

**DRAFT MINUTES**  
**ENVIRONMENTAL QUALITY BOARD**  
**September 10, 2002**  
**Cushing City Hall**  
**Cushing, Oklahoma**

~~For Approval~~ APPROVED  
November 14, 2002

**Notice of Public Meeting** The Environmental Quality Board convened for a regular meeting at 9:30 a.m., September 10 in the Cushing City Hall at 100 Oak Street, Cushing, 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 24, 2001 and additional details were added on August 20, 2002. The agenda was mailed to interested parties on September 3, 2002 and posted at the Department of Environmental Quality and at the entrance of the meeting facility on September 6.

Chairman Jerry Johnston called the meeting to order. Roll call was taken and a quorum was confirmed. Mr. Johnston introduced Representative Dale Wells of Cushing and the Mayor of Cushing, Lee Denny. Mayor Denny welcomed the Board and DEQ staff and introduced Mr. Ken Hancock, Cushing Middle School teacher. Mayor Denny said that five years previously, Mr. Hancock's eighth-grade Civics class started the letter writing campaign that is coming to fruition today. She added that those students have just started their freshman year at various colleges around the country. Mr. Hancock had with him his sixth-grade Science class. The class was recognized with pleasure and applause.

**MEMBERS PRESENT**

Jerry Johnston  
Mike Cassidy  
Jack Coffman  
Jennifer Galvin  
Steve Mason  
Roger Miner (Arrived at 9:50 a.m.)  
Lee Paden  
Herschel Roberts  
Richard Wuerflein

**MEMBERS ABSENT**

Bob Drake  
Lew Meibergen  
Terri Savage  
Don Ukens

**DEQ STAFF PRESENT**

Steve Thompson, Executive Director  
Larry Gales, Primary Division Director  
Jimmy Givens, General Counsel  
Myrna Bruce, Secretary, Board and Councils  
Ellen Bussert, Administrative Services Division  
Michael Dean, Public Information Officer  
Pam Dizikes, Administrative Services Division  
Catherine Sharp, Land Protection Division  
Jon Craig, Water Quality Division  
Rita Kottke, Water Quality Division  
Eddie Terrill, Air Quality Division  
Judy Duncan, Customer Service Division  
Marilyn Simpson, Administrative Services Division

**OTHERS PRESENT**

The sign-in sheet is attached as an official part of these Minutes.

**Approval of Minutes** Chairman Johnston called agenda item number 3, Approval of Minutes of the June 25, 2002, Regular Meeting. Mr. Mason made motion to approve the Minutes as presented. The second was from Mr. Paden.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes

Steve Mason	Yes	Jerry Johnston	Yes
Roger Miner	Absent for vote		<b>Motion carried.</b>

**Rulemaking – OAC 252:100-8 Air Pollution Control - Permits for Part 70 Sources**

Chairman Johnston called the first rulemaking action, agenda item #4 stating that the proposed changes to Subchapter (SC) 8 would amend the definition of “major source” for Part 70 sources in response to a revision of the federal rule. Mr. David Branecky, Air Quality Council Chair, stated that changes to OAC 252:100, SC 8 were EPA mandated changes. The amendments would delete the phrase “but only with respect to those air pollutants that have been regulated for that category” from the definition. He noted that the change had been made to make State rules match the federal rules. He asked that the rule be adopted, as amended, as a permanent rule.

Mr. Johnston asked for discussion or questions from the Board. With no discussion, Mr. Paden moved to adopt the rule as suggested. Mr. Coffman made the second.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
Steve Mason	Yes	Jerry Johnston	Yes
Roger Miner	Absent for vote		<b>Motion carried.</b>

**Rulemaking – OAC 252:100-11 Air Pollution Control - Alternative Emissions Reduction Plans and Authorizations**

Chairman Johnston again called upon Mr. Branecky for the presentation. Mr. Branecky pointed out that this rule is not a part of the SIP but requires DEQ and EPA approval. The rule allows a facility to comply with a state rule by putting a “bubble” over the facility, which means if they are required to do a reduction in (e.g.) particulate emissions at one point of their facility, they can opt to make those reductions at another part of the facility, so long as there is an overall net reduction.

Mr. Branecky stated that proposed changes to the rule would clarify the requirements of the application for the reduction plan and would be more approvable by EPA. He added that the rule had been before the Air Quality Council in January, April, and July of 2002 and that the Council requested passage by the Board as a permanent rule.

Following discussions that provided the Board with a better understanding of the rule, Mr. Johnston called for a motion. Mr. Coffman moved for permanent adoption and Mr. Wuerflein made the second.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
Steve Mason	Yes	Jerry Johnston	Yes
Roger Miner	Absent for vote		<b>Motion carried.</b>

**Rulemaking – OAC 252:205-3-3 Hazardous Waste Management** - Chairman Johnston called agenda item #5 and introduced Ms. Jody Reinhart, Chair of the Hazardous Waste Management Advisory Council. Ms. Reinhart stated the proposed rule incorporates by reference new or superseding federal hazardous waste amendments and would update the

rules beginning November 20, 2001, through April 9, 2002. Staff asked for emergency rulemaking to make the rules up-to-date and current for the regulated community. She added that these updates typically are adopted each year in January and the Council would ask for permanent adoption at that time.

Ms. Reinhart advised the Board of the five amendments before them. These were: (1) new listing of three hazardous wastes generated by inorganic chemical manufacturing processes published on November 20th, 2001. (2) revisions to the Corrective Action Management Unit (CAMU) rule published January 22, 2002. (3) classification of mineral processing characteristic sludges and by-products being reclaimed as solid wastes published on March 13, 2002. (4) prohibition using the Toxicity Characteristic Leaching Procedure (TCLP) to determine whether or not manufactured gas plant waste is hazardous waste; and (5) technical corrections related to the new inorganic chemical manufacturing listings found in 205-3-3. Ms. Reinhart pointed out that the existing language in 205-3-3 regarding PCBs has been superseded by permanent rulemaking, therefore that language will be stricken and the federal regulations citing the new rules will be inserted. This will keep the program consistent with the federal regulations.

Following discussion, Mr. Johnston called for motion for emergency adoption of the language set forth by Ms. Reinhart. Mr. Paden made that motion and Ms. Galvin made the second.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
Steve Mason	Yes	Jerry Johnston	Yes
Roger Miner	Yes		<b>Motion carried.</b>

**Rulemaking – OAC 252:205 Hazardous Waste Management** - Chairman Johnston again called upon Ms. Jody Reinhart for presentation regarding Subchapter 17, Part 3. Ms. Reinhart advised of the necessity to revoke the rules in SC 17, Part 3, “Waste Reduction Incentives” because the State statutes that provided the authority for these rules have been revoked. She pointed out that this rulemaking would make the rules consistent with the statutes that are currently in place.

Mr. Johnston called for a motion for permanent adoption. Mr. Paden moved to adopt the changes as presented and Mr. Coffman made the second.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
Steve Mason	Yes	Jerry Johnston	Yes
Roger Miner	Yes		<b>Motion carried.</b>

**Rulemaking – OAC 252:631 Public Water Supply Operation** - Chairman Johnston called upon Mr. Robert Johnston, Chair of the Water Quality Management Advisory Council for presentation on agenda item #6. Mr. Johnston advised that the revisions would update state rules to reflect the most recent federal regulations. He advised that

EPA had concerns that the state rules were not consistent with the federal rules. He pointed out that new language was added to Subchapter 3 to specify new security measures for drinking water facilities that were recommended by EPA. By revoking language that was contained in 40 CFR Parts 141 and 143, and merely adopting these provisions by reference and adding the security provisions, EPA was satisfied that Oklahoma had the necessary regulations to maintain primacy for drinking water programs.

He added that changes were also proposed in the fee schedule in OAC 252:631-21 to make the fee rules consistent with the statutory provisions and to eliminate duplicated revisions currently in effect in OAC 252:305 "Laboratory Services". The Board, at the March 1, 2002, meeting had approved these. Additionally, all provisions that apply specifically to minor systems were grouped together in a new SC 5, which would make it easier for the small systems to locate requirements.

Mr. Johnston stated that no comments were received during the public comment period in the Council meeting held on August 6, 2002; and that the Water Quality Management Advisory Council recommended approval of this chapter to the Board with unanimous vote for both emergency and permanent rulemaking. He added that separate preambles listed the emergency provisions to be adopted; and that the provisions for permanent adoption only include items that are typographical and re-wordings that make the rule easier to read but have no regulatory impact.

Chairman Johnston called for questions or comments from the Board members. There were comments and changes made to the definition for "approved laboratory". Mr. Miner made the motion to approve the rule for emergency adoption with Mr. Paden's suggested change. Ms. Galvin made the second. Ms. Shellie Chard-McClary clarified for the Board the purpose and need for both emergency and permanent adoption of the rule. Then Mr. Miner amended the motion to cover the emergency language and to include the global language regarding lab certification.

Chairman Johnston asked for roll call vote for emergency adoption.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
Steve Mason	Yes	Jerry Johnston	Yes
Roger Miner	Yes		<b>Motion carried.</b>

Mr. Miner then made a motion for adoption as a permanent rule with the inclusion of language to make the global changes for lab certification. Mr. Coffman seconded that motion. Chairman Johnston asked for roll call vote.

**Roll call.**

Mike Cassidy	Yes	Lee Paden	Yes
Jack Coffman	Yes	Herschel Roberts	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
Steve Mason	Yes	Jerry Johnston	Yes

Roger Miner

Yes

**Motion carried.**

**DEQ Operation Budget Request** - DEQ budget requests to the Governor through the Office of State Finance require approval of the Board. The operational budget request for State Fiscal Year 2004 (beginning July 1, 2003) must be submitted to the OSF by October 1<sup>st</sup> of this year. The law now requires that all state agencies submit a 5-year budget plan. The request SFY 2004 is the most critical. Included in the request for SFY 2004 are funds for various projects and programs related to water quality, public water supplies, air quality, and Superfund projects.

Mr. Larry Gales advised that the Budget Committee met by conference call on August 19 and came to a resolution for the consideration by all members of the Board. Mr. Gales provided a description of each budget request activity, its funding rationale and the dollar amount necessary to carry on the activities. He also pointed out potential consequences should certain of these activities fail. Mr. Gales, Mr. Thompson, and Division Directors answered questions and received comments raised by the members. Mr. Miner made a motion to approve the budget. Mr. Paden made the second.

**Roll call.**

Mike Cassidy	Yes
Jack Coffman	Yes
Jennifer Galvin	Yes
Steve Mason	Yes
Roger Miner	Yes

Lee Paden	Yes	
Herschel Roberts		(Had to leave)
Richard Wuerflein	Yes	
Jerry Johnston	Yes	

**Motion carried.**

**2003 Board meeting dates and locations**

Discussion regarding the 2003 Calendar led to dates and locations being set as follows: February 28 in Oklahoma City; July 8 in Shawnee; September 9 in Tulsa; and November 18 Quartz Mountain Lodge (pending availability).

**New Business**     None

**Executive Director's Report** – Mr. Steve Thompson had updates on several items. During the March 1 meeting, the Board had asked the Water Quality Division to investigate issues related to separation of treatment lagoons from groundwater. He called upon staff member, Shellie Chard-McClary for that update. Ms. Chard-McClary advised that two issues were raised relative to Chapter 616, which overlapped into several other chapters of the rules. The Board's directive was regarding the definition of beneficial reuse of wastewater and sludges, biosolids. The staff took those concerns to the Water Quality Management Advisory Council who directed a review and report at the January 14, 2003, meeting. At that time, the Council will instruct the Water Quality Division as to whether to go forward with rulemaking. She added that a technical workgroup made up of the regulated community might be formed to address the separation requirements.

Mr. Jimmy Givens, General Counsel, updated the Board on petitions for rulemaking received by the Agency. He advised that Dr. Richard Dawson had presented a petition

relating to Best Available Control Technology (BACT) which was taken to the Air Quality Council on July 17. That petition was declined and would not be forwarded to the Board. Dr. Dawson had brought to the Woodward Board Meeting another petition relating to the aerosol effect from cooling towers. The Board referred that petition to the Council and it will be on their October 16 Agenda.

Mr. Thompson advised that two years ago EPA publicized a significant backlog of NPDES permit renewals across the nation and had set a goal for reduction in that backlog to ten percent by this year. Only one state in Region VI and only ten states across the nation met that goal. The Water Quality Division of the Oklahoma DEQ got as low as four percent backlog. EPA was in Oklahoma City to present Jon Craig and the Water Quality staff with an award. Mr. Thompson and the Board congratulated them on these efforts.

Additionally, the Customer Service Division is involved with a targeted outreach to the concrete batch plant sector. In order that these small businesses have an opportunity to understand compliance issues, there will be a series of informative meetings across the state. There will be an amnesty period that gives them the opportunity to come into compliance, and then inspections will follow.

To report on Tar Creek, Mr. Thompson advised that moneys provided by the Legislature last year would be used for contracts and continued yard remediation to mitigate the impacts to children in the Tar Creek area. He congratulated the Land Protection Division for being the first in the United States to develop a ready for reuse certification for a facility in Sand Springs.

Mr. Thompson reported that in July the state faced a fifteen percent shortfall in general revenue income. In response, almost all out-of-state travel and all equipment purchases have been suspended until the Department gets a better read on what effect these revenue shortfalls are having on the Department and its ability to do its business.

And lastly, Mr. Thompson again thanked the Board for the opportunity to be the Agency Executive Director. Mr. Johnston acknowledged the excellence of the DEQ staff for all their behind-the-scenes efforts.

**Adjournment** – Chairman Johnston announced that the public forum would begin immediately following adjournment. The meeting adjourned at 11:35.

**A copy of the hearing transcripts are attached and made an official part of these Minutes.**

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

OAC 252:100  
AIR POLLUTION CONTROL  
OAC 252:100-11  
ALTERNATIVE EMISSIONS REDUCTION

PRESENTED BY DAVID BRANECKY

HELD ON SEPTEMBER 10, 2002

IN CUSHING, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 BOARD MEMBERS PRESENT</p> <p>3</p> <p>4 MR. JERRY JOHNSTON, CHAIRMAN</p> <p>5 MR. MIKE CASSIDY</p> <p>6 MR. JACK COFFMAN</p> <p>7 MS. JENNIFER GALVIN</p> <p>8 MR. STEVE MASON</p> <p>9 MR. LEE PADEN</p> <p>10 MR. HERSCHEL ROBERTS</p> <p>11 MR. RICHARD WUERFLEIN</p> <p>12</p> <p>13</p> <p>14 STAFF MEMBER</p> <p>15 MYRNA BRUCE</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 such a continuation will remain the same as</p> <p>2 today's agenda.</p> <p>3 Before we start, I would like to</p> <p>4 introduce Representative Dale Wells. He's</p> <p>5 the Representative here in Cushing, and</p> <p>6 your next Representative. Also, I would</p> <p>7 like to introduce Lee Denny, Cushing Mayor,</p> <p>8 who is going to say a few words for us and</p> <p>9 introduce the class that's with us.</p> <p>10 MAYOR DENNY: Thank you. It's</p> <p>11 with great pleasure I welcome the Oklahoma</p> <p>12 Department of Environmental Quality to</p> <p>13 Cushing. And we enjoyed having you here</p> <p>14 today and make yourself comfortable, and</p> <p>15 thank you for letting us sit in at your</p> <p>16 meeting.</p> <p>17 At this time, I would like to</p> <p>18 introduce Mr. Ken Hancock, who is one of</p> <p>19 our middle school teachers. And Mr.</p> <p>20 Hancock was the teacher that, five years</p> <p>21 ago, his class, spearheaded by Joe Rienekke</p> <p>22 (ps) started the letter writing campaign</p> <p>23 that is coming to fruition today. That was</p> <p>24 the eighth grade civic students. And those</p> <p>25 students today have just started their</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 PROCEEDINGS</p> <p>3 MR. JOHNSTON: I would like to</p> <p>4 call this regular meeting of the</p> <p>5 Environmental Quality Board to order.</p> <p>6 The regular meeting of the</p> <p>7 Environmental Quality Board has been called</p> <p>8 according to the Open Meeting Act, Section</p> <p>9 311 of Title 25 of the Oklahoma Statutes.</p> <p>10 Notice was filed with Secretary of</p> <p>11 State on October 24th, 2001 and on August</p> <p>12 20, 2002, with additional details.</p> <p>13 Agendas were mailed to interested</p> <p>14 parties on September 3, 2002. The agenda</p> <p>15 for this meeting was posted at the</p> <p>16 Department of Environmental Quality, 707</p> <p>17 North Robinson, in Oklahoma City on Friday,</p> <p>18 September 6th, 2002. The agenda was also</p> <p>19 posted at the facility, Cushing's City</p> <p>20 Hall, here in Cushing.</p> <p>21 Only matters appearing on the posted</p> <p>22 agenda may be considered. If this meeting</p> <p>23 is continued or reconvened, we must</p> <p>24 announce today the date and time and place</p> <p>25 of the continued meeting and agenda for</p>	<p style="text-align: right;">Page 5</p> <p>1 freshman year at various colleges around</p> <p>2 the country.</p> <p>3 So Mr. Hancock has with him his</p> <p>4 sixth grade science class at this time. So</p> <p>5 if you all will stand and be recognized.</p> <p>6 (Applause)</p> <p>7 I will say, these students will have</p> <p>8 to leave in the middle of your meeting to</p> <p>9 attend the rest of their classes, so they</p> <p>10 will quietly dismiss themselves when they</p> <p>11 need to. But thank you, so much.</p> <p>12 MR. JOHNSTON: It always makes a</p> <p>13 meeting more special when we have young</p> <p>14 people involved. We try to get that -- in</p> <p>15 our town -- I'm a mayor of a little town,</p> <p>16 and we try to get that -- we have a mock</p> <p>17 meeting every year and the kids that do the</p> <p>18 mock meeting have their own mayor and</p> <p>19 everything, but they ask a lot better</p> <p>20 questions than their parents do. So I wish</p> <p>21 we had more of them involved.</p> <p>22 At this time, Myrna will do the roll</p> <p>23 call, please.</p> <p>24 MS. BRUCE: Mr. Cassidy.</p> <p>25 MR. CASSIDY: Here.</p>

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1 MS. BRUCE: Mr. Coffman.  
 2 MR. COFFMAN: Here.  
 3 MS. BRUCE: Mr. Drake, absent.  
 4 Ms. Galvin.  
 5 MS. GALVIN: Here.  
 6 MS. BRUCE: Mr. Mason.  
 7 MR. MASON: Here.  
 8 MS. BRUCE: Mr. Meibergen,  
 9 absent. Mr. Miner, absent. Mr. Paden.  
 10 MR. PADEN: Here.  
 11 MS. BRUCE: Mr. Roberts.  
 12 MR. ROBERTS: Here.  
 13 MS. BRUCE: Ms. Savage, absent.  
 14 Mr. Ukens, absent. Mr. Wuerflein.  
 15 MR. WUERFLEIN: Here.  
 16 MS. BRUCE: Mr. Johnston.  
 17 MR. JOHNSTON: Thank you. At  
 18 this time, we need to -- any additions or  
 19 corrections? We need to approve the  
 20 Minutes.  
 21 MR. MASON: I will move approval.  
 22 MR. JOHNSTON: Move approval.  
 23 MR. PADEN: Second.  
 24 MR. JOHNSTON: Been moved and  
 25 seconded. Lee seconded it.

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1 MR. PADEN: Just a comment. I  
 2 really like the addition of the transcript  
 3 on the back. I thought that was a great  
 4 improvement.  
 5 MR. JOHNSTON: I was going to  
 6 mention that, it's tremendous. And we have  
 7 to be more careful about what we say,  
 8 especially me.  
 9 MR. PADEN: I found out I talk an  
 10 awful lot.  
 11 MR. JOHNSTON: I won't comment on  
 12 that.  
 13 MR. PADEN: All very intelligent  
 14 comments, however.  
 15 MR. JOHNSTON: We need to do a  
 16 roll call on the Minutes.  
 17 MS. BRUCE: Mr. Cassidy.  
 18 MR. CASSIDY: Yes.  
 19 MS. BRUCE: Mr. Coffman.  
 20 MR. COFFMAN: Yes.  
 21 MS. BRUCE: Ms. Galvin.  
 22 MS. GALVIN: Yes.  
 23 MS. BRUCE: Mr. Mason.  
 24 MR. MASON: Yes.  
 25 MS. BRUCE: Mr. Paden.

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1 MR. PADEN: Aye.  
 2 MS. BRUCE: Mr. Roberts.  
 3 MR. ROBERTS: Aye.  
 4 MS. BRUCE: Mr. Wuerflein.  
 5 MR. WUERFLEIN: Yes.  
 6 MS. BRUCE: Mr. Johnston.  
 7 MR. JOHNSTON: Yes.  
 8 At this time, we'll go to Item 4,  
 9 Rulemaking OAC 252:100, Air Pollution  
 10 Control.  
 11 And, David, I think I'll let you  
 12 just get up and read your introduction or  
 13 however what you want to do, because I've  
 14 been reading that. And sometimes when it  
 15 comes back from the lady that takes it,  
 16 it's not exactly what you had written down  
 17 here. So, I'll let you do that.  
 18 MR. BRANECKY: All right. Thank  
 19 you, Mr. Chairman. Good morning, Members  
 20 of the Board.  
 21 There are two items that the Air  
 22 Quality Council would like to present to  
 23 you today for approval. I'll go through  
 24 the first one, which is OAC 252:100-8,  
 25 Subchapter 8, and it's Permits for Part 70

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1 Sources.  
 2 And there is only one change to this  
 3 rule that the Council made at our July  
 4 meeting. And, basically, it's one of these  
 5 changes where we didn't have any choice.  
 6 It was an EPA mandated change that we had  
 7 to change in our rules to match their  
 8 rules.  
 9 So, other than that, if you have any  
 10 questions about the specific change, we're  
 11 asking that this be passed today as a  
 12 permanent rule.  
 13 MR. JOHNSTON: Okay.  
 14 MR. BRANECKY: It's on page four  
 15 of the rule, the strikeout of two or three  
 16 lines is the only change made to that rule.  
 17 MR. JOHNSTON: Okay. Is there  
 18 questions or discussion by the Board? Any  
 19 questions or discussion by the Board? Any  
 20 questions, comments, or discussion by the  
 21 public? It's on OAC 252:100, Subchapter 8,  
 22 Part 70.  
 23 It's your guys' chance to speak up  
 24 out there. Any questions? Now, back to  
 25 the Board. Questions, discussion by the

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1 Board?  
 2 MR. PADEN: Mr. Chairman, I move  
 3 the adoption.  
 4 MR. COFFMAN: Second.  
 5 MR. JOHNSTON: Okay. This is a  
 6 permanent adoption. Call the roll, please.  
 7 MS. BRUCE: Mr. Cassidy.  
 8 MR. CASSIDY: Yes.  
 9 MS. BRUCE: Mr. Coffman.  
 10 MR. COFFMAN: Yes.  
 11 MS. BRUCE: Ms. Galvin.  
 12 MS. GALVIN: Yes.  
 13 MS. BRUCE: Mr. Mason.  
 14 MR. MASON: Yes.  
 15 MS. BRUCE: Mr. Paden.  
 16 MR. PADEN: Aye.  
 17 MS. BRUCE: Mr. Roberts.  
 18 MR. ROBERTS: Aye.  
 19 MS. BRUCE: Mr. Wuerflein.  
 20 MR. WUERFLEIN: Yes.  
 21 MS. BRUCE: Mr. Johnston.  
 22 MR. JOHNSTON: Yes.  
 23 MR. BRANECKY: Okay. The next  
 24 item we're asking for approval on is OAC  
 25 252:100-11. This is the Alternative

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1 Emissions Reduction Plans and  
 2 Authorizations.  
 3 What this rule does, it allows a  
 4 facility in the state, if they have to  
 5 comply with a state rule, this is not --  
 6 this rule is not a part of the SIP. But  
 7 even though it's not part of the SIP, it  
 8 requires DEQ and EPA approval.  
 9 But what it does, it allows a  
 10 facility located in the state, if it has to  
 11 comply with a state rule, to basically put  
 12 a bubble over the facility. If they are  
 13 required to do a reduction in, say,  
 14 particulate emissions at one point of their  
 15 facility, they can opt to put a bubble on  
 16 that facility and they can maybe make those  
 17 reductions at another part of the facility,  
 18 so long as the overall net -- there is an  
 19 overall net reduction. So that's the  
 20 intent.  
 21 And the intent of all these changes  
 22 -- they look like a lot of changes and  
 23 there are a lot of changes. But what we  
 24 did was try and clarify what is required in  
 25 the application for the reduction plan and,

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1 also, tried to make it where it would be  
 2 more approvable by EPA.  
 3 So rather than go through all the  
 4 changes -- those are the two basic reasons  
 5 behind the changes. We had three public  
 6 hearings on this rule in January, April,  
 7 and July of this year. And we passed it in  
 8 July and we're asking for passage by you as  
 9 a permanent rule.  
 10 MR. JOHNSTON: Any questions from  
 11 the Board on Subchapter 11?  
 12 MR. PADEN: Mr. Chairman, I need  
 13 some clarification.  
 14 MR. BRANECKY: Okay.  
 15 MR. PADEN: David, I don't really  
 16 have a problem with what the rule does. I  
 17 just need, for my own purposes, to have a  
 18 better understanding of how it works.  
 19 MR. BRANECKY: Okay.  
 20 MR. PADEN: You've got actual  
 21 emissions, potential emissions, operating  
 22 emissions; is that correct?  
 23 MR. BRANECKY: Yes.  
 24 MR. PADEN: And then you've got  
 25 rule emissions. So you've got four

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1 different --  
 2 MR. BRANECKY: Ways of --  
 3 MR. PADEN: -- ways to measure?  
 4 MR. BRANECKY: -- right.  
 5 MR. PADEN: Okay. And then we  
 6 have a net reduction in emissions. And my  
 7 first question is, is that a -- is the net  
 8 emissions reduction a total number net or  
 9 is it a net for each constituent?  
 10 In other words, is it a net for NOx,  
 11 is it a net for --  
 12 MR. BRANECKY: It depends. If  
 13 you have your application -- in your  
 14 application you specify which pollutant  
 15 you're addressing. It's only for that one  
 16 pollutant.  
 17 MR. PADEN: Okay. Okay. Then --  
 18 MR. BRANECKY: And you cannot  
 19 trade pollutants. It has to be a  
 20 reduction, particulate for particulate, NOx  
 21 for NOx. You can't use NOx for  
 22 particulates and things like that.  
 23 MR. PADEN: Okay. And then on  
 24 page four.  
 25 MR. BRANECKY: Okay.

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1 MR. PADEN: Subparagraph -- it's  
2 A(1) Subparagraph (d).  
3 MR. BRANECKY: Okay.  
4 MR. PADEN: And tell me, the  
5 phrase "maintain and operate RACT", tell me  
6 how that differs from where we are right  
7 now or if it differs or is that a new  
8 requirement, is that a more stringent  
9 requirement than we currently have?  
10 MR. BRANECKY: Okay. Give me a  
11 second here to --  
12 MR. PADEN: A(1)(d).  
13 MR. BRANECKY: I found it. I'm  
14 trying to get the context of what --  
15 MR. PADEN: Okay.  
16 MR. BRANECKY: I have staff here,  
17 if they know the answer right away.  
18 MR. TERRILL: It's no different.  
19 It's been that way before, we just moved it  
20 around.  
21 MR. PADEN: Okay.  
22 MR. BRANECKY: Okay. It's been  
23 in the rule, it's just moved to a different  
24 location.  
25 MR. PADEN: That's all, Mr.

Page 15

1 Chairman.  
2 MR. JOHNSTON: Any more questions  
3 from the Board?  
4 MR. WUERFLEIN: Yes, Jerry, just  
5 a clarification. There was a comment made  
6 in the hearings about a company being able  
7 to maybe reduce at another facility to  
8 offset emissions.  
9 MR. BRANECKY: Right.  
10 MR. WUERFLEIN: I was thinking  
11 that things have to be fairly contiguous.  
12 MR. BRANECKY: It's in the rule  
13 it has to be adjacent and contiguous.  
14 MR. WUERFLEIN: I thought it was,  
15 but I didn't know how far apart these  
16 facilities can be and still be called  
17 comparable.  
18 MR. BRANECKY: Adjacent and  
19 contiguous.  
20 MR. JOHNSTON: Good question,  
21 Richard. Any more questions from the  
22 Board? Any questions or comments from the  
23 public? You young people have any  
24 questions out there? You need to ask them.  
25

Page 16

1 Any questions from the public? Back  
2 to the Board. Any final questions from the  
3 Board? Somebody needs to move this  
4 forward.  
5 MR. COFFMAN: Mr. Chairman, I  
6 move for final adoption.  
7 MR. WUERFLEIN: Second.  
8 MR. JOHNSTON: Moved and  
9 seconded. Roll call, please.  
10 MS. BRUCE: Mr. Cassidy.  
11 MR. CASSIDY: Yes.  
12 MS. BRUCE: Mr. Coffman.  
13 MR. COFFMAN: Yes.  
14 MS. BRUCE: Ms. Galvin.  
15 MS. GALVIN: Yes.  
16 MS. BRUCE: Mr. Mason.  
17 MR. MASON: Yes.  
18 MS. BRUCE: Mr. Paden.  
19 MR. PADEN: Aye.  
20 MS. BRUCE: Mr. Roberts.  
21 MR. ROBERTS: Aye.  
22 MS. BRUCE: Mr. Wuerflein.  
23 MR. WUERFLEIN: Yes.  
24 MS. BRUCE: Mr. Johnston.  
25 MR. JOHNSTON: Yes.

Page 17

1 (End of Proceedings)  
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2                   C E R T I F I C A T E  
3 STATE OF OKLAHOMA     )  
4 COUNTY OF OKLAHOMA    )            ss:

5            I, CHRISTY A. MYERS, Certified  
6 Shorthand Reporter in and for the State of  
7 Oklahoma, do hereby certify that the above  
8 proceedings are the truth, the whole truth,  
9 and nothing but the truth, in the case  
10 aforesaid; that the foregoing proceedings  
11 were taken by me in shorthand and  
12 thereafter transcribed under my direction;  
13 that said proceedings were taken on the  
14 10th day of September, 2002, at Cushing,  
15 Oklahoma; and that I am neither attorney  
16 for nor relative of any of said parties,  
17 nor otherwise interested in said action.

18            IN WITNESS WHEREOF, I have hereunto  
19 set my hand and official seal on this, the  
20 18th day of October, 2002.

21  
22                                 \_\_\_\_\_  
23                                 CHRISTY A. MYERS, C.S.R.  
24                                 Certificate No. 00310  
25

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

OAC 252:205

HAZARDOUS WASTE MANAGEMENT

PRESENTED BY JODY REINHART

HELD ON SEPTEMBER 10, 2002

IN CUSHING, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

Page 2

1  
2 BOARD MEMBERS PRESENT  
3  
4 MR. JERRY JOHNSTON, CHAIRMAN  
5 MR. MIKE CASSIDY  
6 MR. JACK COFFMAN  
7 MS. JENNIFER GALVIN  
8 MR. STEVE MASON  
9 MR. LEE PADEN  
10 MR. HERSCHEL ROBERTS  
11 MR. RICHARD WUERFLEIN  
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14 STAFF MEMBER  
15 MYRNA BRUCE  
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Page 4

1 MR. JOHNSTON: I'm saving face  
2 here.  
3 MS. REINHART: We have two  
4 changes to propose to the Environmental  
5 Quality Board today.  
6 The first set of them is just where  
7 we are updating the rules. Throughout the  
8 year, obviously, EPA is always making  
9 changes to the rules and regulations and  
10 things. And when you look at the Federal  
11 Registers that are cited by the five things  
12 that are noted there, they begin November  
13 20th of last year and would go up through  
14 April 9th of this year.  
15 So we still have got a little bit of  
16 five month lag but, you know, we typically  
17 only do all of our adoptions in January of  
18 every year. So what we're doing with this  
19 is that we're doing an emergency rulemaking  
20 just to keep the rules up-to-date and  
21 current for the regulated community.  
22 The first of these was published on  
23 November 20th, 2001. It's regarding the  
24 new listing of three hazardous wastes  
25 generated by inorganic chemical

Page 3

1  
2 PROCEEDINGS  
3 MR. JOHNSTON: We'll go on to  
4 Item 5. Rulemaking OAC 252:205, Hazardous  
5 Waste Management. And I'll let my good  
6 friend, Robert Johnston come up and --  
7 MR. ROBERT JOHNSTON: Jody is  
8 going to do it.  
9 MR. JOHNSTON: Jody is going to  
10 do it. I'm sorry.  
11 MS. REINHART: I'm not Robert. I  
12 think everybody can tell that I'm not  
13 Robert.  
14 MR. JOHNSTON: Okay.  
15 MS. REINHART: Okay.  
16 MR. JOHNSTON: I'm sorry, Jody.  
17 MS. REINHART: That's all right.  
18 MR. JOHNSTON: I jumped a page  
19 here.  
20 MS. REINHART: Yes. I think  
21 Robert follows me.  
22 MR. JOHNSTON: The attractive,  
23 beautiful Jody Reinhart.  
24 MS. REINHART: Thank you, I  
25 appreciate that.

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1 manufacturing processes.  
2 The second was published January  
3 22nd, it's in regard to the Corrective  
4 Action Management Unit, typically called  
5 CAMU rule.  
6 On March 13th, 2002, they did items  
7 three and four, which was classification of  
8 mineral processing characteristic sludges  
9 and biproducts which we reclaimed as solid  
10 wastes.  
11 And then they also made a  
12 prohibition using the TCLP to determine  
13 whether or not manufactured gas plant waste  
14 is hazardous waste.  
15 The final one is technical  
16 corrections related to the new inorganic  
17 chemical manufacturing listings. All of  
18 these are found in 205-3-3.  
19 The language in there has already  
20 been made permanent, as part of our  
21 rulemaking in regard to that PCB, so all  
22 we're doing is striking that language and  
23 then inserting these Federal Registers as  
24 citing the new rules. Back to you, sir.  
25 MR. JOHNSTON: Any questions from

Page 6

1 the Board?  
 2 MR. COFFMAN: And this is  
 3 emergency adoption?  
 4 MS. REINHART: It will be  
 5 emergency only. In January, we'll come  
 6 back and just make them permanent. That  
 7 way, we can actually get this closed and  
 8 finalized. And all it's going to do is  
 9 just help the regulated community, keep the  
 10 program consistent with what the Federal  
 11 Regs are doing at this time.  
 12 MR. JOHNSTON: Emergency only,  
 13 right?  
 14 MS. REINHART: Emergency only,  
 15 sir.  
 16 MR. JOHNSTON: Lee.  
 17 MR. PADEN: I'm pleased.  
 18 MR. JOHNSTON: I usually look to  
 19 Lee.  
 20 MR. PADEN: One of the things  
 21 that I've always been concerned about,  
 22 about these updates are that usually we're  
 23 a year behind.  
 24 MS. REINHART: Right.  
 25 MR. PADEN: And Subparagraph 4,

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1 even incorporates an update that was done  
 2 in April of this year.  
 3 MS. REINHART: Right.  
 4 MR. PADEN: So I think we're in  
 5 good shape.  
 6 MS. REINHART: Okay.  
 7 MR. PADEN: So I'm --  
 8 MS. REINHART: And, honestly,  
 9 that is what the Council is planning to do,  
 10 is do a permanent adoption in January of  
 11 every year. And then midway through the  
 12 year, we'll come back and adopt those rules  
 13 that have been promulgated to that point.  
 14 And that way, we keep our program up to  
 15 date.  
 16 MR. JOHNSTON: Any more questions  
 17 from the Board? Any questions or comments  
 18 by the public? Any questions by the  
 19 public? If not, we'll come back to the  
 20 Board. Any more discussion by the Board?  
 21 MR. PADEN: I move the adoption.  
 22 MS. GALVIN: I second it.  
 23 MR. JOHNSTON: Been moved and  
 24 seconded. Do the roll call, please. This  
 25 is for emergency adoption only.

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1 MS. BRUCE: Mr. Cassidy.  
 2 MR. CASSIDY: Yes.  
 3 MS. BRUCE: Mr. Coffman.  
 4 MR. COFFMAN: Yes.  
 5 MS. BRUCE: Ms. Galvin.  
 6 MS. GALVIN: Yes.  
 7 MS. BRUCE: Mr. Mason.  
 8 MR. MASON: Yes.  
 9 MS. BRUCE: Mr. Miner.  
 10 MR. MINER: Yes.  
 11 MS. BRUCE: Mr. Paden.  
 12 MR. PADEN: Aye.  
 13 MS. BRUCE: Mr. Roberts.  
 14 MR. ROBERTS: Aye.  
 15 MS. BRUCE: Mr. Wuerflein.  
 16 MR. WUERFLEIN: Yes.  
 17 MS. BRUCE: Mr. Johnston.  
 18 MR. JOHNSTON: Yes.  
 19 Okay. Now we're ready for 6.  
 20 MS. REINHART: Almost.  
 21 MR. JOHNSTON: Oh, I'm sorry.  
 22 I'm really messing up this morning. Okay.  
 23 MS. REINHART: There is only one  
 24 other thing. We've got one other item of  
 25 business.

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1 MR. JOHNSTON: My lady here is  
 2 getting back on taking care of me.  
 3 MS. REINHART: Okay.  
 4 MR. JOHNSTON: So we'll be in  
 5 good shape from now on.  
 6 MS. REINHART: In Subchapter 17,  
 7 Part 3 of our 252:205 Rules, we had a part  
 8 called the Waste Reduction Incentives. And  
 9 the state statutes that gave -- provided  
 10 the regulatory statutory authority for  
 11 those have been revoked. It happened in  
 12 about 2000. So even if they -- somebody  
 13 had tried, the authority to implement those  
 14 has been revoked.  
 15 So all we're doing with this  
 16 rulemaking is removing those out of our  
 17 rules to be consistent with the statutes  
 18 that are in place right now.  
 19 MR. JOHNSTON: Any questions from  
 20 the Board on 205-3-2? I mean, on  
 21 Subchapter 17, Part 3?  
 22 MS. REINHART: Yes, sir.  
 23 MR. JOHNSTON: Any questions or  
 24 comments from the audience? Back to the  
 25 Board for discussion by the Board.

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1 MR. PADEN: Mr. Chairman, I move  
2 the adoption.  
3 MR. COFFMAN: Second.  
4 MR. JOHNSTON: Roll call vote,  
5 please.  
6 MS. BRUCE: Mr. Cassidy.  
7 MR. CASSIDY: Yes.  
8 MS. BRUCE: Mr. Coffman.  
9 MR. COFFMAN: Yes.  
10 MS. BRUCE: Ms. Galvin.  
11 MS. GALVIN: Yes.  
12 MS. BRUCE: Mr. Mason.  
13 MR. MASON: Yes.  
14 MS. BRUCE: Mr. Miner.  
15 MR. MINER: Yes.  
16 MS. BRUCE: Mr. Paden.  
17 MR. PADEN: Aye.  
18 MS. BRUCE: Mr. Roberts.  
19 MR. ROBERTS: Aye.  
20 MS. BRUCE: Mr. Wuerflein.  
21 MR. WUERFLEIN: Yes.  
22 MS. BRUCE: Mr. Johnston.  
23 MR. JOHNSTON: Yes.  
24 (End of Proceedings)  
25

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1  
2 C E R T I F I C A T E  
3 STATE OF OKLAHOMA )  
4 COUNTY OF OKLAHOMA ) ss:  
5 I, CHRISTY A. MYERS, Certified  
6 Shorthand Reporter in and for the State of  
7 Oklahoma, do hereby certify that the above  
8 proceedings is the truth, the whole truth,  
9 and nothing but the truth, in the case  
10 aforesaid; that the foregoing proceedings  
11 were taken by me in shorthand and  
12 thereafter transcribed under my direction;  
13 that said proceedings were taken on the  
14 10th day of September, 2002, at Cushing,  
15 Oklahoma; and that I am neither attorney  
16 for nor relative of any of said parties,  
17 nor otherwise interested in said action.  
18 IN WITNESS WHEREOF, I have hereunto  
19 set my hand and official seal on this, the  
20 18th day of October, 2002.  
21  
22 CHRISTY A. MYERS, C.S.R.  
23 Certificate No. 00310  
24  
25

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OAC 252:631  
PUBLIC WASTE WATER SUPPLY  
PRESENTED BY ROBERT JOHNSTON  
HELD ON SEPTEMBER 10, 2002  
IN CUSHING, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

Page 2

1  
2 BOARD MEMBERS PRESENT  
3  
4 MR. JERRY JOHNSTON, CHAIRMAN  
5 MR. MIKE CASSIDY  
6 MR. JACK COFFMAN  
7 MS. JENNIFER GALVIN  
8 MR. STEVE MASON  
9 MR. LEE PADEN  
10 MR. HERSCHEL ROBERTS  
11 MR. RICHARD WUERFLEIN  
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14 STAFF MEMBER  
15 MYRNA BRUCE  
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Page 4

1 to maintain primacy for drinking water  
2 programs.  
3 Also, changes were proposed in the  
4 fee schedule in OAC 252:631-21, to make the  
5 fee rules consistent with the statutory  
6 provisions and to eliminate duplicated  
7 revisions, which are currently in effect in  
8 OAC 252:305, Laboratory Services, which  
9 were approved by the Board at the March 1,  
10 2002 meeting.  
11 Finally, all provisions that apply  
12 specifically to minor systems were grouped  
13 together in a new Subchapter 5. This makes  
14 it easier for the small systems to locate  
15 requirements.  
16 During the public comment period in  
17 the Council meeting held on August 6th,  
18 2002, there were no comment received on  
19 this chapter. The lack of comments is at  
20 least partially attributed to the staff  
21 contacting groups such as Oklahoma Rural  
22 Water Association, the Oklahoma Municipal  
23 League and various citizens that were asked  
24 to obtain feedback and address concerns  
25 prior to the public notice period.

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1  
2 PROCEEDINGS  
3 MR. JOHNSTON: At this time, if  
4 I'm not mistaken, we're going to Number 6  
5 to be presented by Robert Johnston, Chair  
6 of the Water Quality Management Advisory  
7 Council. Cousin Robert.  
8 MR. ROBERT JOHNSTON: Good  
9 morning.  
10 MR. WUERFLEIN: Good morning.  
11 MR. ROBERT JOHNSTON: OAC  
12 252:631, Public Water Supply Operation.  
13 This chapter would revise to amend the rule  
14 in order to reflect the most recent Federal  
15 Regulations. Additionally, EPA had  
16 concerns that the state rules were not  
17 consistent with the federal rules.  
18 New language was added to Subchapter  
19 3 to specify new EPA recommended security  
20 measures for drinking water facilities. By  
21 revoking language that was contained in 40  
22 CFR Parts 141 and 143, and merely adopting  
23 these provisions by reference and adding  
24 the security provisions, EPA was satisfied  
25 that Oklahoma had the necessary regulations

Page 5

1 The Water Quality Management  
2 Advisory Council, therefore, recommends  
3 approval of this chapter to the Board with  
4 the unanimous vote for both emergency and  
5 permanent rulemaking.  
6 There is a separate preamble which  
7 lists the emergency provisions to be  
8 adopted and one for permanent adoption.  
9 The provisions for permanent adoption only  
10 include such items that are typographical  
11 and re-wordings that make the rule easier  
12 to read but have no regulatory impact.  
13 MR. JOHNSTON: Any questions by  
14 the Board? A lot of hard work, I  
15 appreciate it. Questions by the Board.  
16 MR. PADEN: I've got a  
17 consistency question. On page one,  
18 definition section, there is a definition  
19 for "approved laboratory" and it indicates  
20 that it's a laboratory certified by EPA,  
21 DEQ or an EPA approved third party  
22 certification program.  
23 Then on the next page under  
24 "laboratory check", that means chemical  
25 radiochemical, physical, bacteriological,

Page 6

1 microbiological tests made in the  
 2 laboratory certified by DEQ.  
 3 My question is, if we define  
 4 "approved laboratory", shouldn't we also,  
 5 on "laboratory checks", include those other  
 6 entities approved by EPA or certified by  
 7 another program, in that definition?  
 8 Because when you go over in the rule  
 9 on page six, we say "in a laboratory  
 10 certified by EPA, DEQ", so on and so on and  
 11 so on.  
 12 So for consistency purposes, would  
 13 we be better off by using the term  
 14 "approved laboratory" in the "laboratory  
 15 checks" definition and then use "approved  
 16 laboratory" over in 3-2 and have exactly  
 17 the same meaning but have some consistency?  
 18 MR. JOHNSTON: That was not a  
 19 question that was raised but it seems very  
 20 logical.  
 21 MR. THOMPSON: All right. So  
 22 you're suggesting that we change the word  
 23 "certified" under "laboratory checks" to  
 24 "laboratory approved by the DEQ". Is that  
 25 the change?

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1 MR. PADEN: Well, what I would do  
 2 is, I would say "made in an approved  
 3 laboratory" and strike "certified" by DEQ.  
 4 MR. THOMPSON: Okay.  
 5 MR. PADEN: Because we don't  
 6 define what an approved laboratory is.  
 7 Does staff have a problem with that?  
 8 MS. CHARD-MCCLARY: No, we don't.  
 9 MR. PADEN: Okay. And then over  
 10 on page six, do the same thing. On the  
 11 third line, say "in an approved laboratory"  
 12 and then strike that "certified by EPA or  
 13 the DEQ". Do you have a problem with that?  
 14 MR. JOHNSTON: Any more questions  
 15 from the Board about the changes or about  
 16 the rule? Questions, comments, discussion  
 17 by the public? You all are pretty quiet  
 18 this morning. Back to discussion by the  
 19 Board.  
 20 MR. MINER: Move for approval  
 21 with Mr. Paden's change.  
 22 MS. GALVIN: Second.  
 23 MR. JOHNSTON: This is emergency  
 24 and permanent adoption. Do we have all the  
 25 changes?

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1 MR. PADEN: But you need -- your  
 2 motion needs to include the finding of  
 3 emergency, Roger.  
 4 MR. MINER: With the finding of  
 5 emergency.  
 6 MR. JOHNSTON: Do we have the  
 7 proper motion in place?  
 8 MR. WUERFLEIN: Mr. Chairman,  
 9 will we be voting twice or voting once?  
 10 Once per emergency, once per --  
 11 MR. JOHNSTON: I think it's once.  
 12 He said -- his motion was with changes.  
 13 MR. WUERFLEIN: Okay. I have a  
 14 question. You mentioned something about  
 15 not all this rule would be emergency, that  
 16 -- how do we know which is the --  
 17 MR. JOHNSTON: Which part is  
 18 what?  
 19 MR. WUERFLEIN: -- which part is  
 20 emergency and which isn't?  
 21 MR. PADEN: Mr. Chairman, before  
 22 we -- is there a way to globally include  
 23 the approved laboratory language? Because  
 24 Mr. Roberts finds other places that I  
 25 didn't find, so globally go through and

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1 where you would use "certified DEQ lab" or  
 2 other such language to -- that's really  
 3 scribbner in character, it doesn't change  
 4 the intent. And that way, we'd get it all.  
 5 If we could incorporate that in the motion  
 6 to direct staff to make those changes.  
 7 MR. MINER: Let's go back to the  
 8 question that was raised about partially --  
 9 MR. THOMPSON: Part of this was  
 10 not going to be emergency, it was just  
 11 permanent.  
 12 MR. MINER: Yes. What's the deal  
 13 with that? Can we do it in one motion?  
 14 MS. CHARD-MCCLARY: Okay. If you  
 15 all look in your packets, you should have  
 16 two preambles. In the packet that was  
 17 originally mailed out, you had one preamble  
 18 that had everything the Governor's office  
 19 had indicated to our rulemaking secretary  
 20 that we would need to submit separate  
 21 preambles to their office. One listing,  
 22 specifically the emergency provisions; and  
 23 one listing, specifically the emergency;  
 24 one listing, permanent.  
 25 So you should have two separate

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1 preambles, but at the top, one will say  
 2 Emergency Adoption, the other says  
 3 Permanent Final Adoption. The difference  
 4 in the two sections, the majority of this  
 5 is going both emergency and permanent  
 6 because it is driven by EPA.  
 7 The Governor's office will not  
 8 approve on an emergency basis changes that  
 9 really do not constitute an emergency. So  
 10 there are some things that previously said,  
 11 "you shall not do something" and it now  
 12 says "do not do" whatever it is, in our  
 13 effort to bring everything into an easier  
 14 to read language.  
 15 So that's the difference, why some  
 16 of it's emergency and permanent and why  
 17 some of it is only permanent.  
 18 MR. MINER: So the question is,  
 19 we're acting on two different rules; is  
 20 that not true?  
 21 MR. PADEN: I think we need two  
 22 votes. We would be better off.  
 23 MR. MINER: Okay. Well, my  
 24 motion is to adopt first the permanent  
 25 final adoption -- I'm sorry, the emergency.

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1 And would that one include the changes --  
 2 global changes regarding the lab  
 3 certification?  
 4 MS. CHARD-MCCLARY: Yes.  
 5 MR. MINER: With both us them?  
 6 MS. CHARD-MCCLARY: Yes, it will,  
 7 because we are required -- the definition  
 8 section is one of the sections that is  
 9 required to go as an emergency. And then  
 10 once we start changing the language there,  
 11 then that will directly impact the other.  
 12 So all of that change would be part of the  
 13 emergency.  
 14 MS. MINER: Okay. Mr. Chairman,  
 15 I would like to amend my motion to cover  
 16 the emergency and to include the global  
 17 language regarding lab certification.  
 18 MR. JOHNSTON: Do you have all  
 19 that down? Who seconded the original  
 20 motion?  
 21 MS. GALVIN: I seconded.  
 22 MR. JOHNSTON: And that's okay  
 23 with you?  
 24 MS. GALVIN: Yes.  
 25 MR. JOHNSTON: So is everybody

Page 12

1 clear, both on the Board and the audience,  
 2 on what we're voting on right now? Any  
 3 questions from either area? Okay. Proceed  
 4 with the roll call.  
 5 MS. BRUCE: Mr. Cassidy.  
 6 MR. CASSIDY: Yes.  
 7 MS. BRUCE: Mr. Coffman.  
 8 MR. COFFMAN: Yes.  
 9 MS. BRUCE: Ms. Galvin.  
 10 MS. GALVIN: Yes.  
 11 MS. BRUCE: Mr. Mason.  
 12 MR. MASON: Yes.  
 13 MS. BRUCE: Mr. Miner.  
 14 MR. MINER: Yes.  
 15 MS. BRUCE: Mr. Paden.  
 16 MR. PADEN: Aye.  
 17 MS. BRUCE: Mr. Roberts.  
 18 MR. ROBERTS: Aye.  
 19 MS. BRUCE: Mr. Wuerflein.  
 20 MR. WUERFLEIN: Yes.  
 21 MS. BRUCE: Mr. Johnston.  
 22 MR. JOHNSTON: Yes. Okay. Now  
 23 to the second part, whoever is --  
 24 MR. MINER: I'll make that  
 25 motion, as well, to cover the permanent

Page 13

1 rule with the inclusion of language to make  
 2 the global changes for lab certification.  
 3 MR. JOHNSTON: Is that clear to  
 4 everybody? Do we have a second on that  
 5 motion?  
 6 MR. COFFMAN: Second.  
 7 MR. JOHNSTON: All right.  
 8 MS. BRUCE: Mr. Cassidy.  
 9 MR. CASSIDY: Yes.  
 10 MS. BRUCE: Mr. Coffman.  
 11 MR. COFFMAN: Yes.  
 12 MS. BRUCE: Ms. Galvin.  
 13 MS. GALVIN: Yes.  
 14 MS. BRUCE: Mr. Mason.  
 15 MR. MASON: Yes.  
 16 MS. BRUCE: Mr. Miner.  
 17 MR. MINER: Yes.  
 18 MS. BRUCE: Mr. Paden.  
 19 MR. PADEN: Aye.  
 20 MS. BRUCE: Mr. Roberts.  
 21 MR. ROBERTS: Aye.  
 22 MS. BRUCE: Mr. Wuerflein.  
 23 MR. WUERFLEIN: Yes.  
 24 MS. BRUCE: Mr. Johnston.  
 25 MR. JOHNSTON: Yes.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE OPERATIONAL BUDGET REQUEST  
PRESENTED BY LARRY GALES,  
PRIMARY DIVISION DIRECTOR  
ON SEPTEMBER 10, 2002  
IN CUSHING, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

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2 BOARD MEMBERS  
3 JERRY JOHNSTON, CHAIRMAN  
4 MR. MIKE CASSIDY  
5 MR. JACK COFFMAN  
6 MS. JENNIFER GALVIN  
7 MR. STEVE MASON  
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13 STAFF MEMBER  
14 MYRNA BRUCE  
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1 revenue funding this coming year. There  
2 are a lot of issues on the legislative  
3 plate of which we are to be involved in.  
4 However, we do feel like it's  
5 important that these issues be brought to  
6 the forefront as items that are important  
7 on the environmental agenda, so that both  
8 the Board and the Legislature are aware of  
9 these sorts of issues and the problems  
10 associated.  
11 What I would like to do is, on each  
12 of about ten points, is briefly summarize  
13 each of the points for each of the issues  
14 and then move to discussion and questions  
15 as you see fit.  
16 MR. JOHNSTON: Do you want to  
17 discuss each point as we go through it?  
18 MR. GALES: That's fine. The  
19 first issue on the plate is Total Maximum  
20 Daily Loading, TMDL. Again, this was  
21 something we talked about last year, we saw  
22 last year. It continues to be an issue,  
23 largely because if somehow or another we  
24 don't accommodate TMDL testing here in the  
25 state and get those things done, we face an

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2 PROCEEDINGS  
3 MR. JOHNSTON: We have an  
4 Operational Budget Request and it will be  
5 presented by Larry Gales, Primary Division  
6 Director. And he and Steve will probably  
7 both be involved in this show.  
8 MR. GALES: Thank you, Mr.  
9 Chairman. Good morning. Well, as the song  
10 goes, this ain't our first rodeo and I'm --  
11 I'm sure that most of you recognize the  
12 similarity between this year's budget  
13 request and last year's request in that  
14 it's inclusive.  
15 We're pretty much asking for the  
16 same things we asked for last year. The  
17 Budget Committee met by conference call on  
18 the 19th of August and after some lengthy  
19 two and a half hours worth of discussion,  
20 we came to a resolution. And the Committee  
21 asks for your full consideration today, the  
22 Board included, (inaudible) something that  
23 I provided a short time back.  
24 We recognize that there is probably  
25 not a lot of opportunity for general

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1 issue of potentially adverse impacts on our  
2 state economic growth.  
3 That being the cities and towns that  
4 want to grow, industries that want to  
5 expand, the TMDLs that have got to be done  
6 for any new permit, before any stringent  
7 existing permit. So we've got to have the  
8 TMDL work done.  
9 Currently, the load is quite high,  
10 about something over a thousand TMDL's over  
11 the next five years. If the 303(d) list,  
12 which lists the streams, the receiving  
13 stream list, is improved the way we think  
14 it should be, that load will be cut in  
15 half. But still it will be an immense load  
16 over the next five years.  
17 So we're asking for funding through  
18 the general revenue funding to help us with  
19 this sort of work.  
20 MR. THOMPSON: Let me just add to  
21 what Larry said about that. Our budget  
22 request -- on a couple of things.  
23 Our budget request is based on the  
24 lower number. The TMDL Rule has moved to  
25 the Office of Management and Budget for

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1 review. This is an effort that Jon Craig  
2 worked on extensively over the last couple  
3 of years and has had some success with.  
4 We think that that rule will come  
5 out in the Federal Register, as a Federal  
6 Register notice in November. So that is  
7 moving forward. So we are, as last year,  
8 we bet on the success of that effort and it  
9 looks like it's going to go forward.  
10 The other thing, I think, as a  
11 preamble to all of this, we are not, as an  
12 Agency, blind to the revenue shortfalls  
13 that are befalling the state and the  
14 ability to fund through general revenue  
15 these issues.  
16 But the budget request allows us to  
17 bring to both the Board and to the  
18 Legislature this list of needs, which we  
19 think are priorities for the Agency and for  
20 industry, for municipalities and citizens  
21 in the state.  
22 So that's why, in spite of the  
23 financial forecast, we think it's important  
24 that you all have the opportunity to review  
25 that.

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1 thousand is not contingent on getting the  
2 five hundred thousand dollars. It's just  
3 the amount of money that's going to be  
4 needed to do the work.  
5 MR. PADEN: Okay.  
6 MR. THOMPSON: Based on our  
7 analysis.  
8 MR. PADEN: One other question.  
9 If we don't get the five hundred thousand  
10 in FY04, then what does that do to the TMDL  
11 process over the five year period? It just  
12 pushes everything back? Or tell me what  
13 happens there.  
14 MR. GALES: Well, I'm sure it  
15 pushes some of it back, but we need to  
16 continue to move forward to the best --  
17 within our resources to get some of these  
18 things done. We can't let them stack up  
19 until the end of the day and then all of a  
20 sudden, instead of having to deal with  
21 however many a year we deal with.  
22 MR. PADEN: Since we have a  
23 member of the Legislature here, I was just  
24 trying to get some better clarification on  
25 why this money is important.

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1 MR. PADEN: Larry, in your write-  
2 up, you talk about the four hundred and  
3 fifty thousand match in addition to 106  
4 monies. My question is, is that four  
5 hundred and fifty linked to getting the  
6 additional state appropriations?  
7 MR. GALES: No, I don't believe  
8 so. That's a four hundred and fifty  
9 thousand dollar grant commitment, I  
10 believe, that we would receive regardless.  
11 But it's not sufficient to handle the job.  
12 It's not a match, as far as I know.  
13 MR. THOMPSON: No. We're going  
14 to apply -- that will be an increase in 106  
15 funding, Water Quality funding, and we will  
16 apply that to the effort.  
17 MR. PADEN: So there's -- in this  
18 program, there is no DEQ expenditure  
19 federal match process?  
20 MR. THOMPSON: There is a federal  
21 match, but we consistently overmatch for  
22 those federal funds.  
23 MR. PADEN: Okay.  
24 MR. THOMPSON: So it is not --  
25 receiving the four hundred and fifty

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1 MR. THOMPSON: Well, let me take  
2 a little bit of a run at that. We will  
3 prioritize needs based upon impaired waters  
4 and based upon needs related to economic  
5 development. Because as the flow to  
6 streams increases, particularly where they  
7 are impaired, we will have to do these  
8 TMDLs to allow for those increases where we  
9 can.  
10 So we will prioritize and we will  
11 use federal funding to the extent that we  
12 can, but these are very expensive  
13 processes. And if our need to do TMDLs for  
14 those purposes out runs our funding, then  
15 we have to either look to the cities, who  
16 are also struggling, or to industries, to  
17 fund these efforts. And if that doesn't  
18 happen, then we have no ability to increase  
19 the load to the stream.  
20 So it is both a water quality and an  
21 economic development issue that could be  
22 inhibited if we don't have -- we're going  
23 to do the best we can with the money we  
24 have, but it may not be enough.  
25 MR. PADEN: One final question,

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1 Mr. Chairman. Isn't it true that one of  
2 the areas of interest that DEQ has is in  
3 Creek County and in Payne County and the  
4 surrounding counties, to make sure that we  
5 get the TMDL work done in those counties?  
6 MR. THOMPSON: Absolutely. That  
7 may be our highest priority.  
8 MR. GALES: Stormwater, the next  
9 item on the agenda.  
10 MR. JOHNSTON: If you can follow,  
11 just an input here, if you follow, like on  
12 page eleven, see what we're doing now and  
13 see how much is fees and how much is  
14 federal and how much is state, and fees is  
15 -- you all know who pays the fees. So this  
16 is very important that we get legislative  
17 funding.  
18 MR. THOMPSON: I would also say,  
19 Mr. Paden, that my response indicates a  
20 fairly high level of training by the  
21 master.  
22 MR. GALES: Stormwater, the next  
23 item, next issue. Relatively new program,  
24 however, the regulations being rationed  
25 down by EPA. And EPA has indicated to us,

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1 at least, that stormwater is going to be  
2 one of their priorities. I don't know how  
3 much of a viable threat that is, but  
4 nonetheless, it seems to be a threat.  
5 One example I've given you is the fact that  
6 they've reduced the areas for consideration  
7 from five acres disturbed down to one acre  
8 disturbed, which will obviously increase  
9 the workload. Our budget request is for --  
10 is commiserate with that increase in  
11 workload.  
12 MR. THOMPSON: Let me add just  
13 for a moment to this one. We predicted  
14 last year, when we brought this forward,  
15 that our -- that one of two things was  
16 going to happen. Either we were going to  
17 be able to assist communities and  
18 industries in understanding the stormwater  
19 program or our enforcement workload was  
20 going to go up. And I have forgotten the  
21 exact numbers -- maybe Jon does, but now  
22 it's my recollection that one in six of our  
23 water complaints is now related to  
24 stormwater.  
25 So citizens are becoming more aware

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1 of this, our workload relative to complaint  
2 investigation and enforcement continues to  
3 go up. So it's, in many cases, what we'll  
4 talk about today are a pay me now or pay me  
5 later proposition. And this is a reality  
6 in the stormwater program.  
7 Am I -- Jon, am I misleading them  
8 about those numbers?  
9 MR. CRAIG: No. That is correct,  
10 Steve. Much of the complaints that we have  
11 to work has to do with construction. From  
12 years ago, most of the complaints related  
13 to discharges were from municipalities.  
14 And a majority of the municipalities are in  
15 pretty good shape as far as discharge of  
16 previous wastewater. We've also dealt with  
17 industries to make sure that these permits  
18 require that the discharge of industrial  
19 waste protected the Water Quality  
20 Standards.  
21 But the traditional unregulated  
22 discharges was the stormwater, the runoff  
23 from a nonpoint source. And in phase one  
24 of the stormwater program generally applied  
25 to large cities, construction sites, of

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1 five acres or greater. But effective March  
2 2003, this will effect communities of ten  
3 thousand or greater and construction sites  
4 of one acre or more. Of course, the  
5 majority of the problem with construction  
6 sites is silt, which I'm sure you're well  
7 aware. In fact, in Oklahoma the largest  
8 water pollution problem is silt.  
9 So rather than put all of our effort  
10 into enforcement, we're trying to put the  
11 majority of our effort into Technical  
12 Systems, which we work very, very closely  
13 with the Department of Highways in Oklahoma  
14 to address their problems. Otherwise, we'd  
15 be (\*) against the Highway Department.  
16 But the major changes coming in  
17 March of next year and all cities with  
18 populations of ten thousand or greater will  
19 be affected, as well as small cities which  
20 are satellites of (\*) larger cities such as  
21 Tulsa, Owasso, Oklahoma City, Moore,  
22 Bethany, you can see (\*).  
23 So this will put us on a proactive  
24 spin rather than into enforcement  
25 (inaudible).

1 MR. GALES: The next item is  
2 monitoring support of new drinking water  
3 requirements. Within three years, we will  
4 be looking at increased chemical parameters  
5 that have to be analyzed for us as well as  
6 radionucleides.

7 This increased testing is going to  
8 increase our workload in the lab by at  
9 least thirty percent, perhaps a little  
10 more, over the next three-year period. We  
11 don't have -- we don't have now the  
12 manpower nor the equipment available to do  
13 this new testing.

14 This is another one of those pay up  
15 now or pay up later deals, as far as public  
16 water supplies are concerned, in that if  
17 we're able to continue to provide technical  
18 assistance, we can obviously keep the cost  
19 for compliance down.

20 One of the things we do routinely as  
21 different parameters are due to be tested,  
22 we routinely notify the public water supply  
23 and then send supplies to them so that they  
24 are aware of when their compliance dates  
25 are and can get the samples to us on time.

1 The nature of the samples that will  
2 be run in the future are such that I don't  
3 believe that the private sector is prepared  
4 for it. I don't think that they have -- it  
5 will mean new investments in equipment and  
6 personnel for them, also. And it will -- I  
7 think we would be probably as competitive  
8 or maybe more competitive than the private  
9 sector.

10 Public water supplies are going to  
11 face an increase one way or another, either  
12 through our -- it will either be supported  
13 by general revenue money, it will be  
14 supported by a fee increase that we would  
15 bring to the Board, or they would be  
16 supported by a higher cost in the private  
17 sector.

18 MR. GALES: Okay. Shipping costs  
19 for transportation of time sensitive public  
20 water supply samples. In the past, we have  
21 had to deal with a delivery system that has  
22 resulted in a lot of samples being rejected  
23 because the process simply wasn't fast  
24 enough or there wasn't enough care taken.

25 What we have undertaken here is a

1 If we're unable to fund this  
2 increase, then obviously we've either got  
3 to figure out how to fund it or we're going  
4 to have to limit our services to some  
5 degree. Now, some of that will probably  
6 result in some water supplies needing to go  
7 to the private sector for analytical  
8 testing, which in and of itself is not a  
9 bad thing, except that those private sector  
10 laboratories are probably not going to put  
11 in that technical assistance effort, and if  
12 they do, it will probably cost more money.

13 The other side of the pay later coin  
14 probably is that if we don't continue to  
15 assist public water supplies in compliance  
16 efforts, then we're going to have an  
17 increased compliance -- noncompliance  
18 situation which will result in more cost  
19 for us and for the public water supplies as  
20 a consequence of noncompliance.

21 MR. THOMPSON: The only -- the  
22 other thing I would say about -- I mean, if  
23 we just don't -- if we're overwhelmed by  
24 this number of samples, there is no choice  
25 but for this to go to the private sector.

1 budget request to develop a contract for  
2 state -- for next day delivery of samples,  
3 public water supply samples, properly  
4 preserved, properly quality assured so that  
5 we can use them once we get it into the  
6 lab.

7 Again, this is -- the request is to  
8 develop by contract, statewide contract,  
9 for next day delivery of time sensitive  
10 public water supply samples.

11 MR. JOHNSTON: We haven't been  
12 asking many questions. I guess you have --  
13 when you get to a place, anybody wants to  
14 ask questions, just jump in.

15 One of my -- for twenty years I've  
16 been in municipal government. Eighteen or  
17 fifteen of those years we've been working  
18 on unfunded mandates. And most everybody  
19 has worked hard on this except EPA and  
20 everything that's come down to us anymore  
21 is an unfunded mandate, because there is  
22 very little funding that goes -- or no  
23 funding a lot of times that goes with it.

24 And each one of these things that  
25 shows that you need to do something, comes

1 over into one of these areas where we have  
2 to, either, buy new equipment or we have to  
3 have more staff to test so a lot of these  
4 are unfunded mandates. Unfunded mandates  
5 come down, there is no more money for the  
6 state, it keeps on coming until it gets  
7 down to the small towns and communities  
8 that cannot afford it.

9 In this case, I cannot -- pony  
10 express could have probably got a water  
11 sample from Bramen, America to Oklahoma  
12 City in thirty hours. But none of the  
13 local -- the local post office cannot do  
14 that from Bramen, America today.

15 If I -- I serve on a state committee  
16 and come down once a month to a state  
17 meeting and I bring a water sample down,  
18 but there is a lot of little towns that  
19 have to go to either private or pay twenty  
20 bucks a sample or thirty bucks a sample to  
21 get it taken down. That's just one of the  
22 little additional costs that come down.

23 And when fees come down, that's --  
24 anything out of your people's pocket is a  
25 tax. I mean, no matter what you call it,

1 rules?

2 MR. THOMPSON: They do. There  
3 were three really big issues that we were  
4 facing. One was a change in the standard  
5 in Air Quality, particularly for low level  
6 ozone. One was in the public water supply  
7 issues that we've outlined. And one was in  
8 the TMDL rule that we talked about.

9 This Board and the Department  
10 commented to EPA -- our Chairman served on  
11 a Small Communities Advisory Committee and  
12 we made an effort to mitigate those costs  
13 through those avenues. As we mentioned  
14 earlier, we've had some success with the  
15 TMDL rule. We have had no success with  
16 either the drinking water rules or the air  
17 quality rules.

18 And to the best of my knowledge,  
19 while there is some new requirements for  
20 congressional oversight, I think those have  
21 all passed muster. I think they are a  
22 reality.

23 REPRESENTATIVE WELLS: Can we ask  
24 for any assistance from our congressional  
25 delegation about these unfunded mandates?

1 if it takes a dollar out of your local  
2 people's pockets, it's a dollar out of  
3 there.

4 So all these things that affect us,  
5 all these things that we have to do by  
6 federal mandate, it affects all of us.  
7 It's just a lot. And it's going to get  
8 worse, because there is a lot more things  
9 coming down, especially in water and air  
10 that --

11 REPRESENTATIVE WELLS: If I  
12 might, I'd like to ask a question. Is this  
13 by rule from EPA or is it by congressional  
14 action?

15 MR. THOMPSON: The -- well, the  
16 public water supply is a result of changes  
17 in rulemaking at the federal level. We're  
18 going to talk about some needs in Air and  
19 those are established in the Clean Air Act.  
20 But to a large extent, these evolved from  
21 changes, rule changes, by the Environmental  
22 Protection Agency.

23 REPRESENTATIVE WELLS: In that  
24 regard, does Congress not have oversight  
25 ability to approve or disapprove such

1 MR. JOHNSTON: Well, the Senator  
2 that's running it is willing to listen and  
3 Ed has been an ally in the past.

4 REPRESENTATIVE WELLS: My point  
5 being is, that, being a state agency, you  
6 are aware of the deficit problems we're  
7 currently facing. Three hundred and fifty  
8 million last year, this year doesn't look  
9 very much better and we're already looking  
10 at your Agency as a several million dollar  
11 increase just to be in compliance with EPA  
12 regulations coming down unfunded.

13 That, of course, will have to be  
14 passed along to municipalities if you can't  
15 do it, but you can't without our funding  
16 it, and I don't know whether we can do it  
17 or not.

18 MR. THOMPSON: I understand.

19 REPRESENTATIVE WELLS: And many  
20 of these small communities, particularly in  
21 my area and rural areas, are going to have  
22 an extremely difficult time. I mean, they  
23 are struggling right now to meet current  
24 compliance, as you're aware.

25 So I'm just looking to see where we

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1 might go for assistance on this thing, if  
 2 there's something we need to do with the  
 3 rules, is there variances allowed or  
 4 anything of that nature that these  
 5 communities can apply for. So they're  
 6 stuck?  
 7 MR. THOMPSON: They're stuck. I  
 8 think the answer is, they're stuck. What  
 9 we're trying -- in our budget request,  
 10 let's take public water supply. I'll  
 11 reiterate when the general revenue money,  
 12 which believe me, I understand is, even in  
 13 this budget year, it's something of a  
 14 premium, we will face, after a lot of  
 15 public participation, imposing higher fees  
 16 on the communities or they will -- they  
 17 always have the option of going to the  
 18 private sector.  
 19 But, generally, when that happens,  
 20 their costs are not particularly mitigated  
 21 by that and because we helped them to  
 22 schedule their compliance, it doesn't  
 23 necessarily occur in the private sector.  
 24 They stay in compliance because we help  
 25 schedule their sampling for that and it's

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1 this pay me now or pay me later.  
 2 If you don't have the -- if it  
 3 overwhelms our capacity to do it, if they  
 4 go to the private sector, we're going to  
 5 have to take -- because we have delegated  
 6 programs from the federal government, we'll  
 7 have to take action against communities.  
 8 We don't want to do any of that. But we --  
 9 that is the dilemma that we all face as a  
 10 result of these new drinking water rules.  
 11 MR. PADEN: Mr. Chairman, we --  
 12 as Representative Wells points out, we are  
 13 in a really big bind on money for the  
 14 state. And we've got major issues,  
 15 including these issues and these are not --  
 16 these are not things that ought to be swept  
 17 under the table and forgotten about.  
 18 But there are other things that have  
 19 priority that are higher in scale, I think,  
 20 than whether we fix a problem or attempt to  
 21 fix a problem on collection of water  
 22 samples from rural areas which, in my  
 23 opinion, is a very important issue.  
 24 Because we have a water supply system in  
 25 this country which we need to preserve and

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1 which we need to continue to improve.  
 2 And so, in sitting here listening to  
 3 this conversation, I was wondering whether  
 4 there might be an opportunity for DEQ, some  
 5 rural members of the Legislature -- because  
 6 I think this problem is probably more  
 7 critical to rural communities than it is to  
 8 a town like Stillwater or Tulsa or Oklahoma  
 9 City -- for the Municipal League and some  
 10 other folks to get together and see -- and  
 11 go ahead and make a request for the  
 12 funding. I think we've got to do that,  
 13 because I think we've got to tell that  
 14 story.  
 15 But in the meantime, try to come up  
 16 with some -- you know, bridge solutions, if  
 17 we could. Jerry, if you're going to  
 18 Oklahoma City once a month, maybe you could  
 19 detour and pick up some water samples on  
 20 the way down there. That's a good idea.  
 21 MR. JOHNSTON: A lot of that goes  
 22 on already.  
 23 MR. PADEN: And it does go on, I  
 24 know it does, and I say that in jest.  
 25 But maybe there is a -- maybe there

Page 25

1 is a way to look at some of the things that  
 2 are happening right now in movement to and  
 3 from areas of the state. And if we can  
 4 just get folks together and sit down, maybe  
 5 we can build some bridge kinds of things  
 6 and Representative Wells can work with  
 7 other rural members of the Legislature and  
 8 in the next three or four months we can put  
 9 together a couple of meetings or forums  
 10 where we can discuss things that we can do  
 11 to help each other. Because we've got a  
 12 huge problem in funding -- I mean, we  
 13 haven't even touched the tip of the iceberg  
 14 on --  
 15 MR. THOMPSON: We haven't gotten  
 16 to the big stuff, yet.  
 17 MR. PADEN: -- issues that we  
 18 really need funded, desperately need  
 19 funded, including these items.  
 20 REPRESENTATIVE WELLS: I would  
 21 say you are going to have to go to the  
 22 source of the problem and that's going to  
 23 be in Washington. And in order to do that,  
 24 I mean, we've got to get congressional  
 25 delegation involved, and we've got to get

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1 them to listen. This is the year to get  
 2 them to listen. They're running for  
 3 office.  
 4 MR. JOHNSTON: Right. Their  
 5 office.  
 6 REP WELLS: That gets their  
 7 attention. And if we're going to do  
 8 anything about -- to try to get it amended,  
 9 stopped or at least funded, I'm not opposed  
 10 to increasing the quality of the water. I  
 11 don't think anyone is, but we cannot  
 12 continue at the state level or the local  
 13 level to have these unfunded mandates  
 14 forced down our throats every year. There  
 15 comes a point where we just can't do it  
 16 anymore, we will not be able to comply.  
 17 We're going to shut down some small  
 18 rural municipalities, is what we're going  
 19 to do, we're going to shut them down,  
 20 because they just cannot -- they don't have  
 21 the infrastructure nor the tax base to  
 22 support them.  
 23 So I think now is the time to call  
 24 the troops in Washington, get them on line  
 25 as to trying to help us.

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1 MR. JOHNSTON: It's going to  
 2 affect rural water people, too. Small  
 3 rural water people. There is six hundred -  
 4 - I mean, there is four hundred and sixty-  
 5 four cities and towns in Oklahoma today,  
 6 under a thousand population. This is the  
 7 last --  
 8 MR. GALES: Well, I think it's  
 9 pretty clear to everybody that every dollar  
 10 that goes into increased cost or into  
 11 enforcement is just a dollars  
 12 that can't be spent on solutions.  
 13 The next item is enhanced  
 14 groundwater monitoring protecting public  
 15 water supplies. Our current monitoring  
 16 system is directed toward detecting  
 17 violations of drinking water quality  
 18 standards.  
 19 We don't have in place any system  
 20 that gives any kind of advanced warning if  
 21 a contaminant happened to get in an aquifer  
 22 and was moving or migrating toward a well  
 23 field. We don't have any kind of process  
 24 in place. What this budget request does,  
 25 is to develop a sort of advanced warning

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1 system, so that a public water supply  
 2 system using groundwater as its source  
 3 would have some advanced warning and  
 4 perhaps then could make less expensive  
 5 plans for what to do about it or perhaps  
 6 other remediation could be undertaken.  
 7 MR. JOHNSTON: Jump in as we go  
 8 along, if anybody has questions.  
 9 MR. GALES: Okay. The next one  
 10 is air quality issues. We, basically, are  
 11 dealing with three issues in the air  
 12 quality arena. One of them being ozone  
 13 nonattainment, the other being mobile  
 14 source and nonqualified funding, area  
 15 source not funding, and toxics monitoring.  
 16 There is probably -- if we had to  
 17 pick a priority, a priority, this one along  
 18 with public water supply would probably be  
 19 the things we would place the most emphasis  
 20 on.  
 21 This air quality nonattainment  
 22 business is serious, serious, business for  
 23 Oklahoma. If we don't get a handle on this  
 24 problem, we're going to be dealing with  
 25 serious economic blows.

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1 One of the difficulties we face in  
 2 this area is the lack of -- we don't have  
 3 sufficient data, sufficient high quality  
 4 monitoring data and modeling information to  
 5 make wise decisions about how to go about  
 6 neutralizing the potential impact of  
 7 nonattainment or perhaps even getting it  
 8 deferred completely.  
 9 A couple of programs are available  
 10 for that. One of them being ozone flex and  
 11 the other being early action contracts.  
 12 Both have the opportunities for us to defer  
 13 or delay and perhaps even avoid a  
 14 nonattainment designation.  
 15 But in all cases, we need quality  
 16 data, quality modeling information.  
 17 Without that, we can't make decisions.  
 18 We've had to make some decisions as a state  
 19 already based on data that wasn't complete.  
 20 The impact of that likely will be that we  
 21 will -- if that's all we have, we may have  
 22 to take action in some areas that won't  
 23 change our ozone situation and not take  
 24 action in areas that might change it.  
 25 We just simply don't have sufficient

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1 background information to make wise  
2 decisions about what we can do to eliminate  
3 this opportunity -- or this potential for  
4 nonattainment.  
5 MR. THOMPSON: Let me just say,  
6 relative to the nonattainment issues, the  
7 mobile source issues, I hate to keep saying  
8 pay me now or pay me later.  
9 We do have the opportunity and the  
10 opportunity is narrowing to, while we are  
11 in technical nonattainment, to not be  
12 designated nonattainment if we move forward  
13 with the kind of funding to do the modeling  
14 and those things Larry talked about.  
15 If that doesn't occur at some point,  
16 and it's probably not immediate, but at  
17 some point we will move into nonattainment.  
18 We're already probably, very probably in  
19 technical nonattainment with the 8-hour  
20 standard in Tulsa.  
21 Then we will do the same kinds of  
22 things that we're talking about here under  
23 nonattainment status that we could avoid if  
24 we could opt into one of these programs.  
25 And then at that point, somewhere

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1 else down the road, if we didn't address  
2 our nonattainment issues, we're going to  
3 run into to -- everybody sort of says,  
4 well, look at Texas, they've grown and  
5 grown and their air quality has gotten  
6 worse and worse and worse.  
7 Well, they are facing pretty  
8 significant cost in coming -- and pretty  
9 significant restrictions in coming into  
10 nonattainment, now. Their state  
11 implementation plan wasn't funded, so we're  
12 back to the point where both Houston and  
13 Dallas are being threatened by FIPS, which  
14 is a really aggressive program of getting  
15 into attainment.  
16 And I will remind the Board that  
17 last year, the Air Quality Council came  
18 forward with the notion of funding this  
19 effort through an increase in license tags  
20 for the nonattainment areas surrounding  
21 Tulsa, Oklahoma City, and Lawton.  
22 That is an option that, I think,  
23 this year we are forced to pursue  
24 legislatively. I think there will be some  
25 support for that, whether the Legislature

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1 deems that appropriate or not, we'll see.  
2 But we are at sort of a crossroads  
3 in the Air Quality program that if we don't  
4 pursue some way to fund this effort, we're  
5 going to be in nonattainment. And then if  
6 we don't do it then, we're going to be --  
7 there is going to be -- beyond the economic  
8 issues, there is public health issues that  
9 need to be addressed.  
10 So I just wanted to mention that to  
11 the Board that that is an idea that --  
12 whose time may have come.  
13 MR. PADEN: How much money has  
14 Texas put into modeling?  
15 MR. TERRILL: Thirteen and a-half  
16 million dollars as of this last legislative  
17 session. That was just for the Longview,  
18 Austin, San Antonio, Corpus Christie area.  
19 Just for those areas, to look at their  
20 nonattainment ozone solutions, if you will,  
21 that's how much money they've spent.  
22 They are the ones that's going to  
23 benefit from this early action compact,  
24 because they'll be able to opt in, do the  
25 work early, and avoid attainment or

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1 nonattainment designations in those areas,  
2 similar to what we're going to be facing in  
3 Tulsa and possibly Oklahoma City. So they  
4 spent a lot of money.  
5 MR. PADEN: And how much money  
6 have we spent? And granted, our situations  
7 are different but --  
8 MR. TERRILL: Well, industry,  
9 helped us to do a little bit of modeling  
10 with the power plant issue, they came up  
11 with about fifty thousand and we currently  
12 got fifty thousand that we've got through a  
13 grant and we got another two hundred, we  
14 hope, is on the way. So about a hundred  
15 thousand, maybe a couple of hundred more  
16 coming. Not much.  
17 MR. THOMPSON: I think that Mr.  
18 Paden makes a good point. We are always  
19 sort of at the -- the economic development  
20 war that goes on between Oklahoma and Tulsa  
21 seems to be too often won in the state of  
22 Texas.  
23 And if they are able to opt into  
24 this program and we are not, that economic  
25 development advantage that they seem to

1 have will only expand.

2 MR. TERRILL: I want to mention  
3 something else on that.

4 MR. THOMPSON: Oh, Eddie.

5 MR. TERRILL: Just one more  
6 thing. The 8-hour standard is quite a bit  
7 different in its impact than the 1-hour.  
8 Because transport -- interstate transport  
9 of pollutants is a lot more obvious at the  
10 monitoring sites.

11 And another benefit of doing this  
12 early is there may be some opportunities to  
13 assess what we're -- the impact the Texas  
14 emissions are having on our -- not only on  
15 our urban areas, Tulsa, Oklahoma City, and  
16 Lawton, but also the rural areas where --  
17 if you got a monitor in Oklahoma, you have  
18 an opportunity to have nonattainment areas.

19  
20 Tribes are more and more getting  
21 into the monitoring business. We've got  
22 several sites, Tahlequah, Ponca City that  
23 are close. So this is not just an urban  
24 problem any more.

25 And to assess the transport and also

1 has to be done, we use Texas models and I  
2 just don't like to be in the position of  
3 having to depend on somebody else who are  
4 looking out for their own economic well-  
5 being, we need to be looking out for our  
6 own folks and our own industries.

7 MR. PADEN: Eddie, isn't it true  
8 that in the Tulsa area, the Keystone  
9 monitor, which is a rural monitor, that's  
10 been one of the highest -- it's given us  
11 the highest readings in this ozone season  
12 of all the monitors that -- that that  
13 monitor and then the one on the east side  
14 of Tulsa, over in Wagoner County, the  
15 Broken Arrow monitor?

16 MR. TERRILL: Right. Well,  
17 except for the one on the Red River, we've  
18 got some special purpose monitors so we can  
19 assess what is coming across the border,  
20 and those are the highest monitors in the  
21 state, as you might suspect.

22 But, yes, you are right. Ozone is  
23 really a funny pollutant and you never know  
24 where you're going to have a problem.

25 And that's the reason the more

1 to defend ourselves to Kansas and Missouri  
2 areas that are close and start looking at  
3 our sources as being the reason they are  
4 having problems, you've got to be able to  
5 analyze that in order to both help -- so  
6 you don't have to put the burden all on  
7 local industry, because we can say, Texas,  
8 you're causing our problem, we can prove it  
9 through data, you need to take care of that  
10 situation so that we don't have to.

11 But we also need, when other folks  
12 are pointing at us, we need to say, yes, we  
13 do have a problem, we are contributing to  
14 your situation or no, we don't. And it's  
15 not just a local problem anymore, it's a  
16 very much an area problem. And that's the  
17 reason why that in the future, we're going  
18 to be looking at these on an area-wide  
19 basis, state-to-state basis as opposed to  
20 city-to-city. And we have to have the data  
21 that we generate ourselves to back up our  
22 position.

23 Otherwise, we're going to be  
24 depending on Texas and using their data,  
25 which we have done, so when any modeling

1 monitors you have out, the more problems  
2 you're going to find, possibly. But that's  
3 where EPA is going. They're in the process  
4 of reassessing their monitoring strategy  
5 and they're going to pull back on areas  
6 such as carbon monoxide and NOx and move  
7 towards ozone and particulate matter.

8 That's what they want to focus on, because  
9 that's where they believe the public health  
10 risks are start and that's why we've got  
11 more monitors than we had five years ago.  
12 Plus, like I said, the Tribes are getting  
13 involved. And we have a lot of Tribes in  
14 Oklahoma that are getting grants and the  
15 grants they are getting are for monitoring.  
16 So we're likely to have, wherever we have  
17 Tribes, we're likely to have monitors of  
18 some sort for ozone.

19 MR. PADEN: One other comment.  
20 In the modeling that we've done, we've  
21 relied on a database that has very little  
22 Oklahoma data in it; isn't that correct?

23 MR. TERRILL: Yes, it's a Texas  
24 model. And like I said, when you're  
25 relying on some other state who's looking

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1 out for their own economic interest, you  
 2 run the risk of undervaluing their  
 3 contribution to your problem and  
 4 overvaluing what you need to do locally to  
 5 correct the problem.  
 6       So you definitely need to generate  
 7 your own data. This is an economic  
 8 political battle as well as a public health  
 9 battle because there is economic benefits  
 10 to be had including attainment designation.  
 11 But also when you do do your attainment  
 12 demonstration through this modeling, you're  
 13 going to be requiring somebody to do  
 14 reduction and normally that's going to be  
 15 stationary sources. And if you don't --  
 16 the more accurate you are in assessing  
 17 other influences on that, the more accurate  
 18 you can be and less onerous you are going  
 19 to be when you require reductions to be  
 20 made of stationary sources.  
 21       MR. PADEN: In the nine hundred  
 22 and seventy-five thousand that we've got in  
 23 this request, the two hundred and twenty-  
 24 five for the initial modeling and then the  
 25 six hundred and fifty for mobile source, et

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1 cetera, that's a one time set up cost?  
 2       MR. TERRILL: Yes. The window of  
 3 opportunity for the Early Action Compact,  
 4 Tulsa, Oklahoma City and Lawton have to  
 5 decide by December 31st of this year  
 6 whether or not they are going to opt into  
 7 these early action compacts.  
 8       If they decide to do that, then we  
 9 have to have modeling done, which shows  
 10 what the money is used for so that we can  
 11 have control strategies for the State  
 12 Implementation Plan done for 2004. That  
 13 means we have to take any rule changes that  
 14 come out of this modeling to the Council  
 15 and the Board and over to the Legislature,  
 16 and by the Legislative Session 2004, in  
 17 order to make that deadline, because you  
 18 have to have control equipment in place in  
 19 2005.  
 20       So we're -- we've put this off as  
 21 long as we can and we're also about five  
 22 years behind what Texas has done. We still  
 23 can do it, but I mean, we've got to get  
 24 started now. Otherwise, we're going to  
 25 lose the opportunity. And I fully expect

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1 if we don't opt in, that Tulsa will be  
 2 designated probably in the summer of next  
 3 year. That's what looks to be the time  
 4 frame EPA is under right now.  
 5       MR. PADEN: When you say Tulsa is  
 6 going to be designated, would you clarify  
 7 what that means, as far as an area is  
 8 concerned? Because it's not just Tulsa.  
 9       MR. TERRILL: No, it's the Tulsa  
 10 metropolitan statistical area I believe is  
 11 what it's called. And it would basically  
 12 be from Muskogee County, through Osage  
 13 County, possibly part of Mayes County over  
 14 to Pryor, and then Okmulgee County, part of  
 15 Creek County or all of Creek County. So  
 16 there are several counties in there  
 17 effecting quite a bit of industrial waste.  
 18       It is possible that we may be able  
 19 to back out of Osage County because it's  
 20 primarily rural, but that's problematic, we  
 21 may not be able to do that. It's up to  
 22 EPA. That's where they'll start from, and  
 23 make their arguments of what will be and  
 24 what will be out.  
 25       MR. MINER: When you say

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1 designated, designated nonattainment --  
 2       MR. TERRILL: Right.  
 3       MR. MINER: -- for all the  
 4 mandatory things that go along with that,  
 5 for correction?  
 6       MR. TERRILL: Yes. New source  
 7 review of all industry coming in, (\*) new  
 8 source review of emission control before  
 9 they can build. Conformity will lapse in  
 10 twelve months which means that all the road  
 11 projects that are done in that area will  
 12 have to conform with the state budget and  
 13 show it's not going to impact the clean air  
 14 quality, a lot of things.  
 15       MR. MINER: And if Tulsa is  
 16 summer of 2004, what do you think Lawton,  
 17 Oklahoma City, some of the others?  
 18       MR. TERRILL: Well, it's very  
 19 much weather depending. We had a very cool  
 20 summer this year and we're still -- we're  
 21 still right up against it in Oklahoma City.  
 22 We've got a monitor that's at -- the  
 23 standard is .086 is where you round up and  
 24 we're at .084, .083, I believe, (\*). So,  
 25 you know, a bad summer and (\*). So --

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1 MR. MINER: So Oklahoma City  
2 could be not behind?  
3 MR. TERRILL: Yes, absolutely.  
4 Especially if you continue to have economic  
5 growth, which we hope we do, that's going  
6 to add additional pollutants into that  
7 airshed. And I suspect that Oklahoma City  
8 will probably opt in to the Early Action  
9 Plan just to be on the safe side. Lawton  
10 probably not so much because I believe if  
11 we have the data to show their problem has  
12 totally shifted in from Texas. But we have  
13 to be able to demonstrate that, otherwise  
14 the assumption is, it's your problem,  
15 because you monitored it, you take care of  
16 it.  
17 MR. MINER: So this is a whole  
18 lot more of a threshold issue this year for  
19 funding than it was last year?  
20 MR. TERRILL: This is probably  
21 our last opportunity to take advantage of  
22 the -- EPA's deferral of nonattainment.  
23 Really what they're doing is they're  
24 deferring the nonattainment designation as  
25 long as you move certain milestones to

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1 reduce pollutants early and get a State  
2 Implementation Plan early. What we would  
3 be doing is getting a plan in about four  
4 years earlier than you would normally in  
5 order to avoid the nonattainment  
6 designation.  
7 MR. MINER: One last question,  
8 Eddie. On the -- both locally, like in  
9 Tulsa, for example, but also for the State  
10 Implementation Plan, is it a question of  
11 simply performing the plan that all versus  
12 performing the plan and the local  
13 strategies based on good data? Or is it a  
14 question of not being able to do it at all?  
15 MR. TERRILL: It's a question of  
16 not being able to do it at all. Modeling  
17 is not an art -- or not a science, rather,  
18 it's an art. And to get everything right  
19 the first time through is problematic,  
20 because a lot of your control strategy are  
21 based on the data that goes into the  
22 modeling. You may have several different  
23 scenarios that you want to run to make sure  
24 that what you do -- you want to do the  
25 least amount you can to get the most

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1 benefit.  
2 MR.: Consistent.  
3 MR. TERRILL: That's right. And  
4 so you really need the funds or the ability  
5 to do several different scenarios within  
6 the industry and citizens so that you can  
7 get the plan that you need, that's as lean  
8 as it can be, as far as requirements on the  
9 industry. That's really what we're looking  
10 at here.  
11 So that's the reason it's an ongoing  
12 situation, not just a one time -- you do  
13 the one time modeling in order to get into  
14 this plan. But you've got a long term over  
15 the next five or ten years because you're  
16 going to continue, other states are not  
17 going to participate and you'll need the  
18 data to show that you're either impacted or  
19 not, like, the Oklahoma City area, Kansas  
20 City, Wichita area, Little Rock. You also  
21 need to assess what's going on. And there  
22 is a lot of other things going on, too,  
23 federally that may require additional  
24 modeling and monitoring. Regional haze,  
25 for example, which is sort of connected

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1 with ozone. So it's a question of not  
2 being able to do it all and doing it well.  
3 MR. MINER: One other question.  
4 MR. JOHNSTON: At this time, I  
5 would like to introduce Senator Mike  
6 Morgan, who just come in. Senator Morgan.  
7 MR. MORGAN: Thank you, very  
8 much. It's nice to be here.  
9 MR. BRANECKY: Mr. Chairman, if I  
10 could, I'm very sensitive to our court  
11 reporter. She comes to all our Council  
12 meetings. She needs a break. Could we  
13 take a five minute break?  
14 MR. JOHNSTON: We'll take a five  
15 minute break at this time.  
16 (Short Break)  
17  
18 MR. JOHNSTON: Continue on,  
19 Larry.  
20 MR. GALES: Okay. We've got two  
21 more issues on the budget request. First -  
22 - the first of which is superfund match for  
23 Tar Creek. And it's -- the superfund match  
24 for Tar Creek in FY04, it's the only part  
25 of the budget request in FY04 that's before

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1 you.

2 We've projected out some costs down

3 the road, but they were kind of shots in

4 the dark. Nonetheless, the Tar Creek

5 issue, as you are all aware, continues to

6 be a high visibility problem in Oklahoma.

7 This is our piece of the action for the

8 coming year.

9 Last on the list is local solid

10 waste projects, a budget request for some

11 dollars to work on land restoration,

12 recycling equipment and local projects and

13 then to clean up historical dumps on

14 private property.

15 We were able to make quite a bit of

16 good use of these kinds of monies last

17 year, although it didn't come from general

18 revenue in terms of the ice storm being

19 able to provide assistance to local small

20 communities for chipping equipment to get

21 rid of brush and other storm debris, it's a

22 big plus to the local communities. It's

23 one piece of this action.

24 All of these funds, if we were get

25 them, all of these funds will be contract

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1 discussion by the public? Representative.

2 REPRESENTATIVE WELLS: Thank you,

3 Mr. Chairman. May I make one statement?

4 Since I don't sit on any of the Committees

5 that deals with your problems, this comes

6 as quite a disturbing revelation, if you

7 will, in regard to the unfunded mandates

8 that are going to be imposed upon you and

9 upon us as the State of Oklahoma.

10 I would request, if you haven't

11 already done so, that this Board certainly

12 make aware of this pending financial

13 crisis, in my opinion, the possibility of a

14 crisis, that this Board make the Governor's

15 office, and the Speaker of the House, and

16 the present Pro Tempe of the Senate, aware

17 of these pending financial burdens and seek

18 their assistance in trying to get some help

19 along those lines.

20 MR. JOHNSTON: We'll be glad to

21 do that, as much as we legally -- as much

22 as this young lady will let us over here.

23 And we can all do that personally, but I

24 think there is some sticky wickets in

25 there.

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1 with the local entities.

2 MR. THOMPSON: This is the

3 portion that we continue to ask for,

4 because we continue to use solid waste

5 funds to support the Tulsa and Oklahoma

6 City County effort so we continue to ask

7 for replacement in general revenue funds

8 for that effort.

9 MR. MINER: And let the record

10 reflect that support of the local

11 city/county is not necessarily solid waste

12 related.

13 MR. THOMPSON: No, it is not.

14 This is an opportunity to help local

15 communities -- this is money that would be

16 spent on solid waste funds to assist local

17 communities if the money wasn't going for

18 Tulsa and Oklahoma City.

19 MR. GALES: Unless there are

20 further comments or questions or comments,

21 we would submit this for your consideration

22 and approval. Thank you.

23 MR. JOHNSTON: Any questions by

24 the Board that's not been asked by the

25 Board? Do we have questions, comments, or

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1 REPRESENTATIVE WELLS: Right.

2 MR. JOHNSTON: But we will. And

3 we appreciate that and we will do that.

4 MR. ROBERT JOHNSTON: Mr.

5 Chairman, I would like to inform the rest

6 of the Board that we had -- I did have a

7 long conference call on this issue and a

8 lot of the issues that Lee has brought up

9 has been talked about today, the nonfunded

10 mandates, the other agencies available to

11 address some things and we trimmed several

12 proposals out of this, wanting to focus our

13 efforts on what we thought, too, was

14 pressing and had been put off for two or

15 three years already, the ozone mandates,

16 the TMDL mandates, the public drinking

17 water supply testing issues, to -- you

18 know, some of the other things could be put

19 off or handled by another agency. And we

20 wanted to -- this is kind of -- I don't

21 remember, I don't have the previous

22 proposal in front of me of how much we

23 trimmed back. There is two or three

24 programs that we eliminated from the

25 initial two programs. So this is --

1 MR. JOHNSTON: Good programs.  
 2 MR. ROBERT JOHNSTON: Yes, needed  
 3 programs but just not now or not us at this  
 4 time.  
 5 MR. JOHNSTON: Appreciate that.  
 6 MR. CASSIDY: Mr. Chairman, I'm a  
 7 big fan in favor of small municipalities.  
 8 I'm from one and support them as much as I  
 9 can. Perhaps maybe the cost of all  
 10 these unfunded mandates should be passed on  
 11 to these small utilities and small  
 12 municipalities so that the taxpayers can  
 13 see very real the cost of all of it and  
 14 maybe cause a revolt and make them do  
 15 something about it.  
 16 Sometimes the only way to get  
 17 somebody's attention is to slap them in the  
 18 face with it and the best way to do that is  
 19 through their pocketbook. I just thank God  
 20 Al Gore is not President.  
 21 MR. JOHNSTON: We may need --  
 22 just as a mayor of a little town, we may  
 23 need to explain more why our water is high,  
 24 you know, why your water is more expensive,  
 25 why your electric is expensive, on account

1 comment. Any more questions from anybody?  
 2 This is everybody's problem, yours and mine  
 3 and DEQ and the State, it's a big problem  
 4 facing us.  
 5 MR. PADEN: Mr. Chairman, a  
 6 comment that those of us who have been on  
 7 the Board since the beginning of time --  
 8 MR. JOHNSTON: When the world was  
 9 cooling.  
 10 MR. PADEN: -- back -- just  
 11 about, it seems like that. But we started  
 12 this agency with a legislative mandate that  
 13 said that we would not spend any dollars  
 14 over and above the number of dollars that  
 15 were appropriated in the previous year to  
 16 the five agencies that were put together.  
 17 So we started on a zero base, if you will.  
 18 And I think if you'll go back and  
 19 look at what's happened since 1993, is I  
 20 think you'll find that the relative state  
 21 dollars have not increased at all. The  
 22 state dollars that we're talking about,  
 23 seven million, seven point five million  
 24 dollars, for the most part is just about  
 25 what we got back in 1993.

1 of the things you have to do.  
 2 I don't have any problem with water  
 3 being expensive, because I think  
 4 everybody's water should be expensive.  
 5 We're going to run out of water one of  
 6 these days. If everybody's water was as  
 7 expensive as it is in Bramen, America, we'd  
 8 use a whole lot less. You'd see a whole  
 9 lot less green lawns. You don't see many  
 10 in Bramen because it's pretty expensive.  
 11 By the time I buy water from another  
 12 city or the rural water buys water from  
 13 another city and they tack some on and then  
 14 it goes through rural water and then it  
 15 comes to me, my water is pretty expensive.  
 16 My people don't water too many lawns. They  
 17 jiggle their toilets pretty often if they  
 18 hear the water running, because it makes a  
 19 whole lot of difference. And I think  
 20 that's good, because I think everybody is  
 21 going to have to be there one of these  
 22 days. Buy water, buy bottled water, look  
 23 at what it costs. Look at what gasoline  
 24 costs. You know, bottled water is already  
 25 really, really high. So I appreciate that

1 And we're asking for five million  
 2 dollars, five point three million dollars  
 3 in this budget request. And very honestly  
 4 -- and I feel for both of the members of  
 5 the legislature who are here, because there  
 6 isn't five point three million dollars. I  
 7 know that.  
 8 And consequently, we've got to  
 9 figure out how much of that five point  
 10 three is really important and, to me, those  
 11 air quality dollars are absolutely  
 12 essential. We've got to do that. Not for  
 13 Tulsa, not for Oklahoma City, and not for  
 14 Lawton, we've got to do it for Oklahoma,  
 15 because we've got economic development  
 16 hinging on that, we've got a variety of  
 17 other federal program dollars, matching  
 18 dollars hinging on that, it's really  
 19 important that we do that.  
 20 So, you know, I think we need to  
 21 approve this budget request. I think every  
 22 one of us on this Board needs to take it  
 23 upon themselves to go to the Legislature  
 24 and talk to their members of the  
 25 Legislature and other members they know and

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1 try to educate them. Representative Wells  
2 talked about the fact that he's not on any  
3 jurisdictional committees and that he  
4 didn't know the magnitude of the crisis.  
5 And I will tell you that there is only  
6 twenty or twenty-five members in the House  
7 that are on the Appropriations Committee  
8 and far less than that in the Senate on the  
9 Appropriations Committee, and those members  
10 don't know. And they have to be told, they  
11 have to be given some information that gets  
12 them apprised of what's going on.  
13 Last year, we went to members of the  
14 Appropriations Committee on both sides to  
15 beg them to do the appropriations for the  
16 monitoring money that we were looking at.  
17 And we did that on a concerted effort. We  
18 did it before the session, we did it during  
19 the session. Unfortunately -- and we got  
20 really great response. And then we had a  
21 budget shortfall like we haven't had in  
22 years and all that went out the window  
23 because we had to appropriate money to more  
24 critical items.  
25 And I just would urge members of the

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1 Board and people who are in this audience  
2 to take up the banner and say, you know,  
3 we've got to do something more to fund some  
4 of these very, very critical programs.  
5 Do we need to approve the budget? I  
6 think we do.  
7 MR. THOMPSON: Yes, you do.  
8 MR. MINER: Lee, I've got  
9 something I would like to add. If we could  
10 work it into the motion to approve the  
11 budget, I think it would be in order.  
12 Because we really do have a big challenge,  
13 this threshold event for air quality and  
14 funding for it is a big deal.  
15 And something I would like to  
16 recommend is if it's the Board's pleasure  
17 to approve the budget as it's represented,  
18 is that we ask that it be communicated in  
19 kind of a special way as opposed to the way  
20 we've done it in prior years, and that that  
21 be done through our standing -- it's a  
22 legally authorized group, the Oversight  
23 Committee, that functions with Kevin Easley  
24 and Senator Easley and others, and the  
25 Chairman, our Director.

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1 But, also, something I would like to  
2 suggest, isn't Senator Fisher the Chairman  
3 of the Economic Development Committee?  
4 See, this is a big deal for that and I  
5 would like to ask that our Oversight group  
6 communicate this budget request in tandem  
7 to Senator Fisher in order for that message  
8 to go forward to the Finance Committee,  
9 with the Economic Development incentive  
10 that it ought to have. Because that's what  
11 this is all about.  
12 And I think he would be very  
13 receptive to being a part of this  
14 communication. At least being aware of it  
15 and -- so that it wasn't done in a vacuum,  
16 so to speak, it's just a simple budget  
17 request.  
18 So if it's the Board's pleasure to  
19 approve the budget, it seems like to me  
20 this is the year for us to weigh in in a  
21 more formal way as it's communicated to the  
22 Legislature.  
23 MR. JOHNSTON: Steve said we'd do  
24 that. I take that as a second to approve  
25 the budget. Did you motion to approve

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1 that?  
2 MR. PADEN: I didn't.  
3 MR. JOHNSTON: Okay.  
4 MR. PADEN: But I will, or we  
5 will jointly or whatever. I assumed that  
6 was a motion. I'd second it. That's a  
7 better motion.  
8 MR. JOHNSTON: Assume that was a  
9 motion.  
10 MR. PADEN: And I'll second that  
11 motion.  
12 MR. JOHNSTON: Okay. We have a  
13 motion and a second on approving the budget  
14 as presented. Roll call, please.  
15 MS. BRUCE: Mr. Cassidy.  
16 MR. CASSIDY: Yes.  
17 MS. BRUCE: Mr. Coffman.  
18 MR. COFFMAN: Yes.  
19 MS. BRUCE: Ms. Galvin.  
20 MS. GALVIN: Yes.  
21 MS. BRUCE: Mr. Mason.  
22 MR. MASON: Yes.  
23 MS. BRUCE: Mr. Miner.  
24 MR. MINER: Yes.  
25 MS. BRUCE: Mr. Paden.

1 MR. PADEN: Aye.  
 2 MS. BRUCE: Mr. Roberts.  
 3 MR. ROBERTS: (No verbal  
 4 response.)  
 5 MS. BRUCE: Mr. Wuerflein.  
 6 MR. WUERFLEIN: Yes.  
 7 MS. BRUCE: Mr. Johnston.  
 8 MR. JOHNSTON: Yes. And Mr.  
 9 Roberts had to go to a funeral. I'm sorry.  
 10 We have a 2003 Board Meeting Dates  
 11 and Locations. Discussion by the Board.  
 12 You have a sheet on it.  
 13 Our first meeting, February 20th,  
 14 will be in Oklahoma City at the DEQ office.  
 15 We would accept invitations by -- if you'll  
 16 look up above, you can see where we've  
 17 been, previous meeting locations. We would  
 18 accept invitations from any city and town  
 19 that would like to have us on June 24th,  
 20 September 9th, or November 18th.  
 21 Also, suggested locations down below  
 22 are Kingfisher, Sallisaw, Shawnee,  
 23 Stillwater, Tulsa, Oklahoma City Central,  
 24 whatever that means, Woodward, Cushing,  
 25 Frederick.

1 MR. JOHNSTON: July the 8th is a  
 2 Tuesday. July the 8th of 2003 is a  
 3 Tuesday.  
 4 MR. GALES: There might be a  
 5 little problem with that. We have a couple  
 6 of budget requests. The budget has got to  
 7 be in place before July 1.  
 8 MR. THOMPSON: Okay.  
 9 MR. GALES: It's got to be  
 10 approved. Capital budget.  
 11 MR. THOMPSON: Let me suggest  
 12 this. Let's tentatively set this for July  
 13 the 8th. We have not traditionally had a  
 14 capital budget request and we may not this  
 15 year. And then if we do, we can contact  
 16 the Board and poll them relative to  
 17 changing that, but we haven't had a capital  
 18 budget request in the last two or three  
 19 years and we may not this year.  
 20 MR. PADEN: And that doesn't --  
 21 this doesn't even preclude having a special  
 22 Board meeting somewhere to do that, if we  
 23 need to.  
 24 MR. THOMPSON: We -- I think  
 25 Oklahoma City is important in February

1 MR. THOMPSON: Mr. Chairman, just  
 2 one note. I've been -- I've had a little  
 3 communication from some of the Board  
 4 Members about the June date and it appears  
 5 we have some conflicts there. If we could  
 6 -- if we might be able to change that date  
 7 to the 18th, that might better accommodate.  
 8 MR. JOHNSTON: That's kind of  
 9 combine time for some of us here. Lew --  
 10 MR. THOMPSON: That's true.  
 11 MR. PADEN: Well, why can't we  
 12 move it into July?  
 13 MR. THOMPSON: There is no  
 14 reason.  
 15 MR. PADEN: How about the Tuesday  
 16 after the 4th of July? Whenever that would  
 17 be.  
 18 MR. JOHNSTON: The 10th or the  
 19 9th?  
 20 MR. PADEN: Isn't harvest usually  
 21 pretty well over by then?  
 22 MR. WUERFLEIN: Yes. Middle of  
 23 June is --  
 24 MR. THOMPSON: Let's see. July  
 25 the 8th is a Tuesday.

1 because it allows the Board to gather and  
 2 coalesce around these issues that we've  
 3 discussed today about our activities in the  
 4 Legislature. So that provides us an  
 5 opportunity to do that.  
 6 Beyond that, as most of you are well  
 7 aware, we try to split these up into  
 8 quadrants of the state.  
 9 MR. PADEN: One suggestion I  
 10 would like to make is, that we have a  
 11 meeting in Tulsa at one of those three  
 12 dates. We've been in Tulsa -- what, two  
 13 years ago?  
 14 MR. JOHNSTON: '96.  
 15 MR. PADEN: '96 and the 2000. I  
 16 just think we need to meet in population  
 17 centers.  
 18 MR. JOHNSTON: Do you want the  
 19 8th?  
 20 MR. PADEN: At least every other  
 21 year.  
 22 MR. JOHNSTON: The 8th?  
 23 MR. PADEN: I would prefer the  
 24 September meeting to be there, but --  
 25 MR. JOHNSTON: You're inviting us

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1 and you are going to take care of that?  
 2 MR. PADEN: Yeah, I'll buy the  
 3 hot dogs.  
 4 MR. THOMPSON: Okay.  
 5 MR. JOHNSTON: Anybody in the  
 6 audience want to have a DEQ meeting in  
 7 their hometown?  
 8 MR. THOMPSON: I don't think  
 9 we've ever been to Shawnee.  
 10 UNIDENTIFIED: Tulsa would be  
 11 good.  
 12 MR. JOHNSTON: We've got that on  
 13 September 9th. I had you all in Bramen,  
 14 America, once.  
 15 (Discussion between Board Members)  
 16 MR. JOHNSTON: Okay. We have  
 17 February in Oklahoma City, June 8th in  
 18 Shawnee, September 9th in Tulsa and  
 19 November 18th in Quartz Mountain. These  
 20 are proposed.  
 21 MS. GALVIN: Did you mean July  
 22 8th?  
 23 MR. JOHNSTON: July 8th.  
 24 (Discussion between Board Members)  
 25 MR. PADEN: That's fine with me.

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1 Just one other comment. At some time in  
 2 the future next year, not next year but  
 3 maybe the year after, I would like to  
 4 suggest that we go to Pitcher and have a  
 5 meeting at the Tar Creek site. I -- if  
 6 you've never been to the Tar Creek site,  
 7 you need to go. It is a -- it's a  
 8 frightening situation, just absolutely  
 9 frightening. But it's not beyond being  
 10 able to be fixed. I just think we need to  
 11 go there. Because, guys, that's our  
 12 problem, whether we like it or not, it's  
 13 our problem.  
 14 MR. JOHNSTON: Moving right  
 15 along, if that's okay with the Board.  
 16  
 17 (End of Proceedings)  
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1  
 2 CERTIFICATE  
 3 STATE OF OKLAHOMA )  
 4 ) ss:  
 5 COUNTY OF OKLAHOMA )  
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Page 65

1  
 2 I, CHRISTY A. MYERS, Certified  
 3 Shorthand Reporter in and for the State of  
 4 Oklahoma, do hereby certify that the above  
 5 proceedings are the truth, the whole truth,  
 6 and nothing but the truth, in the case  
 7 aforesaid; that the foregoing proceedings  
 8 were taken by me in shorthand and  
 9 thereafter transcribed under my direction;  
 10 that said proceedings were taken on the  
 11 10th day of September, 2002, at Cushing,  
 12 Oklahoma; and that I am neither attorney  
 13 for nor relative of any of said parties,  
 14 nor otherwise interested in said action.  
 15 IN WITNESS WHEREOF, I have hereunto  
 16 set my hand and official seal on this, the  
 17 22nd day of October, 2002.  
 18  
 19 CHRISTY A. MYERS, C.S.R.  
 20 Certificate No. 00310  
 21  
 22  
 23  
 24  
 25

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE DIRECTOR'S REPORT  
HELD ON SEPTEMBER 10, 2002  
IN CUSHING, OKLAHOMA

\* \* \* \* \*

REPORTED BY: CHRISTY A. MYERS, C.S.R.

Page 2

1  
2 BOARD MEMBERS  
3 R. MIKE CASSIDY  
4 MR. JACK COFFMAN  
5 MS. JENNIFER GALVIN  
6 MR. STEVE MASON  
7 MR. LEE PADEN  
8 MR. HERSCHEL ROBERTS  
9 MR. RICHARD WUERFLEIN  
10  
11  
12 STAFF MEMBER  
13 MYRNA BRUCE  
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Page 4

1 is there some level. And then the other  
2 issue was related to the distance between  
3 an industrial surface impoundment and  
4 property lines, public water supply wells,  
5 and in particular private drinking water  
6 wells.  
7 The staff took that, presented your  
8 concerns to the Water Quality Management  
9 Advisory Council. They directed us to go  
10 back, do some review, do some preliminary  
11 work on those items and report to them at  
12 the January 14th, 2003, meeting.  
13 At that time, the Council will  
14 either instruct us to go forward and  
15 prepare rulemaking, we may possibly be  
16 forming a technical workgroup made up of  
17 the regulated community to address in  
18 particular the separation requirements, and  
19 then we would be reporting back to the  
20 Council again in the form of rulemaking.  
21 At that time, we would be bringing it back  
22 to you after we got their approval on that.  
23 I know the original intent was for  
24 us to try and have something by the end of  
25 this year, but because of the Council

Page 3

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3 PROCEEDINGS  
4 MR. JOHNSTON: We'll move on to a  
5 short Executive Director's Report.  
6 MR. THOMPSON: Thank you, Mr.  
7 Chairman. I took the hint. There are a  
8 couple of things that we are required to do  
9 during Executive Director's Report. The  
10 Board asked the staff of the Water Quality  
11 Division to investigate some issues related  
12 to separation of treatment lagoons from  
13 groundwater and I think we have -- Shellie,  
14 are you going to give an update on that  
15 request by the Board?  
16 MS. CHARD-MCCLARY: The Board, at  
17 the March 1st meeting, had two issues that  
18 came up relative to Chapter 616. And one  
19 of those overlapped into several other  
20 chapters of rules. The Board's directive  
21 was regarding the definition of beneficial  
22 reuse of wastewater and sludges, biosolids.  
23 There was some ambiguous language.  
24 The use of words such as "any pollution".  
25 Well, did we really mean zero pollution or

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1 meeting schedule and some preliminary  
2 issues we've gotten into, we would rather  
3 take our time and do it right, rather than  
4 rush through it and have something worse in  
5 place or something else that's not  
6 acceptable.  
7 MR. JOHNSTON: Any questions?  
8 MR. THOMPSON: Thank you,  
9 Shellie. And the Department has a  
10 requirement to report to the Board on  
11 petitions for rulemaking. And Jimmy is  
12 going to briefly discuss those.  
13 MR. GIVENS: That's twice I've  
14 heard briefly, so I can take a hint, too.  
15 Dr. Dawson has presented two petitions that  
16 all of you are aware of that were referred  
17 to the Air Quality Council. One of those,  
18 the one that related to best available  
19 control technology was taken up by the  
20 Council on July 17th of this year and by  
21 unanimous vote, the Council Members  
22 present, they declined to forward that  
23 petition with a recommendation.  
24 In essence, what I think they said  
25 was, if it ain't broke, don't fix it.

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1 That's sort of my summary.  
 2       There is another petition that  
 3 because of notice requirements could not be  
 4 taken up at that Council meeting. That's  
 5 the one that relates, you may recall, to  
 6 aerosol effect from cooling towers that he  
 7 brought to the Woodward Board Meeting and  
 8 was referred by the Board back to the  
 9 Council. That one will be taken up at the  
 10 October 16th Council meeting, so we will  
 11 report the results of that to you at our  
 12 November Board Meeting.  
 13       MR. THOMPSON: Thank you, Jimmy.  
 14       MR. JOHNSTON: Thank you, Jimmy.  
 15       MR. THOMPSON: Questions about  
 16 that? Let me briefly then, again, mention  
 17 something that happened in August with our  
 18 Water Quality Division. A couple of years  
 19 ago, EPA publicized a significant backlog  
 20 in NPDES permit renewals across the nation  
 21 and set a goal for a reduction in that  
 22 backlog to ten percent by this year.  
 23       Only one state in Region VI and only  
 24 ten states across the nation met that goal.  
 25 One got as low as four percent, four

Page 8

1 follow that up with inspections, so that we  
 2 give these small businesses some  
 3 opportunity to understand what compliance  
 4 is.  
 5       A brief report on Tar Creek. The  
 6 money that was provided by the Legislature  
 7 last year is now going toward the contracts  
 8 that were indicated, plus the yard  
 9 remediation we hope to continue through  
 10 that to mitigate the impacts to children in  
 11 the Tar Creek area, in the Tar Creek area  
 12 that are significant. Our Land Protection  
 13 Division had another first under RECRA the  
 14 ability to have portions of a facility  
 15 ready to be reused that are contaminated --  
 16 ready to be reused for some useful  
 17 function, had been a problem in the past.  
 18       Our Land Protection Division was the  
 19 first in the United States to develop a  
 20 ready for reuse certification for a  
 21 facility in Sand Springs. So we want to  
 22 congratulate them for that effort, and  
 23 particularly Saba Tahmasebbi for his effort  
 24 there.  
 25       A couple of other things, very

Page 7

1 percent backlog, and that was the Water  
 2 Quality Division of the Oklahoma DEQ.  
 3       The Environmental Protection Agency  
 4 was in Oklahoma City to present an award to  
 5 Jon and his staff. Our Chairman was able  
 6 to be there, but I wanted the rest of the  
 7 Board to be aware of that significant  
 8 effort on their part at having reached that  
 9 goal.  
 10       Another thing that's going on is,  
 11 that I want to make you aware of, we want  
 12 to be as with small communities, we want to  
 13 be of assistance to small business. And  
 14 this month our customer service division is  
 15 going forward with a targeted outreach to  
 16 the concrete batch plant sector, which has  
 17 begun to show up a little bit on our radar  
 18 screen.  
 19       What we will do is have a series of  
 20 meetings across the state to show a  
 21 simplified version of compliance to that  
 22 sector. We will follow that with an  
 23 amnesty period that gives them the  
 24 opportunity to take what they've learned  
 25 and apply it to their business and we will

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1 briefly. You may be aware that the state  
 2 in July faced a fifteen percent shortfall  
 3 in general revenue income. There is some  
 4 indication that that was something of an  
 5 anomaly because the level of refunds in  
 6 income tax refunds that came out of the  
 7 budget for that year. We expect to get the  
 8 good news this week about what the effects  
 9 in August were. But in response to that,  
 10 what we have done in the Agency is  
 11 suspended almost all out of state travel  
 12 and all equipment purchases until we get a  
 13 better read on what affect these revenue  
 14 shortfalls are having on the Department and  
 15 it's ability to do its business.  
 16       Finally, this is my first Board  
 17 meeting as Executive Director. I, again,  
 18 want to, in open forum, thank the Board for  
 19 the opportunity. I find this job exciting,  
 20 worthwhile, and time consuming, but that's  
 21 great. I am very blessed to have an  
 22 experienced and dedicated staff in all our  
 23 divisions to help me with that effort. So,  
 24 again, thank you for the opportunity. And  
 25 that's all.

1 staff. You mentioned some people that got  
2 some awards. Jon and Dr. (Inaudible) some  
3 things she's been doing. But behind these  
4 people are some excellent, excellent people  
5 that you don't see that work everyday to  
6 make them look good. I appreciate the  
7 staff and appreciate the smooth transition  
8 from Mark that just seemed to go by without  
9 a ripple and that was of some concern to  
10 everybody, I'm sure. I appreciate the  
11 Board jumping in there and getting that  
12 taken care of and some of the legislators -  
13 - and all the legislators that supported  
14 that.

15 So it's been a good run with Mark  
16 and I think it's going to be a really good  
17 run with Steve and I'm looking forward to  
18 it, as long as they'll let me stay around.  
19 They'll probably need a new chairman that  
20 can get stuff in order, but I appreciate  
21 being able to do that.

22 Is there anything else before we  
23 adjourn? We're going to adjourn and then  
24 we're going right directly to the forum.  
25 I'll go through all that and do the things

1  
2 C E R T I F I C A T E  
3 STATE OF OKLAHOMA )  
4 COUNTY OF OKLAHOMA ) ss:  
5 I, CHRISTY A. MYERS, Certified  
6 Shorthand Reporter in and for the State of  
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18 IN WITNESS WHEREOF, I have hereunto  
19 set my hand and official seal on this, the  
20 20th day of October, 2002.  
21  
22 CHRISTY A. MYERS, C.S.R.  
23 Certificate No. 00310  
24  
25

1 we have to do to make that work.  
2 We need a motion to adjourn.  
3 MR. PADEN: Mr. Chairman, I so  
4 move.  
5 MR. JOHNSTON: Second? I think  
6 we can get by with doing all in favor, aye.  
7 BOARD MEMBERS: (Unanimously),  
8 Aye.  
9 (End of Proceedings)

ENVIRONMENTAL QUALITY BOARD MEETING

September 10, 2002  
Cushing, Oklahoma

Attendance Sign-In Sheet

Name	Representing
Julia Bevers	OGE Energy
Ellen Bussert	DEQ
Gary Collins	DEQ
Marilyn Simpson	DEQ
Judith Duncan	DEQ
Bonnie Marshall	Covanta Energy
Garry McKinnis	Payne Co. Sheriff
Guy Lozier	owner
Rick Austin	DEQ
Rep. Dale W. Wells	Cushing
Bob RABATINE	Environmental Management, Inc.
TERRY HALLAMER	DEQ
Lee Denney	City of Cushing
Glynn McCawley	Cushing
Melinda Haskin	SAC AND FOX NATION
STEWART ARTHURS	CITY OF CUSHING
Paul Bell	n u n
Glen CATES	n u n
Cindy G. Vickers	City of Cushing
Dorothy Davis	NOD - Davis Sanitation
Beverly Abell	Downtown Cushing Main Street
Jeff Bigby	CITY OF BROKEN ARROW, OK

