review of Executive Director** Mr. Wuerflein advised that one statutory function of the Board is to appoint and set compensation and review the performance of the Executive Director. Mr. Wuerflein advised that a room was available to meet in Executive Session if that would be the Board's desire. Mr. Mason made motion to enter into Executive Session. Ms. Rose made the second. Ms. Bruce was asked to take minutes during the session. Roll call was taken and the Board adjourned to the Executive Session at 9:55 a.m.

**Roll call.**

Brita Cantrell	Yes
Mike Cassidy	Yes
Jack Coffman	Yes
Tony Dark	Yes
Bob Drake	Yes

Jerry Johnston	Yes
Steve Mason	Yes
Herschel Roberts	Yes
Sandra Rose	Yes
Richard Wuerflein	Yes

**Motion carried.**

At 10:30 a.m. Mr. Wuerflein called for motion to return to general session. Mr. Johnston made the motion and the second was from Mr. Coffman.

**Roll call.**

Brita Cantrell	Yes
Mike Cassidy	Yes
Jack Coffman	Yes
Tony Dark	Yes
Bob Drake	Yes

Jerry Johnston	Yes
Steve Mason	Yes
Herschel Roberts	Yes
Sandra Rose	Yes
Richard Wuerflein	Yes

**Motion carried.**

Mr. Wuerflein advised that during Executive Session, the Board agreed to increase Mr. Thompson's salary by \$1400 to the current legislative salary cap. Mr. Johnston made motion to accept that amount but wanted the record to show that is the only amount the Board could approve at this time due to the salary cap. Mr. Cassidy seconded that motion. After discussion, Mr. Johnston asked to amend his motion to reflect that all of the Board members are very pleased with Mr. Thompson's performance and that a \$1400 raise in salary is the maximum allowable by law. With the motion made and amended, Mr. Wuerflein asked for roll call to accept the decision made by the Board during Executive Session.

**Roll call.**

Brita Cantrell	Yes
Mike Cassidy	Yes
Jack Coffman	Yes
Tony Dark	Yes
Bob Drake	Yes

Jerry Johnston	Yes
Steve Mason	Yes
Herschel Roberts	Yes
Sandra Rose	Yes
Richard Wuerflein	Yes

**Motion carried.**

**New Business** Mr. Wuerflein encouraged Board members to attend the Council meetings within their realm of interest. He felt that some personal feeling of what items were discussed and what issues were brought before the Councils would be important to the Board's decision-making.

**Executive Director's Report** Mr. Thompson thanked the Board for the performance review and their vote of confidence.

Mr. Jimmy Givens, General Counsel, updated the Board on the statutory requirements to provide financial disclosures advising that Wayne Craney was the only disclosure.

Mr. Thompson reported that all pieces of the legislative package approved by the Board in November were passed by the Legislature adding that a particularly important one was the elimination of the Biomedical Waste Certificate of Need.

Mr. Thompson reported that the budget was probably a little bit better than a wash, although there still remains concern about the ability to protect fee funds from uses outside of what they were intended.

Mr. Thompson was proud to mention that the Department received the Governor's Economic Development Team and the Department of Commerce Economic Development Partner of the Year award, adding that they were particularly congratulatory to the Air Quality Division and the Customer Services Division.

Mr. Thompson handed out a list of sample requirements showing an increase in the Laboratory sample load due to federal requirements. He added that DEQ is working very hard both with the Legislature and with the federal government to help meet the fiscal needs of those mandates, both for the Department and for local communities.

Mr. Johnston commented that he is excited to be back on a local government committee that meets directly with the EPA. He added that they meet four times a year in the regions and a couple of times in Washington, D.C. He stated that they have a designated federal officer that is really interested in listening to the needs of small communities; therefore, he would pass information on through the committee. Mr. Johnston asked particularly for input about how arsenic rules or rules like that really affect people and how extremely expensive they are for small communities.

Mr. Thompson added that the DEQ became the banker/paymaster for the Governor's relocation effort at Tar Creek stating that task would be handled within the Administrative Services section under David Dyke.

With no further questions or comments, Mr. Wuerflein called for a motion to adjourn. Mr. Coffman made the motion and Mr. Dark made the second. Roll call unanimous. The meeting adjourned at 10:50 and the Public Forum followed.

**Transcript and sign-in sheet attached as an official part of these Minutes.**

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

OF REGULAR MEETING

HELD ON JUNE 22, 2004, AT 9:30 A.M.

IN STILLWATER, OKLAHOMA

\* \* \* \* \*

REPORTED BY: Christy A. Myers, CSR

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

MEMBERS OF THE COUNCIL

- Richard Wuerflein - Chairman
- Brita Cantrell
- Jack Coffman
- Bob Drake
- Jennifer Galvin
- Jerry Johnston
- Steve Mason
- Herschel Roberts
- Terri Savage
- Don Ukens
- Anthony Dark

STAFF MEMBERS

- Myrna Bruce - Secretary
- Jimmy Givens - General Counsel
- Steve Thompson - Executive Director
- Susan Krug - Assistant Attorney General

Christy A. Myers

Certified Shorthand Reporter

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

PROCEEDINGS

MR. WUERFLEIN: I notice the Board is all seated, it's 9:30, we'll call the meeting to order. This regular meeting of the Environmental Quality Board has been called according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes.

Notice was filed with the Secretary of State on October 13th, 2003, and amended on May 19th, 2004.

Agendas were mailed to interested parties on June 11th, 2004. The agenda for this meeting was posted on Friday, June 18th, 2004, at the Department of Environmental Quality, 707 North Robinson, in Oklahoma City and at OSU, Sequoyah Room 280 of the Student Union Center, Stillwater, Oklahoma.

Only matters appearing on the posted agenda may be considered. If this meeting is continued or reconvened, we must announce today the date, time and place of

Christy A. Myers

Certified Shorthand Reporter

1 the continued meeting and the agenda for  
2 such continuation will remain the same as  
3 today's agenda.

4 I already misplaced my agenda.  
5 Myrna, are you ready for roll call?

6 MS. BRUCE: Ms. Cantrell.

7 MS. CANTRELL: Here.

8 MS. BRUCE: Mr. Cassidy.

9 MR. CASSIDY: Here.

10 MS. BRUCE: Mr. Coffman.

11 MR. COFFMAN: Here.

12 MS. BRUCE: Mr. Dark

13 MR. DARK: Here.

14 MS. BRUCE: Mr. Drake.

15 MR. DRAKE: Here.

16 MS. BRUCE: Ms. Galvin is absent.

17 Mr. Johnston.

18 MR. JOHNSTON: Here.

19 MS. BRUCE: Mr. Mason.

20 MR. MASON: Here.

21 MS. BRUCE: Mr. Purdy is absent.

22 Mr. Roberts.

23 MR. ROBERTS: Here.

24 MS. BRUCE: Ms. Rose.

25 MS. ROSE: Here.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Ms. Savage is absent.

2 Mr. Wuerflein.

3 MR. WUERFLEIN: Here.

4 It appears we have a quorum. Item  
5 No. 3 on the agenda is Approval of Minutes  
6 of our last Board meeting.

7 MR. JOHNSTON: Move to approve.

8 MR. WUERFLEIN: I've had a  
9 request for one change on page 2, where Ms.  
10 Krug wants to have her title -- she doesn't  
11 want to be General Counsel for the Board,  
12 she wants to be listed as Assistant  
13 Attorney General.

14 And, also, it says expressed  
15 support. She says it's not her position to  
16 express support, but she advised -- change  
17 that to advise that the rules are -- excuse  
18 me, the rules could be approved. That was  
19 the only -- but one other typo, but I think  
20 that will be okay. The one where it says  
21 make instead of made. Do I have a second?

22 MR. DRAKE: Second.

23 MR. WUERFLEIN: Bob Drake  
24 seconded. I guess we need a roll call for  
25 the Minutes.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Ms. Cantrell.  
2 MS. CANTRELL: Yes.  
3 MS. BRUCE: Mr. Cassidy.  
4 MR. CASSIDY: Abstain.  
5 MS. BRUCE: Mr. Coffman.  
6 MR. COFFMAN: Yes.  
7 MS. BRUCE: Mr. Dark.  
8 MR. DARK: Abstain.  
9 MS. BRUCE: Mr. Drake.  
10 MR. DRAKE: Yes.  
11 MS. BRUCE: Mr. Johnston.  
12 MR. JOHNSTON: Yes.  
13 MS. BRUCE: Mr. Mason.  
14 MR. MASON: Yes.  
15 MS. BRUCE: Mr. Roberts.  
16 MR. ROBERTS: Aye.  
17 MS. BRUCE: Ms. Rose.  
18 MS. ROSE: Aye.  
19 MS. BRUCE: Mr. Wuerflein.  
20 MR. WUERFLEIN: Yes.  
21 MS. BRUCE: Motion approved.  
22 MR. WUERFLEIN: I forgot to  
23 introduce our new Board Members joining us  
24 for the first time today.  
25 Sandra Rose. And Sandra grew up in

Christy A. Myers

Certified Shorthand Reporter

1 El Reno, attended OSU as a 4H scholarship,  
2 transferred and got her degree at the  
3 University of Oklahoma with a Bachelor of  
4 Science while working in medical research.  
5 Received a science degree from Baylor  
6 University, and has lived and raised two  
7 children in Norman. She has been involved  
8 in many volunteer activities with the  
9 school systems, cub scouts and other  
10 community organizations. Has served on the  
11 Norman Future Committee, which works to  
12 update land use, transportation plans and  
13 municipal plans. Active in the Oklahoma  
14 Chapter of the Sierra Club and the Red  
15 Earth Group, where she has been involved in  
16 many chapters of legislative and political  
17 committees. And we welcome you and look  
18 forward to your input.

19 Also joining us is Tony Dark.  
20 Welcome, Tony. Tony is -- used to own FHC  
21 Engineering Firm, who he sold to Tetra  
22 Tech. He now works for Tetra Tech. The  
23 last several years or since 2001 has been  
24 Global Director of Homeland Security, where  
25 he has traveled the nation -- and I don't

Christy A. Myers

Certified Shorthand Reporter

1 know if I'm going to read all of this, but  
2 worked on many security pursuits with the  
3 Homeland Security, with the Corps of  
4 Engineers and EPA, works with many  
5 municipal systems, ports and public water  
6 systems. He was born and raised in Broken  
7 Arrow, still lives there and raised his  
8 kids there and we welcome you.

9 Back to our agenda. Item No. 4.  
10 I'll turn the floor over to Judy Duncan.  
11 This is Chapter 252:20.

12 MS. DUNCAN: Good morning.  
13 Chapter 252:20 is -- it covers Emergency  
14 Planning and Community Right-to-Know. And  
15 under the Emergency Planning and Community  
16 Right-to-Know rules, facilities storing  
17 hazardous substances as defined by OSHA,  
18 and have their substances over threshold  
19 amounts are required to report to DEQ  
20 annually. This report is known as the  
21 Hazardous Chemical Inventory or Tier 2  
22 Form.

23 The current rule, it incorporates by  
24 reference the 40 CFR Parts 355, 370 and  
25 372. The version of 40 CFR that is cited

Christy A. Myers

Certified Shorthand Reporter

1 in the current rule is July 1st, 1994. In  
2 1999, EPA changed Part 370 to exempt most  
3 retail gasoline stations with underground  
4 storage tanks. And DEQ has been operating  
5 according to the most recent EPA change,  
6 although our rules do not reflect that  
7 change.

8 So what we're proposing to do here  
9 today is to update 252:020 to incorporate  
10 by reference the most current 40 CFR, which  
11 is that of July 1st, 2003. And that will -  
12 - the rules will then reflect the exemption  
13 of retail gasoline stations from Tier 2  
14 reporting.

15 In addition, the rule would change -  
16 - we changed to reflect the current mailing  
17 addresses for Tier 2 forms that are sent to  
18 DEQ, as well as the current mailing  
19 addresses for claims of confidentiality,  
20 which are sent to EPA.

21 MR. WUERFLEIN: Thank you. Are  
22 there any questions or comments from the  
23 Board? Any questions from the public?  
24 Open this up to public comment. Seeing  
25 none, any final questions or comments from

Christy A. Myers

Certified Shorthand Reporter

1 the Board? If not, I'll entertain a motion  
2 to approve this as a permanent rule.

3 MR. MASON: So moved.

4 MR. WUERFLEIN: Steve. Second?

5 MR. COFFMAN: Second.

6 MR. WUERFLEIN: Second by Jack

7 Coffman. Roll call.

8 MS. BRUCE: Ms. Cantrell.

9 MS. CANTRELL: Yes.

10 MS. BRUCE: Mr. Cassidy.

11 MR. CASSIDY: Yes.

12 MS. BRUCE: Mr. Coffman.

13 MR. COFFMAN: Yes.

14 MS. BRUCE: Mr. Dark.

15 MR. DARK: Yes.

16 MS. BRUCE: Mr. Drake.

17 MR. DRAKE: Yes.

18 MS. BRUCE: Mr. Johnston.

19 MR. JOHNSTON: Yes.

20 MS. BRUCE: Mr. Mason.

21 MR. MASON: Yes.

22 MS. BRUCE: Mr. Roberts.

23 MR. ROBERTS: Aye.

24 MS. BRUCE: Ms. Rose.

25 MS. ROSE: Yes.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Mr. Wuerflein.

2 MR. WUERFLEIN: Yes.

3 MS. BRUCE: Motion approved.

4 MR. WUERFLEIN: Okay. Item No. 5

5 is 252:100, Air Pollution Control. David

6 is speaking for that instead of Sharon.

7 MR. THOMPSON: David Branecky.

8 MR. WUERFLEIN: David Branecky.

9 MR. BRANECKY: Good morning.

10 Thank you, Mr. Chairman. What I'm bringing

11 you today is Subchapter 8, Permits for Part

12 70 Sources. The Council, the Air Quality

13 Council, made some minor revisions. The

14 revisions were primarily driven by the

15 change in the 252, Chapter 2, which was

16 moved to 252, Chapter 4. There were

17 references in Subchapter 8, that referenced

18 Subchapter 2, so we had to revise those.

19 And while we were at it, there were

20 other minor textural changes for clarity

21 purposes. We heard the revisions on April

22 14th of this year, and I'm bringing those

23 to you today.

24 And rather than go through all the

25 changes, I'll just answer any questions

Christy A. Myers

Certified Shorthand Reporter

1 that anyone has at this time.

2 MR. WUERFLEIN: Okay. We'll open  
3 it up to questions from the Board. Okay.  
4 I see none at this time. We'll open it up  
5 to public comment. Are there any questions  
6 from the public? Seeing none, I'll return  
7 to the Board. Any final comments from the  
8 Board? If not, we'll entertain a motion.

9 MR. JOHNSTON: So moved.

10 MR. WUERFLEIN: Jerry Johnston.  
11 Is there a second?

12 MR. DRAKE: Second.

13 MR. WUERFLEIN: Second, Bob  
14 Drake. No further comments. We'll have a  
15 roll call.

16 MS. BRUCE: Ms. Cantrell.

17 MS. CANTRELL: Yes.

18 MS. BRUCE: Mr. Cassidy.

19 MR. CASSIDY: Yes.

20 MS. BRUCE: Mr. Coffman.

21 MR. COFFMAN: Yes.

22 MS. BRUCE: Mr. Dark.

23 MR. DARK: Yes.

24 MS. BRUCE: Mr. Drake.

25 MR. DRAKE: Yes.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Mr. Johnston.  
2 MR. JOHNSTON: Yes.  
3 MS. BRUCE: Mr. Mason.  
4 MR. MASON: Yes.  
5 MS. BRUCE: Mr. Roberts.  
6 MR. ROBERTS: Aye.  
7 MS. BRUCE: Ms. Rose.  
8 MS. ROSE: Yes.  
9 MS. BRUCE: Mr. Wuerflein.  
10 MR. WUERFLEIN: Yes.  
11 MS. BRUCE: Motion passed.  
12 MR. WUERFLEIN: Item No. 6, 252,  
13 Chapter 300 on Laboratory Accreditation.  
14 And since Tony Bright is not here, I'll  
15 return to Judy Duncan to explain this.  
16 MS. DUNCAN: Tony sends his  
17 apologies. Some of his requirements at his  
18 workplace didn't allow him to be here  
19 today, so I am substituting for him today.  
20 The proposed amendment to Subchapter  
21 21 of Chapter 300, adds radionuclides to  
22 the drinking water categories for which a  
23 laboratory may be accredited. When we  
24 first adopted these rules at the time that  
25 DEQ was formed, we didn't offer

Christy A. Myers

Certified Shorthand Reporter

1 accreditation under the drinking water  
2 category for radionuclides because, at that  
3 time, we didn't have the capability to  
4 provide inspections of laboratories that  
5 did radionuclide analysis.

6           With the advent of the National  
7 Environmental Laboratory Accreditation  
8 Program, we are now able to take advantage  
9 of the services that the other states may  
10 provide. And so we have several  
11 laboratories in state that have become  
12 accredited as drinking water laboratories  
13 for radionuclides, other states. We can  
14 accept those inspections and we would like  
15 to be able to allow those people to provide  
16 that service to our public water supplies  
17 in the state.

18           And so this action means that it  
19 simply adds to the categories under the  
20 drinking water accreditation, a  
21 radionuclides category. And we found out  
22 this morning that we failed to send out a  
23 part of the actual text of the rule to you.

24           The part that we failed to send out  
25 was the Appendix A. And what we sent to

Christy A. Myers

Certified Shorthand Reporter

1 you -- the Appendix A had six  
2 subcategories, we added a seventh  
3 subcategory for radionuclides, and the  
4 specific radionuclides that we will be  
5 offering accreditation for, if you pass  
6 this rule, are gross alpha, radium 226 and  
7 288, uranium, gross beta, tritium and  
8 strontium 90.

9           And these are the radionuclides that  
10 our drinking water supplies are required to  
11 test for, essentially required to test for.

12           So what we're proposing here today  
13 is to amend the text of 252:300, Subchapter  
14 20, to add the radionuclides category and  
15 then also to adopt the new appendix that  
16 provides the specifics for that category.

17           In addition, we're requesting that  
18 this rule be passed by emergency and we  
19 find the compelling public interest  
20 necessitates the seeking of emergency  
21 certification of the rule to be adopted  
22 today.

23           And recent changes to the monitoring  
24 requirements for public water supplies  
25 under the Safe Drinking Water Act have

Christy A. Myers

Certified Shorthand Reporter

1 expanded the scope of monitoring for  
2 radionuclides in drinking water, and the  
3 revision that adds the radionuclide  
4 category for drinking water laboratory  
5 accreditation, so that accredited  
6 laboratories can monitor and offer that  
7 service to public water supplies.

8           The proposed rule -- radionuclide  
9 testing is a very specialized service that  
10 very few laboratories are qualified to  
11 perform and we want to give the opportunity  
12 for laboratories in the state and out of  
13 state to offer this service to public water  
14 supplies in the state.

15           MR. WUERFLEIN: Thank you. Any  
16 questions from the Board? I've got one.  
17 Since you're asking for emergency, does  
18 this take two votes? One to find emergency  
19 and one to pass it, or can it all be done  
20 at one time?

21           MS. KRUG: You should probably  
22 find an emergency first.

23           MR. WUERFLEIN: Okay. Two  
24 separate votes. Any other discussion from  
25 the Board? We'll open it up to public

Christy A. Myers

Certified Shorthand Reporter

1 comment. Any questions or comments from  
2 the public? Seeing none, I would entertain  
3 a motion to find the emergency for adopting  
4 this rule.

5 MR. COFFMAN: So moved.

6 MR. WUERFLEIN: That's Jack  
7 Coffman. Second?

8 MR. DARK: Second.

9 MR. WUERFLEIN: Second is Tony  
10 Dark. Roll call.

11 MS. BRUCE: Ms. Cantrell.

12 MS. CANTRELL: Yes.

13 MS. BRUCE: Mr. Cassidy.

14 MR. CASSIDY: Yes.

15 MS. BRUCE: Mr. Coffman.

16 MR. COFFMAN: Yes.

17 MS. BRUCE: Mr. Dark.

18 MR. DARK: Yes.

19 MS. BRUCE: Mr. Drake.

20 MR. DRAKE: Yes.

21 MS. BRUCE: Mr. Johnston.

22 MR. JOHNSTON: Yes.

23 MS. BRUCE: Mr. Mason.

24 MR. MASON: Yes.

25 MS. BRUCE: Mr. Roberts.

Christy A. Myers

Certified Shorthand Reporter

1 MR. ROBERTS: Abstain.

2 MS. BRUCE: Ms. Rose.

3 MS. ROSE: Yes.

4 MS. BRUCE: Mr. Wuerflein.

5 MR. WUERFLEIN: Yes.

6 MS. BRUCE: Motion passed.

7 MR. WUERFLEIN: Okay. So that

8 finds the emergency. Now we need a motion

9 to adopt the rule as presented and rule on

10 Appendix A.

11 MS. CANTRELL: So moved.

12 MR. WUERFLEIN: Brita Cantrell.

13 Second?

14 MR. JOHNSTON: Second.

15 MR. WUERFLEIN: Second, Jerry

16 Johnston. Roll call.

17 MS. BRUCE: Ms. Cantrell.

18 MS. CANTRELL: Yes.

19 MS. BRUCE: Mr. Cassidy.

20 MR. CASSIDY: Yes.

21 MS. BRUCE: Mr. Coffman.

22 MR. COFFMAN: Yes.

23 MS. BRUCE: Mr. Dark.

24 MR. DARK: Yes.

25 MS. BRUCE: Mr. Drake.

Christy A. Myers

Certified Shorthand Reporter

1 MR. DRAKE: Yes.

2 MS. BRUCE: Mr. Johnston.

3 MR. JOHNSTON: Yes.

4 MS. BRUCE: Mr. Mason.

5 MR. MASON: Yes.

6 MS. BRUCE: Mr. Roberts.

7 MR. ROBERTS: Abstain.

8 MS. BRUCE: Ms. Rose.

9 MS. ROSE: Yes.

10 MS. BRUCE: Mr. Wuerflein.

11 MR. WUERFLEIN: Yes.

12 MS. DUNCAN: Thank you.

13 MR. WUERFLEIN: Thank you, Judy.

14

15 MR. GIVENS: Mr. Chairman, may I

16 raise a point of order? I'm not clear

17 whether we have adopted only by emergency

18 or by emergency, as well as permanent. And

19 my understanding is that we are proposing a

20 permanent adoption simultaneously with the

21 emergency adoption.

22 MS. DUNCAN: That's true. I'm

23 sorry.

24 MS. KRUG: That wasn't clear from

25 the agenda.

Christy A. Myers

Certified Shorthand Reporter

1                   MR. WUERFLEIN:   Let's just make  
2   that clear and do a re-vote.   The  
3   understanding is that this is a motion to  
4   adopt by permanent and emergency and we'll  
5   --

6                   MR. COFFMAN:   You already have  
7   the emergency.

8                   MR. WUERFLEIN:   We already have  
9   the -- okay.

10                  MR. COFFMAN:   So let's just vote  
11   on the permanent.

12                  MR. WUERFLEIN:   Vote on  
13   permanent.   Okay.

14                  MR. COFFMAN:   And I'll so move.

15                  MR. WUERFLEIN:   That was Jack  
16   Coffman.   I think Brita made the original  
17   motion.   Is that still fine to put you as a  
18   second?

19                  MS. CANTRELL:   Yes.   Absolutely.  
20   I'll second.

21                  MR. WUERFLEIN:   Okay.   So, to  
22   clarify that, we'll just vote that and we  
23   are voting for permanent adoption.

24                  MS. BRUCE:   Ms. Cantrell.

25                  MS. CANTRELL:   Yes.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Mr. Cassidy.  
2 MR. CASSIDY: Yes.  
3 MS. BRUCE: Mr. Coffman.  
4 MR. COFFMAN: Yes.  
5 MS. BRUCE: Mr. Dark.  
6 MR. DARK: Yes.  
7 MS. BRUCE: Mr. Drake.  
8 MR. DRAKE: Yes.  
9 MS. BRUCE: Mr. Johnston.  
10 MR. JOHNSTON: Yes.  
11 MS. BRUCE: Mr. Mason.  
12 MR. MASON: Yes.  
13 MS. BRUCE: Mr. Roberts.  
14 MR. ROBERTS: Abstain.  
15 MS. BRUCE: Ms. Rose.  
16 MS. ROSE: Yes.  
17 MS. BRUCE: Mr. Wuerflein.  
18 MR. WUERFLEIN: Yes. Sorry about  
19 that.

20 Item No. 7 is the Annual Performance  
21 Review of the Executive Director. That is  
22 -- the statutory function of this Board is  
23 to appoint and set compensation and review  
24 the performance of the Executive Director.  
25

Christy A. Myers

Certified Shorthand Reporter

1                   So we have the opportunity to go  
2 into Executive Session. There is a room  
3 available at the back. If that is the  
4 Board's desire, we'll need to have a motion  
5 to go into Executive Session.

6                   MR. MASON: So moved.

7                   MR. WUERFLEIN: Steve Mason.  
8 Second?

9                   MS. ROSE: Second.

10                  MR. WUERFLEIN: Okay. Sandra. I  
11 heard from both sides here. That probably  
12 takes a roll call vote then, too. Roll  
13 call vote then.

14                  MS. BRUCE: Ms. Cantrell.

15                  MS. CANTRELL: Yes.

16                  MS. BRUCE: Mr. Cassidy.

17                  MR. CASSIDY: Yes.

18                  MS. BRUCE: Mr. Coffman.

19                  MR. COFFMAN: Yes.

20                  MS. BRUCE: Mr. Dark.

21                  MR. DARK: Yes.

22                  MS. BRUCE: Mr. Drake.

23                  MR. DRAKE: Yes.

24                  MS. BRUCE: Mr. Johnston.

25                  MR. JOHNSTON: Yes.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Mr. Mason.

2 MR. MASON: Yes.

3 MS. BRUCE: Mr. Roberts.

4 MR. ROBERTS: Aye.

5 MS. BRUCE: Ms. Rose.

6 MS. ROSE: Yes.

7 MS. BRUCE: Mr. Wuerflein.

8 MR. WUERFLEIN: Yes. We need to

9 determine who can take minutes. Myrna,

10 would you be able to take minutes for us

11 during Executive Session?

12 MS. BRUCE: Yes, sir.

13 MR. WUERFLEIN: Okay.

14 MR. THOMPSON: The room that

15 we're going to use for Executive Session is

16 the room with the door now open to the

17 left, back by Ellen. So we'll adjourn back

18 there.

19 (Whereupon, the Board went into

20 Executive Session after which the following

21 took place.)

22 MR. JOHNSTON: I would move --

23 MR. WUERFLEIN: Call Jerry

24 Johnston, move to --

25 MR. JOHNSTON: -- we go back into

Christy A. Myers

Certified Shorthand Reporter

1 regular session.

2 MR. WUERFLEIN: Motion to come  
3 back into open regular session. And that  
4 was seconded by Jack. So we'll have a roll  
5 call vote to enter executive session -- or  
6 open session.

7 MS. BRUCE: Ms. Cantrell.

8 MS. CANTRELL: Yes.

9 MS. BRUCE: Mr. Cassidy.

10 MR. CASSIDY: Yes.

11 MS. BRUCE: Mr. Coffman.

12 MR. COFFMAN: Yes.

13 MS. BRUCE: Mr. Dark.

14 MR. DARK: Yes.

15 MS. BRUCE: Mr. Drake.

16 MR. DRAKE: Yes.

17 MS. BRUCE: Mr. Johnston.

18 MR. JOHNSTON: Yes.

19 MS. BRUCE: Mr. Mason.

20 MR. MASON: Yes.

21 MS. BRUCE: Mr. Roberts.

22 MR. ROBERTS: Aye.

23 MS. BRUCE: Ms. Rose.

24 MS. ROSE: Yes.

25 MS. BRUCE: Mr. Wuerflein.

Christy A. Myers

Certified Shorthand Reporter

1 MR. WUERFLEIN: Yes.

2 Now we would entertain a motion to  
3 address the issues discussed in Executive  
4 Session. One was the -- to accept the  
5 legislative increase to the salary cap of  
6 \$1,400.

7 MR. JOHNSTON: I would move that.

8 MR. WUERFLEIN: Jerry Johnston  
9 moved to accept that.

10 MR. CASSIDY: Second.

11 MR. WUERFLEIN: Seconded by Mike  
12 Cassidy. Any other discussion? We'll ask  
13 for a roll call vote.

14 MS. BRUCE: Ms. Cantrell.

15 MS. CANTRELL: Yes.

16 MS. BRUCE: Mr. Cassidy.

17 MR. CASSIDY: Yes.

18 MS. BRUCE: Mr. Coffman.

19 MR. COFFMAN: Yes.

20 MS. BRUCE: Mr. Dark.

21 MR. DARK: Yes.

22 MS. BRUCE: Mr. Drake.

23 MR. DRAKE: Yes.

24 MS. BRUCE: Mr. Johnston.

25 MR. JOHNSTON: Yes.

Christy A. Myers

Certified Shorthand Reporter

1 MS. BRUCE: Mr. Mason.

2 MR. MASON: Yes.

3 MS. BRUCE: Mr. Roberts.

4 MR. ROBERTS: Aye.

5 MS. BRUCE: Ms. Rose.

6 MS. ROSE: Yes.

7 MS. BRUCE: Mr. Wuerflein.

8 MR. WUERFLEIN: Yes.

9 MR. JOHNSTON: I think it  
10 probably needs to show that that is the  
11 only increase that we could do, the most  
12 that we could do.

13 MR. WUERFLEIN: There was  
14 discussion on having the staff look into  
15 making sure that our staff was receiving  
16 the maximum in benefits and salary package  
17 that is possible. We all want to make sure  
18 we're leaving something on the table,  
19 because legislatively we think -- we feel  
20 we are at the cap and we don't want to --  
21 don't want to miss anything.

22 MR. JOHNSTON: It also needs to  
23 be mentioned somehow that his -- the  
24 Executive Director's -- we're extremely  
25 satisfied with the Executive Director's

Christy A. Myers

Certified Shorthand Reporter

1 work.

2 MR. WUERFLEIN: Correct.

3 MR. JOHNSTON: And it needs to  
4 get in there somehow.

5 MS. KRUG: Maybe you should just  
6 amend your motion to include that you --

7 MR. JOHNSTON: Okay.

8 MS. KRUG: -- reviewed his  
9 performance and are pleased with his  
10 performance and you're raising him the  
11 maximal allowable by law --

12 MR. JOHNSTON: Okay.

13 MS. KRUG: -- in the amount of  
14 \$1,400.

15 MR. JOHNSTON: So moved.

16 MR. WUERFLEIN: So accepted. I  
17 think that is the general consensus of the  
18 group. If you understand what we're  
19 talking about, include that in the motion  
20 to accept the salary cap as a vote of  
21 confidence. Okay.

22 Moving on to Agenda Item 8, New  
23 Business. Do what? We took a vote on  
24 accepting the fourteen and we roll called  
25 it.

Christy A. Myers

Certified Shorthand Reporter

1 MS. KRUG: All right.

2 MR. WUERFLEIN: And now we've  
3 just kind of amended it, we clarified the  
4 motion is what we were doing at the end.

5 MS. KRUG: Very good. All right.

6 MR. JOHNSTON: Just clarifying.

7 MR. WUERFLEIN: One item that is  
8 not anything we need to act on today, that  
9 is the representation on Councils by  
10 members of this Board and it hasn't been  
11 updated in a while. We have several new  
12 members.

13 But for your information, we have  
14 tried to name a member of this Board to  
15 attend as a non-voting member at Council  
16 meetings so that when issues do come before  
17 this Board, there is some personal feeling  
18 of what discussion and what issues were  
19 brought up at the Councils, besides just  
20 the Chairman of the Council making their  
21 report of rule changes.

22 And we ask that -- staff has come up  
23 with a list of, you know, the seven or  
24 eight different Councils, Air Quality,  
25 Water Quality, Water Systems, Lab Systems,

Christy A. Myers

Certified Shorthand Reporter

1 that are available to be reviewed and they  
2 are going to be sending out a list of which  
3 ones have vacancies now.

4           And if you want to -- if you've been  
5 assigned to one in the past and you'd  
6 rather attend some other Council's  
7 meetings, we're going to reschedule that  
8 between now and the next general Board  
9 meeting.

10           I know the Air Quality Council, both  
11 of our -- both of our Board Members have  
12 been replaced by, you know, new Board  
13 Members that were serving on that Council.  
14 That is open. The Water and Wastewater  
15 Division Council's position is open.

16           We don't have, you know, anybody  
17 else. You'll be receiving a letter on that  
18 and, you know, send it back to me or to the  
19 office and we'll get those assignments made  
20 so that all the Councils are covered.

21           I'll turn it over to Steve for  
22 Executive Director's Report.

23           MR. THOMPSON: Thank you, Mr.  
24 Chairman. And I thank the Board for their  
25 vote of confidence.

Christy A. Myers

Certified Shorthand Reporter

1           First, I'm going to call on Jimmy to  
2 make some disclosures relative to financial  
3 disclosures that are statutorily required.

4           MR. GIVENS: Members of the  
5 Board, you will recall, if you have been on  
6 this Board for very long at all, that we  
7 are required by statute to disclose to you,  
8 after the employees have disclosed to the  
9 Executive Director, any interest they have  
10 in any entity that we regulate.

11           If they either receive compensation  
12 from an entity that we regulate or, much  
13 more commonly, if they have any stockholder  
14 interest in any entity that we regulate.

15           And the only change that we have to  
16 report this time is that Wayne Craney of  
17 the Water Quality Division has disclosed  
18 that he now holds shares in OG&E.

19           For your information, if you haven't  
20 been a part of this process before, we not  
21 only report this to you so that you can  
22 perform your general oversight function,  
23 but I follow-up on this with a memo to the  
24 Division Director of any divisions who have  
25 had employees report interest.

Christy A. Myers

Certified Shorthand Reporter

1           I highlight for them the employees  
2 that have made that disclosure and they, in  
3 turn, are required to take that, go to the  
4 immediate supervisor of that particular  
5 employee, and ensure that that employee has  
6 no work that relates to the entity that  
7 they hold an interest in. That's the way  
8 we follow-up on that disclosure after  
9 making it to you today.

10           If there are any questions, I would  
11 be glad to entertain them, but that's the  
12 only disclosure that we have.

13           MR. THOMPSON: Any other  
14 questions? Okay. Thank you, Jimmy.

15           Just a couple of items from me.  
16 This is the first Board meeting after the  
17 legislative session. And I will generally  
18 report to you -- you will recall, we bring  
19 to you legislative issues that the  
20 Department believes are important to  
21 address in November and the Board approves  
22 that package.

23           All pieces of the legislative  
24 package that you approved in November were  
25 passed by the Legislature. I think one of

Christy A. Myers

Certified Shorthand Reporter

1 the ones that was of particular importance  
2 to the Board was the issue of the --  
3 issuing the biomedical waste certificate of  
4 needs. That was eliminated and I think  
5 that's something the Board was very  
6 interested in.

7 I would also report to you that as  
8 session goes along, there are issues that  
9 are of concern to the Agency and most of  
10 those -- well, all of those issues that we  
11 believed were of concern, failed to gain  
12 passage. So in some sense, we had a pretty  
13 successful legislative session.

14 I will report to you that relative  
15 to the budget, our original budget included  
16 only general revenue money for the  
17 percentage of general revenue funds that  
18 the Agency received.

19 So it was only about 20 percent of  
20 the need to cover the \$1,400 per employee  
21 cost of the pay raise mandated by the  
22 Legislature. We argued very strongly that  
23 just because we're only funded 20 percent  
24 did not mean -- we didn't get automatic fee  
25 increases or federal funds increases when

Christy A. Myers

Certified Shorthand Reporter

1 they raise people's salaries. And that, in  
2 fact, was a budget cut.

3           So the Legislature restored full  
4 funding for the salary increase and then  
5 took \$400,000 out of our fee account. But  
6 we're talking about ongoing money as  
7 opposed to one-time money.

8           Now, we're going to have to do some  
9 things, some accounting -- take care of  
10 some accounting issues and take care of  
11 some priority issues to avoid having that  
12 size fee fund going into the Session next  
13 year and we're going -- we've identified  
14 some ways to accomplish that.

15           We did receive back the opportunity  
16 for \$400,000 in funding from the gross  
17 production tax. We're second on the  
18 priority list, which means that sometime  
19 later in the fiscal year we'll probably  
20 receive that \$400,000 in funding.

21           So as far as the budget is  
22 concerned, it was probably a little bit  
23 better than a wash, although we remain  
24 concerned about our ability to protect fee  
25 funds from uses outside of what they were

Christy A. Myers

Certified Shorthand Reporter

1 intended.

2           One item that I failed to mention in  
3 February that I think we're particularly  
4 proud of -- I did mention it in the  
5 evaluation form, but the Department  
6 received from the Governor's Economic  
7 Development Team and from the Department of  
8 Commerce, the Economic Development Partner  
9 of the Year Award. And they were  
10 particularly congratulatory of our Air  
11 Quality Division and our Customer Services  
12 Division.

13           What we do when a -- when there is a  
14 new prospect in the state is send a permit  
15 assistance team out to meet with that  
16 facility. We think that does a couple of  
17 things.

18           It enhances their understanding of  
19 what their requirements are going to be so  
20 they have an understanding going in what  
21 they're going to need to do.

22           And it helps them schedule their  
23 construction and operation so that we can  
24 meet our permit requirements in conjunction  
25 with their planning.

Christy A. Myers

Certified Shorthand Reporter

1           So it's proven to be a pretty  
2 effective tool, we believe, for both  
3 economic development and for the  
4 environment and we were given that award by  
5 the Governor's Economic Development Team  
6 and by the Department of Commerce this  
7 year.

8           One other thing I want to pass out  
9 is, we have talked a little bit about the  
10 impact of federal requirements in the  
11 public water supply.

12           This is a list of our sample  
13 requirements in the lab over the last  
14 several years, including the first part of  
15 this year. There is no clear pattern, but  
16 you can see in some of the analysis of the  
17 number of samples we run, that we are  
18 beginning to see an increase in the sample  
19 load due to the federal requirements.

20           I think you will see that only  
21 increase over the next couple of years and  
22 we are working very hard both with the  
23 Legislature and with the federal government  
24 to help us meet the fiscal needs of those  
25 federal mandates, both for the Department

Christy A. Myers

Certified Shorthand Reporter

1 and for local communities.

2 With that, Mr. Chairman, unless  
3 there are any questions, that concludes my  
4 report.

5 MR. JOHNSTON: I would like to  
6 make --

7 MR. WUERFLEIN: Jerry.

8 MR. JOHNSTON: -- a statement, if  
9 I could. I am currently, thanks to Steve,  
10 back on a -- it's called a -- it's local  
11 government advisory committee that meets  
12 directly with the EPA. We meet four times  
13 a year, we meet in the regions and a couple  
14 times in Washington, D.C.

15 And we do have pretty fair input.  
16 In the 95 Act of Congress, it says that we  
17 need to have this local government small  
18 community people that has some input in  
19 what goes on.

20 Actually, they do, which is kind of  
21 bogus, but anyway we get to holler at them  
22 one on one up there. If you have,  
23 especially companies that are directly  
24 involved with small communities and towns  
25 and have some really good facts I can use

Christy A. Myers

Certified Shorthand Reporter

1 about how arsenic rules or rules like that  
2 really affect your people and how extremely  
3 expensive they are, in some cases  
4 impossible, in most cases impossible to  
5 treat, it's usually a new water supply, but  
6 any information like that that I can use  
7 when I get up there one on one with those  
8 people, I would really appreciate it.  
9 Because they are actually -- we have a new  
10 DFO, which is Designated Federal Officer,  
11 that is really interested in listening to  
12 us now and we haven't had one in the past  
13 and it's kind of exciting to be back up  
14 there.

15           But you do have -- well, it's kind  
16 of more influence than the average bear, I  
17 want to say, but you do have a chance to  
18 talk to people that do make the rules and  
19 talk to enforcement. And one of the bright  
20 lights in all this is to come to a  
21 different understanding of what you can and  
22 can't do in a rural community.

23           You know, before they said we can  
24 make you do anything, which is impossible  
25 if they come in and fine you \$10,000 a day

Christy A. Myers

Certified Shorthand Reporter

1 and your whole budget is \$5,000, there  
2 isn't a whole lot you can do above that.

3           You know, you can say, you can take  
4 all our money, we haven't fixed anything,  
5 now what do we do. And they don't want to  
6 run a town, I found that out. But any  
7 information like that can really be helpful  
8 to me to bring the facts up to them. We  
9 went to a meeting in Ada and at the Kerr  
10 Foundation and any of the problems in  
11 Norman with their water, none of the ten  
12 solutions that they made to work, none of  
13 them will work. I mean, they will work if  
14 everybody wants to pay a hundred dollar a  
15 month water bill, but none of them really  
16 work. Basically the only thing to work is  
17 to find some -- a different supply of  
18 water, or more supplies that doesn't have  
19 arsenic in it.

20           So anything like that that you can  
21 do -- I know Jack's been working on some  
22 things, anything that you can do like that  
23 will help me more represent it to of the  
24 people in the state, I really appreciate  
25 it.

Christy A. Myers

Certified Shorthand Reporter

1 MR. WUERFLEIN: Thank you, Jerry.

2 I've got a question, Steve, this one on Tar  
3 Creek. It says to we're designated as the  
4 banker --

5 MR. THOMPSON: I'm sorry.

6 MR. WUERFLEIN: -- for the  
7 Governor's buyout. Where do we -- do we  
8 get any administrative fees from that deal  
9 or what's the compromise?

10 MR. THOMPSON: No. Just more  
11 work. We did become the banker for the  
12 Governor's relocation effort at Tar Creek.

13 MR. DARK: There's your  
14 opportunity for \$400,000, right?

15 MR. THOMPSON: Exactly. Well,  
16 there may be less high profile  
17 opportunities. I think actually it was a  
18 situation where -- I don't know how to  
19 describe this other than to say there were  
20 certain factions on both sides of this  
21 that looked for somebody that both of them  
22 trusted to place the money and that turned  
23 out to be us.

24 Our responsibility will be simply  
25 to, as being the paymaster, although

Christy A. Myers

Certified Shorthand Reporter

1 anytime you're involved in something of  
2 this magnitude, we're going to have to look  
3 at very closely how those kinds of  
4 decisions were made. And we work extremely  
5 closely with the Governor's office about  
6 that.

7           So it's another issue like the  
8 asbestos program that we didn't go looking  
9 for that seemed to come our way. But we'll  
10 be -- we'll work through the issues and  
11 we'll be fine with it, but we are, in fact,  
12 the banker for that effort.

13           MR. WUERFLEIN: That's handled by  
14 Customer Services Division?

15           MR. THOMPSON: No, we had two  
16 choices really to do that. We could put it  
17 in Land Protection and Scott would do  
18 everything he could to take the money and  
19 use it for some other purpose, or we could  
20 put it in Administrative Services, which is  
21 a paymaster function.

22           And we decided discretion was the  
23 better part of valor and we put it in  
24 Administrative Services. So David Dyke is  
25 the guy that will be responsible for that.

Christy A. Myers

Certified Shorthand Reporter

1                   MR. WUERFLEIN:   Okay.   Any other  
2   questions for Steve?   If not, that  
3   concludes the agenda and we'll entertain a  
4   motion adjourn.

5                   MR. COFFMAN:    So moved.

6                   MR. DARK:       Second.

7                   MR. WUERFLEIN:   Jack.   I heard a  
8   second, but I didn't catch from where.  
9   Tony over here.   Do we need a roll call to  
10  adjourn or just a voice vote?   No roll call  
11  vote.   All in favor, say aye.

12                  (Board voted unanimously to adjourn.)

13

14                                  (END OF PROCEEDINGS)

15

16

17

18

19

20

21

22

23

24

25

Christy A. Myers

Certified Shorthand Reporter

