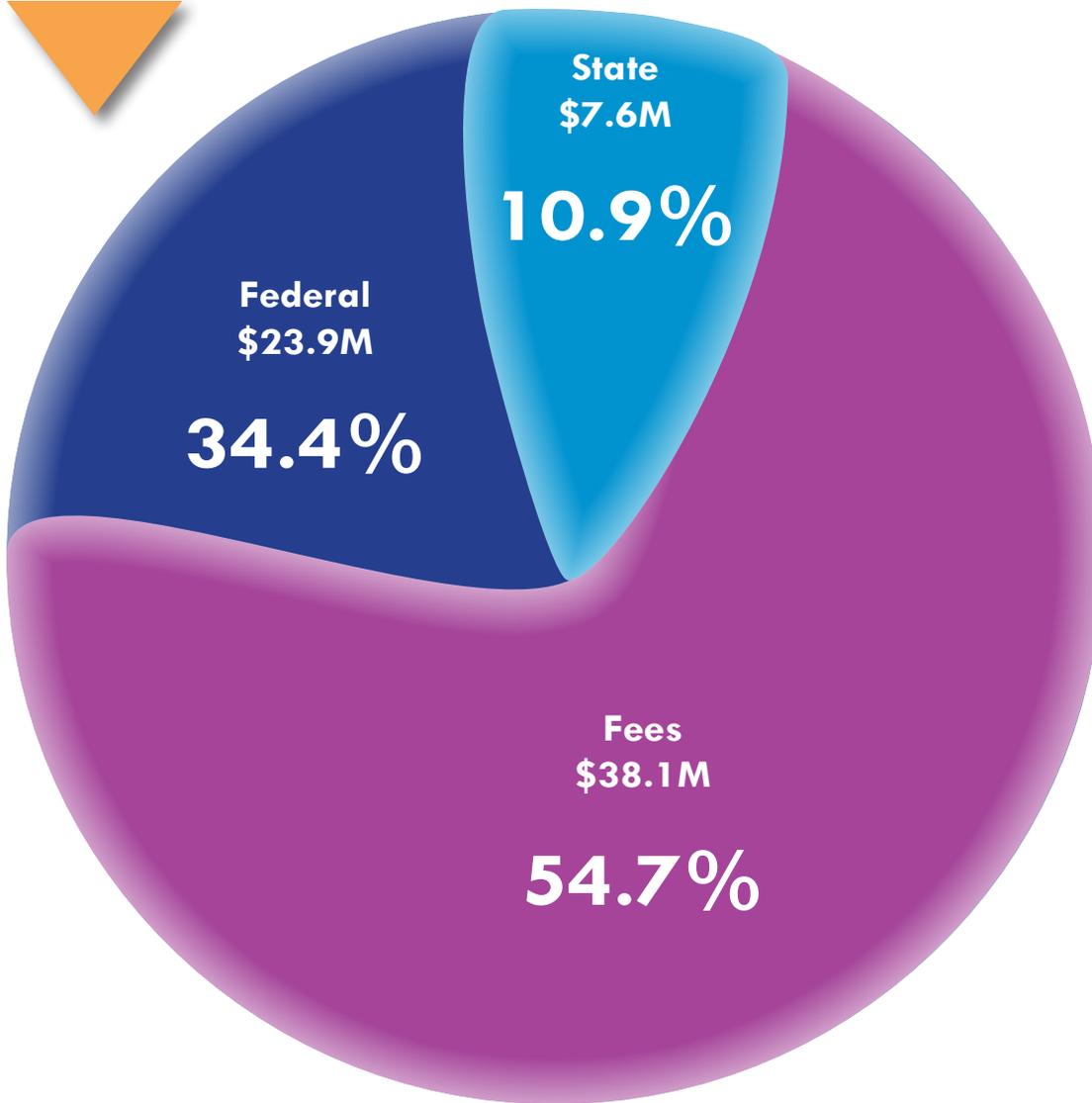


## FY 2012 Total Agency Budget by Fund Source \$69.6 Million



## Solid Waste Fees Budgeted & Expended - FY12

<b>FISCAL YEAR 2012</b>				<b>5,365,452</b>
FY 2012 Income (through 06/30/2012)				
	<b>Budgeted Solid Waste Program</b>	<b>Budgeted OCCHD/ TCCHD</b>	<b>Total FY 2012 Budget</b>	<b>FY 2012 Expenditures/ Encumbrances 07/31/12</b>
<b>Personnel</b>	2,747,241	875,230	3,622,471	3,368,509
(Salaries, Insurance, FICA, Retirement, Workers Compensation)				
<b>Equipment</b>	175,917	0	175,917	33,307
(Data Processing Equipment & Software, Property, and Furniture)				
<b>Travel</b>	70,709	50,011	122,720	73,289
(In-state and out-of-state Mileage, Meals, & Incidentals, Lodging)				
<b>Miscellaneous Administrative Expenses</b>	24,626	9,878	34,504	57,107
(Freight, Telecommunications, Informational, Exhibitions, Licenses, Membership, Utility, Copy Charges, Copier Lease, Printing)				
<b>Rent Expense</b>	24,902	15,838	40,740	29,604
(Building Space, Telecommunication Equipment)				
<b>Maintenance and Repair</b>	99,971	450	100,421	111,589
(Equipment)				
<b>Office and Shop</b>	27,656	0	27,656	67,056
(Office Supplies, Data Processing Supplies, Lab Supplies and Services)				
<b>Resource Materials</b>	12	0	12	538
(Library Resources)				
<b>Testing Laboratories</b>	10,295	0	10,295	447
(Services providing physical, chemical and other analytical testing)				
<b>Contracts</b>				
SWRINO/Solid Waste Research Institute	110,000	0	110,000	90,000
Association of County Commissioners	35,000	0	35,000	35,000
Keep Oklahoma Beautiful	65,000	0	65,000	65,000
Trash Poster Contest	20,000	0	20,000	20,000
Medical Monitoring	7,000	0	7,000	24,145
OSU Cooperative Extension Service	19,231	0	19,231	11,326
Oklahoma City Beautiful	10,000	0	10,000	0
Legal/Court Reporting Services	4,250	0	4,250	2,480
Recycling of Fluorescent Bulbs	1,000	0	1,000	1,000
SW - Trash Off	20,000	0	20,000	0
Community-Based Environmental Protection	100,000	0	100,000	0
Recycling Equipment - Local Governments	100,000	0	100,000	78,713
Land Reclamation	138,490	0	138,490	90,462
Projects to Implement County Plans	405,000	0	405,000	400,000
Total Budget for Contracts	1,034,971	0	1,034,971	818,125
<b>TOTALS</b>	<b>4,216,300</b>	<b>953,407</b>	<b>1,723,153</b>	<b>4,559,571</b>

## Administrative Services

### Public Information

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Public Information &amp; Publications</b>					
Designs/Illustrations/Graphics Produced	413	199	219	165	996
Brochures/Flyers Produced	11	12	12	10	45
Fact Sheets Produced	2	2	4	1	9
Publications/Reports Produced	2	2	1	1	6
Newsletters Produced	1	2	1	0	4
<b>Information Dissemination and Environmental Education</b>					
Conferences/Displays	10	7	3	1	21
Environmental Education packets/information distributed	83	56	61	34	234
Web Requests	13	41	13	22	89

### Media Handling

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Media Relations</b>					
Press Releases	20	14	4	13	51
Responses to Media Inquiries	113	56	48	49	266
Interviews	99	50	32	40	221

### Business and Community Relations

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Business and Community Relations</b>					
Speech Reports w/o Booths	33	38	31	60	162
Speech Reports including Booths	33	39	35	64	171
<b>Speech Reports</b>					
Ceremonies	14	8	3	2	27
Training	19	30	28	58	135
Booths	0	1	4	4	9
Attendees	1,266	5,061	2,738	9,627	18,692

# Air Quality

## Ambient Monitoring

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Ambient Monitoring</b>					
<b>Continuous Monitoring Systems</b>	22	23	21	21	23
<b>Non-continuous Stations</b>	4	4	4	4	16
<b>Toxics Stations</b>	7	7	7	7	28
<b>Number of Air Samples Collected (continuously/hourly)</b>					
Ozone (in thousands)	30.6	27.6	30.8	31.8	120.8
Sulfur Oxides (in thousands)	15.2	8.4	14.7	14.4	52.8
Total Oxides of Nitrogen	6.5	6.5	6.4	6.5	25.9
Nitrogen Dioxide-NO <sub>2</sub> (in thousands)	6.5	6.5	6.4	6.5	25.9
Nitrogen Oxides-NO (in thousands)	6.5	6.5	6.4	6.5	25.9
Carbon Monoxide (in thousands)	4.4	4.4	4.3	4.0	17.1
Special Purpose (in thousands)	23.0	16.4	15.6	17.2	72.2
PM-10 (in thousands)	2.2	2.2	2.0	2.2	8.5
PM-2.5 (in thousands)	18.1	16.5	17.3	18.5	70.4
<b>Number of Air Samples Collected (non-continuous/daily)</b>					
PM-10	260	271	259	242	1,032
PM-2.5	308	302	310	302	1,222
PM-Coarse	28	28	30	26	112
Toxics	305	312	276	289	1,182
Lead	24	23	23	24	94
<b>Compliance</b>					
Number of days when ozone was within the 8-hour NAAQS	61	92	91	82	326
Number of total monitors demonstrating compliance (out of 47 total)	45	45	45	45	45

## Excess Emissions Monitoring

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Excess Emissions Report</b>	433	393	263	179	1,268

<b>Lead Based Paint</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Lead Based Paint Certification</b>					
Inspector	0	0	0	5	5
Risk Assessor	7	0	2	74	83
Abatement Worker	12	4	2	27	45
Supervisor	4	0	0	52	56
Project Designer	0	0	0	3	3
Firm	4	1	1	76	82
<b>Lead Based Paint Compliance Inspections</b>	12	0	0	0	12
<b>Lead Based Paint Enforcement Actions</b>	0	0	0	0	0
LBP Enforcement Actions resulting in LBP contractor returning to substantial compliance with program requirements	0	0	0	0	0
<b>Lead Based Paint Outreach</b>					
Events	1	0	7	4	12
Participants	7	0	113	17	137

<b>Enforcement Administration</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Air Enforcement</b>					
Notices of Violation	3	7	10	5	25
Formal Actions	9	11	7	9	36
Level III Violation Letters	8	5	13	4	30
Alternate Enforcement Letters	31	21	33	27	112
Asbestos Actions	0	0	3	2	5
Fines Paid (in thousands of dollars)	1189.433	186.497	47.545	69.242	1492.717
SEP Dollars (in thousands)	19.875	9.844	3.75	41.448	75
Total Number of SEPs	2	1	1	3	7
Reductions in Tons of Emissions from Enforcement Actions	0	43	134	69	246
Complaints Resolved within 90 Days	10	6	6	3	25
Complaints Unresolved, but still within 90 day deadline	1	7	1	2	11
Total Complaints	11	12	7	5	35
Total Facilities in significant Non-compliance	40	41	43	32	61
New Facilities in significant Non-compliance	5	7	10	3	25

<b>Inspection</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Air Inspections</b>					
Monitoring Inspections (from ECLS)	8	8	11	47	74
On-Site Compliance Evaluations	100	120	130	142	492
Off-Site Compliance Evaluations	719	934	893	728	3,274
Asbestos Inspections	107	106	138	85	436
Stack Tests Observed	4	9	11	8	32
Stack Tests Received	178	232	183	250	843

<b>Emissions Inventory</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Emissions Inventory</b>					
<b>Billings</b>					
Major Facilities	331	3	1	0	335
Minor Facilities	1,492	1	0	0	1,493
<b>Inventories Received</b>					
Companies	2	3	461	283	749
Facilities	2	7	1,203	2,343	3,555

<b>Quality Assurance</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Quality Assurance</b>					
<b>Audits</b>					
Continuous	34	19	27	47	127
Non-Continuous	11	17	13	16	57
Interlab	1	2	13	6	22
<b>Data Validation</b>	215	213	221	228	877
<b>Standards Certified</b>	81	87	93	120	381
<b>Filter Checks</b>	201	129	217	127	674
<b>Precision Tests</b>	373	338	364	337	1,412

<b>Permit Administration</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Air Quality Permitting</b>					
<b>Construction Applications/Permits Issued</b>					
Minor Received	272	220	210	356	1,058
Minor Issued	298	224	219	356	1,097
Major Received	4	7	4	9	24
Major Issued	6	4	5	9	24
PSD Received	1	2	1	3	7
PSD Issued	0	1	2	3	6
<b>Operating Applications/Permits Issued</b>					
Minor Received	259	248	350	383	1,240
Minor Issued	174	225	276	449	1,124
Major Received	27	27	25	38	117
Major Issued	29	30	20	25	104
PSD Received	0	0	0	0	0
PSD Issued	0	0	0	0	0
Title V Initials and Modifications Received	5	4	7	12	28
Title V Initials and Modifications Issued	8	9	3	2	22
Title V Renewals and Modifications Received plus TVR2	22	23	18	26	89
Title V Renewals and Modifications Issued plus TVR2	21	31	17	23	92
Acid Rain Received	0	0	0	0	0
Acid Rain Issued	0	0	0	0	0
Relocation Received	8	6	5	10	29
Relocation Issued	8	7	4	12	31
Applications Withdrawn	4	12	10	11	37
<b>Title V Initial and Renewal Modifications Issued - Total</b>	16	14	13	24	67
<b>Title V Initial and Renewal Modifications Issued - Significant</b>	1	4	0	11	16
<b>Applicability Determination Received</b>	19	10	78	39	146
<b>Applicability Determination Issued</b>	14	12	62	81	169
<b>Permits Denied</b>	0	0	0	0	0
<b>Total Applications Received</b>	617	520	673	838	2,648

Permit Administration - continued ...					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Total Permits Issued</b>	558	503	588	935	2,584
<b>Minor Permit Status &gt; 90 Day Timeline</b>	20	17	19	23	79
<b>Tests Observed</b>	5	6	5	5	21
<b>Performance Inspections</b>	24	14	19	29	86
<b>Permit Protest Hearings</b>	0	0	0	0	0
<b>Number of PSD Modeling Analysis Conducted</b>	4	3	3	8	18
<b>Number of Title V Air Permits Passing Federal Review</b>	35	30	29	39	133

Public Information and Education					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Clean Air Alerts</b>					
Oklahoma City	12	0	0	5	17
Tulsa	21	0	0	5	26
Lawton	3	0	0	1	4
Rural Oklahoma	1	0	0	0	1
<b>AQ Health Advisories</b>	<b>55</b>	<b>6</b>	<b>5</b>	<b>24</b>	<b>90</b>
<b>Environmental Education</b>					
<b>Events</b>					
Conference Presentations	0	0	2	2	4
Conference Displays	0	0	0	0	0
<b>Community-Wide Events</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>7</b>
<b>Education Presentations</b>					
K-12	0	1	1	0	2
University	1	0	1	0	2
Community/Adult	20	3	1	2	26
<b>Contacts</b>	<b>107</b>	<b>3185</b>	<b>415</b>	<b>4,481</b>	<b>8,188</b>

Environmental Impact Assessments					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Environmental Impact Assessments</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>7</b>

# Environmental Complaints and Local Services

## Complaint Statistics

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Total Spills/Complaints Received</b>	882	686	916	887	3,371
<b>Spills/Complaints Referred to Other Agencies</b>	35	27	37	37	136
EPA	2	8	2	2	14
Corp of Engineers	0	0	1	0	1
Used Motor Vehicle Commission	0	0	0	0	0
Dept. of Agriculture, Food, & Forestry	4	1	3	2	10
County Sheriff's Office	1	0	1	0	2
City/Town	4	0	1	0	5
Dept. of Mines	0	0	0	0	0
Corporation Commission	21	18	28	28	95
Native American	1	0	0	2	3
Dept. of Wildlife Conservation	0	0	0	0	0
Dept. of Health	1	0	0	0	1
Dept. of Transportation	0	0	1	0	1
Dept. of Labor	0	0	0	0	0
Liquefied Petroleum & Gas Board	0	0	0	0	0
Dept. of Public Safety	0	0	0	0	0
Conservation Commission	0	0	0	0	0
Oklahoma Water Resources Board	1	0	0	3	4
<b>Total DEQ Spills/Complaints Received</b>	847	659	879	850	3,235
<b>Spills Received</b>	99	70	72	79	320
Water Quality Division	2	3	2	2	9
Air Quality Division	20	19	11	15	65
Land Protection Division - Solid Waste	75	48	54	61	238
Land Protection Division - Hazardous Waste	2	0	5	1	8
<b>Complaints Received</b>	748	589	802	771	2,910
Publicly-Owned Wastewater Facility & Lines	41	77	57	49	224
Private Wastewater Service Lines	62	41	95	87	285
Public Water Supply	174	4	41	42	261
Fish Kills	8	5	2	9	24

## Complaint Statistics - continued...

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Unpermitted Discharge - Unknown Source	5	3	7	6	21
Industrial Stormwater	4	3	6	11	24
Industrial Wastewater Treatment	2	1	2	3	8
Fugitive Dust	8	1	4	3	16
Fugitive Dust - fly ash	48	23	31	39	141
Fugitive Dust - grain processors/cotton gin	0	1	1	3	5
Fugitive Dust - sandblasting	0	0	2	1	3
Air Facilities Emissions	3	0	0	1	4
Odors	21	13	5	12	51
NESHAP Violations	14	12	16	10	52
Lead-Based Paint	1	2	4	2	9
Solid Waste Landfill Operation	2	1	1	0	4
Solid Waste Unpermitted Discharges	11	4	4	4	23
Tires	2	4	1	0	7
Hazardous Waste Facility Operation	7	6	6	10	29
Hazardous Waste Improper Disposal	1	1	1	9	12
Radiation	2	1	7	4	14
Underground Injection Control	0	5	5	4	14
Total Retention Lagoon - lagoon	0	0	0	0	0
Total Retention Lagoon - collection	0	0	0	4	4
Total Retention Lagoon - land application	1	0	0	0	1
On-site Sewage	0	0	2	0	2
Improperly installed on-site sewage system (certified installation)	157	122	181	166	626
Improperly installed on-site sewage system (non-certified installation)	0	7	7	1	15
Aerobic system maintenance (system installed 2 years or less)	0	2	11	13	26
Malfunctioning aerobic system	1	1	0	2	4
Private Water Supply	4	11	19	35	69
Open Burning	0	2	2	3	7
Open Burning - brush	15	69	65	65	214
Open Burning - burn household waste (trash service not available)	0	1	1	3	5
Unpermitted Disposal of Solid Waste	0	1	1	3	5

## Complaint Statistics - continued...

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Unpermitted Disposal of Liquid Waste	54	54	64	50	222
Open Dumping - construction/demolition debris	2	2	6	6	16
Septage Pumpers & Haulers	3	4	3	0	10
Construction Stormwater	10	9	13	8	40
Construction Stormwater - discharge off site	7	6	15	25	53
Open Burning Copper Wire	2	3	2	0	7
Minor Water	0	4	1	0	5
<b>Emergency Response</b>	0	3	3	1	7
<b>Complaint Responsiveness</b>					
Complaints Requiring Response	510	388	556	554	2,008
Met 2 Working Day Response	84%	81%	76%	57%	75%

## Individual Water Well Evaluation

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Requested Services</b>					
<b>Private Water</b>					
Water Well Inspections	7	2	4	5	18

## Wellhead Protection Program

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Contingency Plan Developed	0	1	0	0	1
Well Integrity Established	1	1	0	0	2
Public Awareness Program Implemented	0	2	0	0	2
Implementation Complete	0	1	0	0	1
Interested in bill inserts	2	3	1	0	6
Provided	0	0	0	396	396
Interested in a presentation	2	3	1	0	6
Provided	0	0	0	0	0
Number of Complaints/Spills on Soil	0	0	0	0	0
Number of Complaints/Spills in Delineation Area	0	0	0	0	0
Plan Review	3	3	3	6	15
Wellhead Protection Plan Review	2	4	3	6	15

## Enforcement Administration

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Enforcement Actions - Unpermitted Activities</b>					
<b>Notices of Violation</b>					
Open Burning	1	1	1	1	4
Open Dumping	1	2	0	1	4
Fugitive Dust	1	0	0	0	1
Surfacing Sewage	1	0	2	1	4
Minor Water System	0	0	0	0	0
Certified Installers	0	0	1	1	2
Non-Certified Installers	0	0	0	0	0
Septage Pumpers/Haulers	0	0	0	0	0
Total Retention Lagoons	3	0	0	0	3
Highway Spill Remediation	0	0	0	0	0
Certified Soil Profilers	1	0	0	0	1
<b>Formal Actions</b>					
Open Burning	0	0	1	0	1
Open Dumping	6	5	3	6	20
Fugitive Dust	1	0	0	0	1
Surfacing Sewage	18	6	12	16	52
Certified Installers	0	0	0	0	0
Non-Certified Installers	4	2	0	3	9
Septage Pumpers/Haulers	2	0	1	0	3
Total Retention Lagoons	1	6	0	0	7
Highway Spill Remediation	0	0	0	0	0
Certified Soil Profilers	1	1	0	0	2
<b>Fines Paid</b>					
Open Burning	\$0	\$0	\$100	\$0.00	\$100
Open Dumping	\$200	\$2,050	\$100	\$0.00	\$2,350
Fugitive Dust	\$0	\$0	\$0	\$0.00	\$0
Surfacing Sewage	\$0	\$470	\$1,950	\$900.00	\$3,320
Certified Installers	\$2,000	\$0	\$0	\$0.00	\$2,000
Non-Certified Installers	\$0	\$0	\$0	\$0.00	\$0
Septage Pumpers/Haulers	\$471	\$708	\$716	\$1,126.00	\$3,021
Total Retention Lagoons	\$200	\$3,100	\$10,800	\$283.00	\$14,383
Certified Soil Profilers	\$0	\$0	\$0	\$500.00	\$500
Highway Spill Remediation	\$0	\$0	\$0	\$0.00	\$0
<b>Total</b>	<b>\$2,871</b>	<b>\$6,328</b>	<b>\$13,666</b>	<b>\$2,809</b>	<b>\$25,674</b>

Permit Administration					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>ECLS Requested Services</b>					
<b>Private Sewage</b>					
Soil Tests	225	207	252	302	986
Existing System Inspections	48	30	40	42	160
Authorizations Issued	1,458	1,260	1,286	1,687	5,691
Alternative System Permits Issued	11	5	7	14	37
<b>Septage Pumpers and Haulers</b>					
Septage Pumper Licenses Issued	12	12	171	28	223
<b>Water Quality</b>					
<b>Storm Water-Construction</b>					
Authorizations Issued	222	227	172	207	828
Authorizations Terminated	93	60	65	168	386
<b>Storm Water-Industrial</b>					
Authorizations Issued	3	21	404	466	894
Authorizations Terminated	11	0	15	18	44

Technical Assistance					
	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Air Quality	2	3	5	2	12
Wellhead Protection	4	4	9	16	33
Hazardous Waste	5	1	5	6	17
Industrial Wastewater	2	3	5	3	13
Solid Waste	10	10	9	8	37
Onsite Sewage	71	69	56	69	265
Private Water	30	8	10	12	60
Promote Soil Profile	14	22	22	16	74
Public Water Supply	88	32	15	34	169
Stormwater	5	1	3	11	20
Tires	0	0	0	0	0
Total Retention Lagoon	20	12	14	21	67
Water Pollution Control	28	11	16	24	79
Septage Hauler and Transporter	0	4	1	0	5
<b>Total</b>	<b>279</b>	<b>176</b>	<b>169</b>	<b>222</b>	<b>846</b>

<b>Inspection</b>					
<b>Air Quality</b>	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Air Inspections</b>					
Monitoring Inspections	9	5	24	66	104
<b>Waste Management</b>					
<b>Solid Waste Inspections</b>					
Monitoring Inspections	58	62	50	76	246
<b>Water Quality</b>					
<b>Public Water Supply</b>					
Monitoring Inspections	743	694	509	852	2,798
Minor Water Systems	23	62	75	154	314
<b>Municipal Wastewater</b>					
Monitoring Inspections	250	221	237	275	983
<b>Total Retention Lagoons</b>					
Monitoring Inspections	170	146	106	157	579
<b>Industrial Wastewater</b>					
Monitoring Inspections	107	81	61	187	436
<b>Stormwater</b>					
NOT Inspections	113	60	72	239	484
Active Permit Inspections	2	4	11	36	53
No Exposure Inspections	2	97	86	28	213
<b>Septage Pumps</b>					
Inspections	12	33	174	28	247
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,107</b>

<b>Operator Certification</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>On-site System Installer Certification</b>					
<b>Renewal Training Attendees</b>	49	136	117	5	307
<b>New Certification Examinations</b>					
Sub-surface Examinations	1	2	0	7	10
Lagoon Examinations	0	0	0	0	0
Aerobic Spray Examinations	11	3	6	2	22
Aerobic Drip Examinations	2	0	1	2	5
Low Pressure Dosing Examinations	0	0	0	0	0
<b>Soil Profiler Certification</b>					
Renewal Training Attendees	0	99	10	0	109
New Certifications	2	0	0	0	2

# Land Protection Division

## Inspection

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Hazardous Waste Inspections</b>					
# of inspections at Oklahoma hazardous waste generators, transporters, & non-commercial disposal facilities	42	22	28	21	113
# of hazardous waste inspections at Oklahoma military facilities	0	0	2	2	4
# of inspections at Oklahoma commercial hazardous waste disposal facilities	1	0	2	3	6
# of GME/OAM evaluations at hazardous waste disposal facilities	0	0	1	3	4
<b>Radiation</b>					
# of inspections at Oklahoma licensees	32	35	26	28	121
<b>Solid Waste</b>					
# of inspections at Oklahoma solid waste disposal facilities	96	95	100	92	383
<b>UIC</b>					
# of inspections at Oklahoma UIC wells	0	5	0	5	10
<b>Waste Tire Inspections</b>					
# of inspections at Oklahoma waste tire processors	22	18	18	18	76
# of inspections of tire dealers and moter license agents	0	4	1	7	12
<b>Total # of inspections performed</b>					729

## Sara Title III

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Community Right to Know (EPCRA)</b>					
Tier 2 Reports Filed	413	308	44,472	1560	46,753
Toxic Release Reports Filed	1,212	0	0	0	1,212
Industry Request for Guidance	464	172	3,990	649	5,275
CAMEO/Submit Instruction/Presentations	19	3	23	12	57
LEPC Meetings Attended	6	3	13	8	30
TRI Inspections Attended	0	0	0	1	1

<b>Permit Administration</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Public Meetings for Permitting</b>	3	3	1	3	10
<b>Hazardous Waste</b>					
Permit Applications/Plans Received	46	59	61	46	212
Permit Applications/Plans Approved	37	66	45	49	197
Permit Protest Hearing	0	0	0	0	0
# Approved Within Timelines	37	66	45	49	197
Corrective Action Cleanup Plans Approved	2	7	9	6	24
<b>Radiation</b>					
License Applications/Amendments Received	104	60	115	117	396
License Applications/Amendments Issued	189	81	114	106	490
# Issued Within Timelines	189	81	114	106	490
<b>Solid Waste</b>					
Permit Applications/Plans Received	67	85	126	159	437
Permit Applications/Plans Approved	75	74	103	165	417
Permit Protest Hearing	0	0	0	0	0
# Approved Within Timelines	75	74	103	165	417
<b>Underground Injection Control</b>					
Permit Applications/Plans Received	9	12	5	6	32
Permit Applications/Plans Approved	12	12	6	5	35
Permit Protest Hearing	0	0	0	0	0
# Approved Within Timelines	12	12	6	5	35
<b>% Permits/Licenses Approved Within Timelines</b>					100%

<b>Complaints</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Complaints</b>					
# of complaints referred to LPD	10	11	9	15	45
# of LPD complaints resolved < 90 days or approved extension	10	11	9	15	45
<b>% Complaints Resolved Within 90 Days or Approved Extension</b>					100%

## Enforcement Administration

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Hazardous Waste</b>					
# of Notices to Comply issued	2	7	4	6	19
# of Notices of Violation issued	0	0	0	0	0
# of Orders issued	0	0	1	0	1
# of facilities in significant non-compliance	0	0	1	1	2
Dollar amount of fines paid	\$1,266.00	\$0.00	\$0.00	\$0.00	\$1,266.00
# of Supplemental Environmental Projects	0	0	0	0	0
Dollar amount of Supplemental Environmental Projects	\$3,800.38	\$0.00	\$0.00	\$0.00	\$3,800.38
<b>Radiation</b>					
# of Notices of Violation issued	7	10	5	4	26
# of Orders issued	0	0	0	0	0
Dollar amount of fines paid	\$0.00	\$0.00	\$0.00	\$20,000.00	\$20,000.00
# of Supplemental Environmental Projects	0	0	0	0	0
Dollar amount of Supplemental Environmental Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Solid Waste</b>					
# of Notices of Violation issued	1	0	0	1	2
# of Orders issued	2	0	0	0	2
Dollar amount of fines paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
# of Supplemental Environmental Projects	0	0	0	0	0
Dollar amount of Supplemental Environmental Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>UIC</b>					
# of Notices of Violation issued	0	0	0	0	0
# of Orders issued	0	0	0	0	0
Dollar amount of fines paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
# of Supplemental Environmental Projects	0	0	0	0	0
Dollar amount of Supplemental Environmental Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Waste Tires</b>					
# of Notices of Violation issued	2	3	0	0	5
# of Orders issued	2	0	0	0	2
Dollar amount of fines paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
# of Supplemental Environmental Projects	0	0	0	0	0

## Enforcement Administration - continued...

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Dollar amount of Supplemental Environmental Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Non-hazardous Industrial Waste</b>					
# of NHIW certifications reviewed	0	163	176	174	513
Total Enforcement Actions					38
Total Fines					\$21,266.00
Total SEPs					0
Total SEP \$					\$3,800.38

## Citizen & Local Government Outreach

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Citizen Outreach - Mercury</b>					
# of households from which mercury was collected for recycling	9	6	4	8	27
<b>Citizen Outreach - Radon</b>					
# of citizens who requested radon test kits for their homes	6	6	6	89	107
# of entries reviewed for the national Radon Poster Contest	0	0	0	0	0
<b>Citizen Outreach - Radiation Surveys</b>					
# of radiation surveys performed	7	11	6	15	39
<b>Citizen Outreach - Industrial Radiography</b>					
# of industrial radiography exams held	1	1	1	2	5
# of individuals taking industrial radiography exams	31	42	62	49	184
<b>Citizen Outreach - Computer Recycling</b>					
# of computer collection events held	1	23	2	3	29
<b>Local Government Outreach</b>					
# of local governments assisted with trash dump cleanup and improved recycling programs	1	3	0	0	4
# of National Guard armories remediated & available for reuse	2	4	4	0	10
# of communities & non-profits assisted with Brownfield funding	30	33	34	34	131
Dollar amount of solid waste fees reinvested in local projects					\$437,000

## Waste Reduction & Environmental Education

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Pollution Prevention</b>					
# of customer assistance events (workshops, seminars, webinars, etc.)	1	1	0	3	5
# of individuals/organizations receiving waste reduction/P2 training	0	0	0	115	115
# of P2 assistance tools developed & disseminated	50	35	120	20	225
# of site assistance visits	0	0	5	6	11
# of P2 contacts via telephone/email	30	25	160	55	270
# of business sectors targeted for P2 outreach	2	2	2	2	8
<b>Environmental Education</b>					
# of recycling/sustainability projects ongoing	6	12	8	2	28
# of recycling/sustainability public presentations or exhibits (teachers/students, communities, groups, churches, etc.)	7	9	8	11	35
# of recycling/sustainability publications/ articles (new, updated, edited)	0	1	0	0	1
<b>Green Schools Program</b>					
# of teachers/schools contacted for Green Schools Program	59	4	9	2	74
# of students impacted by Green Schools Program	720	200	345	90	1355
# of tool kits assembled/inventoried/shipped for Green Schools Program	7	7	6	2	22
<b>Recycling Information</b>					
# of recycling exhibits prepared	2	3	4	2	11
# of public recycling presentations	12	10	8	11	41
# of recycling presentations to schools	6	5	5	4	20
Total number of DEQ recycling publications					0
# of new DEQ recycling publications developed	0	0	0	0	0
# of DEQ recycling publications distributed	123	76	54	39	292
# of recycling training events given	6	3	5	4	18
Total # of recycling markets identified in Oklahoma					0
# of new recycling markets in Oklahoma identified	1	1	2	0	4
# of waste audits performed	3	0	2	1	6
<b>Special Recognition</b>					
# of new businesses in the Oklahoma Star/ECO Programs	0	0	0	2	2
Total # of businesses in the Oklahoma Star/ECO Programs					45

<b>Land Restoration</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Brownfields</b>					
# of Phase I/II Targeted Site Assessments	5	3	2	2	12
# of Sites cleaned up using Brownfield Revolving Loan Funds	1	0	0	2	3
# of Brownfields Certificates issued	2	2	1	1	6
<b>Superfund</b>					
# of preliminary assessments and site inspections completed	2	1	2	1	6
# of active NPL sites	0	0	0	0	13
# of NPL sites in state-lead operations and maintenance	0	0	0	0	4
# of removals conducted by DEQ	0	0	0	0	0
# of removals conducted by EPA with DEQ assistance	0	0	0	0	0
# of DOD facilities going through the CERCLA process	0	0	0	0	25
<b>Voluntary Clean-Up Program</b>					
# of contaminated sites in the VCP	101	99	97	98	395
# of contaminated sites cleaned up under the VCP	2	2	2	1	7
<b>Governmental Entities</b>					
# of governmental entities assisted with restoration of damaged lands	6	6	7	7	26
<b>Waste Tires</b>					
# of community-wide collection events held	17	13	14	30	74
# of waste tires diverted from illegal dumping through community-wide collection events	33,524	50,473	50,553	45,813	180,363
# of illegal tire dumps remediated	4	12	25	2	43
# of waste tires removed from illegal dumps	554	34,915	44,176	24,476	104,121
<b>Cleanup Statistics</b>					
Total # of acres of land for which remediation was completed at the most contaminated sites under the Brownfields, DOD, Superfund, & VCP programs	0	0	0	0	894.39
Amount of chat from the Tar Creek Superfund Site marketed (tons)	29,802.97	169,921.05	0.00	2,995.19	202,719.21
Amount of chat from the Tar Creek Superfund Site disposed (tons)	80,470.30	133,144.23	86,858.43	48,950.86	349,423.82

# State Environmental Laboratory Services

## Laboratory Operations

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Laboratory Tests Performed</b>					<b>47,985</b>
Public Water Systems	6,100	4,500	7,680	5,920	24,200
Private Citizens	1,960	820	975	1,845	5,600
DEQ Project Support	1,450	800	1,150	2,100	5,500
OWRB	3,800	2,500	2,500	3,200	12,000
Other	245	115	125	200	685
<b>Program Support and Maintenance</b>					
New Instruments to Support New Methods	1	0	1	1	3
Replacement Instruments	2	0	2	5	9
New Methods Implemented	3	0	0	4	7
Technical Training Events	21	8	15	17	61
Proficiency Tests	142	65	142	56	405
Audits	2	1	2	2	7
Process Improvements	14	19	17	27	77

## Laboratory Certification

	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
<b>Laboratory Certification</b>					
Applications Received	0	4	5	0	9
Certificates Issued	135	0	2	0	137
Certificate Renewals	135	0	0	0	135
Performance Evaluations	0	9	2	0	11
Issuance > Timelines	0	18	22	0	40

<b>Special Operations</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Emergency Response</b>					
Field Events	4	0	1	4	9
Laboratory Tests	269	0	311	445	1,025
Technical Assistance Events	26	5	22	25	78
Exercises	1	1	0	0	2
<b>Complaints</b>					
Field Events	2	1	3	4	10
Laboratory Tests	625	290	255	580	1,750
Technical Assistance Events	47	14	11	43	115
<b>Enforcement Assistance</b>					
Field Events	0	0	0	0	0
Laboratory Tests	5	3	4	7	19
Technical Assistance Events	2	2	13	15	32

<b>Customer Support</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Laboratory Customer Support</b>					
<b>Technical Assistance Events</b>					
Public Water Systems	1,914	1,698	1,732	1,665	7,009
Private Citizens	770	492	522	441	2,225
DEQ Project Support	52	26	33	15	126
OWRB	2	2	2	3	9
Other	8	13	6	8	35
<b>Project Sampling Kits Provided</b>					13,800
Public Water Systems	2,891	2,882	1,150	2,804	9,727
Private Citizens	904	750	886	1,210	3,750
DEQ Project Support	46	26	32	42	146
OWRB	66	42	48	60	216
<b>Targeted Outreach/Training</b>	4	6	8	9	27
<b>QAPP Reviews</b>	3	4	7	5	19

# Water Quality Division

<b>Permit Administration</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Water Quality Permitting</b>					
<b>Construction Applications/Permits Issued</b>					
Public Water Supply Received	122	129	152	133	536
Public Water Supply Issued	92	112	60	126	390
Water Well Received	4	7	14	10	35
Water Well Issued	3	7	10	5	25
Municipal Wastewater Received	107	68	97	87	359
Municipal Wastewater Issued	94	72	124	81	371
<b>Municipal Wastewater Applications/Permits Issued</b>					
Discharge Applications Received	25	13	14	20	72
Discharge Permits Issued	27	16	16	18	77
<b>Industrial Wastewater Applications/ Individual Permits Issued</b>					
Applications Received	16	15	19	18	68
Permits Issued	15	13	17	13	58
<b>Stormwater</b>					
Construction Authorization Processed (from ECLS)	222	227	172	207	828
Multi-Sector Industrial Authorization Processed (from ECLS)	3	21	229	466	719
<b>Other Industrial General Permits</b>					1,547
Applications Received	8	41	7	5	61
Authorization Issued	6	3	5	39	53
<b>Other Municipal General Permits</b>					
Applications Received	1	1	1	15	18
Authorization Issued	0	2	0	0	2
<b>Sludge Management Applications/Plans Approved</b>					
Applications Received	0	2	0	0	2
Plans Approved	1	1	0	0	2
Total Permits Issuance > Timelines	10	6	9	11	36
Total Permit Protest Hearings	0	0	0	0	0

<b>Enforcement Administration</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Public Water Supply</b>					
Boil Advisories	1	2	1	3	7
Notices of Violation	19	8	100	50	177
Consent / Final Orders	6	4	7	5	22
Fines Paid	\$1,000	\$1,000	\$10,000	\$2,825	\$14,825
Supplemental Environmental Projects	0	0	0	0	0
TOTAL number of SEPs	0	0	0	0	0
<b>Municipal Wastewater</b>					
Notices of Violation	17	20	23	15	75
Consent / Final Orders	16	9	10	20	55
Fines Paid	\$22,530.15	\$74,985	\$55,821.81	\$21,802.07	\$175,139.03
Supplemental Environmental Projects	\$16,548	\$3,700.00	0	0	\$20,247.52
TOTAL number of SEPs	4	1	0	0	5
<b>Industrial Wastewater</b>					
Notices of Violation	6	2	5	3	16
Consent / Final Orders	4	4	1	4	13
Fines Paid	\$6,600	\$162,832.66	\$1,248.99	\$2,282.66	\$172,964.31
Supplemental Environmental Projects	N/A	N/A	\$0	0	0
TOTAL number of SEPs	N/A	N/A	0	0	0
<b>Storm Water</b>					
Notices of Violation	6	2	2	3	13
Consent / Final Orders	2	1	1	0	4
Fines Paid	\$10,250	\$15,500	\$5,000	\$0.00	\$30,750
Supplemental Environmental Projects	N/A	N/A	N/A	N/A	0
TOTAL number of SEPs	N/A	N/A	N/A	N/A	0
FY 2012 Fines Collected:					\$393,678.34
FY 2012 Enforcement Actions:					375
FY 2012 SEPs:					\$20,247.52

<b>Data Management</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Groundwater</b>					
Sites With GPS Correction	24	22	51	41	138

<b>Inspection</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>Public Water Supply</b>					
Monitoring Inspections (from ECLS)	743	694	509	852	2,798
<b>Municipal Wastewater</b>					
Monitoring Inspections (from ECLS)	250	221	237	275	983
Pretreatment Compliance	0	0	0	22	22
Pretreatment Audits	0	0	2	3	5
Compliance Evaluation Inspections	10	18	27	12	67
Compliance Sampling Inspections	0	0	1	0	1
<b>Industrial Wastewater</b>					
Monitoring Inspections (from ECLS)	107	81	61	187	436
Compliance Evaluation Inspections	15	11	5	2	33
Compliance Sampling Inspections	0	0	1	0	1
<b>Storm Water</b>					
Compliance/TA Inspections	102	69	110	76	357
NOT Inspections (from ECLS)	113	60	72	239	484
Active Permit Inspections (from ECLS)	2	4	11	36	53
No Exposure Inspections (from ECLS)	2	97	86	28	213

<b>Operator Certification</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>New Certified Examinations</b>					
Water Operator	116	192	224	181	713
Wastewater Operator	106	162	171	151	590
Water Laboratory Operator	37	13	20	25	95
Wastewater Laboratory Operator	30	32	20	7	89

<b>TMDL Development</b>					
	<b>QTR 1</b>	<b>QTR 2</b>	<b>QTR 3</b>	<b>QTR 4</b>	<b>TOTAL</b>
<b>TMDLs</b>					
TMDLs Started	2	6	3	98	109
TMDLs Completed	128	1	7	4	140

# DEPARTMENT OF ENVIRONMENTAL QUALITY

## ANNUAL ENVIRONMENTAL QUALITY REPORT

For consideration by the Environmental Quality Board on November 15, 2011  
For submittal to the Governor and Legislature on or before January 1, 2012

The Department of Environmental Quality (DEQ) is required by statute annually to submit an “Environmental Quality Report” to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. It is to outline DEQ’s annual needs for providing the environmental services within its jurisdictional areas, any new federal mandates, and state statutory or constitutional changes recommended by DEQ. The Report must be reviewed and approved by the Environmental Quality Board prior to its submittal to the Governor and Legislature.

## I. ANNUAL NEEDS

### GENERAL (BASELINE) APPROPRIATION REQUEST

For state Fiscal Year (FY) 2013, which begins July 1, 2012, DEQ is requesting a baseline state legislative appropriation of \$7,557,973 to address ongoing costs. This is the same as what DEQ is slated by the 2011-session general appropriation bill to receive for current FY 2012. Of course, there will be legally mandated cost increases to DEQ and other state agencies for employer insurance contributions in FY 2013, a fact that DEQ and other agencies will again bring to the attention of their respective appropriation subcommittees.

### ADDITIONAL SPECIFIC APPROPRIATION REQUEST

In addition to its baseline request, DEQ is requesting that the Legislature and Governor consider additional funding for the Public Water Supply (PWS) program and for the Waterworks and Wastewater Works Operator Certification Program.

#### Overview

In the last fiscal year, DEQ anticipated a shortfall for the PWS program and prepared a fee case for the Water Quality Management Advisory Council (WQMAC). Those fees were recommended to the Environmental Quality Board (EQB). Between the WQMAC meeting and the EQB meeting, legislative leadership informed DEQ that the fees would not be allowed to move forward. Therefore, DEQ asked the EQB to eliminate the PWS fee increase from their vote. Because general revenue was cut by the legislature, federal grant dollars are stagnant in the Public Water Supply Supervision Grant and are decreasing in the Drinking Water State Revolving Fund Grant, and the fees are insufficient to support the PWS program, cuts were made to DEQ’s operation of the program and three rules remain under EPA’s primary responsibility.

The Water Quality Division staff has created a workgroup of representatives of PWS facilities nominated by the Oklahoma Municipal League and Oklahoma Rural Water Association, along with members of the Environmental Quality Board, Water Quality Management Council, and DEQ staff. This workgroup is working to develop a new fee proposal which is anticipated to be presented to the EQB in February 2012. By rule if another source of funding is found, DEQ will reduce fees by that amount.

Additionally, House Bill 1059 passed the legislature and was signed by the Governor in 2011. This bill created a new permit process for facilities that did not obtain a construction permit for their drinking water systems as required. This new “Permit to Supply Water” will alleviate a problem with Health Department regulations and ensure safe drinking water is provided to patrons of food establishments that have their own drinking water source.

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<sup>1</sup>Because requests for state appropriations are due by October 1, the appropriation request information in this portion of the Environmental Quality Report was previously considered and approved by the Environmental Quality Board at its August 23, 2011, meeting.

## Specifics

Program	General Revenue Needed to Fill Funding Gap
Public Water Supply Enforcement	\$490,000
Public Water Supply Compliance	\$246,000
Public Water Supply Laboratory Equipment	\$250,000
Public Water Supply Cost Off-set to Communities under 1,300	\$513,000
<b>TOTAL</b>	<b>\$1,499,000</b>

DEQ has administered the Safe Drinking Water Act in Oklahoma for many years. However, as funding has decreased, DEQ has not sought primacy from EPA to administer three recent rules (Disinfection By-Products Rule, Ground Water Rule, and Long-Term 2 Enhanced Surface Water Treatment Rule). This means that PWS systems in Oklahoma will now be regulated partially by EPA and partially by DEQ. Systems are experiencing confusion and frustration because they are calling DEQ to determine what they need to do, seek extensions, etc. All DEQ can do is refer the systems to EPA, which has not been flexible in its administration of the rules. Additionally, EPA has notified DEQ that EPA intends to accelerate the required sampling and compliance dates for the systems in Oklahoma. Although DEQ does not agree with EPA's approach, EPA is the primary authority and can make those decisions. DEQ would like to administer these programs to allow a more flexible approach to obtaining compliance. However, without additional funding, DEQ cannot. Finally, DEQ has made cuts in the PWS staff due to the decreased funding. Technical assistance activities, training and outreach are being scaled back significantly. Although DEQ believes that these are important activities, they are not mandated activities for states because EPA assumes systems will immediately be in compliance with new rules. At the current level of funding DEQ has no choice but to reduce the services that are provided to the regulated community.

Program	General Revenue Needed to Fill Funding Gap
Permit to Supply Water: Non-Community Systems	\$200,000
Permit to Supply Water: Minor Water Systems	\$50,000
<b>TOTAL</b>	<b>\$250,000</b>

Under this state program, DEQ must issue a "Permit to Supply Water" to facilities that serve water to the public but do not have a construction permit for their system. To issue these permits, inspections and review of laboratory data will be required. Once these systems are permitted they will then be subject to the PWS annual fees to support the compliance and enforcement activities.

Program	General Revenue Needed to Fill Funding Gap
Operator Certification	\$255,000
<b>TOTAL</b>	<b>\$255,000</b>

The federal funding used to supplement the operation of the Operator Certification program has been eliminated. As General Revenue has continued to decline, there is a gap in the funding available and the funding needed to fully implement this program. The Water Quality Division staff presented rules to the Water Works and Wastewater Works Advisory Council in January 2011 to increase the fees in order to sustain the program. The Council did not recommend these rules to the EQB. As a result, significant program cuts have been made. The staff is working with the Council in order to develop another fee proposal for consideration in February 2012. It is the intention of DEQ to reduce the amount of fees required based on the level of General Revenue funding.

The Operator Certification program has reduced staff by one-half between FY2011 and FY2012. This has resulted in activities such as the newsletter, Talkback TV, etc. being eliminated and the number of applications processed for licensing exams reduced by approximately half. Failure to adequately fund this program will ultimately lead to a lack of certified operators to operate drinking water and wastewater facilities in Oklahoma.

### **Summary**

Based on the need to continue to properly operate these core agency programs, DEQ will request a total of \$2,004,000. Although this is a substantial request, it is still less than the \$2,151,000 in General Revenue that has been cut from DEQ since FY 2009.

## **II. FEDERAL MANDATES**

### **AIR QUALITY DIVISION (AQD)**

#### ***Ozone National Ambient Air Quality Standard***

On September 2, 2011, the President announced that he had asked EPA to withdraw its draft revision of the 0.075 ppm ozone standard. The 0.075 standard was originally proposed in 2008 but never implemented. Shortly after the President's announcement, the EPA proposed to begin the implementation process for the 0.075 standard. While the implementation guidelines have not yet been published, it was announced that monitored data from the period 2008-2010 would be considered for attainment purposes, with 2011 data to be submitted at the discretion of the state. DEQ recommended to the Governor and she recommended to EPA that the entire state be declared attainment. While ambient monitored data in the Tulsa and Oklahoma City metropolitan areas indicated violations of the 0.075 standard for the period 2009-2011, the 2011 data will not be certified in time for consideration in this round of attainment demonstrations, allowing DEQ time to work with both areas to come back into attainment before the next evaluation of the standard scheduled for 2013.

#### ***Sulfur Dioxide Ambient Air Quality Standard***

On June 2, 2010, the EPA established a new one-hour ambient air quality standard for sulfur dioxide (SO<sub>2</sub>) of 0.075 ppm. While ambient monitors within the state have shown values near the standard, there have been no monitored violations of the new standard. However, in the proposed rule, EPA also stated that refined dispersion modeling should be used to determine whether sources have the potential to cause or contribute to a violation of the standard. Given the conservative nature of these dispersion models, the AQD believes areas within the state around large SO<sub>2</sub> emissions sources will show a modeled violation of the standard. The AQD was never given the opportunity to comment on this modeling methodology before or after the methodology was made final. The AQD does not believe this use of the modeling tool is appropriate for determining attainment/nonattainment status and on September 29, 2011, DEQ filed a brief in the D.C. Circuit Court of Appeals supporting the State of Texas' judicial challenge of the rule. Based on monitored data, the Governor recommended Muskogee and Tulsa counties be designated unclassifiable and the rest of the state attainment. EPA has not yet formally responded to this recommendation.

#### ***Cross-State Air Pollution Rule***

On July 6, 2011, EPA finalized the Cross-State Air Pollution Rule (CSAPR), originally known (when proposed) as the Clean Air Transport Rule. This rule, which replaces the court-remanded 2005 Clean Air Interstate Rule, is designed to reduce the precursors of ozone and particulate matter from power plants in states east of the Rocky Mountains, allowing downwind states impacted by these emissions to attain the ozone and particulate matter standards. Oklahoma was not included in the July 6th final CSAPR rule. However, due to modeled impacts on Allegan County Michigan, Oklahoma was included in a July 11th supplemental notice of proposed rulemaking for possible subsequent inclusion in CSAPR.

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<sup>2</sup>The list of federal mandates is not exhaustive, but covers mandates that are among the most significant to or demanding of the state and DEQ.

Dramatic, unexplained changes contained in the proposed rule will make compliance with CSAPR virtually impossible for Oklahoma utilities, from both a timing and emissions standpoint. For those reasons, even though DEQ is supportive of the intent of CSAPR, the agency opposes Oklahoma's inclusion in CSAPR. This is reflected in DEQ comments submitted to EPA on August 22, 2011, in response to the notice of proposed rulemaking.

### ***Regional Haze Federal Implementation Plan***

On March 22, 2011, EPA accepted in part and rejected in part the Regional Haze State Implementation Plan (SIP) submitted by DEQ. For the portions that were rejected, primarily related to the SO<sub>2</sub> controls recommended in the SIP, a federal implementation plan was proposed. In response to the federal plan, the Oklahoma Attorney General on May 31st filed a motion for declaratory and injunctive relief, seeking to overturn the federal plan. The court has granted a request by EPA to extend the deadline for finalizing the federal plan until December 13, 2011.

### ***Oklahoma Corporation Commission Environmental and Natural Gas Notice of Inquiry***

In connection with this review of federal mandates, worthy of mention is the associated topic of recent Oklahoma Corporation Commission (OCC) activity that relates to the impact of federal environmental mandates. On June 28, 2011, OCC issued a Notice of Inquiry (NOI) to seek comments from state agencies, electric utilities, consumers and other interested stakeholders on the impact of the proposed regional haze federal implementation plan. This evolved into a series of technical conferences more broadly examining the impact federal rulemaking might have on Oklahoma's regulated utilities and the potential for corresponding rate increases for consumers. DEQ has participated in these conferences by providing technical comments on the federal rules and their possible impact on Oklahoma utilities. The conferences are ongoing.

### ***LAND PROTECTION DIVISION (LPD)***

#### ***Definition of Solid Waste – Tires***

On February 21, 2011, EPA, under authority of the federal Resource Conservation and Recovery Act, adopted a final rule to revise the definition of solid waste in the Code of Federal Regulations. The rule is designed to identify non-hazardous secondary materials that are and are not considered RCRA solid wastes when burned in combustion units. The revised definition impacts the use of tires as fuel in cement kilns. Tires have excellent thermal value and, according to EPA technical studies, burn at least as cleanly as regular fuels. Cement kilns are a large end-user of waste tires in Oklahoma.

EPA's proposed rule, issued in 2010, would have defined all non-processed tires (i.e., tires with the metal remaining in them) as solid waste under RCRA. DEQ provided comments to EPA on the proposed rule and its potential adverse effects on the state waste tire program. Some of DEQ's comments were reflected in changes from the proposed rule to the final rule. The final language exempts some tires from the definition of solid waste. Tires that are removed from vehicles and part of a state tire collection program are not considered discarded and therefore not a RCRA solid waste. However, tires not managed under a state tire collection program and "dump" tires are considered a solid waste and must be processed to be exempt from the definition of solid waste. This creates a situation that may make it difficult and more costly to clean up tire dumps, since those tires will have to be managed differently from other tires. Tires in dumps represent about 3-5% of tires managed by Oklahoma's tire recycling program.

#### ***Coal Combustion Residues***

Coal combustion residues (CCRs) from power generation are currently regulated under state waste laws. EPA recently proposed alternative options to regulate CCRs, one of which would regulate them as a Resource Conservation and Recovery Act (RCRA) hazardous waste. CCRs have been successfully used in many construction projects, especially road construction. Regulation of the material as a hazardous waste may significantly curtail this beneficial use. DEQ has provided written comments to EPA on this proposed action and the potential adverse impacts on beneficial use.

A bill (HR 2273) is under consideration in Congress to address the issue. In general, it would allow states to operate their own CCR programs as long as they meet certain baseline criteria.

## **WATER QUALITY DIVISION (WQD)**

### ***General***

EPA currently has more than 20 rulemaking actions scheduled for January 2012 through 2014. These range from new effluent limitation guidelines to major program implementation for wastewater. For drinking water, the changes range from modifications of existing rules to new regulations triggered by an excess of media attention. The rules described below are expected to have the most impact to state water programs at DEQ in the next one to two years.

### ***Safe Drinking Water Act Rules***

DEQ is not at this time seeking primacy to implement several rules under the Safe Drinking Water Act that are currently implemented by EPA. DEQ has been unable to implement three rules: Stage 2 Disinfection By-Product Rule (contains new provisions to limit presence of by-products formed through the disinfection process and applies the standards to purchase water systems for the first time), Long-Term 2 Enhanced Surface Water Treatment Rule (requires monitoring for Cryptosporidium and new procedures for certain storage tanks) and Ground Water Rule (requires additional assessment, and monitoring and compliance for PWS wells). This has led to confusion by municipalities regarding which agency to contact and what to expect from the two agencies, which tend to take different enforcement approaches. DEQ will be working with EPA to get an understanding of workload and costs in order to determine if or when DEQ will seek primacy for those rules.

Additionally, EPA has announced its intention to regulate perchlorate and hexavalent chromium and to modify the Arsenic Rule. These will require additional staff time for compliance assistance, inspections and enforcement. The cost of implementation and level of DEQ funding will determine whether EPA or DEQ will administer the proposed rules.

### ***Clean Water Act Rules***

The Cooling Water Intake Rule (to reduce impacts to aquatic life from impingement and entrainment) is expected to be finalized in the next few months. It will increase the workload for the WQD's permitting staff when drafting permit renewals for the majority of the facilities the WQD regulates. The Electronic Reporting Rule (mandating that all required National Pollutant Discharge Elimination System reports, Notices of Intent and Notices of Termination be filed electronically into the federal data system) is scheduled to be finalized in early 2012. EPA estimates the costs to states to implement in the millions of dollars. However, EPA asserts that the cost will be recovered in the second or third year. The NPDES Program Update Rule will be proposed in two phases. It will have a wide range of impacts to program implementation and to the regulated community. Only Phase I has been shared with states and it contains 16 changes (including application form updates, changes to administrative processes, change to definition of criminal acts, etc.). Preliminary estimates indicate this rule will cause a four- to five-fold increase in workload for the WQD permit writers.

## **STATE ENVIRONMENTAL LABORATORY SERVICES DIVISION (SELS)**

### ***Analysis of Drinking Water Samples under Stage 2 Disinfection Byproducts Rule***

On January 4, 2006, the Stage 2 Disinfection Byproducts Rule went into effect. While DEQ has not assumed primacy for the rule, the SELS began analyzing Public Water Supply compliance samples in support of the program. Data reporting to EPA was problematic, requiring many technical assistance man-hours in responding to system sampling questions and in data submittal and communications with EPA. Beginning in January 2012, EPA will require systems serving populations less than 10,000 to begin sampling and testing for Stage 2 disinfection byproducts. This will increase SELS's technical and administrative workload for small communities.

### ***Method Update Rule (MUR)***

Revisions to 40 CFR parts 136, 260, 423, 430, 435: Guidance for Establishing Test Procedure for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures are scheduled to be finalized by the end of 2011. The MUR provides the guidelines for the testing of pollutants in wastewater and industrial discharges. It is anticipated the rule will require significant changes for the testing of mercury and will expand the QA/QC requirements related to the generation and submittal of permit compliance data. This will affect the analyses and data submitted by hundreds of wastewater laboratories. Additionally, rule changes will be required for the SELS Laboratory Accreditation Program and programs within the Water Quality Division. Since it will take DEQ one to two years to revise and implement the rules, the MUR will not affect the laboratories or the permitted facilities for one to two years.

## III. LEGISLATIVE RECOMMENDATIONS

The following are DEQ's proposals for "request" bills for the 2012 Oklahoma regular legislative session.

### **CLARIFICATION OF RADIATION SOURCE EXEMPTIONS**

In the 2011 legislative session, the Oklahoma Legislature passed and the Governor signed a Department of Public Safety request bill that, in part, was designed to clarify that law enforcement "bomb squads" are not subject to DEQ licensing and regulation in their use of radiation-containing bomb detection equipment. The language was added to a statutory section that already exempted "the use of sources of radiation by diagnostic x-ray facilities" from DEQ regulation.

DEQ agrees with the intent of these exemptions, but the exemption language used is unnecessarily broad, and could put at risk DEQ's Agreement State status with the U.S. Nuclear Regulatory Commission. Rather than wholesale exempting "sources of radiation" used by diagnostic x-ray facilities and bomb squads, it would be more appropriate and precise – and more consistent with DEQ's Agreement State obligations – for the statute to exempt "electronic products that utilize radiation" for diagnosis or for bomb detection. DEQ proposes to refine the statute in this way.

### **CONFIDENTIALITY OF CERTAIN INFORMATION FOR HOMELAND SECURITY REASONS**

The U.S. Nuclear Regulatory Commission (NRC) provides guidance to Agreement States on the need to protect certain types of information from disclosure due to security concerns. DEQ proposes to seek legislation that would authorize DEQ to maintain as exempt from public disclosure information regarding sources of radiation in quantities determined by the NRC to be significant to public health and safety, if the disclosure of such information could reasonably be expected to compromise public health and safety by increasing the likelihood of theft, diversion, or sabotage. This measure would be akin to the statutory amendment several years ago allowing "vulnerability assessments" for water systems and wastewater systems to be maintained as confidential.

### **REGULATION OF ROOFING SHINGLE ACCUMULATION SITES**

DEQ has learned that several entities in the state are collecting huge volumes of waste roofing shingles, claiming that they plan to recycle them into road materials or for other uses. To date, there is no evidence that there is any such recycling occurring, nor any indication whether or when that will actually occur. Because of the environmental risks associated with these massive and growing piles, DEQ is proposing legislation to clarify DEQ's authority to permit and regulate these accumulation sites. Regulatory requirements would likely include a stormwater plan, volume-based fee, and financial assurance.

## Administrative Hearings 2011-2012

Facility or Individual	Nature of Hearing	Outcome
Terra International (Oklahoma) 10-353	Permit modification	Administrative Hearing, Appealed to District Court.
Vacuum & Pressure Tank Truck Services 09-289	Hazardous Waste violation	Administrative Hearing scheduled for October 2012.
Lafarge Building Materials and Systech Environmental Corporation 11-057	Tier III permit modification	Administrative Hearing. A final order issued dismissing the case.
Andy Monson 11-222	Improper Soil Profile	Administrative Hearing. A final order issued and a fine assessed and paid.

## Criminal Investigation Statistics

	Total
Preliminary investigations	16
New cases opened	6
Cases carried over	10
Search warrants/consent search	3
Misdemeanor charges filed	2
Felony charges filed	20
Arrests made	2
Misdemeanor convictions	4
Felony convictions	4
Court testimony	2
Months of prison/jail imposed	0
Months suspended or deferred sentence imposed	78
Criminal fines imposed	\$5,130.00
Restitution imposed	\$5,235.16



OKLAHOMA  
DEPARTMENT OF ENVIRONMENTAL QUALITY