

**REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD**

A Public Meeting: 9:30 a.m., Friday, March 4, 2005
DEQ Multipurpose Room
707 North Robinson
Oklahoma City, Oklahoma

Please silence cell phones.

- 1. Call to Order** – Richard Wuerflein, Chair
- 2. Roll Call** – Myrna Bruce, Secretary, Board & Councils
- 3. Approval of Minutes** of the November 16, 2004 Regular Meeting
- 4. Election of Officers** – Election of Chair and Vice-Chair for calendar year 2005
- 5. Rulemaking – OAC 252:4 Rules of Practice and Procedure**

The DEQ proposes to amend language to provide greater security and file integrity for agency records and to cover some of the costs of materials when the DEQ responds to open records requests. Specifically, the amendments relate to restrictions on removal of files from DEQ offices and to recovery of DEQ costs for faxing, mailing, delivery service, and copying of CDs.

 - A. Presentation – Jimmy Givens, DEQ General Counsel
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption
- 6. Rulemaking – OAC 252:100 Air Pollution Control**
 - Proposed new language in Section 63 of Subchapter 17, Incinerators, clarifies that air curtain incinerators are subject to the Title V permitting requirements found in Section 73 of that Subchapter. The addition will not change the interpretation of the rule, but will clarify the requirements for air curtain incinerators.
 - The proposed amendment to Subchapter 41, Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants, incorporates by reference new National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Parts 61 and 63, as of September 1, 2004.
 - The DEQ proposes to add the 24-hour and annual PM 2.5 standards to both the Primary and Secondary Ambient Air Quality Standards contained in Appendices E and F.
 - A. Presentation – Sharon Myers, Chair, Air Quality Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include roll call vote(s) on permanent adoption
- 7. Rulemaking – OAC 252:205 Hazardous Waste Management**
 - The proposed Section 3-1 amendment updates the incorporation by reference of federal hazardous waste regulations to July 1, 2004. The only significant changes to the federal rules that will directly affect Oklahoma facilities are revisions to the used oil management standards, involving revisions to 40 CFR Parts 261 and 279.

- Proposed new Section 21-5, Subchapter 25 and Appendices D and E, along with amendments to Section 3-2, implement a state hazardous waste delisting program in Oklahoma, including the establishment of fees to help support the program.
 - A. Presentation – Jody Reinhart, Chair, Hazardous Waste Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include roll call vote(s) on permanent adoption

8. Rulemaking – OAC 252:410 Radiation Management

- The DEQ proposes certain changes to Subchapters 1 and 10 as a single action. Incorporations of 10 CFR provisions are updated to January 1, 2004. Part 35 of Subchapter 10 is amended for compatibility with the updated incorporation by reference. Changes resulting from this rulemaking are adjusted requirements for medical use of radioactive material and clarification of the maximum extremity dose of radiation allowable. The changes focus efforts on therapeutic use of radioactive materials and diminish regulatory attention to diagnostic medical procedures.
- Proposed changes to Subchapter 3 increase the permit term, clarify application content requirements, and add a due date for annual fees.
- Certain changes to Subchapters 7 and 10 are proposed as a single action. The Subchapter 7 changes add provisions on late fees; add an example of a major permit or license amendment; and strengthen language concerning the content of renewal applications. Subchapter 10 amendments clarify DEQ's intent to charge at full cost inspection and oversight activities at licensed facilities undergoing decommissioning. Other changes clarify language and update citations.
- In Subchapter 10, the DEQ proposes to amend the schedule of fees charged to applicants for new radioactive materials licenses by deleting the option to file as a small entity.
 - A. Presentation – Steve Woods, Vice-Chair, Radiation Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include roll call vote(s) on permanent adoption

9. Rulemaking – OAC 252:4 Rules of Practice and Procedure (Water Quality Management-Related)

- The DEQ proposes to clarify ambiguous language regarding water quality permits and to include a category of permits that were inadvertently omitted, such as pretreatment permits and 401 certifications.
- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

10. Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System

- Proposed changes update the incorporation by reference of federal regulations in various Parts of 40 CFR to July 1, 2004. The update does not involve any major change in regulatory requirements.
- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

11. Rulemaking – OAC 252:611 General Water Quality

- Proposed changes update the incorporation by reference of federal regulations in 40 CFR Part 130 to July 1, 2004. The update does not involve any major change in regulatory requirements.
- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council

- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

12. Rulemaking – OAC 252:616 Industrial Wastewater Systems

Proposed changes are primarily the results of a workgroup established to review this Chapter and make appropriate language recommendations. The changes include eliminating duplicative language relating to storm water requirements; clarifying classes of wastewater that can be treated in tank systems; prohibiting the land application of industrial sludge in scenic river basins; and listing specific requirements for the use of Class III wastewater for dust suppression. Also included is an amendment to clarify that a licensed professional engineer must design and close industrial treatment systems under the state statutory definition of the “practice of engineering”.

- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

13. Rulemaking – OAC 252:619 Operation and Maintenance of Non-Industrial Total Retention Lagoon Systems and Land Application

This new Chapter would clarify maintenance and operation rules that apply to non-industrial total retention lagoon systems, with or without land applications sites, and would consolidate them into one set of rules that is separate from the more complex rules applicable to discharging wastewater treatment facilities.

- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

14. Rulemaking – OAC 252:621 Non-Industrial Flow-Through and Public Water Supply Impoundments Including Land Application

This is a companion item to Agenda Item 13, above. If Chapter 619 is adopted, the applicability of Chapter 621 will be limited to non-industrial flow-through impoundments and public water supply impoundments, and the land application of wastewater from those impoundments.

- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

15. Rulemaking – OAC 252:631 Public Water Supply Operation

Proposed changes update the incorporation by reference of federal regulations in 40 CFR Parts 141 and 143 to July 1, 2004. The update does not involve any major change in regulatory requirements.

- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

16. Rulemaking – OAC 252:690 Water Quality Standards

Proposed amendments modify and update the incorporation by reference of federal regulations in various Parts of 40 CFR to July 1, 2004; amend the calculation procedure for 7Q2 to allow for alternative methods; amend background monitoring requirements; amend ammonia monitoring requirements; amend procedures relating to Whole Effluent Toxicity (WET) testing; and correct a

typographical error in Appendix B.

- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

17. Rulemaking – OAC 252:710 Waterworks & Wastewater Works

Proposed changes revise and clarify the current operator certification rules. They amend existing procedures and requirements for the certification of waterworks and wastewater works operators and laboratory operators. Included are establishment of a certification exception for certain laboratory operators and addition of a classification based on the complexity of certain systems. The provision for a grace period for non-transient non-community systems is being deleted because of rule obsolescence.

- A. Presentation – Carl Gray, Chair, Waterworks and Wastewater Works Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

18. New Business (any matter not known about and which could not have been reasonably foreseen prior to the time of posting of agenda)

19. Executive Director’s Report – Steve Thompson

Adjournment

Next Meetings: June 21 in Watonga; August 23 in Pryor; and November 15 in Braman

Public Forum (after adjournment): The Board meets four times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

Some members of the Board, as well as senior staff members from the DEQ, will meet for dinner in Oklahoma City the evening of March 3. This is a social occasion. It is uncertain whether a majority of the Board will be present, but no Board or DEQ business will be conducted.