

Air Quality

Ambient Monitoring - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Ambient Monitoring					
Continuous Monitoring Systems	23	25	24	26	98
Non-continuous Stations	27	29	30	29	115
Number of Air Samples Collected					
Ozone (in thousands)	23.6	26.8	25.4	26.2	102
Sulfur Oxides (in thousands)	10.3	10.9	9.3	10.8	41.3
Total Oxides of Nitrogen					
Nitrogen Dioxide-NO ₂ (in thousands)	12.5	10.8	12.3	12.8	48.4
Nitrogen Oxides-NO (in thousands)	12.5	10.8	12.3	12.8	48.4
PM-10	145	143	147	136	571
PM-2.5	730	731	728	733	2922
Lead	0	0	0	0	0
Carbon Monoxide (in thousands)	13	13.1	12.6	12.8	51.5
Special Purpose (in thousands)	31.5	31.2	20.2	26.7	109.6
Precision Tests	401	401	360	379	1,541

Excess Emissions Monitoring - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Excess Emissions Report	528	448	572	510	2,058

Emissions Inventory - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Emissions Inventory					
Billings					
Major Sources	151	23	32	126	332
Minor Sources	238	12	37	248	535
Inventories Processed	686	0	617	1,607	2,910

Enforcement Administration - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Air Enforcement					
Notices of Violation	27	17	17	25	86
Formal Actions	7	6	14	15	42
Asbestos Actions	2	0	1	1	4
Fines Paid (in thousands of dollars)	116.3	125.8	313	1891.1	2446.2
SEP Dollars (in thousands)	24.8	187.9	5,131.70	516.4	5,860.8

Inspection - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Air Inspections					
Monitoring Inspections (from ECLS)					
Compliance Evaluation Inspections	44	124	122	161	451
Follow-up Enforcement Inspections	12	12	5	17	46
Asbestos Inspections	89	40	68	115	312
Complaint Inspections	55	44	110	56	265

Lead Based Paint - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Lead Based Paint Certification					
Inspector	1	1	3	7	12
Risk Assessor	7	4	0	84	95
Abatement Worker	4	13	2	64	83
Supervisor	3	5	0	62	70
Project Designer	1	0	0	1	2
Firm	4	4	3	82	93

Permit Administration - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Air Quality Permitting					
Construction Applications/Permits Issued	23	24	28	35	110
Minor Issued	21	17	22	44	104
Major Received	11	8	8	16	43
Major Issued	7	7	8	14	36
PSD Received	8	1	1	3	13
PSD Issued	4	4	2	4	14
Operating Applications/Permits Issued					
Minor Received	46	35	35	59	175
Minor Issued	39	48	56	41	184
Major Received	1	5	1	7	14
Major Issued	0	2	3	4	9
PSD Received	2	1	1	1	5
PSD Issued	0	0	0	0	0
Title V Received	8	35	21	21	85
Title V Issued	22	13	19	19	73
Acid Rain Received	1	0	0	1	2
Acid Rain Issued	0	0	0	0	0
Relocation Received	12	5	9	8	34
Relocation Issued	10	7	9	10	36
Applications Withdrawn	14	8	6	10	38
Applicability Determination Received	23	31	34	20	108
Applicability Determination Issued	24	35	32	21	112
Permits Denied	1	0	0	0	1
Total Applications Received	135	145	138	171	589
Total Permits Issued	127	133	151	157	568
Permits Issuance > Timelines	16	31	13	10	70
Tests Observed	3	0	0	0	3
Performance Inspections	61	40	45	51	197
Permit Protest Hearings	0	0	0	0	0

Note: Title V Received includes 1 in QT1, 20 in QT2, & 4 in QT3 TV Renewals

Public Information and Education - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Clean Air Alerts					
Oklahoma City	7	0	0	2	9
Tulsa	7	0	0	2	9
Lawton	7	0	0	2	9
Environmental Education					
Events					
Conference Presentations	1	0	1	2	4
Conference Displays	2	1	1	1	5
Community Wide Events	0	0	0	0	0
Education Presentations					
K-12	1	0	1	1	3
University	0	0	1	1	2
Community/Adult	0	1	0	5	6
Teacher Packets Distributed	10	8	4	5	27
Contacts	3,640	350	750	2,660	7,400

Quality Assurance - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Quality Assurance					
Audits					
Continuous	29	38	24	33	124
Non-Continuous	25	30	28	28	111
Interlab	9	0	0	13	22
Data Validation	1,067	1,060	1,047	1,072	4,246
Standards Certified 62	61	48	39	210	
Filter Checks	357	298	366	264	1,285

Environmental Impact Assessments - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Environmental Impact Assessments	91	28	62	57	238

Land Protection

Historic Site Cleanup - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Private Party Oversight					
Ongoing	97	112	108	110	
Completed	7	3	8	4	22

Inspection - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Solid Waste Inspections					
Compliance Evaluation Inspections	112	121	161	159	553
Tire Dealer Inspections	29	110	9	32	180
Tire Dump Surveys	7	19	10	9	45
Hazardous Waste Inspections					
Compliance Evaluation Inspections	32	21	24	22	99
Screening Inspections	3	2	3	0	8
UIC Compliance Inspections	0	12	0		12
Radiation					
Compliance Evaluation Inspections	18	24	22	33	97

Non-Hazardous Waste Management - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Solid Waste					
NHIW Disposal by Rule Applications	52	57	66	53	228
NHIW Individual Disposal Plan Applications	75	80	53	47	255
NHIW General Disposal Plan Applications	103	83	89	195	470

Operator Certification - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Radiography Certification Exams	26	0	34	28	88

Permit Administration - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Waste Management Permitting					
Solid Waste					
Applications Received	161	140	144	123	568
Permits Issued/Plans Approved	137	147	147	127	558
Permit Protest	0	0	0	0	0
Hazardous Waste					
Applications Received	78	58	85	55	276
Permits Issued/Plans Approved	85	64	74	60	283
Permit Protest Hearing	0	0	0	0	0
Underground Injection Control					
Applications Received	6	6	5	2	19
Permits Issued/Plans Approved	8	8	3	2	21
Radiation					
Applications Received	87	50	72	82	291
Permits Issued	54	72	86	69	281
Total Permits Issuance > Timelines	2				2

Public Information and Education - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Relations					
Press Releases	0	4	1	0	5
Audio/Visual Materials Produced	3	1	4	1	9
Conferences/Displays	5	10	7	8	30
Presentations at Conferences	10	2	4	2	18
Public Contacts	2,016	1,660	1,823	1,791	7,290
Information Packets Distributed	1,548	1,835	1,820	417	5,620
Speeches	8	11	4	4	27
Environmental Education					
Adult/Community Education	8	8	9	9	34
K-12 Outreach	24	48	62	62	196
Recycling Information					
Presentations/Technical Assistance	10	28	39	33	110
Recycle Training	3	3	4	12	22
Recycle Program Assistance (Agencies/Schools)	63	127	141	63	394
Speeches	5	9	7	3	24
Recycle Market Development	2	7	15	11	35
Waste Audits	1	1	1	3	6
Campaigns	4	2	1	2	9

Waste to Resources Programs - FY 2002

Land Protection	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Superfund					
Preliminary Assessments	1	0	0	0	0
Site Inspections	0	1	0	1	2
Management Assistance*	11	11	11	11	44
Remedial Design*	0	0	0	0	0
Federal Facilities*	8	8	8	8	32
Remedial Action*	3	3	3	3	12
Removal Actions**	5	4	3	6	18
CERCLA Universe Investigations	0	0	0	0	0
New Listing on NPL	0	0	0	0	0
Sites Delisted	0	0	0	0	0
Remedial Investigation/Feasibility Study*	2	2	2	2	8
Brownfield Targeted Site Assessments					
*Targeted Site Assessment	0	2	0	1	3
Operation and Maintenance*	1	1	1	1	4

*Ongoing

**new or in-progress and ongoing

Water Quality

Data Management - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Groundwater					
Sites With GPS Correction	75	130	154	94	453

Inspection - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Water Supply					
Monitoring Inspections (from ECLS)	685	1,046	1,378	710	3,819
Municipal Wastewater					
Monitoring Inspections (from ECLS)	578	812	358	364	2,112
Pretreatment Compliance	1	7	5	12	25
Compliance Evaluation Inspections	7	16	19	19	61
Industrial Wastewater					
Monitoring Inspections (from ECLS)	95	91	78	101	365
Compliance Evaluation Inspections	3	4	12	12	31

Enforcement Administration - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Water Supply					
Boil Advisories	2	3	1	2	8
Notices of Violation	198	119	143	143	603
Consent / Final Orders	11	12	21	14	58
Fines Paid	\$ -	\$ -	\$ -	\$ -	\$ -
Supplemental Environmental Projects	\$ 5,117.00	\$ 7,075.00	\$ -	\$ -	\$ 12,192.00
Municipal Wastewater					
Notices of Violation	20	14	12	25	71
Consent / Final Orders	41	33	17	30	121
Fines Paid	\$ 5,417.00	\$ 19,900.00	\$ 11,661.00	\$ 4,685.54	\$ 41,663.54
Supplemental Environmental Projects	\$ 2,375.00	\$ 500.00	\$ 890.00	\$ 44,661.43	\$ 48,426.43
Industrial Wastewater					
Notices of Violation	8	8	6	7	29
Consent / Final Orders	4	3	5	6	18
Fines Paid	\$ -	\$ 7,500.00	\$ -	\$ -	\$ 7,500.00
Supplemental Environmental Projects	\$ -	\$ 128,814.00	\$ 3,835.00	\$ 29,455.80	\$ 162,104.80
Storm Water					
Notices of Violation	1	0	8	6	15
Consent / Final Orders	2	0	1	1	4
Fines Paid	\$ -	\$ -	\$ -	\$ -	\$ -
Supplemental Environmental Projects	\$ 2,390.00	\$ -	\$ -	\$ -	\$ 2,390.00

Source Water Protection - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Wellhead Delineations	0	0	2,454	41	2,495
Source Water Delineation at Lakes	129	0	0	0	129

Operator Certification - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Operator Training and Certification					
Approved Training Hours Provided	676	364	568	2,754	4,362
New Certified Examinations					
Water Operator	240	286	280	193	999
Wastewater Operator	191	234	245	173	843
Water Laboratory Operator	23	22	25	37	107
Wastewater Laboratory Operator	20	23	26	22	91
Landfill Operator	n/a	n/a	n/a	n/a	n/a

Permit Administration - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Water Quality Permitting					
Construction Applications/Permits Issued					
Public Water Supply Received	156	170	179	166	671
Public Water Supply Issued	154	178	146	173	651
Municipal Wastewater Received	110	146	134	141	531
Municipal Wastewater Issued	100	115	71	150	436
Municipal Wastewater Applications/Permits Issued					
Discharge Applications Received	23	17	23	31	94
Discharge Permits Issued	27	20	25	20	92
Industrial Wastewater Applications/ Individual Permits Issued					
Applications Received	24	45	8	15	92
Permits Issued	26	20	9	9	64
Stormwater					
Construction Authorization Processed	48	61	62	92	263
Multi-Sector Industrial Authorization Processed	60	66	44	64	234
Other Industrial General Permits					
Applications Received	21	18	16	10	65
Authorization Issued	11	20	12	20	63
Sludge Management Applications/Plans Approved					
Applications Received	1	1	1	3	6
Plans Approved	1	1	0	0	2
Total Permits Issuance > Timelines					
Total Permit Protest Hearings	1	1	0	2	4

Operator Certification - FY 2002

Water Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Operator Training and Certification					
Renewal Training Attendees	28	19	68	85	200
New Certification Examinations					
Class C Examinations	12	24	19	18	73
Class B Examinations	4	7	0	2	13
Class A Examinations	4	9	0	8	21

Customer Services

Ambient Monitoring - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Biotrend Monitoring (from CSD)	12	25	0	5	42

Compliance Monitoring - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Compliance Monitoring					
Industrial/Municipal Wastewater	10	5	12	12	39

Customer Assistance General Outreach - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Customer Assistance					
Services Provided to:					
Corporations	30	34	35	28	127
Cities/Towns	20	18	15	10	63
Other Government	5	6	5	3	19
Citizen Groups	1	2	1	1	5
Individuals	181	183	151	97	612
Permit Assistance to					
New Business & Industry	3	2	4	3	12

Permit Administration - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Meetings for Permitting	5	3	5	6	19

Customer Assistance Pollution Prevention - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Pollution Prevention Activities					
Technical Assistance	148	150	210	135	643
Publish P2 Literature	2	1	1	1	5
Disseminate P2 Information	100	350	150	250	850
Seminars, Workshops, & Presentations	2	3	2	2	9

Laboratory Operations - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Laboratory Services					
Local DEQ	120	29	29	34	212
Private Citizens	201	141	138	116	596
Contractual	111	123	76	80	390
QA Check Samples	268	211	232	259	970
Public Water Supplies	3,211	2,017	1,935	2,782	9,945
Bacteriological	7,638	6,610	6,236	7,078	27,562
Super Fund	36	23	84	51	194
Hazardous Waste	174	91	73	161	499
Water Quality	47	15	31	32	125
Oklahoma Water Resources Board	806	747	1,117	1,418	4,088
Conservation Commission	0	0	0	0	0
Laboratory Certification					
Applications Received	1	4	3	7	15
Certificates Issued	4	1	2	4	11
Certificate Renewals	173	0	0	0	173
Performance Evaluations	22	32	29	23	106
Issuance > Timelines	0	0	0	0	0

Public Information - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Public Information & Publications					
Designs/Illustrations/Graphics Produced	58	81	73	116	328
Brochures/Flyers Produced	19	20	41	38	118
Fact Sheets Produced	4	1	20	23	48
Publications/Reports Produced	10	3	9	4	26
Computer Generated Presentations	0	0	1	0	1

SARA Title III - FY 2002

Customer Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Community Right to Know (EPCRA)					
Tier 2 Reports Filed	56	12	28,542	81	28,691
Toxic Release Reports Filed	1,183	11	5	0	1,199
Industry Request for Guidance	28	108	389	211	736
Guidance Provided through Webpage	457	852	633	555	2,497
CAMEO/Submit Instruction/Presentations	4	4	11	8	27
LEPC Meetings Attended	11	18	12	13	54

Local Services

Complaint Statistics - FY 2002

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Total DEQ Spills/Complaints Received	1,220	918	1,118	1,442	4,698
Spills Received	96	93	90	99	378
Complaints Received	1,124	825	1,028	1,343	4,320
Publicly-Owned Wastewater Treatment	78	65	96	136	375
POTW - Service Line	148	128	153	188	617
Public Water Supply	118	45	54	67	284
Fish Kills	15	6	7	8	36
WQD - Unknown Source Discharge	9	6	11	12	38
Industrial Stormwater	43	8	5	13	69
Industrial Wastewater Facility	23	24	36	28	111
Fugitive Dust	110	70	51	59	290
Air Facilities Emissions	25	37	13	31	106
Odors	26	25	12	22	85
Lead Based Paint	0	3	0	4	7
Landfill Operation & Maintenance	9	8	23	25	65
Improper Tire Disposal	17	18	4	17	56
Operation & Disposal of Hazardous Waste	22	8	11	20	61
Radiation	0	5	4	4	13
Underground Injection	0	0	0	0	0
On-site Sewage Disposal	183	161	230	381	955
Private Water	10	8	7	0	25
Open Burning	59	44	44	74	221
Unpermitted Disposal of Solid Waste	111	90	180	137	518
ECLS - Open Dumping (Liquid Waste)	91	43	54	81	269
Septage Haulers	6	2	5	12	25
Stormwater Construction	21	21	28	24	94
Chronic Complaints	2	1	0	1	4
High Profile Complaints	3	1	1	0	5
Target Complaints	10	4	2	8	24
Complaint Resolution	1,124	825	1,028	1,343	4,320
Emergency Response	0	0	1	0	1
Mediation Referrals					
Successful Mediations	0	1	0	0	1

Enforcement Administration - FY 2002

ECLS	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Enforcement Actions - Unpermitted Activities					
Notices of Violation					
Open Burning	2	0	0	1	3
Open Dumping	2	2	3	1	8
Surfacing Sewage	4	6	2	12	24
Certified Installers	7	2	2	1	12
Non-Certified Installers	0	0	4	1	5
Septage Pumpers/Haulers	1	0	0	1	2
Formal Actions					
Open Burning	0	1	0	0	1
Open Dumping	11	6	5	13	35
Surfacing Sewage	30	22	35	37	124
Certified Installers	1		0	0	1
Non-Certified Installers	0	1	1	2	4
Septage Pumpers/Haulers	0		0	0	0
Fines Paid					
Open Burning	\$0	\$250	0	0	\$250
Open Dumping	\$300	2,300	0	0	\$2,600
Surfacing Sewage	\$200	\$500	0	0	\$700
Certified Installers	\$200	\$200	0	0	\$400
Non-Certified Installers	\$0	\$200	0	0	\$200
Septage Pumpers/Haulers	\$0	\$0	0	0	\$0

Inspection - FY 2002

Air Quality	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Air Inspections					
Monitoring Inspections	7	42	13	27	89
Waste Management					
Solid Waste Inspections					
Monitoring Inspections	42	69	71	76	258
Water Quality					
Public Water Supply					
Monitoring Inspections	830	916	616	976	3338
Municipal Wastewater					
Monitoring Inspections	437	376	352	397	1,562
Industrial Wastewater					
Monitoring Inspections	69	86	70	124	349
Stormwater					
Notice of Termination Inspections	2	120	72	83	277

Permit Administration - FY 2002

Local Services	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
ECLS Requested Services					
Private Sewage					
Percolation Tests	645	428	465	587	2,125
Existing System Inspections	188	91	36	111	426
Final Inspections	784	648	527	607	2,566
Certified Installer Reviews	1,548	1,268	1,100	1,742	5,591
Septage Pumpers and Haulers					
Septage Pumper Licenses Issued	0	10	94	22	126
Water Quality					
Storm Water					
Authorizations Issued	137	78	61	82	358
Authorizations Terminated	0	112	29	193	334

Customer Assistance Private Water Supply - FY 2002

ECLS	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Requested Services					
Private Water					
Water Well Inspections	61	28	108	35	232

Media Relations

Media Handling - FY 2002

Administration	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Media Relations					
Press Releases	28	43	35	46	152
Responses to Media Inquiries	149	151	201	195	696
Interviews Initiated	12	16	12	10	50

Environmental Quality Report

ENVIRONMENTAL QUALITY REPORT
JANUARY 1, 2002
FOREWORD

The Department of Environmental Quality is required by statute to report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives the Department's two-year needs for providing environmental services within its jurisdictional area, any new federal mandates, the cost of such mandates, and state statutory or constitutional changes recommended by the Department within its jurisdictional area.

TWO-YEAR NEEDS

AIR QUALITY FUNDING ISSUES

Several areas in Oklahoma are in jeopardy of exceeding the proposed 8-hour standard for ozone. What was once a metropolitan problem is now a problem wherever a monitor exists. This includes those monitors located in rural areas for purposes such as ozone mapping and those operated by tribes. Currently, the Tulsa and Tahlequah areas have definite problems. Lawton, Ponca City and Oklahoma City are future candidates for problems as well depending on weather and growth factors. The non-Title V funding side of our program includes a large number of relatively small sources that fall into three main source categories — mobile, area and minor. The mobile sources currently contribute no revenue to our program, leaving the area and minor sources to pay for the bulk of the expensive efforts necessary to complete the inventories, modeling and planning required by any type of nonattainment or near nonattainment strategy.

Title V of the 1990 Amendments to the Clean Air Act established an operating permit program for major sources of air contaminants. The Act and subsequent federal regulations required all States to submit plans implementing these requirements and prescribed an initial \$25/ton annual fee on each major facility's emissions to fund the program. States were allowed to charge less if the amount could be justified and the required work could be performed with a lesser fee. In a study authorized by the 44th Legislature, an independent management consultant, Theodore Berry and Associates (TB&A), performed an assessment and recommended funding and resources levels needed to successfully implement the program. As a result of the study, TB&A recommended that Oklahoma implement fees of \$15.19/ton in 1995 and \$18.20/ton by 1998. Our actual fee in 1998 was \$17.51. The staffing levels were to be 139 FTEs in 1995 and 160 FTEs in 1998. Our current staffing level in 2001 is 110 FTEs. We must bring our staffing levels to 128. EPA's recommended default Title V fee is currently \$34.85. Clearly, we are below the necessary staffing and funding levels for a program having our responsibilities.

If fees from both the Title V and non-Title V sides of our program solely funded the 128 FTEs, the Title V fee would increase to \$25.80/ton and the non-Title V fee to \$39.38/ton. However, we believe, and the Air Quality Council has agreed, that we need to explore ways to fund the non-Title V side of our program through ways in addition to fees from existing sources. The proposed increase to the Title V fees of \$4.18/ton would bring the fees for both major and minor sources to \$22.28. Although this increase will not recoup even the Title V shortfall, we plan to make up the difference by seeking general revenue funding through the legislative process. Approximately \$1,500,000 in addition to the requested Title V fee increase is needed to properly fund our program for emissions from mobile, area and minor sources. The table below outlines where the FTEs would be utilized. A good portion of this work to be conducted by the 18 FTEs must be performed to some level of competency regardless of whether we get additional funding. Failure to get this additional non-Title V revenue would necessitate our going back to the fee payers with another Title V fee increase, reprioritizing activities or reducing services. It could also necessitate doing a less-than-thorough analysis of the State Implementation Plan (SIP) related issues, which could lead to unnecessary or more onerous control strategies because we cannot adequately defend what we believe to be correct to EPA.

Since there has been no monitoring for small particulates in the past, the determination of Oklahoma’s attainment status with the new particulate standard has required the Department to establish and maintain, as of January 1999, a new monitoring network consisting of over 20 sites. The speciation monitors to determine sources of fine particulate emissions should be on line in 2002. Monitoring results for the first two years of the three-year compliance period indicate that the State may be just under the standard. Non-compliance with the new standards will require the Department to participate in additional modeling and analysis activities in developing contingency plans to reduce hydrocarbons, nitrogen oxides, and particulate emissions. Departmental activities related to the proposed regional haze rules will involve increased inventory, planning and monitoring activities. These proposed rules are particularly problematic for farmers and industry in the area of the Wichita Mountains. The rules are based not on health effects but on aesthetics and could require Oklahoma to institute control measures where we don’t perceive a problem. No measurement of the current level of haze exists, nor an understanding of available means to reduce it. The Department continues to work extensively with an organization of Midwestern states, tribes, and affected industry to address the regional haze issue.

	FY03 Money Requested
Reallocate 8 existing FTEs for statewide SIP activities	\$ 400,000
Reallocate 10 existing FTEs for ongoing non-Title V activities	650,000
Emission inventory studies	200,000
Air source modeling	300,000
Total	\$1,550,000

Absent these increases in funding, the following represents those areas that are at risk, or that will be reprioritized or reduced:

1. If an early implementation plan for the Tulsa area is developed, a designation of nonattainment might be avoided. We cannot do the inventory, modeling and planning work necessary unless we get the funding. Avoiding a nonattainment designation is vital to our continuing ability to attract industry based on our status as an attainment state. There is no way that the Tulsa area will be in attainment with the 8-hour standard when it is implemented, so an early implementation plan is extremely important.
2. We may have to cease participating in all regional and national activities to deal with the regional haze rule. This would preclude us from having a voice in how the rule is implemented and could have consequences for our existing industry as well as those agricultural activities that might be identified as having a role in this.
3. We may have to scale back in our work on a regional and national level to influence national policy in the areas of permitting, enforcement, monitoring and policy implementation. We would primarily concentrate on our grant-required activities.
4. We may have to adopt a first in/first out approach to permitting. Special or emergency permitting issues would necessitate that the permittee negotiate with existing sources that have permits pending to relinquish their place in the permitting order. This will hinder our ability to issue permits quickly for industry wishing to locate in the state.
5. EPA’s Compliance Monitoring Strategy requires us to commit to inspections of facilities on a regular basis. Failure on our part to conduct the inspections could require EPA to conduct these inspections on our behalf.
6. Enforcement issues are required by EPA to be addressed in a “timely and appropriate” manner. Our failure will result in EPA’s intervening in those cases we cannot resolve in the required timeframes.
7. We may be forced to reduce our customer outreach efforts to help our smaller sources understand compliance issues and obtain permits.
8. We will not be able to adequately advise local and state Chambers of Commerce in their attempts to attract new businesses. Our ability to be of value is dependent on our ability to gather and analyze data.
9. We may be forced to reduce the services offered by our Regional Office at Tulsa. Resources needed to conduct SIP related activities have been diverted to support our activities in Tulsa and may have to be redirected. This will create a burden on industry needing permits in the Tulsa area.

10. We will not be able to proactively help the more rural areas such as Tahlequah and Ponca City evaluate tribal data for areas of ozone nonattainment. We cannot avoid a nonattainment designation if we cannot adequately demonstrate that the problems are not locally caused and therefore locally controllable. This will be an undue hardship on businesses within those communities and chill those that might want to locate there.
11. We will not be able to conduct analysis necessary to avoid requiring broad control measures as an attainment demonstration as opposed to less onerous cost-effective measures. The burden is on us to show that less stringent controls may get the desired results and this cannot be done without adequate information.
12. We may not be able to adequately train and retain staff to insure that permits necessary for new construction projects are appropriately written and issued in a timely manner.

WATER QUALITY FUNDING ISSUES

Total Maximum Daily Load (TMDL)

The additional funding for the Total Maximum Daily Load program is necessary to complete the required number of TMDLs on schedule. TMDL lawsuits have been filed in many states. The Oklahoma case is the first case in which the federal court ruled in the state’s favor, avoiding a court-imposed schedule. The favorable ruling was based on the number of TMDLs scheduled and completed by DEQ. The courts are committed to carrying out the law and assuring TMDLs are completed within reasonable timelines.

The requested funding for the first year is \$450,000 and subsequent years is \$1,010,000. The funding increase after the first year is to allow the DEQ to remain on the prescribed schedule, which requires an increase in the number of TMDLs completed each year. Only the highest-priority TMDLs will be completed in the first two years of the schedule.

<u>PROGRAM</u>	<u>FY03 MONEY REQUESTED</u>	<u>FY04 MONEY REQUESTED</u>
TMDLs	\$450,000	\$1,010,000

Absent this increase in funding, the following represents those areas that are at risk, or that will be reprioritized or reduced:

- No new permits can be issued or increased loading assigned for any stream on the 303(d) list unless a TMDL is performed. This will place many industries and municipalities in a position of being unable to increase discharge flow rates or to establish a new discharge point. New or expanding industries could be delayed years waiting for a TMDL to allow for discharge. If an industry or municipality needs a new permit, it must fund and complete the TMDL itself.
- In states that were not performing TMDLs, courts have established schedules for EPA to accomplish the work. Not performing TMDLs in a timely fashion can cause additional lawsuits to be filed against the State and EPA, which could result in EPA performing all TMDLs. EPA would use a desktop model which would likely lead to more restrictive requirements to permitted facilities. Also, the court-ordered TMDL schedule would be inflexible and the DEQ would be unable to set priorities.
- Federal assistance to farmers for conservation projects will be tied to completed TMDLs. Therefore, if TMDLs are delayed, it delays federal funds available for the correction of non-point source problems.

Storm Water

The additional funding in storm water is necessary as the federal Phase II regulations become effective. Phase II expands the program to address construction sites larger than 1 acre and cities with population greater than 10,000. Additional staff is needed to provide education and technical assistance to those regulated, ensure that the DEQ issues all required permits in a timely manner, and take appropriate enforcement actions to reduce the amount of direct involvement from EPA. Storm water issues remain a federal enforcement priority.

The requested funding for this program is:

PROGRAM	FY03 MONEY REQUESTED
Storm Water	\$110,000

Failure to fund this request will:

- Delay construction of new residential, commercial, and industrial properties since the federally required permits would not be issued in a timely manner;
- Reduce the amount of technical assistance the DEQ can provide to the smaller municipalities (population of 10,000 or greater or those located in a metropolitan area, regardless of population) that will be regulated under the Storm Water program for the first time;
- Increase inconsistencies in implementation of the regulations across the state;
- Cause additional EPA involvement in compliance enforcement, which could result in more federal penalties assessed in Oklahoma to developers and municipalities;
- Increase citizen lawsuits against the State, municipalities, and developers. One such lawsuit filed against a developer in Oklahoma City resulted in a \$500,000 settlement from the developer;
- Cause possible increases of permit annual fees; and
- Cause a potential increase in pollutants including sediments, oils and greases to water bodies. These water bodies may be used for irrigation, livestock watering, recreation, fishing, or drinking water.

CUSTOMER SERVICE FUNDING ISSUES

Enhanced Groundwater Monitoring for Protection of Public Water Supplies

Current monitoring of public water supplies which use groundwater as a source is oriented towards detection of violations of Safe Drinking Water Act standards. Little is done to detect trends towards a future declaration of contamination of this vital State resource. Although the history of monitoring of groundwater in use for public water supplies is very strong and dates back to the early part of the twentieth century, routine monitoring of basic water chemistry was discontinued in the 1980s as a cost-cutting measure. This proposal would add to existing monitoring to provide for annual monitoring of basic water chemistry (chloride, alkalinity, hardness, sulfate, pH, iron, manganese, total dissolved solids), fill data gaps with regard to pesticides and other chemicals, provide monitoring tools to better characterize sources of developing problems, and identify waters most vulnerable to contamination. Some 25 sources serving 19 systems currently exceed the drinking water standard for nitrate and 70 more sources in 64 systems must monitor quarterly because nitrates threaten their water supplies. We currently do not have the resources to definitively identify the activities that are contributing nitrates in groundwater (whether naturally occurring or influenced by man's activities) so that preventive action can be taken. This request will provide training to PWS system operators to integrate sample collection into existing sampling, provide sample analysis, coordinate the sampling schedule, and review data to detect developing problems and trends.

Activity	FY03	FY04	FY05
Add annual analysis of secondary drinking water standards to all groundwater points of entry.	\$100,000		
Monitor for pesticides and/or other contaminants not currently tested.	\$25,000		
Purchase mass spectrometry instrumentation for testing species of nitrogen to characterize the source of existing and developing problems with nitrate contamination.		\$200,000	\$25,000
Purchase liquid scintillation counter to test for Tritium and age-date groundwater to identify most vulnerable systems.			\$85,000
Coordinate sample collection and track data trends.	\$45,000		
Total	\$170,000	\$200,000	\$110,000

Failure to fund this request will leave municipal and rural water systems vulnerable to gradual degradation. Rather than taking proactive measures to protect groundwater resources, we will continue to only be able to react after pollution has occurred. Most rural communities depend upon groundwater as a source of water supply. Provision of adequate water is a key component for rural economic development.

Shipping Costs for Transportation of Time Sensitive Public Water Supply Samples

Sample preservation requirements for Volatile Organic Chemical (VOC) analysis of public water supply samples require that the samples be iced immediately and held at 4 degrees C until they reach the laboratory. Current practices of shipping these samples using freezable ice packs in Styrofoam shippers and transmitting through the mail are not sufficient to meet this requirement.

EPA noted as a deficiency in our most recent laboratory inspection that only 15% of samples reach the laboratory at the proper temperature. Studies indicate the best practice would be to ice the samples in ice chests and provide for next-day delivery to the laboratory.

In addition to problems with VOC analysis, some parts of the state experience repeated problems with shipping bacteria samples and having them reach the laboratory within the required 30 hours of collection. Many systems resort to driving the samples in to avoid this problem. Similar problems are experienced with nitrate samples that must reach the laboratory within 48 hours of collection. This project would provide for negotiation of a statewide contract for next-day sample delivery and allow public water supply systems to experience the benefit of more convenient and cost-effective sample shipment, as well as earlier detection of problems.

An alternative to state appropriation funding for this project would be to authorize DEQ to increase fees to public water supplies that use this service. The approximate cost for a public water supply system that used this service would be \$10 to \$15 for each sample shipment. The overall increase in the amount of public water supply fees for the state as a whole would be 5%.

Activity	FY 03 Money Requested
Contract for next-day delivery of laboratory samples.	\$60,000
Total	\$60,000

Failure to correct this deficiency will jeopardize the laboratory's EPA approval for drinking water analysis. This approval is one of the conditions for maintaining state primacy delegation under the Safe Drinking Water Act.

It is inefficient and ineffective to pass the burden of determining the best way to ship samples for next day delivery to the public water supplies themselves. Cost savings can be achieved through negotiation of contracts for shipping large numbers of samples.

Field Staff to Support DEQ Water Monitoring Activities

As the state's water programs have developed, the need for monitoring to support program decision makers in DEQ and other environmental agencies has continued to grow. Currently there are increasing demands for sample collection support for TMDL studies, groundwater monitoring, expansion of trihalomethanes (THM) monitoring to small water systems, toxics in fish, and stream monitoring in the area of Superfund sites. In some instances it will be most efficient to collect samples using DEQ central office staff but in many cases we should develop training and support for DEQ local staff, other state agency staff, and interested citizen groups including conservation districts. In all instances technical assistance must be provided to properly plan field activities, prepare appropriate Quality Assurance Plans and oversee execution of them to assure quality of sample collection activities. A cadre of expert staff working closely to coordinate between the laboratory and agency programs that require data can best provide this. In FY 2002 an EPA grant will provide funding for a pilot of this concept. This project will provide continuing funding for staff and support.

Activity	FY03 Money Requested
Staff for support of field monitoring activities.	\$90,000
Travel and supplies.	\$15,000
Total	\$105,000

Failure to fund this proposal will result in less efficient assistance from DEQ to those who must monitor in the various areas. Delays in completion of TMDL studies can jeopardize economic development for the state. Delayed implementation of new drinking water monitoring requirements could subject rural communities to unnecessary enforcement actions.

Monitoring of Recreational Waters

Routine monitoring of streams indicates that levels of bacteria in a number of streams exceed water quality standards for primary body contact. In recent years, there have been several instances of deaths due to primary amoebic meningoencephalitis. DEQ has responded to this threat by increasing public education about the risks of swimming in shallow, hot, stagnant waters. While it is impractical to monitor all waters of the state where swimming might take place, increasing public concern over exposure to bacteria and viruses suggests that routine monitoring of posted bathing beaches in publicly accessible recreational waters should be considered. DEQ has statutory responsibility to issue swimming advisories but existing monitoring programs do not provide sufficient data to do so. EPA is developing guidance in this area that could be used to establish a program in Oklahoma.

Activity	FY03	FY04	FY05
Program development and design.	\$23,000	-0-	-0-
Pilot monitoring. Refine swim advisory procedure.	-0-	\$65,000	-0-
Implement routine monitoring and issuance of advisories.	-0-	-0-	\$100,000
Total for the year	\$23,000	\$65,000	\$100,000

The DEQ needs this funding assistance to develop a program to respond to increasing public concern over hazards of swimming in the state's lakes and reservoirs.

LAND PROTECTION SOLID WASTE ISSUES

Projects to Implement County Solid Waste Plans

Oklahoma counties have made incredible progress in improving solid waste management. Beginning with a county solid waste plan as a foundation, county commissioners have cleaned up illegal dumps, instituted trash cop programs, developed convenience centers, and started new recycling programs. Since most Oklahomans readily support improved solid waste management and recycling, this program has been very popular. The work is typically performed directly by county government so it has been extremely cost effective.

All appropriated dollars will be contracted to the Association of County Commissioners of Oklahoma for distribution to county governments.

<u>PROGRAM</u>	<u>FY03 MONEY REQUESTED</u>
County Solid Waste Plan Projects	\$200,000

Failure to fund this request will:

- Result in reduced resources for counties' trash cop programs, and for development of convenience centers and recycling programs.
- Diminish the appearance of the State of Oklahoma to visitors, especially those deciding to locate industry in the state, and adversely impact the general quality of life for Oklahoma residents.
- Reduce the ability of counties to deal with trash dumping in rural areas.

Land Restoration Projects

Most of Oklahoma's environmental scars are the unwanted inheritance from early oil and gas production and mining. The goal of the land restoration program is to return these barren tracts to economic productivity. The method is to use organic materials recovered from solid waste.

This program is particularly beneficial to small towns. Smaller communities are typically served by wastewater treatment lagoons. To continue their proper function, the accumulated sludge must be removed. The sludge is ideal for pasture renovation. Land restoration improves the community infrastructure and economy.

All appropriated dollars will be contracted to local conservation districts and sub-state planning districts.

<u>PROGRAM</u>	<u>FY03 MONEY REQUESTED</u>	<u>FY04 MONEY REQUESTED</u>
Land Restoration	\$700,000	\$700,000

Failure to fund this request will:

- Put towns and cities across the State at greater risk of having a failure of their wastewater treatment systems and at risk of being forced to suspend other vital projects in order to fund maintenance of their wastewater treatment systems.
- Cause farmers and ranchers to miss out on the restoration of lands damaged by saltwater and other releases.
- Result in these damaged lands not being returned to agricultural productivity.

Projects to Eliminate Old Dump Sites

Through the county planning and cleanup process, county commissioners have taken great steps to eliminate illegal dumps. The major remaining challenges are the old dumps on individual farms. This appropriation will begin the task of working with cooperative landowners to eliminate this drinking water threat and eyesore.

All appropriated dollars will be contracted to county commissioners for dump cleanup work.

PROGRAM	FY03 MONEY REQUESTED
Eliminate Old Dump Sites	\$300,000

Failure to fund this request will:

- Continue the risk, particularly to farms where most of these dumps are located, that any of these dumps that are over groundwater water recharge areas may degrade the quality of the drinking water supplies.
- Result in reduced resources for County Commissioners to control or improve solid waste issues across the state.
- Diminish the appearance of the State of Oklahoma to visitors, especially those deciding to locate new industry in the State, and adversely impact the general quality of life for Oklahoma residents.

Recycling Equipment

Some of Oklahoma’s most important manufacturers need recycled materials to make their products. Due to proximity, their cheapest sources of supply are Oklahoma recycling programs. This proposal helps to grow those programs by providing government agencies twenty-five per cent reimbursements for investment in recycling equipment. Communities have used this support for a variety of equipment ranging from recycling bins to compactors and balers to wood chippers.

This program is a critical element in Oklahoma’s response to our ever present disasters. In the wake of last winter’s ice storm, over thirty communities, counties, and institutions combined the reimbursement with response costs from FEMA to purchase brush chippers. This gave them the ideal way to manage the debris and, at the same time, recycle the brush into wood chips for mulch and compost.

All appropriated dollars will be contracted to other government agencies.

PROGRAM	FY03 MONEY REQUESTED
Recycling Equipment for Solid Waste	\$100,000

Failure to fund this request will:

- Create a disposal problem relative to brush and limbs for towns and counties in Oklahoma rather than allowing them to turn these materials into something usable.
- Needlessly either waste valuable landfill space on these materials or face the consequences of adversely impacting our air quality due to improper burning.

LAND PROTECTION SUPERFUND ISSUES

Tar Creek – Ottawa County, OK

In FY03, a match is needed to continue the cleanup of lead contamination in residential yards and address other issues identified by the Governor’s Tar Creek Task Force. Before the yard remediation began, about 40% of the children in the area had elevated blood lead levels. That number has been reduced to about 12%, which is a tremendous improvement, but which is still unacceptable from a human health standpoint. The issues other than yard remediation include many open mine shafts, water quality concerns, lead-based paint in homes, and land reclamation.

PROGRAM	FY03 MONEY REQUESTED	FY04 MONEY REQUESTED
Tar Creek Superfund	\$4,300,000	\$2,215,000

Failure to fund this request will:

- Result in the loss of over 40 million dollars in federal funds.
- Halt the remediation of contaminated residential yards and public use areas.
- Continue the exposure of children in the area to excessive levels of lead.
- Leave open mine shafts as serious hazards.
- Continue to allow the water quality of Tar Creek and Spring River to be impacted and the contaminants to ultimately be transported to Grand Lake.
- Allow lead-based paint in area homes to continue to impact children in the area.
- Severely curtail or stop efforts to utilize waste materials such as wood chips and biosolids to reclaim the contaminated lands.

Parawax – Oklahoma City, OK

In FY03, \$65,000 is being requested to match an approximately 1.6 million dollar cleanup of a former petroleum processing facility. The property is adjacent to the future site of the Native American Cultural Center. The Parawax property was being considered for acquisition when significant environmental contamination was identified in the soil and in tanks on the site. Once the cleanup is completed, the property will be suitable for use and acquisition.

PROGRAM	FY03 MONEY REQUESTED
Parawax Superfund	\$65,000

Failure to fund this request will

- damage our ability to leverage future federal funding since we have agreed with EPA to fund this project.

Hudson Refinery – Cushing, OK

In FY03, a match is needed for an 11 million dollar federal asbestos abatement and demolition of the abandoned old refinery structures. Currently EPA is requesting a 10% match in order for this project to occur. The site is an eyesore as well as a significant environmental liability. The site leaves a particularly bad impression for persons entering Cushing from the west.

The property is in tax default and will likely ultimately be owned by the county or city. The City of Cushing currently has a \$100,000 Brownfields grant to determine productive reuse of the property. Productive reuse cannot occur without the asbestos abatement and demolition. The site is on the National Priorities List and further studies and cleanup of chemical contamination will occur. Future cleanup of chemical contamination projected to occur within 2 to 3 years will also be dependent upon 10% state match.

PROGRAM	FY03 MONEY REQUESTED
Hudson Refinery Superfund	\$1,100,000

Failure to fund this request will:

- Result in the continued significant risk to the county and city.
- Result in the loss of this opportunity to have 90% of the cost to eliminate the environmental liability at the site paid for with federal dollars; this would mean a loss of approximately 10 million dollars.

PROGRAM	FY03 MONEY REQUESTED	Program Subtotal	TOTAL
AIR QUALITY			
Statewide SIP activities	400,000		
Ongoing non-Title V activities	650,000		
Emission Inventory studies	200,000		
Air Source Modeling	300,000		
Subtotal		1,550,000	
WATER QUALITY			
TMDLs	450,000		
Storm Water Local Government Assistance	110,000		
Subtotal		560,000	
CUSTOMER SERVICES			
Add mineral analysis for all groundwater systems and selected special contaminants		125,000	
Coordinate groundwater public water supply sampling and track trends	45,000		
Contract for next-day delivery of laboratory samples	60,000		
Field staff to support surface water monitoring	105,000		
Monitoring of recreational waters	23,000		
Subtotal		358,000	
LAND PROTECTION — Solid Waste			
County solid waste plan projects	200,000		
Land restoration	700,000		
Elimination of old dump sites	300,000		
Recycling equipment	100,000		
Subtotal		1,300,000	
LAND PROTECTION — Superfund			
Tar Creek Superfund 10% match	4,300,000		
Parawax Superfund 10% match	65,000		
Hudson Refinery Superfund 10% match	1,100,000		
Subtotal		5,465,000	
TOTAL			9,233,000

NEW FEDERAL MANDATES AND THEIR COSTS

National Ambient Air Quality Standards

In July 1997, the Environmental Protection Agency adopted changes to the National Ambient Air Quality Standards for stratospheric ozone and particulate matter. Standards for ozone were changed from 0.12 parts per million measured over one hour to 0.08 parts per million measured over eight hours. The new particulate matter standard was changed to additionally consider particles less than 10 microns to 2.5 microns and smaller. Some of the provisions of the old standard that dealt with particles less than 10 microns in size were also retained. The EPA has also proposed regional haze regulations to improve visibility in our national parks and wilderness areas.

These new standards for particulates and ozone are based on health risk data produced by and for EPA. EPA has interpreted the data to indicate that the new standards will significantly improve human health.

In May 1999 a three-judge panel of the D.C. Circuit remanded the EPA's revisions to the air quality standards for ozone and fine particulate matter and completely vacated a portion of the PM 10 rule. Subsequently, the case was appealed to the United States Supreme Court. The Supreme Court rendered its opinion on February 21, 2001. The opinion was somewhat lengthy and complicated but the primary result was a unanimous affirmation of EPA's ability to set the national air quality standards without considering economic cost. However, even though the Court determined that EPA has the authority to implement a revised ozone standard (the 8-hour standard) that is more stringent than the existing 1-hour standard, the method by which the standard was to be implemented must be revised. The Court ordered EPA to reconsider the implementation of the 8-hour standard and develop an implementation plan, including a timetable, consistent with the Court's opinion. EPA continues to work on this and will likely do so for the next several months.

While EPA works on a method for implementing the 8-hour ozone standard, the old one-hour standard is still in force. Compliance with this standard is based on having no more than 3 exceedances of 0.12 ppm ozone at a single monitor during a rolling 3-year period. Oklahoma City and Lawton continue to remain in compliance with the 1-hour standard. The Tulsa metropolitan area had 3 exceedances of the 1-hour standard during the 2000 ozone season, which put them in technical nonattainment. During the recently completed 2001 ozone season, the Tulsa area had no exceedances of the standard, which technically puts them back into attainment with the 1-hour standard. They will be responsible for the 3 exceedances occurring in 2000 through the end of the ozone season in 2002. One more exceedance of the 1-hour standard at that particular monitor will result in a possible nonattainment designation. Additionally, EPA has proposed a concept for those areas currently in attainment with the 1-hour standard known as "Ozone Flex." This is a voluntary local approach to ozone attainment to encourage emission reductions that should help an area keep in attainment with the 1-hour standard. Areas opting into the program should commit to update or develop emission inventories, conduct air dispersion modeling and design and implement contingency measures that will be effective if violations of the standard occur. Areas must commit by letter no later than December 31, 2001 if they want to participate. An Ozone Flex Memorandum of Agreement including inventory, modeling and chosen control measures must be submitted to EPA by December 31, 2002. The Tulsa area has already opted into the program, which will entail extensive inventory and modeling work on the Air Quality Division's part during 2002.

The issue of electrical utility deregulation continues to be a major source of work for the Agency. The possibility of deregulation continues to generate a flurry of requests for permits for new electric generation facilities. While these are much cleaner than existing coal-fired sources, each has a potential of as much as an annual 1000 tons of new NOx emissions, a precursor to ozone, in an already saturated air shed. We have purchased equipment to run the model and associated training to allow the staff to assess the impact of these additional emissions, as well as to begin analysis of what we will need to control to demonstrate attainment should the 8-hour standard be upheld.

Although we received denials last year from EPA regarding our request to exclude data from two separate exceptional events, we continue to pursue this issue. Those were the transported emissions from the massive wildfires in Central America occurring in the spring of 1998, and unprecedented heat and stagnating weather conditions conducive to ozone formation present in Oklahoma in the fall of 1998 and the summer of 2000. The Department is continuing to pursue all available means to persuade or require that EPA not use this atypical data in determining our State's compliance with the ozone standard. Hearings by Senator Inhofe related to this issue were conducted early last year.

Since there has been no monitoring for small particulates in the past, the determination of Oklahoma's attainment status with the new particulate standard has required that the Department establish and maintain a new monitoring network consisting of over 20 sites. Official monitoring began in January 1999. The entire fine particulate federal reference method network has been established and is collecting data. The speciation monitors, which will allow us to determine sources of fine particulate emissions, should be on line in 2002. Monitoring results for the first 3-year compliance period indicate that the State will be just under the standard and thus in compliance as of this date. However, this is a rolling 3-year average and the data indicates that we could still have a problem. Non-compliance with the new standards will require the Department to participate in additional modeling and analysis activities in developing contingency plans to reduce hydrocarbons, nitrogen oxides, and particulate emissions. Departmental activities related to the proposed regional haze rules will involve increased inventory, planning and monitoring activities. These proposed rules are particularly problematic for the area of the Wichita Mountains. They are based not on health effects but on aesthetics and could require Oklahoma to institute control measures where we don't perceive a problem. No measurement of the current level of haze exists, nor an understanding of available means to reduce it. The Department continues to work extensively with the CENRAP organization, which is an organization of Midwestern states, tribes, and affected industry, to address the regional haze issue.

Implementation of these new standards may result in considerable costs to the citizens of our state due to increased control of emissions, particularly from the electric utility industry. Also, Oklahoma could lose any economic advantage associated with being an attainment area. Absent Congressional action, the expected cost of implementing these new federal mandates to industry, the electric rate-paying citizen, and the Department is substantial.

EPA continues to work on finalizing its toxics strategy, which could become effective sometime in the next few months. Preliminary discussions have begun with Region 6 relative to this issue but we continue to believe this will initially require us to establish some type of monitoring network to define problems, if any, related to toxics emissions. Toxics are related to the PM 2.5 program as well, since toxics can take the form of fine particulate droplets. The cost of monitoring will be greater than that of the PM 2.5 program. Ultimate cost to industry is unknown at this time but will likely be substantial. Additionally, EPA continues to explore rulemaking relative to air emissions from confined animal feeding operations.

Total Maximum Daily Load

On August 19, 2001 the U.S. Environmental Protection Agency (EPA) withdrew the recently enacted modified Total Maximum Daily Load (TMDL) rule. The new rule was pulled back to allow for an additional 18 months of public review and comment. The requirement for the performance of TMDLs contained in the October 19, 1972 Clean Water Act stays in effect. Delegated states (Oklahoma is a delegated state) must still accomplish TMDLs on water bodies that are placed on the 303(d) list. States, including Oklahoma, must commit to a schedule to perform all TMDLs within specified timeframes to receive Clean Water Act Section 106 grants. Section 106 grants compose a significant part of the funding used by states to conduct their required regulatory activities under the wastewater program delegation.

A TMDL is a calculation of the quantity of a particular contaminant that a specific water body can receive and the Oklahoma Water Quality Standards (WQS) for that water body still be met. For the water bodies listed on the 303(d) list, often multiple contaminants are identified as the cause for failure to meet the WQS. Accordingly, more than one TMDL may be required for a single water body. Under the proposed work schedule based on the water bodies on the current 303(d) list, DEQ projects that 823 TMDLs must be conducted during the next 5 years. The preparation of this schedule was required by EPA in defense of the lawsuit brought against EPA claiming that Oklahoma had failed to perform TMDLs. This was the first national case that EPA won, due to the performance of Oklahoma and the commitment expressed by the schedule. Based on the most recently EPA-approved 303(d) list, current federal regulations and the Oklahoma schedule for completion of all TMDLs in 15 years, TMDL work from FY 2003 through 2007 would cost \$13.5 million

Historically, the states and EPA used the 303(d) list as a mechanism for securing funding. This led to many water bodies being placed on the list without supportive documentation and without following any standard protocol. DEQ is aggressively working with other states and national organizations to establish and gain approval of a process/procedures that would lead to an accurate 303(d) list. DEQ is coordinating with the Oklahoma Water Resources Board and the Oklahoma Conservation Commission to sample and assess water quality data to determine if water bodies are actually impaired. To date the number of water bodies evaluated that have been determined not to be impaired is approximately equal to number of new water bodies documented to be impaired.

Over the next 5 years DEQ expects to receive approximately \$450,000/ year or \$2.25 million from EPA in 106 grant increases over the normal allocation for 106 grants. EPA and DEQ are targeting these grant increases at TMDL work. The normal 106 grant money appropriated to Oklahoma is dedicated to permitting, compliance and other activities required by the program delegation agreement. We estimate an additional \$4.5 million will be required to complete the upcoming 5 years of TMDL workload. We propose that additional state funds equal to the federal contribution be granted for FY 2003 with the remainder of the increase being spread out over the subsequent 4 years.

DEQ will prioritize these funds toward TMDLs on water bodies that receive discharges from industries and municipalities. Doing so will help address the EPA policy that no new discharges or increased discharges can be made to water bodies on the 303(d) list unless a TMDL has been performed.

If Oklahoma fails to complete the TMDLs in a timely fashion, EPA will be forced, because of the fear of another lawsuit, to assume control and complete the TMDLs. In order to complete the TMDLs as quickly as possible, EPA will use conservative computer models, without the benefit of field verification, to perform the TMDLs. This approach could cost Oklahoma communities and industries unnecessary expense in treatment improvements.

Storm Water Program

The Storm Water Program is relatively new. It was developed to address the largest remaining pollution source generated by communities, industries and large agricultural business operations such as Confined Animal Feeding Operations. DEQ is responsible for storm water issues related to communities and industries. EPA still retains authority for large agricultural business operations. EPA regulations are changing and bringing new activities into the regulatory framework (e.g., the reduction of the construction activities covered by the program from 5 acres of disturbed area down to 1 acre and the requirement for communities of greater than 10,000 population to have a formal storm water program in place). EPA does not specifically fund the program, nor is additional federal funding anticipated. Storm water complaint investigation, technical assistance and enforcement activities continue

to increase as the program matures and regulations change. Of the 147 wastewater complaint investigations managed by the Water Quality Division during the last year, approximately 25 % dealt with storm water. We estimate 4 new FTEs will be needed to adequately manage the program workload. An additional \$110,000 per year in state allocated funds is needed to fully fund these positions.

EPA has identified storm water as one of its targeted enforcement initiatives. EPA will use its authority to take enforcement action in Oklahoma, if the state fails to meet the requirements of the program.

PROPOSALS FOR STATE STATUTORY CHANGES

Waters of the State

The state definition of “waters of the State” is extremely broad and could be interpreted to include wastewater treatment impoundments. The possibility that lagoons would be classified as waters of the state could lead to unnecessary and wasteful legal actions. The agency will seek legislation that clarifies the definition to exclude wastewater impoundments.

Air Quality Funding

DEQ is requesting \$1,500,000 in general revenue funding for a variety of vital state issues. These include addressing nonattainment with the National Ambient Air Quality Standards, review of permit applications for new and expanding industries and developing, advocating and implementing state solutions to national initiatives in areas such as enforcement, toxics, and Clean Air Act reform. Should it become apparent that general funding will not be made available, a fallback would be legislation to address the funding needs. Among the options are to base the fee on allowable emissions rather than actual emissions or to remove the arbitrary cap on fee-based emissions to large emitters.

Update of DEQ Structure

The statute that created the DEQ called for the creation of certain offices within the Customer Services Division of the agency and the posting of the telephone number of those offices at specific locations. Experience has shown that services can be more efficiently and effectively provided within an organizational structure that combines these offices and through a much wider distribution of the phone number. The agency will recommend legislation to better reflect actual practice.

Laboratory Certification

The statutes currently require that application for certification of laboratories be made “in the form and manner established by the Board.” The Environmental Quality Board has not made a practice of approving application forms. This statute needs to be changed to reflect that this is the Department’s responsibility. Additionally, the current statute says that the Department may not require the use of certified laboratories unless “specifically required by the Code, federal law or federal regulation.” This could prohibit the Department from requiring that a lab we contract with for Superfund or RCRA testing be certified. The agency will recommend legislation that helps assure that contaminated sites are properly remediated by allowing DEQ to require laboratories with which DEQ contracts to be certified.

Oklahoma Landfill Closure Authority

The Oklahoma Landfill Closure Authority was originally conceived as an alternative financial assurance mechanism for privately owned solid waste landfills. There has never been any interest in the private sector to pursue this mechanism, nor has the anticipated trust ever been created. This statutory provision is, therefore, no longer needed.

Mandatory Certification of Sewage System Installers

Last year the Legislature passed a law that requires certification of those who install individual systems but did not address certification of those who install small public systems. These systems are comparable in size and impact. The Department will recommend legislation that extends certification to installers of small public systems. 🌐

Administrative Hearings and Solid Waste Fee Schedule

Administrative Hearings 2002

Facility or Individual	Nature of Hearing	Outcome
1. Prentiss Shelley/Country Place Estates	Administrative Penalty	Final Order filed 11/07/01, fined
2. McCurtain Co. Landfill	Permit Issuance	Final Order filed 8/02/02 Issued municipal solid waste landfill permit with conditions
3. Sioux Redi-Mix Concrete	Administrative Penalty	Facility assessed penalty for discharging wastewater without a permit

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE FEES BUDGETED & EXPENDED
FISCAL YEAR 2002

2002 Income (through 6/30/2002)				4,840,225
	Budgeted Solid Waste Program	Budgeted OCCHD/ TCCHD	Total FY 2002 Budget	FY 2002 Expenditures/ Encumbrances 08/14/02
Personnel (Salaries, Insurance, FICA, Retirement, Workers Compensation)	1,726,790	400,125	2,126,915	1,910,027
Equipment (Data Processing Equipment & Software, Property, and Furniture)	298,496	0	298,496	35,357
Travel (In-state and out-of-state Mileage, Meals, & Incidentals, Lodging)	95,374	49,719	145,093	238,290
Miscellaneous Administrative Expenses (Freight, Telecommunications, Informational, Exhibitions, Licenses, Membership, Utility, Copy Charges, Copier Lease)	38,464	0	38,464	38,284
Rent Expense (Building Space, Telecommunication Equipment)	1,115	12,400	13,515	8,828
Maintenance and Repair (Equipment)	30,532	0	30,532	18,133
Specialized Supplies & Materials Expense (Medical, Architectural, and Printing Supplies, Fuels)	0	0	0	0
Production & Safety (Uniforms & Wearing Apparel, Safety Supplies)	400	0	400	176
Office and Shop (Office Supplies, Data Processing Supplies, Lab Supplies and Services)	15,050	0	15,050	95,168
Resource Materials (Library Resources)	1,000	0	1,000	2,185
Lease Purchases (Lease Purchases of Furniture, Equipment, Software, Buildings, and Land)	7,700	0	7,700	8,649
Payments to Other State Agencies - Administrative Expenses DMHSAS/COCMHC (Payments to Other State Agencies for Administrative, Data Processing, Communications, Risk Management, and Printing Expenses)	32,975	0	32,975	18,643
Contracts				
SWRINO/Solid Waste Research Institute	128,000	0	128,000	
Keep Oklahoma Beautiful	25,000	0	25,000	
Association of County Commissioners	20,000	0	20,000	
Computer Training/System Design	0	0	0	
OSU Cooperative Extension Service	58,000	0	58,000	
Caldwell Environmental Associates	7,250	0	7,250	
Family Medicine Center	2,413	0	2,413	
Legal/Court Reporting Services	5,250	0	5,250	
Recycling Equipment - Local Governments	100,000	0	100,000	
Association of South Central Oklahoma Government	207,500	0	207,500	
Okmulgee County Conservation District	75,000	0	75,000	
Projects to Implement County Plans	200,000	0	200,000	
Landfill Gas Incentive Payments	30,447	0	30,447	
Total Budget for Contracts	858,860	0	858,860	855,134
TOTALS	3,106,756	462,244	3,569,000	3,228,874



The Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

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Air Quality: ----- 405-702-4100
Customer Services 1:----- 405-702-1000
Customer Services 2:----- 405-702-9100
Customer Services Toll-Free ----- 1-800-869-1400
Environmental Complaints and Local Services:----- 405-702-6100
Environmental Complaints 24 Hour Hotline ----- 1-800-522-0206
Land Protection:----- 405-702-5100
Water Quality: ----- 405-702-8100

Web Site: www.deq.state.ok.us