

MINUTES
ENVIRONMENTAL QUALITY BOARD
August 23, 2005
MidAmerica Expo Center
Pryor, Oklahoma

Approved
November 15, 2005

Notice of Public Meeting The Environmental Quality Board convened for a regular meeting at 9:45 a.m. August 23, 2005 in the Seminar Room at MidAmerica Expo Center, Pryor, Oklahoma. (The meeting was delayed due to heavy rains slowing arrivals). 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 November 24, 2004. The agenda was mailed to interested parties on August 12, 2005 and was posted on August 19, 2005 on the door of the Expo Center and at the Department of Environmental Quality. Mr. Steve Mason called the meeting to order. Roll call was taken and a quorum was confirmed.

MEMBERS PRESENT

Brita Cantrell
Bob Drake
Jennifer Galvin (arrived @ 9:50)
David Griesel
Jerry Johnston
Steve Mason
Sandra Rose
Richard Wuerflein

MEMBERS ABSENT

Mike Cassidy
Jack Coffman
Tony Dark
Terri Savage
Vacancy

DEQ STAFF PRESENT

Steve Thompson, Executive Director
Jimmy Givens, General Counsel
David Dyke, Administrative Services Division
Eddie Terrill, Air Quality Division
Scott Thompson, Land Protection Division
Jon Craig, Water Quality Division
Judy Duncan, Customer Services Division
Gary Collins, ECLS
Ellen Bussert, Administrative Services Division
Karl Heinzig, Water Quality Division
Myrna Bruce, Secretary, Board & Councils

OTHERS PRESENT

Ellen Phillips, Assistant Attorney General
David Branecky, Member, AQC
Lowell Hobbs, Chair, WQMAC

The Transcript and Attendance Sheet(s) are attached as an official part of these Minutes.

Approval of Minutes Mr. Mason called for motion to approve the Minutes of the June 21, 2005 Regular Meeting. Mr. Johnston made the motion and Mr. Griesel made the second.

Roll call.

Brita Cantrell	Yes	Jerry Johnston	Yes
Bob Drake	Yes	Sandra Rose	Yes
David Griesel	Yes	Richard Wuerflein	Yes
		Steve Mason	Yes

Motion carried.

AQC 252:100 Air Pollution Control Mr. David Branecky, Member of the Air Quality Council, advised the proposal would remove the one-hour ozone standard from both the Primary and Secondary Ambient Air Quality Standards contained in appendices E and F. This makes the primary and secondary ambient air quality standards for ozone consistent with the eight-hour National Ambient Air Quality Standards. Mr. Branecky added that effective June 2005, the one-hour standard no longer exists. Following discussion, Mr. Griesel made motion for approval and Ms. Cantrell made the second.

See transcript pages 6 – 9

Roll call.

Brita Cantrell	Yes	Jerry Johnston	Yes
Bob Drake	Yes	Sandra Rose	Yes
David Griesel	Yes	Richard Wuerflein	Yes
		Steve Mason	Yes

Motion carried.

OAC 252:656 Water Pollution Control Facility Construction Mr. Lowell Hobbs, Chair, Water Quality Management Advisory Council, advised that this rulemaking would revise and clarify the water pollution control facility construction rules which amend existing procedures and requirements for the construction of wastewater treatment and collection systems. Mr. Hobbs explained that new provisions include clarification of requirements for submittal of engineering reports, plans and specifications, and construction standards for sanitary sewers, pump stations, and wastewater treatment facilities. He added that no public comments had been received and that Council had voted unanimously to recommend Board approval of the proposed changes. With no questions from the Board or the public, Mr. Mason called for a motion. Mr. Johnston moved for approval and Mr. Griesel made the second.

See transcript pages 9 - 11

Roll call.

Brita Cantrell	Yes	Jerry Johnston	Yes
Bob Drake	Yes	Sandra Rose	Yes
David Griesel	Yes	Richard Wuerflein	Yes
		Steve Mason	Yes

Motion carried.

DEQ Operational Budget Request In Craig Kennamer absence, Mr. Steve Thompson provided in-depth information regarding the budget request for State Fiscal Year 2007. Mr. Thompson and staff fielded questions regarding the request. Mr. Johnston made a motion for approval and Ms. Galvin made the second. Mr. Johnston made the motion to approve and Mr. Griesel made the second.

See transcript pages 11 – 27

Roll call.

Brita Cantrell	Yes	Jerry Johnston	Yes
Bob Drake	Yes	Sandra Rose	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
David Griesel	Yes	Steve Mason	Yes

Motion carried.

Calendar Year 2006 Board meeting dates and locations The dates recommended were February 24 at Oklahoma City DEQ Multipurpose Room; June 20 at Weatherford; August 22 at Ardmore Noble Foundation; and November 14 at Tulsa. Mr. Griesel made motion to accept dates given. Mr. Drake made the second.

See transcript pages 11 – 27

Roll call.

Brita Cantrell	Yes	Jerry Johnston	Yes
Bob Drake	Yes	Sandra Rose	Yes
Jennifer Galvin	Yes	Richard Wuerflein	Yes
David Griesel	Yes	Steve Mason	Yes

Motion carried.

New Business Mr. Mason presented flowers to Jerry and Marilyn Johnston to commemorate their 50-year wedding anniversary.

Executive Director's Report Mr. Steve Thompson discussed Treatment of States issues; the status of the Low Level Radioactive Compact; and the current news items regarding DEQ's enforcement efforts pertaining to the damming of a scenic river and returning it to its original beauty.

Adjournment At 11:10 Mr. Mason called for adjournment, announcing the Public Forum to follow.

The next regular meeting of the Environmental Quality Board will be November 15, 2005 at the Braman Town Complex, 302 Broadway, Braman, Oklahoma.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE REGULAR MEETING

OKLAHOMA ENVIRONMENTAL QUALITY BOARD

HELD ON AUGUST 23, 2005, AT 9:30 A.M.

IN PRYOR, OKLAHOMA

* * * * *

MYERS REPORTING SERVICE
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MEMBERS OF THE BOARD

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4 RICHARD WUERFLEIN -- MEMBER

5 SANDRA ROSE -- MEMBER

6 JERRY JOHNSTON -- MEMBER

7 DAVID GRIESEL -- MEMBER

8 JENNIFER GALVIN -- MEMBER

9 BOB DRAKE -- MEMBER

10 ELLEN PHILLIPS -- ATTORNEY GENERAL S OFFICE

11 STEVE MASON -- CHAIRMAN

12 BRITA CANTRELL -- MEMBER

13

14 STAFF

15 JIMMY GIVENS -- STAFF ATTORNEY

16 MYRNA BRUCE -- SECRETARY

17 STEVE THOMPSON -- DIRECTOR

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1 PROCEEDINGS

2 THE CHAIRMAN: Good morning. My
3 name is Steve Mason, and I m Chairman of
4 the DEQ Board. This regular meeting of the
5 Environmental Quality Board has been called
6 according to the Oklahoma Meeting Act,
7 Section 311, Title 25 of the Oklahoma
8 Statutes.

9 Notice was filed with the Secretary
10 of State on November 24, 2004. Agendas
11 were mailed to interested parties on August
12 12, 2005.

13 The agenda for this meeting was
14 posted on Friday, April 19, 2005 at this
15 facility and at the Department of
16 Environmental Quality, 707 North Robinson,
17 Oklahoma City, Oklahoma. Only matters
18 appearing on the posted agenda may be
19 considered.

20 If this meeting is continued or
21 reconvened, we must announce today the
22 date, time and place of the continued
23 meeting and the agenda for such
24 continuation will remain the same as
25 today s agenda.

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1 Could we have a roll call, please,
2 to see who is here?

3 MS. BRUCE: MS. Cantrell.

4 MS. CANTRELL: Here.

5 MS. BRUCE: Mr. Cassidy is
6 absent. Mr. Coffman is absent. Mr. Dark
7 is absent. Mr. Drake.

8 MR. DRAKE: Here.

9 MS. BRUCE: Ms. Galvin is
10 expected. Mr. Griesel.

11 MR. GRIESEL: Here.

12 MS. BRUCE: Mr. Jonhston.

13 MR. JOHNSTON: Here.

14 MS. BRUCE: Ms. Rose.

15 MS. ROSE: Here.

16 MS. BRUCE: Ms. Savage is absent.

17 Mr. Wuerflein.

18 MR. WUERFLEIN: Here.

19 MS. BRUCE: And Mr. Mason.

20 MR. MASON: Yes.

21 MS. BRUCE: We do have a quorum.

22 CHAIRMAN: All right. We ll
23 continue.

24 Item 3 is the approval of Minutes of
25 the June 21st Board Meeting.

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1 MR. JOHNSTON: I move to approve.

2 MR. GRIESEL: I'll second.

3 THE CHAIRMAN: We have a first
4 from Jerry and a second from David. Is
5 there any discussion from the Board? Any
6 public discussion? May we have a roll call
7 vote, please?

8 MS. BRUCE: Ms. Cantrell.

9 MS. CANTRELL: Yes.

10 MS. BRUCE: Mr. Drake.

11 MR. DRAKE: Yes.

12 MS. BRUCE: Mr. Griesel.

13 MR. GRIESEL: Yes.

14 MS. BRUCE: Mr. Johnston.

15 MR. JOHNSTON: Yes.

16 MS. BRUCE: Ms. Rose.

17 MS. ROSE: Yes.

18 MS. BRUCE: Mr. Wuerflein.

19 MR. WUERFLEIN: Yes.

20 MS. BRUCE: Mr. Mason.

21 MR. MASON: Yes.

22 MS. BRUCE: Motion passed.

23 THE CHAIRMAN: All right. Great.

24

25 Item 4 is a presentation by David

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1 Branecky about Air Pollution Control.

2 MR. BRANECKY: Mr. Chairman,
3 Members of the Board, what I m bringing to
4 you today for approval -- request of your
5 approval is an amendment to the air
6 pollution control rules, Appendices E and
7 F.

8 Appendices E and F contain the
9 Primary and Secondary ambient air quality
10 standards. In 1997 EPA proposed revising
11 the standard for ozone from a one-hour .12
12 ppm standard to an eight-hour .08 ppm
13 standard. After various litigations and
14 gyrations finally they got around to
15 promulgating and implementing the rule.
16 And effective June of this year for
17 Oklahoma the one-hour standard no longer
18 exists.

19 And so what we re doing today -- or
20 asking for you to approve today is to
21 revise Appendices E and F to reflect the
22 eight hour ozone standard instead of one.
23 And we re asking for a permanent one --
24 permanent adoption.

25 THE CHAIRMAN: Questions from the

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1 Board? Questions from the public? I've
2 got a question. So this replaces the old
3 eight-hour standard we had forever -- or
4 the other way?

5 MR. BRANECKY: We had the one-
6 hour standard. And this eight-hour
7 standard replaces the one-hour standard.

8 THE CHAIRMAN: How are we doing
9 with this new standard compared to the old
10 one?

11 MR. BRANECKY: We are in
12 attainment with the eight-hour standard and
13 I have before me the latest four -- the way
14 it's calculated you take, over a three-year
15 period -- for each year you take the fourth
16 highest reading, take an average and
17 compare that to the standard. We are
18 running the standards .08 -- well, really
19 .085. We can -- if -- because of rounding,
20 we'd go to .084 and still be in compliance.

21 For Oklahoma City, our highest
22 reading -- our three-year average is .077
23 -- 079, excuse me. So we're below the
24 standard. For Tulsa it is also .079 and
25 that's the 2003 to 2005, including this

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1 past season. So, we re doing good. And it
2 will take a while and even if we have a bad
3 year, this year or next year, we ve had
4 some low enough years the past couple of
5 years, the average, we ll keep us in
6 attainment.

7 THE CHAIRMAN: Is there a Motion?

8 MR. GREISEL: So moved.

9 MS. CANTRELL: Second.

10 THE CHAIRMAN: We have a first
11 from David and a second from Brita. May we
12 have a roll call vote, please?

13 MS. BRUCE: Ms. Cantrell.

14 MS. CANTRELL: Yes.

15 MS. BRUCE: Mr. Drake.

16 MR. DRAKE: Yes.

17 MS. BRUCE: Mr. Griesel.

18 MR. GRIESEL: Yes.

19 MS. BRUCE: Mr. Johnston.

20 MR. JOHNSTON: Yes.

21 MS. BRUCE: Ms. Rose.

22 MS. ROSE: Yes.

23 MS. BRUCE: Mr. Wuerflein.

24 MR. WUERFLEIN: Yes.

25 MS. BRUCE: Mr. Mason.

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1 MR. MASON: Yes.

2 MS. BRUCE: Motion passed.

3 THE CHAIRMAN: Item 5 is a
4 presentation of water pollution control by
5 Lowell Hobbs.

6 MR. HOBBS: Thank you,
7 Mr. Chairman. It s my privilege to
8 represent the Water Quality Management
9 Advisory Council, a group of very
10 distinguished, yet very qualified people.
11 You ll notice that our decisions are
12 generally always unanimous. We have a lot
13 of discussion but we know how to come to a
14 conclusion that s a good conclusion. And I
15 present that attitude with you this
16 morning. We have a very qualified staff to
17 lead us in those efforts and I m privileged
18 to represent the Council and on behalf of
19 those people, and the staff, that s why I m
20 here.

21 This is Water Pollution Control
22 Facility Construction Standards. This
23 rulemaking is to revise and clarify the
24 water pollution control facility
25 construction rules. These rules amend

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1 existing procedures and requirements for
2 the construction of wastewater treatment
3 and collection systems.

4 New provisions include clarification
5 of requirements for submittal of
6 engineering reports, plans and
7 specifications, the requirement to develop
8 -- requirement to development and implement
9 operations and maintenance manuals for
10 construction standards for sanitary sewers,
11 pump stations, and wastewater treatment
12 facilities.

13 There were no comments received
14 during the comment period or at the Council
15 meeting. And the Council voted unanimously
16 to recommend that the Board approve the
17 changes to Chapter 656.

18 That s the only one rule that we
19 have to present.

20 THE CHAIRMAN: Thank you.
21 Questions from the Board? Questions from
22 the public? Is there a Motion?

23 MR. JONHSTON: I move.

24 MR. GREISEL: I ll second.

25 THE CHAIRMAN: Jerry moves and David

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1 seconds. All right, Myrna.

2 MS. BRUCE: Ms. Cantrell.

3 MS. CANTRELL: Yes.

4 MS. BRUCE: Mr. Drake.

5 MR. DRAKE: Yes.

6 MS. BRUCE: Mr. Griesel.

7 MR. GRIESEL: Yes.

8 MS. BRUCE: Mr. Johnston.

9 MR. JOHNSTON: Yes.

10 MS. BRUCE: Ms. Rose.

11 MS. ROSE: Yes.

12 MS. BRUCE: Mr. Wuerflein.

13 MR. WUERFLEIN: Yes.

14 MS. BRUCE: Mr. Mason.

15 MR. MASON: Yes.

16 MS. BRUCE: Motion passed.

17 THE CHAIRMAN: Thank you.

18 Item 6 is the DEQ Operational Budget

19 Request. Craig Kennamer was supposed to do

20 the presentation, he s ill. So, we might

21 keep him in our thoughts and prayers. I

22 think Steve is going to do this.

23 MR. THOMPSON: Yes. And clearly

24 the presentation will suffer by Craig s

25 absence.

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1 Just an update on Craig, I think the
2 Board is aware that he is again battling
3 lymphoma. He is in the midst of a series
4 of chemotherapy treatments that will be
5 followed by a stem cell transplant. But
6 the prognosis, based on the specialist
7 estimate -- they found 80 matches for the
8 stem cell transplant, which was a small
9 miracle, actually. And so the prognosis is
10 pretty good.

11 I was unable to convince him not to
12 come but his wife was and so he -- right
13 now he s working when he can and he s
14 resting when he needs to -- or he s resting
15 when somebody at the Agency sends him home
16 and tells him he needs to rest. And so I
17 suspect that treatment will continue all
18 phases for about six months and then they
19 will reevaluate. So, we re just moving
20 along.

21 So, let me then move into our budget
22 request. A bit about process. In Oklahoma
23 the process for submittal of the budget
24 request is that you assume your general
25 revenue appropriation from past years. You

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1 don t start at zero, you assume your
2 appropriation from last year, which was 8.2
3 million dollars after the \$800,000 that we
4 received for the Air Toxics Program and the
5 500,000 that we received for raises.
6 So, the request that we have, is in
7 addition to the 8.2 million dollars that we
8 currently receive.

9 Now, as you read through the
10 description of our budget request that was
11 included in the Board packet, I think you
12 would note that these are not -- a lot of
13 these are not new ideas. What may be new
14 is the packaging of them. We are packaging
15 our budget request for something that we
16 think that there is really a crying need
17 for in the state and that is for technical
18 and analytical assistance, and the
19 analytical equipment necessary to support
20 small community water systems,
21 particularly, related to federal mandates
22 that have come along in the Drinking Water
23 Act.

24 The staff put together some pretty
25 interesting information, I think. We have

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1 nine systems in the state that serve 50,000
2 people or greater. And accumulatively,
3 those nine systems serve one and a half
4 million people. We have another 131
5 systems that serve people between 3,400 and
6 50,000 and the cumulative total of people
7 served by those 131 systems is 1.3 million
8 dollars. And then we have almost 1,500
9 systems that serve 725,000 people. And it
10 is those 1,500 systems serving those
11 725,000 people that we are addressing this
12 assistance package to.

13 So, let me talk then about the
14 specifics of the cost to try to alleviate
15 the burden on those systems. We have
16 included \$345,000 for six additional staff
17 to provide technical assistance to those
18 folks. With the advent of groundwater
19 under the influence of surface water,
20 disinfection by-product, radio nucleids,
21 arsenic, and a whole array of drinking
22 water systems, those 1,500 small systems
23 are struggling to come into compliance.
24 And while I am not altogether sure that six
25 people is enough to assist them, it s a

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1 start. It s a reasonable start to ask for
2 six people to do that thing.

3 The second piece is that -- it s to
4 return to a request that we had last year.
5 As the requirements for small drinking
6 water systems monitoring increases, the
7 cost increased to those people, the cost of
8 the analytical works.

9 Last year we asked for a half a
10 million dollars to offset those analytical
11 cost to small systems. We, quite frankly,
12 last year concentrated more on the air
13 program than we did the water program, but
14 we are going to concentrate almost
15 exclusively on this notion of small
16 community assistance this year.

17 So, we are again asking for \$513,000
18 to offset -- as a direct offset to their
19 increased cost of analysis. We would take
20 that money, use it for analysis, and avoid
21 billing these small systems for their
22 increased analytical cost to the extent
23 that it could.

24 Another piece of this is that we
25 have traditionally asked for several

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1 billion dollars in support for TMDL s.
2 It s not quite true, but a lot of money,
3 and have been universally unsuccessful in
4 receiving funding for TMDL s. TMDL s being
5 how you allocate LOADS between points
6 sources and non-points sources to a stream
7 segment, which is a requirement of federal
8 law.

9 What we are attempting to do this
10 time, we ve isolated, I think, the number
11 is 117 systems -- drinking water systems,
12 small community systems where the raw water
13 -- the impacts to raw water are influencing
14 the quality of the water that has to be
15 treated.

16 So, our effort is in this case --
17 and these are small communities that don t
18 have anybody else or any other way to pay
19 for a TMDL. If we needed a TMDL for a
20 discharge for Conoco-Philips, we might just
21 ask Conoco-Philips for some help in that
22 arena. I suspect they d be happy to do so.
23 If Oklahoma City needed a TMDL, we d
24 probably ask Oklahoma City to do the TMDL.
25 But for the small communities where we have

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1 to do TMDL s and there is an impact to the
2 raw water supply, we want to tack that into
3 this request. So, there s \$400,000 for
4 that.

5 The next item is something that I
6 really want to spend a little bit of time
7 on that is -- that really reflects the
8 change in the attitude of the Agency and
9 how we address small communities both from
10 the water quality side and from the public
11 water side, and that s a \$60,000 request
12 for a small community compliance hotline.

13 We have gotten ourselves into a
14 situation where the Agency is using the
15 consent order as the primary communication
16 tool with a small community. And that s a
17 poor communication tool. I mean, they
18 don t understand them, they think often
19 small communities are frightened by them.
20 If you re Oklahoma City or Tulsa or a large
21 community then you have the legal and
22 engineering resources to address the issue
23 but if you re small, you might not.

24 So, what we want to do is really
25 change that to a -- to what we have deemed

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1 -- what we are calling the my facility
2 comp concept, where we have a person in the
3 Agency that is responsible and accountable
4 for each of these small systems. We re
5 going to change -- and is responsible for
6 the communication necessary to help the
7 small community understand what they
8 really, no kidding, need to do.

9 Now, we are also going to change the
10 wording in consent orders that not only
11 cites the rule, but explains the rule and
12 the underlying cause of the rule, so the
13 small communities have a better
14 understanding of what really it is we re
15 talking about. And then there will be a
16 description of our efforts -- of the
17 accountable persons effort to work with
18 that small community to help them
19 understand what they really need to do in
20 the consent order.

21 Now, since I sign all of those, that
22 will be my tracking mechanism to determine
23 how effective the my facility effort is.
24 If it s successful, we think -- so, let s
25 get back to the budgeting item for the

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1 60,000. If it's successful, we think that
2 there will -- that communities rather than
3 being frightened of the DEQ, will be
4 encouraged to call the DEQ, and we need a
5 central location for those calls to come
6 into.

7 Now, once they get into this central
8 location, we will have teams of issue
9 experts to help and then the person who is
10 ultimately accountable to that system, the
11 one person, will be given the assistance
12 that he or she needs to assist the
13 community. So, it's a long way to explain
14 a \$60,000 request, but I thought it was
15 important to do so.

16 We need funding for equipment for
17 new technologies, particularly
18 chryptosperidium and giardia and \$80,000
19 for that and \$60,000 for radon.

20 And the last one is sort of a
21 backdoor assistance issue. We have -- we
22 haven't -- Judy has patched together her
23 analytical equipment for about as long as
24 she can patch it together. And that's
25 because we don't cover the cost of

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1 equipment replacement in our fee, in our
2 public water supply fee. So, we -- she
3 comes up and puts the arm on me for little
4 extra pockets of cash that we have around
5 the Agency and then if I m not receptive,
6 she ll go to Scott and put the arm on him
7 and she -- but there is no routine way for
8 us to replace that equipment. And we re at
9 the point where we re going to have to
10 start thinking about bringing to you all
11 the notion of paying a replacement cost in
12 a fee.

13 So, we re going to have a mandate to
14 these small communities for this equipment
15 replacement ourselves, and that we know we
16 complain about the feds all the time.
17 Well, this is our own mandate unless we can
18 get the legislature to routinely provide
19 replacement cost for our analytical
20 equipment.

21 So, if you add all of that stuff up,
22 we re going to ask, under the umbrella of
23 small community assistance for 1.8 million
24 dollars taking our -- assuming no change in
25 existing general revenue contribution from

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1 8.2 to 10 million dollars which represents
2 -- I don t know, what would that put us at,
3 David, maybe 20 percent of our total
4 budget? Is that a fair guess? The rest of
5 it being either federal funds or fees.

6 With that, Mr. Chairman, I ll take
7 any questions that the Board might have.

8 THE CHAIRMAN: Questions.

9 MR. WUERFLEIN: Just a
10 clarification, Steve. All of these items
11 -- none of them are like a one time
12 request, they re actually something we re
13 requesting to be added to our baseline
14 budget from now on?

15 MR. THOMPSON: That s -- no one
16 time cost in this. They re all continuing
17 cost items.

18 THE CHAIRMAN: Do you have
19 adequate staff in your customer assistance
20 groups so you don t need the 60,000 for a
21 new person?

22 MR. THOMPSON: The answer to your
23 question is, if right now, we would. We
24 probably would. But with the advent of the
25 my facility initiative, we think we re

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1 going to tie those folks up with outreach
2 efforts to a pretty significant extent.

3 So, the two things are tied
4 together, people working on my facility
5 in customer services and the need for the
6 hotline, if that is successful and, you
7 know, we ll report back on the success of
8 that initially, if that is successful and
9 we get the kind of response we are hopeful
10 of getting, the answer is no.

11 THE CHAIRMAN: Any questions from
12 the public?

13 MS. GALVIN: Steve and Steve, I
14 have one last question. There is the
15 \$140,000 equipment for new testing, you
16 will be requesting the same 140,000 next
17 year; is that what I heard you answer?

18 MR. THOMPSON: That s a very good
19 point. Judy, do you want to help me out?
20 The 140,000 for the new equipment for
21 chryptosperidium and giardia, that would
22 actually be a one time cost, wouldn t it?

23 MS. DUNCAN: Yes, except there
24 are new technologies that come along
25 periodically. Right now we know that we

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1 need to develop technology for
2 chryptosperidium, giardia, possibly the
3 capability to do radon and drinking water.

4 There are emerging concerns about
5 human by-products and pharmaceuticals found
6 in surface water and so we perceive that we
7 would expect that in the future there will
8 be testing requirements for those things
9 and the water quality monitoring program.
10 It s just kind of -- as time goes along,
11 those things just come up over and over
12 again.

13 Also, replacement cost that we have
14 figured into that is based on an
15 approximately 9 to 10 a year or for
16 replacement type equipment and, you know,
17 in the years we are developing technology
18 we would speed up efforts (inaudible) to
19 get replacements at the time.

20 MS. GALVIN: So what I heard you
21 say is next year it may not be 140,000, but
22 it may be 90, it may be 140, but each year
23 you may have some expectations of this
24 being in the budget?

25 MR. THOMPSON: She s going to

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1 come up and say yes.

2 MS. DUNCAN: Yes. Our experience
3 over the last 20 years in the lab is that
4 the technology for monitoring the
5 environment changes and there are varying
6 things that come along and you have to have
7 an influx of money from time-to-time to
8 develop those new technologies. In the
9 past, we've gotten along as the major
10 environmental acts are being developed,
11 we've gotten along by being able to use
12 early money in those programs to gear up to
13 do those things. But that's, you know,
14 there aren't that many new major acts on
15 the horizon that have that kind of money in
16 them.

17 MS. GALVIN: Thank you.

18 MR. JOHNSTON: I don't really
19 have a question, but I have a Motion.

20 THE CHAIRMAN: All right.

21 MR. GREISEL: I have a second.

22 MR. JOHNSTON: As a
23 representative of small town America, I am
24 exceedingly happy to make a motion to
25 approve this budget.

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1 THE CHAIRMAN: Is there a second?
2 MR. GREISEL: I second.
3 CHAIRMAN: David seconds.
4 Any discussion? Okay.
5 MS. BRUCE: Ms. Cantrell.
6 MS. CANTRELL: Yes.
7 MS. BRUCE: Mr. Drake.
8 MR. DRAKE: Yes.
9 MS. BRUCE: Ms. Galvin.
10 MS. GALVIN: Yes.
11 MS. BRUCE: Mr. Griesel.
12 MR. GRIESEL: Yes.
13 MS. BRUCE: Mr. Johnston.
14 MR. JOHNSTON: Yes.
15 MS. BRUCE: Ms. Rose.
16 MS. ROSE: Yes.
17 MS. BRUCE: Mr. Wuerflein.
18 MR. WUERFLEIN: Yes.
19 MS. BRUCE: Mr. Mason.
20 MR. MASON: Yes.
21 MS. BRUCE: Motion passed.
22 THE CHAIRMAN: Jerry, I hope we
23 get this money for all the small towns you
24 represent.
25 MR. JOHNSTON: Also some really

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1 good ideas in there that s going to help us
2 as much as the money. Some things that
3 Steve is doing is really needed.

4 MR. WUERFLEIN: Well, the
5 assistance hotline and I know Jerry s
6 referring to that, there is a definite
7 communication problem that people think DEQ
8 is the bad guy when they re actually
9 probably more helpful than what some of the
10 small town Mayors that haven t worked as
11 close as Jerry has with you, don t realize.

12 MR. THOMPSON: I think we have to
13 take much of the credit for that situation.
14 It s not universally true but if -- I think
15 John will not disagree, that we got in the
16 really bad habit that, again, that that
17 consent order was -- the way we were
18 communicating and it s a fine tool for
19 Oklahoma City or Tulsa or Muskogee, it is
20 not a good tool for a town of 3 or 4 or 500
21 people. And so when you get -- all you re
22 hearing from an agency is this signed
23 official looking document. Even though
24 it s an agreement on what we re going to
25 do. Still, we ve got to change that. And

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1 we re going to try.

2 MR. JOHNSTON: The consent order
3 is getting to be -- the problem with CEED
4 grants is that without a consent order, you
5 can t get them. And I haven t wanted one,
6 but I didn t get my grant this year. Next
7 year I m going to want one. I mean I could
8 -- forget I said that. But you re going to
9 have to have one to get your grants to do
10 the things you need to do to comply.

11 THE CHAIRMAN: Point well taken.
12 Any other comments on our budget? So, in
13 2006, which is Item 7, where would we like
14 to meet?

15 MR. DRAKE: Well, I d like to
16 recommend August the 22nd that if -- and
17 I ll check on that date, I ve already
18 checked to see if it would be okay, to meet
19 in Ardmore at Noble Foundation. Those of
20 you who have met there before know what
21 they will provide for us and those of you
22 who haven t will be in for such a treat as
23 I can t even begin to tell you if you ve
24 never been there. I would like to
25 recommend, again, depending on the date,

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1 August 22nd, and I ll call and verify that
2 in a little bit.

3 THE CHAIRMAN: Great. Other
4 thoughts?

5 MR. WUERFLEIN: I ve always
6 requested that we meet in the either
7 western or northwest part of the state in
8 June to save my travel time and this side
9 of the table has kind of discussed
10 Weatherford for our June meeting. So, if
11 that would be agreeable, we would suggest
12 that.

13 MR. DRAKE: Southwestern dose a
14 pretty good job for us, I think, last time
15 in Weatherford.

16 UNIDENTIFIED: That would be the
17 --

18 MR. DRAKE: I m looking at that
19 book back there at the far back of the
20 room.

21 MS. CANTRELL: Well, I throw in a
22 request for Tulsa again for November 14th.
23 I think that we have an excellent facility
24 that we ve used in the past in Tulsa that
25 provided easy access and a good working

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1 environment for the Board.

2 THE CHAIRMAN: So it s been
3 suggested Weatherford in June, Ardmore in
4 August, Tulsa in November.

5 MR. GREISEL: I d make a Motion
6 for all of those.

7 THE CHAIRMAN: We have a Motion
8 with David.

9 MR. DRAKE: I d second.

10 THE CHAIRMAN: Second from Bob.

11 Any discussion from the Board? Any
12 discussion from the public?

13 Myrna, let s see if that s where
14 we re going to meet.

15 MS. BRUCE: Ms. Cantrell.

16 MS. CANTRELL: Yes.

17 MS. BRUCE: Mr. Drake.

18 MR. DRAKE: With the provision

19 that I will call Nobel and see if it s
20 open. I know that they will let us. Yes.

21 MS. BRUCE: Ms. Galvin.

22 MS. GALVIN: Yes.

23 MS. BRUCE: Mr. Griesel.

24 MR. GRIESEL: Yes.

25 MS. BRUCE: Mr. Johnston.

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1 MR. JOHNSTON: Yes.

2 MS. BRUCE: Ms. Rose.

3 MS. ROSE: Yes.

4 MS. BRUCE: Mr. Wuerflein.

5 MR. WUERFLEIN: Yes.

6 MS. BRUCE: Mr. Mason.

7 MR. MASON: Yes.

8 MS. BRUCE: Motion passed for
9 those dates and locations.

10 THE CHAIRMAN: Okay. All right.

11 Let s go to any new business. We ve
12 lost Bob. I think Bob s working on
13 Ardmore. He doesn t waste any time. So,
14 while Bob calls Ardmore, why don t we get
15 some coffee.

16 (Break)

17 (End of Proceedings)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the State of
Oklahoma, do hereby certify that the above
proceedings is the truth, the whole truth,
and nothing but the truth; that the
foregoing proceedings were tape recorded by
me and thereafter transcribed under my
direction; that said proceedings were taken
on the 23rd day of August, 2005, at Pryor,
Oklahoma; and that I am neither attorney
for nor relative of any of said parties,
nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto
set my hand and official seal on this, the
2nd day of October, 2005.

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

Christy A. Myers

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