

**MINUTES
ENVIRONMENTAL QUALITY BOARD
NOVEMBER 9, 2016
CAROLYN RENFRO EVENT CENTER
PONCA CITY, OKLAHOMA**

Official EQB Approved
On February 17, 2017

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Carolyn Renfro Event Center, 445 Fairview Avenue Ponca City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 20, 2015. The agenda was mailed to interested parties on October 31, 2016, and was posted at the DEQ and the facility on November 8, 2016. Ms. Jan Kunze, Chair, called the meeting to order. Ms. Kunze introduced Homer Nicholson, Mayor of Ponca City and who is on the Environmental Quality Board to give the welcome. Ms. Kunze then talked on safety precautions in case of an emergency. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Daniel Blankenship
Shannon Ferrell
David Griesel
Tracy Hammon
Jimmy Kinder
Jan Kunze
Steve Mason
Tim Munson
Homer Nicholson
Billy Sims
Loretta Turner
John Wendling

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Martha Penisten, General Counsel
Michelle Wynn, Legislative Liaison
Eddie Terrill, Air Quality Division
Catherine Sharp, Administrative Services Division
Chris Armstrong, State Environmental Laboratory Services
Kelly Dixon, Land Protection Division
Mike Edwards, Land Protection Division
Lloyd Kirk, Office of External Affairs
Mike Broderick, Land Protection Division
Richard McDaniel, Environmental Complaints & Local Services
Bruce Vande Lune, Environmental Complaints & Local Services
Shellie Chard, Water Quality Division
Gary Collins, Environmental Complaints & Local Services
Saba Tahmassebi, Engineering Manager
Jon Roberts, Office of External Affairs
Mark Hildebrand, Water Quality Division
Alisha Barham, Water Quality Division
Skylar McElhane, Office of External Affairs
Erin Hatfield, Office of External Affairs
Cindy Przekurat, Executive Director's Office
Kathy Aebischer, Administrative Services Division
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Cheryl Vaught

OTHERS PRESENT

Clayton Eubanks, Office of the Attorney General
Lee Grater, Hazardous Waste Management Advisory Council
Duane Winegardner, Water Quality Management Advisory Council
George MacDurmon, Radiation Management Advisory Council
Gerald Butcher, Air Quality Advisory Council
Lynette Wrany, Court Reporter

Approval of Minutes – Mr. Kinder moved to approve the Minutes from the September 13, 2016 Regular Meeting. Dr. Hammon made the second.

transcript pages 7 - 9

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes

Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Kunze called upon Mr. Gerald Butcher, Chair of the Air Quality Advisory Council (AQAC), to present the rule. Mr. Butcher stated that the DEQ proposes to amend several definitions in OAC 252:100, Subchapter 1 (General Provisions) to make them consistent with those promulgated by EPA. This will ensure that the State’s rules are no less stringent than the federal rules and that DEQ will retain the Prevention of Significant Deterioration (PSD) and Title V permitting programs. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Munson made the second.

transcript pages 9 - 13

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Mr. Butcher stated that the DEQ also proposes to amend OAC 252:100, Subchapter 8 (Part 5. Permits for Part 70 Sources; Part 7. PSD Requirements for Attainment Areas; and Part 9. Major Sources Affecting Nonattainment Areas). These amendments include changes to various definitions; revisions to the PM_{2.5} exemption from ambient pre-construction monitoring requirements; revisions to remove and reserve the PM_{2.5} significant impact levels consistent with federal rules; and amendment of the incorporation date for NSR emission offsets from July 1, 2010 to April 6, 2015, in Subchapter 8. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Griesel made the second.

transcript pages 9 - 13

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Mr. Butcher stated that the DEQ proposes to amend OAC 252:100, Appendix Q (Incorporation by Reference) in order to incorporate the latest changes to EPA regulations, including new requirements pertaining to Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units and pertaining to National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources. Additionally, DEQ proposes to update language in Subchapter 2 (Incorporation by Reference) to reflect the latest date of incorporation of EPA regulations. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Griesel moved to approve and Mr. Ferrell made the second.

transcript pages 14 - 15

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Report on Rulemaking Petition – Mr. Butcher stated that on September 27, 2016, DEQ received a Petition for Rulemaking from the Oklahoma Department of Labor (DOL) requesting a rule requiring that asbestos inspection reports be sent to DEQ prior to the commencement of demolition or renovation activities. DEQ’s Rules of Practice and Procedure (OAC 252:4) require

DEQ to refer a rulemaking petition filed with the agency to the appropriate Council and to advise the Board of the status of the rulemaking petition. Upon receipt of the Petition for Rulemaking, the DEQ referred it to the AQAC. The AQAC granted DOL's petition at the October 12, 2016 AQAC meeting. In response the Department has begun working with DOL on possible rule changes. This report is to advise the Board of the status of the Petition. No action by the Board was required.

transcript pages 15 - 16

Rulemaking – OAC 252:205 Hazardous Waste Management – Ms. Kunze called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC), to present the rule. Mr. Grater stated that the DEQ proposes to amend OAC 252:205, Subchapter 3 (Incorporation by Reference) in order to update the date of incorporation by reference of federal rules from July 1, 2015 to July 1, 2016. There were no significant new federal rule changes during this time period; however, 40 CFR 261.4(b)(18) will be reincorporated in order to correct an error from a previous rulemaking that resulted in state rules not being equivalent to the federal rules. Section 261.4(b)(18) was previously excluded because it specifically referred to the State of Utah and was thus not applicable in Oklahoma. This citation was subsequently reused by EPA for part of the new Solvent Wipes final rule, which relaxed the standards for management and disposal of solvent contaminated wipes. Reincorporation of this section will ensure that state rules are equivalent to the federal rules. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Sims moved to approve and Mr. Wendling made the second.

transcript pages 16 - 19

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:410 Radiation Management – Ms. Kunze called upon Mr. George MacDurmon, Chair of the Radiation Management Advisory Council (RMAC), to present the rule. Mr. MacDurmon stated that the DEQ proposes to amend Subchapters 1 and 10 in order to adopt recent revisions to Nuclear Regulatory Commission (NRC) regulations by updating the date for incorporation by reference from January 1, 2015 to January 1, 2016. The most significant revisions to be incorporated include consolidating requirements on reporting and protecting of Safeguards information from 10 CFR Parts 30 and 73 to Part 37; providing relief from fingerprinting and background check requirements for certain commercial vehicle drivers; and updating shipping requirements for certain radioactive materials. This rulemaking is necessary in order for DEQ's Radiation Management program to remain compatible with federal rules and maintain its Agreement State status as authorized by the NRC. Following no questions by the Board but by the public, Ms. Kunze called for a motion. Mr. Kinder moved to approve and Mr. Ferrell made the second.

transcript pages 19 - 26

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System – Ms. Kunze called upon Mr. Duane Winegardner, Chair of the Water Quality Management Advisory Council (WQMAC), to present the rule. Mr. Winegardner stated that the DEQ proposes to amend Subchapter 1 in order to adopt recent revisions to the federal regulations pertaining to wastewater

discharges by updating the date of incorporation by reference from July 1, 2015 to July 1, 2016. The most significant federal regulations to be incorporated by reference include electronic reporting for NPDES; effluent limitations and standards for the steam electric power generating industry; and pretreatment standards for unconventional oil and gas extraction facilities. This rulemaking is necessary in order for DEQ's OPDES program to remain compatible with federal rules and to ensure that DEQ retains primacy for administering the program in Oklahoma. Following a question by the Board and none by the public, Ms. Kunze called for a motion. Mr. Munson moved to approve and Mr. Nicholson made the second.

transcript pages 26 - 31

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:690 – Mr. Winegardner stated that the DEQ proposes to amend Subchapter 1 to adopt recent revisions to the federal regulations pertaining to water quality standards implementation in Oklahoma by updating the date of incorporation by reference from July 1, 2015 to July 1, 2016. The regulations incorporated include those described in the item above. Additionally, DEQ proposes to separate into two sections the date of incorporation by reference and the list of rules incorporated. This change is consistent with other DEQ rules and will facilitate future rulemaking since the date of incorporation must be updated more regularly than the list of rules. Following no questions or comments by the Board or by the public, Ms. Kunze called for a motion. Mr. Munson moved to approve and Dr. Hammon made the second.

transcript pages 31 - 33

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Consideration of and Action on the Annual Environmental Quality Report – Ms. Kunze called upon Mr. Jimmy Givens, Deputy Executive Director of the DEQ. Mr. Givens gave a presentation on the Annual Environmental Quality Report which must be approved by the Board prior to its submission to the Governor, Speaker of the House and Senate President Pro Tempore by January 1. The purpose of this report is to outline DEQ's annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. Following discussion, Ms. Kunze called for a motion from the Board. Mr. Wendling moved to approve the report, including modified language as proposed by Mr. Givens to recognize that the Hazardous Waste Generator Improvements rule is now final. Dr. Hammon made the second.

transcript pages 33 - 52

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Executive Director's Report – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency activities underway and legislative updates. Mr. Thompson called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2017 budget update.

transcript pages 52 - 70

Executive Session – Annual Performance Review of Executive Director – Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ. Ms. Kunze called for a motion to enter into executive session pursuant to 25 O.S. § 307(B)(1). Mr. Griesel moved to go into executive session and Mr. Kinder made the second. Ms. Turner was designated as the scribe for executive session.

transcript pages 71 - 73

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

In open session, Ms. Kunze called for a roll call vote to reconvene the Regular Board meeting.

transcript pages 73 - 74

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

Ms. Kunze thanked Mr. Thompson and staff in moving the agency forward. Ms. Kunze called for a motion on a specific recommendation of the Executive Director's annual performance review. Mr. Blankenship moved to approve and reaffirm the Board's approval of a raise for Mr. Thompson from last year and recommend that it be considered by Secretary Teague and to be implemented. Mr. Munson made the second.

transcript pages 75 - 78

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

New Business – None

Next Meeting – The next regular meeting is scheduled for February 17, 2017 in Norman, Oklahoma.

Adjournment – Ms. Kunze called for a motion to adjourn. Mr. Munson moved to adjourn and Mr. Ferrell made the second. Meeting adjourned at 12:40 p.m.

transcript pages 79 - 80

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Billy Sims	Yes
Tracy Hammon	Yes	Loretta Turner	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes

The transcript and sign-in sheet become an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD 3

MEETING and PUBLIC FORUM

NOVEMBER 9, 2016 - 9:30 A.M. 12

Carolyn Renfro Event Center
445 Fairview Avenue
Ponca City, Oklahoma

Reported by: Lynette H. Wrany, C.S.R. #1167 25



320 NW 13th STREET • OKLAHOMA CITY, OKLAHOMA 73103
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1 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
 2 ENVIRONMENTAL QUALITY BOARD

10 MEETING and PUBLIC FORUM
 11 NOVEMBER 9, 2016 - 9:30 A.M.

15 Carolyn Renfro Event Center
 16 445 Fairview Avenue
 17 Ponca City, Oklahoma

24 Reported by: Lynette H. Wrany, C.S.R. #1167

1

1 CALL TO ORDER - 9:30 A.M.

2 CHAIRMAN JAN KUNZE: If I can ask everybody
 3 to take a seat, I think it's time to get started. Our
 4 counsel just told me it's time to get started.

5 I'd like to say welcome to everybody to our
 6 November Environmental Quality Board meeting. I was
 7 tickled to get to come to Ponca City. And it is kind
 8 of a special situation.

9 I might ask everybody to come to order. I
 10 might have to make some people sit in the corner here
 11 in a minute.

12 But Homer Nicholson, who is on our Board, is
 13 also the Mayor of Ponca City. Is that not kind of
 14 cool? But I would like to ask Homer to give the
 15 welcome to everyone.

16 MR. HOMER NICHOLSON: Well, thank you, Jan.
 17 I appreciate it. Is this on? We got it on? How does
 18 it work? Okay. Technology confuses me.

19 But thanks everyone for coming to Ponca City
 20 this morning. We welcome you. And Ponca City is a
 21 very historic town and we have twelve tourism
 22 destinations; one of them being the Chief Standing
 23 Bear statue, which is the tallest bronze statue in
 24 Oklahoma. It's out Highway 60 and the 177 corner out
 25 there. And also a museum. And the Poncan Theater is

3

1 BOARD MEMBERS PRESENT:

2 Chairman Jan Kunze
 3 Vice-Chairman Tim Munson
 4 Mr. Daniel Blankenship
 5 Mr. Shannon Ferrell
 6 Mr. David Griesel
 7 Dr. Tracy Hammon
 8 Mr. James Kinder
 9 Mr. Steve Mason
 10 Mr. Homer Nicholson
 11 Mr. Billy Sims
 12 Ms. Loretta Turner
 13 Mr. John Wendling

9 BOARD MEMBERS ABSENT:

10 Ms. Cheryl Vaught

2

1 a vaudeville theater that still does performances and
 2 so forth. So we have a lot of things going on in
 3 Ponca.

4 In the last two or three years, our retail
 5 has grown significantly. We've added a lot of new
 6 national franchises and local businesses and
 7 rehabilitated some strip malls and so forth. And so,
 8 we've got a lot going. And appreciate everybody being
 9 here.

10 I hope that you have some time today, or
 11 whenever, to take in the town as much as you can. And
 12 especially, I'd like for you come back some weekend
 13 with your family and spend the weekend in Ponca.

14 I was telling someone a while ago, one thing
 15 that you do have to do is go to the airport and eat at
 16 Ricky's Mexican Restaurant. If you haven't been
 17 there, you have to make a point to go to Ricky's
 18 Mexican Restaurant. It has been in business 32 years
 19 and it is a very, very popular restaurant. People fly
 20 in to Ponca City every day just to eat lunch at
 21 Ricky's.

22 So anyway, with that, it is my pleasure to
 23 have you in Ponca City. It's another great day in
 24 Ponca City and thanks everyone for being here and hope
 25 you enjoy it.

4

1 CHAIRMAN JAN KUNZE: Thank you, Homer. And
 2 it is -- you did call out a good weather day for us.
 3 MR. HOMER NICHOLSON: Yes. Yes.
 4 CHAIRMAN JAN KUNZE: So thank you very much.
 5 I am calling to order the November 9th, 2016
 6 Regular Meeting of the Environmental Quality Board.
 7 And it has been called according to the Oklahoma Open
 8 Meeting Act, Section 311 of Title 25 of the Oklahoma
 9 Statutes.
 10 Notice was filed with the Secretary of State
 11 on October 20th, 2015. Agendas were mailed to
 12 interested parties on October 31st of this year and
 13 were posted at the DEQ and the facility on November
 14 8th, 2016. Only matters appearing on the posted
 15 agenda may be considered.
 16 If this meeting is continued or reconvened,
 17 we must announce today the date, time, and place of
 18 the continued meeting and the agenda for such
 19 continuation will remain the same as today's agenda.
 20 A couple of housekeeping issues. I was going
 21 to announce the restrooms are just out the door over
 22 here over on this side and back in this corner. And
 23 then, in the event of an emergency, we would evacuate
 24 through the south doors. And I think most people
 25 parked out in the south parking lot. But we'll go out

5

1 VICE CHAIRMAN TIM MUNSON: Here.
 2 MS. QUIANA FIELDS: Mr. Nicholson?
 3 MR. HOMER NICHOLSON: Here.
 4 MS. QUIANA FIELDS: Mr. Sims?
 5 MR. BILLY SIMS: Here.
 6 MS. QUIANA FIELDS: Ms. Turner?
 7 MS. LORETTA TURNER: Here.
 8 MS. QUIANA FIELDS: Ms. Vaught is absent.
 9 Mr. Wendling?
 10 MR. JOHN WENDLING: Here.
 11 MS. QUIANA FIELDS: Ms. Kunze?
 12 CHAIRMAN JAN KUNZE: Here.
 13 MS. QUIANA FIELDS: We have a quorum.
 14 CHAIRMAN JAN KUNZE: Thank you. One other
 15 item I was going to mention. Following the conclusion
 16 of today's session, we have been invited to go on a
 17 tour, an optional tour, at the Phillips 66 Refinery.
 18 And several of the Board members have elected to do
 19 that. There will be no business conducted on that.
 20 It is simply a tour of the Phillips 66 facility and at
 21 the invitation of Tracy. So thank you very much.
 22 Move on to Item Number 4, which is the
 23 Approval of the Minutes from our September 13th, 2016
 24 Regular Meeting. The Board members had those in our
 25 packets. And I will ask if there are any comments or

7

1 through the south doors. If there was a storm, they
 2 do have a storm shelter available for us and we'll get
 3 instructions on that.
 4 At the conclusion of the meeting we will have
 5 the opportunity for a public forum. If there's
 6 anybody that would like to make a statement or discuss
 7 with us, there is a sign-up sheet back at the back
 8 table, and we would ask that you sign that to be
 9 included in the public forum following the conclusion
 10 of the meeting.
 11 And with that, Quiana, I'll ask you for a
 12 roll call.
 13 MS. QUIANA FIELDS: Mr. Blankenship?
 14 MR. DANIEL BLANKENSHIP: Present.
 15 MS. QUIANA FIELDS: Mr. Ferrell?
 16 MR. SHANNON FERRELL: Present.
 17 MS. QUIANA FIELDS: Mr. Griesel?
 18 MR. DAVID GRIESEL: Present.
 19 MS. QUIANA FIELDS: Dr. Hammon?
 20 DR. TRACY HAMMON: Present.
 21 MS. QUIANA FIELDS: Mr. Kinder?
 22 MR. JAMES KINDER: Here.
 23 MS. QUIANA FIELDS: Mr. Mason?
 24 MR. STEVE MASON: Yes.
 25 MS. QUIANA FIELDS: Mr. Munson?

6

1 questions about that.
 2 And if not, I'll be looking for a motion to
 3 approve.
 4 MR. JAMES KINDER: I move to approve.
 5 DR. TRACY HAMMON: Second.
 6 CHAIRMAN JAN KUNZE: I have a motion and a
 7 second. Quiana, a roll call?
 8 MS. QUIANA FIELDS: Mr. Blankenship?
 9 MR. DANIEL BLANKENSHIP: Yes.
 10 MS. QUIANA FIELDS: Mr. Ferrell?
 11 MR. SHANNON FERRELL: Yes.
 12 MS. QUIANA FIELDS: Mr. Griesel?
 13 MR. DAVID GRIESEL: Yes.
 14 MS. QUIANA FIELDS: Dr. Hammon?
 15 DR. TRACY HAMMON: Yes.
 16 MS. QUIANA FIELDS: Mr. Kinder?
 17 MR. JAMES KINDER: Yes.
 18 MS. QUIANA FIELDS: Mr. Mason?
 19 MR. STEVE MASON: Yes.
 20 MS. QUIANA FIELDS: Mr. Munson?
 21 VICE CHAIRMAN TIM MUNSON: Yes.
 22 MS. QUIANA FIELDS: Mr. Nicholson?
 23 MR. HOMER NICHOLSON: Yes.
 24 MS. QUIANA FIELDS: Mr. Sims?
 25 MR. BILLY SIMS: Yes.

8

1 MS. QUIANA FIELDS: Ms. Turner?
 2 MS. LORETTA TURNER: Yes.
 3 MS. QUIANA FIELDS: Mr. Wendling?
 4 MR. JOHN WENDLING: Yes.
 5 MS. QUIANA FIELDS: Ms. Kunze?
 6 CHAIRMAN JAN KUNZE: Yes.
 7 MS. QUIANA FIELDS: Motion passed.
 8 CHAIRMAN JAN KUNZE: Thank you. Item Number
 9 5 is the rulemaking on the Air Pollution Control
 10 items. And I'm going to turn it over for a
 11 presentation from Gerald Butcher, who is the Chair of
 12 the Air Quality Advisory Council. Gerald?
 13 MR. GERALD BUTCHER: Good morning. The Air
 14 Quality Advisory Council considered Agenda Items 5A
 15 and 5B together in the October meeting. Because of
 16 the proposed changes to the two subchapters, one,
 17 definitions that are related and the proposed changes
 18 to Subchapter 8, therefore I will do the proposed
 19 changes to the two affected subchapters together, but
 20 I understand that the Board would need to vote on
 21 Items 5A and 5B under separate motions.
 22 The Department proposes amendment to the
 23 several provisions of OAC 252:100, Subchapter 1,
 24 General Provisions, and Subchapter 8, Permits for Part
 25 70 Sources and Major New Source Review primarily to

9

1 At that time I will ask if we have a motion?
 2 MR. SHANNON FERRELL: Move for acceptance.
 3 CHAIRMAN JAN KUNZE: We have a motion. Do I
 4 have a second?
 5 VICE CHAIRMAN TIM MUNSON: Second.
 6 MR. CLAYTON EUBANKS: Can I have a
 7 clarification? Are we just voting on A?
 8 CHAIRMAN JAN KUNZE: I was going to say --
 9 Wait. I was going to say at this point we are going
 10 to vote on them separately. So the motion is for A?
 11 MR. SHANNON FERRELL: Yes.
 12 CHAIRMAN JAN KUNZE: Okay. Quiana, roll
 13 call?
 14 MS. QUIANA FIELDS: Mr. Blankenship?
 15 MR. DANIEL BLANKENSHIP: Yes.
 16 MS. QUIANA FIELDS: Mr. Ferrell?
 17 MR. SHANNON FERRELL: Yes.
 18 MS. QUIANA FIELDS: Mr. Griesel?
 19 MR. DAVID GRIESEL: Yes.
 20 MS. QUIANA FIELDS: Dr. Hammon?
 21 DR. TRACY HAMMON: Yes.
 22 MS. QUIANA FIELDS: Mr. Kinder?
 23 MR. JAMES KINDER: Yes.
 24 MS. QUIANA FIELDS: Mr. Mason?
 25 MR. STEVE MASON: Yes.

11

1 align the Department's definitions with those
 2 promulgated under EPA.
 3 A number of changes would remove or update
 4 language in response to a federal court decision, EPA
 5 rule changes and the deficiencies identified during
 6 the EPA Region 6 SIP submittals. The proposed changes
 7 are intended to make certain that the state's rules
 8 are not less stringent than the federal rules and,
 9 thereby, ensure the Department obtained the approval
 10 of the PSD and Title V programs.
 11 Notice of the proposed rule changes was
 12 published in the *Oklahoma Register* on September 1st of
 13 this year. The Department received no comments prior
 14 to or during the October Air Quality Advisory Council
 15 meeting and the Council unanimously approved the
 16 proposal at that meeting.
 17 As Chair of the Air Quality Council, I
 18 recommend that the Board approve the proposed
 19 Subchapter 1 and Subchapter 8 revisions as permanent
 20 rules.
 21 CHAIRMAN JAN KUNZE: I will ask if there are
 22 any questions or discussion by the Board? Any
 23 questions?
 24 Are there any questions, comments or
 25 discussion by the public?

10

1 MS. QUIANA FIELDS: Mr. Munson?
 2 VICE CHAIRMAN TIM MUNSON: Yes.
 3 MS. QUIANA FIELDS: Mr. Nicholson?
 4 MR. HOMER NICHOLSON: Yes.
 5 MS. QUIANA FIELDS: Mr. Sims?
 6 MR. BILLY SIMS: Yes.
 7 MS. QUIANA FIELDS: Ms. Turner?
 8 MS. LORETTA TURNER: Yes.
 9 MS. QUIANA FIELDS: Mr. Wendling?
 10 MR. JOHN WENDLING: Yes.
 11 MS. QUIANA FIELDS: Ms. Kunze?
 12 CHAIRMAN JAN KUNZE: Yes.
 13 MS. QUIANA FIELDS: Motion passed.
 14 CHAIRMAN JAN KUNZE: Thank you. And I'll ask
 15 the same for Item Number B. Do I have any questions,
 16 comments from the Board?
 17 Any questions, comments or discussion from
 18 the public?
 19 And if not, I will look for a motion.
 20 MR. SHANNON FERRELL: I move for acceptance
 21 of Item 5B.
 22 CHAIRMAN JAN KUNZE: Okay.
 23 MR. DAVID GRIESEL: Second.
 24 CHAIRMAN JAN KUNZE: I have a motion and a
 25 second. Roll call?

12

1 MS. QUIANA FIELDS: Mr. Blankenship?
 2 MR. DANIEL BLANKENSHIP: Yes.
 3 MS. QUIANA FIELDS: Mr. Ferrell?
 4 MR. SHANNON FERRELL: Yes.
 5 MS. QUIANA FIELDS: Mr. Griesel?
 6 MR. DAVID GRIESEL: Yes.
 7 MS. QUIANA FIELDS: Dr. Hammon?
 8 DR. TRACY HAMMON: Yes.
 9 MS. QUIANA FIELDS: Mr. Kinder?
 10 MR. JAMES KINDER: Yes.
 11 MS. QUIANA FIELDS: Mr. Mason?
 12 MR. STEVE MASON: Yes.
 13 MS. QUIANA FIELDS: Mr. Munson?
 14 VICE CHAIRMAN TIM MUNSON: Yes.
 15 MS. QUIANA FIELDS: Mr. Nicholson?
 16 MR. HOMER NICHOLSON: Yes.
 17 MS. QUIANA FIELDS: Mr. Sims?
 18 MR. BILLY SIMS: Yes.
 19 MS. QUIANA FIELDS: Ms. Turner?
 20 MS. LORETTA TURNER: Yes.
 21 MS. QUIANA FIELDS: Mr. Wendling?
 22 MR. JOHN WENDLING: Yes.
 23 MS. QUIANA FIELDS: Ms. Kunze?
 24 CHAIRMAN JAN KUNZE: Yes.
 25 MS. QUIANA FIELDS: Motion passed.

13

1 MR. DAVID GRIESEL: Yes.
 2 MS. QUIANA FIELDS: Dr. Hammon?
 3 DR. TRACY HAMMON: Yes.
 4 MS. QUIANA FIELDS: Mr. Kinder?
 5 MR. JAMES KINDER: Yes.
 6 MS. QUIANA FIELDS: Mr. Mason?
 7 MR. STEVE MASON: Yes.
 8 MS. QUIANA FIELDS: Mr. Munson?
 9 VICE CHAIRMAN TIM MUNSON: Yes.
 10 MS. QUIANA FIELDS: Mr. Nicholson?
 11 MR. HOMER NICHOLSON: Yes.
 12 MS. QUIANA FIELDS: Mr. Sims?
 13 MR. BILLY SIMS: Yes.
 14 MS. QUIANA FIELDS: Ms. Turner?
 15 MS. LORETTA TURNER: Yes.
 16 MS. QUIANA FIELDS: Mr. Wendling?
 17 MR. JOHN WENDLING: Yes.
 18 MS. QUIANA FIELDS: Ms. Kunze?
 19 CHAIRMAN JAN KUNZE: Yes.
 20 MS. QUIANA FIELDS: Motion passed.
 21 CHAIRMAN JAN KUNZE: Thank you. Gerald,
 22 you're three for three. You want to go for four?
 23 MR. GERALD BUTCHER: Yeah. I don't think
 24 this one takes much action. So -- the Department
 25 received a petition for rulemaking from the Department

15

1 CHAIRMAN JAN KUNZE: Gerald, you want to move
 2 on to Item C?
 3 MR. GERALD BUTCHER: Yes. The Department is
 4 proposing to update language in Subchapter 2,
 5 Incorporation by Reference, to reflect the new date of
 6 incorporation for Appendix Q, updated as of September
 7 1st of this year. The proposal is part of the annual
 8 update of the Title 40 Code of Federal Regulation and
 9 Incorporation by Reference in Chapter 100.
 10 CHAIRMAN JAN KUNZE: Any questions or
 11 comments from the Board?
 12 Questions, comments or discussion from the
 13 public?
 14 If being none, I'll ask if there's a motion
 15 for Item Number 5C?
 16 MR. DAVID GRIESEL: So move.
 17 MR. SHANNON FERRELL: Second.
 18 CHAIRMAN JAN KUNZE: I have a motion and
 19 several seconds. I'll let Quiana figure that out and
 20 ask for the roll call.
 21 MS. QUIANA FIELDS: Mr. Blankenship?
 22 MR. DANIEL BLANKENSHIP: Yes.
 23 MS. QUIANA FIELDS: Mr. Ferrell?
 24 MR. SHANNON FERRELL: Yes.
 25 MS. QUIANA FIELDS: Mr. Griesel?

14

1 of Labor on September 27th of this year. The DOL has
 2 requested a change that would require the owner or
 3 operator of all demolition or renovation activities to
 4 submit to the Department a copy of all asbestos
 5 inspection surveys at least 10 working days before the
 6 announcement of the demolition or renovation activity
 7 began.
 8 The Air Quality Advisory Council granted
 9 DOL's petition at the meeting on October 12th. In
 10 response, the Department has begun working with the
 11 DOL on possible rule change.
 12 CHAIRMAN JAN KUNZE: Questions or discussion
 13 by the Board? Any comments?
 14 Questions, comments or discussion by the
 15 public?
 16 Do I have a motion? Requires no action.
 17 MR. DANIEL BLANKENSHIP: No action required.
 18 CHAIRMAN JAN KUNZE: Got it. Thank you,
 19 Gerald.
 20 MR. GERALD BUTCHER: Thank you.
 21 CHAIRMAN JAN KUNZE: Agenda Item Number 7 is
 22 the Hazardous Waste Management rules. And I'll ask
 23 Mr. Lee Grater, who's the Chair of the Hazardous Waste
 24 Management Advisory Council.
 25 MR. LEE GRATER: Good morning. The Hazardous

16

1 Waste Management Advisory Council met on October 13th,
 2 where we voted unanimously to approve the DEQ's
 3 proposed amendment. The purpose of the proposed
 4 amendment is to incorporate by reference the Federal
 5 Hazardous Waste Regulations found in 40 CFR, Parts 124
 6 and 260 through 279, revised as of July 1st, 2016.
 7 There were no new hazardous waste rules during this
 8 time.

9 The purpose of the rulemaking is to ensure
 10 the state rules are equivalent to federal rules by
 11 reincorporating Part 261 without excluding 261.4
 12 Subpart (B)(18), which was originally excluded because
 13 it referred specifically to Utah.

14 When EPA reused this citation for the Solvent
 15 Contaminated Wipes rule, the DEQ mistakenly maintained
 16 the exclusion. Therefore, the incorporation by
 17 reference will correct this error. By correcting that
 18 error, the DEQ ensures that the authorized hazardous
 19 waste program remains equivalent to the federal
 20 program.

21 The Hazardous Waste Council voted unanimously
 22 to approve the rulemaking and recommends that the
 23 Board approve this rule. Thank you.

24 CHAIRMAN JAN KUNZE: I'll ask the Board if
 25 there's any questions or discussion?

17

1 MR. BILLY SIMS: Yes.
 2 MS. QUIANA FIELDS: Ms. Turner?
 3 MS. LORETTA TURNER: Yes.
 4 MS. QUIANA FIELDS: Mr. Wendling?
 5 MR. JOHN WENDLING: Yes.
 6 MS. QUIANA FIELDS: Ms. Kunze?
 7 CHAIRMAN JAN KUNZE: Yes.
 8 MS. QUIANA FIELDS: Motion passed.
 9 CHAIRMAN JAN KUNZE: Thank you, Lee.
 10 MR. LEE GRATER: Thank you.

11 CHAIRMAN JAN KUNZE: Item Number 8 brings us
 12 to the rulemaking on the Radiation Management. And
 13 I'll ask Mr. George MacDurmon, who Chairs the
 14 Radiation Management Advisory Council, for a
 15 presentation.

16 MR. GEORGE MACDURMON: Good morning. The
 17 U.S. Nuclear Regulatory Commission has transferred
 18 most authority over radioactive materials in Oklahoma
 19 to the DEQ's Radiation Management section. One of the
 20 conditions of that transfer is the DEQ must maintain
 21 rules that are adequate to protect workers in the
 22 public and compatible with NRC regulations.

23 To keep this adequate and compatible status,
 24 DEQ adopts the NRC rules by reference. This means
 25 that periodically we must update our adoption by

19

1 Do we have any questions, comments or
 2 discussion by the public?

3 I will ask if we have a motion from the
 4 Board?

5 MR. BILLY SIMS: So moved.

6 MR. JOHN WENDLING: Second.

7 CHAIRMAN JAN KUNZE: We have a motion and a
 8 second. Quiana, roll call.

9 MS. QUIANA FIELDS: Mr. Blankenship?

10 MR. DANIEL BLANKENSHIP: Yes.

11 MS. QUIANA FIELDS: Mr. Ferrell?

12 MR. SHANNON FERRELL: Yes.

13 MS. QUIANA FIELDS: Mr. Griesel?

14 MR. DAVID GRIESEL: Yes.

15 MS. QUIANA FIELDS: Dr. Hammon?

16 DR. TRACY HAMMON: Yes.

17 MS. QUIANA FIELDS: Mr. Kinder?

18 MR. JAMES KINDER: Yes.

19 MS. QUIANA FIELDS: Mr. Mason?

20 MR. STEVE MASON: Yes.

21 MS. QUIANA FIELDS: Mr. Munson?

22 VICE CHAIRMAN TIM MUNSON: Yes.

23 MS. QUIANA FIELDS: Mr. Nicholson?

24 MR. HOMER NICHOLSON: Yes.

25 MS. QUIANA FIELDS: Mr. Sims?

18

1 reference to the latest version, and that's what we
 2 are doing today, updating to the NRC rules dated
 3 January 1st, 2016.

4 The update has numerous small changes. Some
 5 of the more important ones include consolidating
 6 requirements on protecting safeguards information, a
 7 type of security-related information, into a single
 8 location in the rules, rather than having them spread
 9 throughout the rules.

10 10 CFR 37, which includes the general
 11 requirements for radioactive material, is updated to
 12 give relief from fingerprinting and background checks
 13 to certain commercial vehicle drivers. Licensees
 14 don't have control over these drivers.

15 The Federal Department of Transportation has
 16 its own system of background checks for those drivers
 17 and package handlers. It's not identical to Part 37,
 18 but was deemed by the NRC to be adequate.

19 Requirements for shipping radioactive
 20 materials were updated to harmonize with the
 21 International Atomic Energy Agency transportation
 22 requirements. This is important when radioactive
 23 materials are shipped internationally, which happens
 24 surprisingly often. A standard criteria is necessary
 25 for marking and controlling packages. The U.S. is

20

1 committed by treaty to keep our rules updated and
2 consistent, as this rulemaking does.

3 There are numerous miscellaneous corrections,
4 such as fixing typographical errors, changing titles
5 of NRC officials, updating a website address, and
6 capitalizing the word "Tribe" in numerous locations.

7 The proposed rules are not expected to have
8 any adverse effect on Oklahoma licensees. No comments
9 from Oklahoma licensees were received by the DEQ, but
10 the NRC submitted one comment on the original draft.

11 The original draft correctly did not adopt
12 certain federal rules that are reserved to the NRC.
13 NRC asked that we amend the proposed changes to
14 specify that those reserved rules as excluded from --
15 are excluded from the DEQ rules.

16 The DEQ Staff brought an amended proposal to
17 the Council and the Council accepted the changes and
18 our recommendation.

19 On behalf of the Radiation Management
20 Advisory Council, I request the Board approve these
21 proposed amendments.

22 CHAIRMAN JAN KUNZE: Do we have any questions
23 or discussion from the Board?

24 Any questions or discussion or comments from
25 the public?

21

1 radiation source hadn't been handled, but several
2 other tools and stuff had been taken from the vehicle.

3 Will this announce better safeguards as far
4 as those vehicles being at homes? In my opinion, they
5 should be actually in a manufacturer's yard or safe
6 yard, rather than at a home.

7 MR. GEORGE MACDURMON: Mike, do you want
8 to --

9 MR. MIKE BRODERICK: I'm Mike Broderick. I'm
10 the Manager of the Radiation section here.

11 Would it be fair to say the gist of your
12 question is you feel that radioactive sources should
13 not be stored --

14 MR. STEVE MARQUARDT: At homes.

15 MR. MIKE BRODERICK: -- in neighborhoods, but
16 should only be stored at an industry?

17 MR. STEVE MARQUARDT: Right.

18 MR. MIKE BRODERICK: We adopt the Nuclear
19 Regulatory Commission Rules by reference. And under
20 the Nuclear Regulatory Commission, the way they do
21 things, you are allowed to store things on temporary
22 job sites or in locations like that.

23 We don't have a rule that prohibits that from
24 being in residences, because the NRC does not. Some
25 states have adopted a rule like that, which would

23

1 Yes? Sir, can I -- I might ask you to go to
2 the microphone.

3 MR. STEVE MARQUARDT: In the process of
4 radiation vehicles being in neighborhoods, because
5 they work for certain companies, --

6 CHAIRMAN JAN KUNZE: Can you move to the
7 microphone?

8 MR. STEVE MARQUARDT: Does this allow for
9 those safeguards --

10 MR. GEORGE MACDURMON: It might be easier if
11 you go to the microphone.

12 CHAIRMAN JAN KUNZE: It might be best if you
13 go to a microphone and identify yourself. Would that
14 be okay? Thank you.

15 MR. STEVE MARQUARDT: In regards to the
16 safeguards for vehicles, radiation vehicles, being in
17 neighborhoods here in Oklahoma?

18 MR. STEVE MASON: Excuse me, sir. It would
19 help me to understand your comments. Can you remind
20 me who you are, please?

21 MR. STEVE MARQUARDT: My name is Steve
22 Marquardt. I'm with the Blackwell City Council,
23 Blackwell, Oklahoma.

24 Six years ago, we had a vehicle stolen from a
25 neighborhood and eventually it was found. The

22

1 likely prohibit basically storage in neighborhoods.
2 We don't do that, because we generally try to just
3 keep to the federal rules.

4 If there is a sentiment in favor of that, you
5 know, then we could consider adopting that. Some
6 states have done that, but we have not done that here,
7 because we're keeping to the straight and narrow of
8 the federal rules.

9 MR. STEVE MARQUARDT: So there's nothing on
10 the federal rules for that regulation?

11 MR. MIKE BRODERICK: We don't have a
12 regulation that prohibits storing in neighborhoods,
13 no.

14 MR. STEVE MARQUARDT: Okay. Thank you.

15 CHAIRMAN JAN KUNZE: And that might be a good
16 question, maybe an opportunity to visit with your
17 Radiation Advisory Council about that issue in the
18 future.

19 MR. GEORGE MACDURMON: Sure.

20 CHAIRMAN JAN KUNZE: Would that be
21 acceptable?

22 MR. GEORGE MACDURMON: Absolutely.

23 CHAIRMAN JAN KUNZE: Thank you. Do we have
24 any other comments or discussion by the public? With
25 that, I will ask the Board if we have a motion?

24

1 MR. JAMES KINDER: I'll make the motion that
 2 we approve the Radiation Management request.
 3 MR. SHANNON FERRELL: Second.
 4 CHAIRMAN JAN KUNZE: I have a motion and a
 5 second. Quiana, can we have a roll call?
 6 MS. QUIANA FIELDS: Mr. Blankenship?
 7 MR. DANIEL BLANKENSHIP: Yes.
 8 MS. QUIANA FIELDS: Mr. Ferrell?
 9 MR. SHANNON FERRELL: Yes.
 10 MS. QUIANA FIELDS: Mr. Griesel?
 11 MR. DAVID GRIESEL: Yes.
 12 MS. QUIANA FIELDS: Dr. Hammon?
 13 DR. TRACY HAMMON: Yes.
 14 MS. QUIANA FIELDS: Mr. Kinder?
 15 MR. JAMES KINDER: Yes.
 16 MS. QUIANA FIELDS: Mr. Mason?
 17 MR. STEVE MASON: Yes.
 18 MS. QUIANA FIELDS: Mr. Munson?
 19 VICE CHAIRMAN TIM MUNSON: Yes.
 20 MS. QUIANA FIELDS: Mr. Nicholson?
 21 MR. HOMER NICHOLSON: Yes.
 22 MS. QUIANA FIELDS: Mr. Sims?
 23 MR. BILLY SIMS: Yes.
 24 MS. QUIANA FIELDS: Ms. Turner?
 25 MS. LORETTA TURNER: Yes.

25

1 For Chapter 606, the pollution -- the
 2 Oklahoma Pollutant Discharge Elimination Standards,
 3 the Department is proposing two things -- or three
 4 things really.
 5 One is the update of incorporation by
 6 reference of federal rules from July 1st, 2015 to July
 7 1st, 2016. There are three significant federal rules
 8 incorporated in this. The first one is the electronic
 9 reporting rule, which will modernize the reporting of
 10 NPDES submittals of information from paper-based to
 11 electronic reporting. Facilities will be required to
 12 submit these electronic measures to DEQ on December
 13 21st, 2016.
 14 The second part of that was an update to the
 15 effluent limitation guidelines and standards for the
 16 steam electric power generation industry. This
 17 establishes nationally applicable standards on the
 18 amount of toxic metals and other harmful pollutants
 19 that coal-fired power plants are allowed to discharge.
 20 The third update is an update that
 21 establishes pretreatment standards that prevent the
 22 discharge of pollutants in waste water from onshore
 23 unconventional oil and gas exploration facilities to
 24 publicly-owned treatment works. This will help to
 25 protect the operational integrity of POTWs. We do not

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1 MS. QUIANA FIELDS: Mr. Wendling?
 2 MR. JOHN WENDLING: Yes.
 3 MS. QUIANA FIELDS: Ms. Kunze?
 4 CHAIRMAN JAN KUNZE: Yes.
 5 MS. QUIANA FIELDS: Motion passed.
 6 CHAIRMAN JAN KUNZE: Thank you. Thank you
 7 very much.
 8 With that, I will move to Item Number 9 and
 9 ask Mr. Duane Winegardner, who Chairs the Water
 10 Quality Management Advisory Council, to address the
 11 Oklahoma Pollutant Discharge Elimination System
 12 regulation. Thank you.
 13 MR. DUANE WINEGARDNER: Good morning.
 14 CHAIRMAN JAN KUNZE: Good morning.
 15 MR. DUANE WINEGARDNER: Today the Water
 16 Quality Management Advisory Council has two chapters
 17 of proposed rulemaking for the Board to consider.
 18 Prior to making -- to bringing these rules
 19 before you today, DEQ staff discussed the proposed
 20 rulemakings at the August 9th Water Quality Management
 21 Committee meeting, and also on the October 4th
 22 meeting, where they were unanimously approved by the
 23 Council.
 24 DEQ received no formal comments regarding
 25 either of the proposed rules brought before you today.

26

1 have any of these facilities in Oklahoma.
 2 And on this one, for Chapter 606, DEQ
 3 received no formal comments on Chapter 606 and we
 4 recommend that you approve it.
 5 CHAIRMAN JAN KUNZE: Do I have any questions
 6 or discussion by the Board? Chapter 606.
 7 Any questions, comments or discussion from
 8 the public?
 9 I was going to say, being no comments from
 10 the public, I'm going to come back to you, John.
 11 MR. JOHN WENDLING: Yes. I had a question.
 12 When I was reading the -- one of the summaries of the
 13 action under what action --
 14 CHAIRMAN JAN KUNZE: John, your microphone.
 15 MR. JOHN WENDLING: I was reading the
 16 explanation that the DEQ took to minimize compliance
 17 costs and I had a question.
 18 It says here that the DEQ purchased and
 19 obtained software applications that support electronic
 20 reporting by the regulated community, and then you
 21 said, "Thus, the regulated community does not need to
 22 purchase software in order to comply with electronic
 23 reporting."
 24 What did you mean by, "The regulated
 25 community does not need to purchase software?" So

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1 does that mean that the DEQ is going to manage the
 2 specifics of reporting?
 3 I mean, it just seems to me that you have
 4 taken on something and you're not -- the regulated
 5 community doesn't need to provide it in a proper
 6 format. Is that an issue or --
 7 MR. DUANE WINEGARDNER: I'm going to let
 8 Shellie answer that one.
 9 MS. SHELLIE CHARD: Shellie Chard, Water
 10 Quality Division Director.
 11 Basically what we have done is the DEQ
 12 purchased the necessary software so that we can make
 13 the connection between the state data system and the
 14 federal data system. And it is a web-based system.
 15 So by us doing that, it allows all dischargers in
 16 Oklahoma to be able to use a web application to submit
 17 the DMRs, Discharge Monitoring Report data, to us. It
 18 also allows us to do certain compliance determinations
 19 and things that we need to do. So it was all kind of
 20 a package deal.
 21 So basically, we turned it into a web-based
 22 process for industries and cities.
 23 MR. JOHN WENDLING: Okay. All right. That
 24 clarifies. Thank you.
 25 CHAIRMAN JAN KUNZE: With that, just to make

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1 MS. QUIANA FIELDS: Mr. Nicholson?
 2 MR. HOMER NICHOLSON: Yes.
 3 MS. QUIANA FIELDS: Mr. Sims?
 4 MR. BILLY SIMS: Yes.
 5 MS. QUIANA FIELDS: Ms. Turner?
 6 MS. LORETTA TURNER: Yes.
 7 MS. QUIANA FIELDS: Mr. Wendling?
 8 MR. JOHN WENDLING: Yes.
 9 MS. QUIANA FIELDS: Ms. Kunze?
 10 CHAIRMAN JAN KUNZE: Yes.
 11 MS. QUIANA FIELDS: Motion passed.
 12 CHAIRMAN JAN KUNZE: Okay. Now, Duane, I
 13 will let you continue with Item Number 10, which is
 14 the Water Quality Standards Implementation.
 15 MR. DUANE WINEGARDNER: Okay. For Chapter
 16 690, the Water Quality Standards Implementation, the
 17 Department is proposing to do two things: One is
 18 update the date of incorporation by reference for
 19 federal regulations from July 1st, 2015 to July 1st,
 20 2016.
 21 Now this includes the same incorporations as
 22 Chapter 606, implementation of the Electronic
 23 Reporting Rule, which will modernize the reporting of
 24 NPDES information from paper-based to electronic
 25 reporting, updating the effluent limitation guidelines

31

1 sure I didn't miss anything, any other questions or
 2 comments from the Board?
 3 And or the public?
 4 Okay. With that, I'll ask if we have a
 5 motion to approve?
 6 VICE CHAIRMAN TIM MUNSON: So moved.
 7 CHAIRMAN JAN KUNZE: I have a motion. Do I
 8 have a second?
 9 MR. HOMER NICHOLSON: Second.
 10 CHAIRMAN JAN KUNZE: I have a motion and
 11 second. Quiana, roll call?
 12 MS. QUIANA FIELDS: Mr. Blankenship?
 13 MR. DANIEL BLANKENSHIP: Yes.
 14 MS. QUIANA FIELDS: Mr. Ferrell?
 15 MR. SHANNON FERRELL: Yes.
 16 MS. QUIANA FIELDS: Mr. Griesel?
 17 MR. DAVID GRIESEL: Yes.
 18 MS. QUIANA FIELDS: Dr. Hammon?
 19 DR. TRACY HAMMON: Yes.
 20 MS. QUIANA FIELDS: Mr. Kinder?
 21 MR. JAMES KINDER: Yes.
 22 MS. QUIANA FIELDS: Mr. Mason?
 23 MR. STEVE MASON: Yes.
 24 MS. QUIANA FIELDS: Mr. Munson?
 25 VICE CHAIRMAN TIM MUNSON: Yes.

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1 and standards for the steam electric power generation
 2 industries. And the update of that establishes
 3 pretreatment standards that prevent the discharge of
 4 pollutants in waste water from onshore unconventional
 5 oil and gas extraction facilities to publicly-owned
 6 treatment works.
 7 The second part of this is separating into
 8 two sections the date of incorporation by reference by
 9 which will streamline the future rulemaking, since the
 10 date of incorporated federal rules updated is updated
 11 regularly and the list of federal rules is not.
 12 DEQ received no formal comments on Chapter
 13 690 and we recommend your approval.
 14 CHAIRMAN JAN KUNZE: Do we have any questions
 15 or discussion from the Board on Chapter 690? Any
 16 questions?
 17 Any questions, comments or discussion from
 18 the public?
 19 Do I have a motion for approval?
 20 VICE CHAIRMAN TIM MUNSON: So moved.
 21 DR. TRACY HAMMON: Second.
 22 CHAIRMAN JAN KUNZE: I have a motion and a
 23 second. Quiana, roll call.
 24 MS. QUIANA FIELDS: Mr. Blankenship?
 25 MR. DANIEL BLANKENSHIP: Yes.

32

1 MS. QUIANA FIELDS: Mr. Ferrell?
 2 MR. SHANNON FERRELL: Yes.
 3 MS. QUIANA FIELDS: Mr. Griesel?
 4 MR. DAVID GRIESEL: Yes.
 5 MS. QUIANA FIELDS: Dr. Hammon?
 6 DR. TRACY HAMMON: Yes.
 7 MS. QUIANA FIELDS: Mr. Kinder?
 8 MR. JAMES KINDER: Yes.
 9 MS. QUIANA FIELDS: Mr. Mason?
 10 MR. STEVE MASON: Yes.
 11 MS. QUIANA FIELDS: Mr. Munson?
 12 VICE CHAIRMAN TIM MUNSON: Yes.
 13 MS. QUIANA FIELDS: Mr. Nicholson?
 14 MR. HOMER NICHOLSON: Yes.
 15 MS. QUIANA FIELDS: Mr. Sims?
 16 MR. BILLY SIMS: Yes.
 17 MS. QUIANA FIELDS: Ms. Turner?
 18 MS. LORETTA TURNER: Yes.
 19 MS. QUIANA FIELDS: Mr. Wendling?
 20 MR. JOHN WENDLING: Yes.
 21 MS. QUIANA FIELDS: Ms. Kunze?
 22 CHAIRMAN JAN KUNZE: Yes.
 23 MS. QUIANA FIELDS: Motion passed.
 24 CHAIRMAN JAN KUNZE: Thank you. When we get
 25 to Item Number 11, I always realize how fast the year

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1 because, as you may recall, in September you already
 2 approved this particular budget request to go to the
 3 Governor and the Legislature.
 4 Basically we are asking for an additional
 5 \$1.3 million in General Appropriations that will allow
 6 us to hire four more people for environmental
 7 complaints and local services and replace positions
 8 that have been lost. And that would allow an
 9 additional million dollars to go toward the State
 10 Drinking Water Revolving Fund, and that would allow us
 11 to provide additional funding for infrastructure for
 12 the communities around the state for their public
 13 water supply systems. The more that we can devote to
 14 that, the greater impact we can have on those needs
 15 around the state.
 16 As I mentioned, the Board approved this
 17 request in September. It will be forwarded --
 18 actually it has already been forwarded to the Office
 19 of Management and Enterprise Services and will be made
 20 a part of this Environmental Quality Report as well.
 21 Federal mandates is always a little bit of a
 22 trick to try to decide what to include and what to
 23 exclude, because there are, as you might imagine,
 24 continual new requirements or proposed requirements
 25 coming from EPA.

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1 has flown by. But it is time for us to consider and
 2 take action on the Annual Environmental Quality
 3 Report.
 4 And I'll ask Mr. Jimmy Givens, our Deputy
 5 Executive Director, to give us that update.
 6 MR. JIMMY GIVENS: Thank you, Madam Chairman,
 7 Members of the Board.
 8 I always get up here at this time every year
 9 and promise to be brief and I usually fail. This time
 10 my goal is more modest, and that's simply to stay
 11 awake during my presentation. If you're like most
 12 people in here, that may be a challenge, because I
 13 think most of us were up most of the night last night.
 14 Let me go ahead and just -- for those of you
 15 probably in the audience, I think the Board members
 16 are all familiar with this, but for those of you in
 17 the audience, the Environmental Quality Report is
 18 required by statute to be presented to the Board
 19 annually. And after approval by the Board, it is then
 20 submitted to the Governor and Legislature. There are
 21 three elements to it: Annual needs, which basically
 22 means our budget request; federal mandates; and
 23 legislative recommendations.
 24 Let me just briefly touch on the budget
 25 request. And the reason we can be brief with that is

34

1 What we've tried to do is hit on those that
 2 have had some significant development since we last
 3 talked about them or maybe some new proposals that we
 4 are looking at that are expected to be adopted in the
 5 foreseeable future.
 6 Let me caveat that by saying that all of this
 7 was premised on what EPA was looking at doing as of,
 8 say, day before yesterday. What of this will actually
 9 play out in terms of yesterday remains to be seen.
 10 Perhaps we can update you, if not at the February
 11 Board meeting, certainly by this time next year what
 12 may have changed or what we are foreseeing.
 13 I don't anticipate that most of these would
 14 be affected that much. But there are a couple that I
 15 suspect will have a much closer look taken at them.
 16 First of all, in terms of Air Quality, you're
 17 well aware that we have had a potential problem with
 18 ozone in the state. Particularly, we were concerned
 19 when the standard was lowered from 75 to 70 parts per
 20 billion.
 21 However, due to some actions that have been
 22 taken by the state and by some of the cities, as well
 23 as just good fortune in weather, weather patterns over
 24 the last three summers, Governor Fallin has been able
 25 to submit a letter to EPA that recommends that the

36

1 entire state be found in attainment or unclassifiable,
 2 which, for practical purposes, it accomplishes the
 3 same thing.

4 So we are looking pretty good on ozone at
 5 this time. It doesn't mean we should let our guard
 6 down when we get some positive development the way
 7 things have played out over the last three years.

8 The sulfur dioxide, the NAAQS. You may
 9 recall that we have talked a couple of years now about
 10 how that was being implemented. Initially EPA thought
 11 they were going strictly with modeling, and then they
 12 decided that maybe it needed to be a combination of
 13 modeling and monitoring to determine compliance.

14 We have done the modeling that results in our
 15 decision that there needs to be a couple of additional
 16 SO2 monitors placed to determine whether compliance is
 17 being achieved in those areas. And just so you know,
 18 those two monitors will be in the area of Enid-Kremlin
 19 and over around MidAmerica Industrial Park at Pryor.

20 The last thing I'll mention about as far as
 21 Air Quality goes is the Clean Power Plan. This
 22 obviously probably is at the top of the list to see
 23 what will happen over the course of the next months
 24 and years. It was a very high priority for the Obama
 25 administration, as you are well aware. What will

37

1 happen with a new administration, as well as continued
 2 majorities in both the Federal House and Senate being
 3 held by the Republicans, remains to be seen.

4 But for the moment, the action is in court.
 5 There is a stay while the D.C. Circuit makes a
 6 decision on the challenges that have been filed to it.
 7 And assuming political action doesn't overtake that
 8 now, or whatever decision is made will certainly be
 9 appealed to the Supreme Court.

10 In Land Protection there are three or four
 11 things I wanted to briefly touch on. Landfill
 12 Emissions, I think we talked about last year. That
 13 rule has now been finalized. It lowers the trigger
 14 from 50 metric tons to 34 metric tons for municipal
 15 solid waste landfills to have to install collection
 16 and control systems.

17 We think that the number of landfills that
 18 don't already have these that might be affected by
 19 this new rule would be in the neighborhood of five to
 20 ten landfills in Oklahoma.

21 Coal Combustion Residuals, we've been over
 22 this in past years as well. In fact, you adopted a
 23 rule that is now final that did implement what -- the
 24 controls that need to be put in place on landfills,
 25 coal combustion residual landfills, as far as

38

1 seismicity goes.

2 There is a court action related to that that
 3 has modified the requirements under that rule
 4 somewhat. To put it simply, the impoundments that
 5 were covered by the EPA action had a certain amount of
 6 time to even -- that they had to notify, if they
 7 wanted to close, and then to close in order to avoid
 8 capture under this rule. The court action essentially
 9 applied the rule to all landfills that had not already
 10 closed.

11 So there will be, I think, one -- am I right
 12 about that -- one additional landfill in Oklahoma that
 13 we think will be touched by that? Or not landfill,
 14 impoundment?

15 MS. KELLY DIXON: I think there's potentially
 16 two.

17 MR. JIMMY GIVENS: One or two that could be
 18 impacted by this court decision. That does now cover
 19 some landfills that might have closed early enough to
 20 avoid being caught under it, but it also extends the
 21 time period for them to comply with basically what
 22 amounts to post-closure monitoring, groundwater
 23 monitoring, that sort of thing. And we'll be coming
 24 to you, probably next year, to update the state rule
 25 to match that.

39

1 There's also a Congressional Act that is
 2 pending that would authorize state programs for coal
 3 combustion residuals. We already have a state program
 4 in place. This would, in essence, put that program
 5 under EPA oversight.

6 We have mixed feelings about that. We think
 7 our program certainly can operate as it is. But
 8 industry, to a large degree, is supportive of that, I
 9 believe, in part because it allows them an additional
 10 layer of protection from, say, third party lawsuits.

11 Shifting from Solid Waste to Hazardous Waste
 12 Generator Improvements rule, this allows for a little
 13 bit more flexibility than has been the case in the
 14 past with management of hazardous waste, particularly
 15 those who generate very small quantities of hazardous
 16 waste, and allows them now to transfer those very
 17 small quantities to another site that may be a
 18 large-quantity generator that's under the control of
 19 the same company.

20 So a little bit more flexibility for very
 21 small generators. And it also allows both the very
 22 small, what's called -- used to be called
 23 conditionally-exempt generators now to be called very
 24 small quantity generators and, the step up from that,
 25 the small quantity generators to once a year generate

40

1 more than what would otherwise be the threshold to
 2 move up to the next tier.
 3 And I think what EPA is doing is basically
 4 recognizing that there are times maybe you have a
 5 clean out, or something like that, where you generate
 6 a little bit of extra hazardous waste, maybe once per
 7 year. And so, this allows for a facility to do that
 8 without being kicked up into the next higher tier of
 9 regulation.

10 Now I know that footnote is difficult to
 11 read. But what I'm proposing is a change from what
 12 you actually saw in the text of the Environmental
 13 Quality Report that was sent to you. And the reason
 14 for the change is simply that, in between the time
 15 that this was prepared for mailing and the actual mail
 16 out for today, EPA finalized that Hazardous Waste
 17 Generator Improvements rule.

18 So what I would recommend is that we change
 19 the text to remove the word "proposed", to remove the
 20 words, "is expected to be," change that to "was".
 21 Remove the words "at any time" and add in "on October
 22 28, 2016." Take out the last sentence about whether
 23 there might be changes from the proposed to the final
 24 rules.

25 All we're really doing with the change in the

41

1 Intrusion, EPA is proposing to add that to the hazard
 2 ranking system to put sites on the National Priorities
 3 List. Just wanted you to be aware that that is a
 4 proposal and that could increase the number of sites
 5 that would be NPL sites.

6 There's a NESHAP, a new NESHAP regarding site
 7 remediation. Obviously this is a crossover between
 8 Air and Land. There has been an exemption up until
 9 now for CERCLA and RCRA corrective action and other
 10 RCRA-ordered sites. This would remove that exemption
 11 and even for other sorts of site remediations if their
 12 -- if they exceed the threshold you see here, 10 tons
 13 per year of a single HAP, or 25 of a combination of
 14 HAPs, they would have to comply with the NESHAP
 15 requirement. We don't know when that rule may become
 16 final.

17 Reduction of Lead and Drinking Water Act.
 18 You are well aware that lead right now is a big deal,
 19 has been for the past year and a half or so. This
 20 actually -- this Act that we're talking about actually
 21 went into effect before that. But EPA is now
 22 proposing rules to try and clarify some of the things
 23 that the theoretically self-implementing act does.
 24 And we expect that rule to come out in final within
 25 the next 12 to 18 months.

43

1 text is simply to make clear that it is no longer a
 2 proposed rule, it's now a final rule.

3 Just to be clear, the text would now
 4 read, "EPA's Hazardous Waste Generator Improvements
 5 Rule (published as a proposed rule in September of
 6 2015) was issued as a final rule on October 28th,
 7 2016. It includes a fairly comprehensive revision of
 8 the rules governing hazardous waste generators. The
 9 rule includes, for example, provisions that would
 10 loosen the requirements for waste consolidation within
 11 the same company and provide additional flexibility to
 12 deal with episodic waste generation."

13 So at the end, if I need to repeat that, I
 14 will be glad to. But we are proposing to change the
 15 text in what was sent to you prior to its submittal to
 16 the Governor and Legislature. This will recognize
 17 that it is now a final rule.

18 Won't spend much time on the Pharmaceutical
 19 rule. We talked about it last year. Basically just
 20 reporting to you that that became final. Allows for
 21 flexibility for health care facilities with respect to
 22 the generally small quantities of hazardous waste that
 23 they may generate.

24 Clean up programs on your Land Protection
 25 Vapor Intrusion, sometimes called Subsurface

42

1 In conjunction with that, the EPA is working
 2 on a revision to the lead and copper rule itself. And
 3 they think that will potentially come out in 2017, as
 4 soon it goes through all the new monitoring and
 5 reporting requirements, new plans. And, obviously, a
 6 greater workload for DEQ, if that does, in fact, -- if
 7 it is, in fact, adopted.

8 The Act is more about the pipes and fittings,
 9 how much lowering the amount of lead that can be in
 10 those particular pipes and fittings and solder, that
 11 sort of thing. The rule is more about monitoring the
 12 water for lead and copper.

13 And I threw in there some other things that
 14 EPA continues to look at for regulation; strontium,
 15 hexavalent chromium, perchlorate and carbons.

16 Bear with me. Almost through.

17 Clean Water Act. The electronic reporting
 18 rule has already been referred to here today. The key
 19 date is, as you heard earlier, December 21st, when
 20 those are supposed to be submitted electronically. We
 21 have made a lot of progress and that will continue to
 22 be a challenge to work with the regulated community.
 23 Even though in the long run it may be a positive, it
 24 will be a challenge in the short run.

25 National Tribal Water Quality Standards is a

44

1 fairly big deal. EPA is proposing or it has issued an
 2 Advanced Notice of Proposed Rulemaking that would
 3 impose federal water quality standards where a Tribe
 4 doesn't have treatment as a State status and doesn't
 5 have its own water quality standards.

6 Well, we go through the same thing in
 7 Oklahoma that we have been through in the past, which
 8 is where is this going to apply. It's extremely
 9 difficult to determine that in Oklahoma. Even if you
 10 say, well, it applies to Tribal Trust land,
 11 identifying which parcels in Oklahoma are Tribal Trust
 12 land is challenging, to say the least.

13 And beyond that, EPA is creating new
 14 beneficial uses that will be employed in this
 15 particular rulemaking, if it goes through as they're
 16 talking. That could mean that there would be much
 17 more stringent discharge requirements.

18 I think I skipped. Program Update Rule we
 19 talked about in the past. I don't plan to spend a lot
 20 of time on that. But it does require some additional
 21 work by the state with respect to our discharge
 22 permits. Permit Limits, more documentation for that.
 23 Additional public notice and retention of record
 24 requirements and, maybe most importantly, what you see
 25 up here on Administrative Continuance. Because what

45

1 And finally, the third part of the
 2 Environmental Quality Report is Legislative
 3 Recommendations. The last figure I saw is that there
 4 are 45 new members of the Oklahoma Legislature that
 5 will go into office, either resume office or, well, 45
 6 new members among the 148 members of the Legislature.
 7 So basically, about a third of the Legislature will be
 8 brand new.

9 In addition to that, as we talked about
 10 before, there will be new leadership, there will be
 11 new committee leadership, and we will be dealing with
 12 several legislators on, more or less, a daily basis
 13 that we have not dealt with on that basis before.

14 Because of that, we're proposing to be, quite
 15 honestly, fairly conservative in what we request this
 16 year around -- this year. And we have only made one
 17 recommendation. This is one that the Fire Marshall's
 18 Office has asked us to help with.

19 You may ask, well, why is DEQ involved in a
 20 piece of requested legislation that the Fire Marshall
 21 wants. And the reason is, it actually deals with the
 22 Oklahoma Hazardous Materials Emergency Response
 23 Commission.

24 That group is a planning and coordination
 25 group. They deal with the local emergency planning

47

1 it says is that, if a permit is administratively
 2 continued once it has expired, and you're probably
 3 familiar with the fact, if somebody makes a timely
 4 application for a new permit, the old permit continues
 5 until a decision is made on the new permit.

6 What this says is that, if somebody has made
 7 timely application, then that, in effect, the old
 8 permit, in effect, becomes -- well, the old permit
 9 continues, but EPA has a certain amount of time that
 10 they can consider that to be the draft permit and can
 11 act on that. And there is a lot of concern with that.

12 If we didn't act within that time frame, EPA
 13 could act to federalize the permit. And so, you know,
 14 there is many, many comments on that. And it remains
 15 to be seen what will happen.

16 Finally, Effluent Limit Guidelines. I think
 17 we've heard a little bit about that as well. Probably
 18 the most important thing for our purposes here today
 19 is that we're impacting an industry or facilities that
 20 have not been impacted before by the regulatory regime
 21 we're talking about, and that is dental offices. So
 22 if that -- and that will create many questions for EPA
 23 -- or for DEQ in the implementation of that and
 24 certainly increase our workload to work with a group
 25 that is not used to being regulated in that fashion.

46

1 commissions and committees. And for some reason, when
 2 the Fire Marshall was added to OHMERC, they are the
 3 only state office that was not allowed to designate
 4 somebody, besides the Chief of the agency, to attend
 5 their meetings.

6 We provide administrative support. DEQ
 7 provides administrative support to OHMERC. And so, we
 8 are working with the Fire Marshall's office to try to
 9 extend to them the same accommodation that everyone
 10 else has for the Fire Marshall to appoint someone as
 11 his designee to the Oklahoma Hazardous Materials
 12 Emergency Response Commission.

13 And I know I have covered a lot of ground
 14 with some very busy slides, so I appreciate your
 15 patience and let me stop with that and see if there
 16 are any questions. If I can't answer them, I think
 17 all the division directors are here and can help me
 18 out with it.

19 CHAIRMAN JAN KUNZE: Thank you, Jimmy. I'm
 20 going to ask the Board, any questions or discussion we
 21 want to have, Jimmy is ready to field those.

22 Anything? Do we have any questions, comments?

23 MR. SHANNON FERRELL: Jan, I'm sorry.

24 CHAIRMAN JAN KUNZE: Okay.

25 MR. SHANNON FERRELL: Jimmy, could you

48

1 explain a little bit where we go back to the budget
 2 request and talk a little bit about how the funds work
 3 to maximize the availability of loan funds from the
 4 revolving -- I'm sorry. How the budget request goes
 5 to maximize the availability of the Revolving Fund
 6 Loans? There we go.

7 MR. JIMMY GIVENS: Well, part of the
 8 Revolving Loan Fund, the grant we get from the EPA can
 9 be used for administrative purposes. If we can
 10 provide additional funding to the program, we can use
 11 more of the grant funds to go toward the loan fund.
 12 That allows us not only to pour money directly into
 13 the loan fund, but that money is leveraged by bonds.

14 And so, in essence, every dollar that we can
 15 divert to the loan fund can produce eight to ten
 16 additional dollars to be loaned out to communities.

17 MR. SHANNON FERRELL: I just wanted to get
 18 that into the record. Thank you, Jimmy.

19 CHAIRMAN JAN KUNZE: Do we have any other
 20 questions from the Board?

21 MR. SCOTT THOMPSON: I've just got a -- I
 22 have a comment on that. I don't remember the exact
 23 number, but the Water Resources Board has an estimate
 24 of the infrastructure needs for the State of Oklahoma
 25 for the next several years and it's on the order of

49

1 different reports required by statute. Both have to
 2 be submitted to the Legislature. The only one that's
 3 required to be approved by the Board though is the
 4 Environmental Quality Report.

5 CHAIRMAN JAN KUNZE: Okay. Thank you. I
 6 appreciate that clarification.

7 Being no other questions or comments, I will
 8 ask if we have a motion from the Board?

9 MR. JOHN WENDLING: I have a motion that we
 10 approve the report, including the modified language as
 11 proposed by Jimmy to recognize that the rule is final
 12 in the Hazardous Waste Generator Improvements Rule.

13 CHAIRMAN JAN KUNZE: Okay.

14 DR. TRACY HAMMON: I second.

15 CHAIRMAN JAN KUNZE: We have a motion and a
 16 second. Quiana, roll call.

17 MS. QUIANA FIELDS: Mr. Blankenship?

18 MR. DANIEL BLANKENSHIP: Yes.

19 MS. QUIANA FIELDS: Mr. Ferrell?

20 MR. SHANNON FERRELL: Yes.

21 MS. QUIANA FIELDS: Mr. Griesel?

22 MR. DAVID GRIESEL: Yes.

23 MS. QUIANA FIELDS: Dr. Hammon?

24 DR. TRACY HAMMON: Yes.

25 MS. QUIANA FIELDS: Mr. Kinder?

51

1 hundreds of millions of dollars, at least. It might
 2 get to a billion or so. I can't recall the exact
 3 number, but it's a very sizeable number.

4 So that Drinking Water Revolving Loan Fund
 5 and the SRF for the Waste Water Quality Loan Fund,
 6 those things are very important to the future of
 7 Oklahoma for our communities and to have the
 8 infrastructure to be able to continue to operate and
 9 meet federal rules.

10 CHAIRMAN JAN KUNZE: Okay. Thank you, Scott.

11 Do we have any questions, comments or
 12 discussion from the public on the Environmental
 13 Quality Annual Report?

14 Jimmy, we do have a little card that says the
 15 Annual Report is available on the website. Is that --

16 MR. JIMMY GIVENS: Yeah. I should have
 17 clarified that right up front. We have two reports
 18 that are required by statute. The Environmental
 19 Quality Report, that I've just been covering, is
 20 basically looking forward, if you will, at what is
 21 coming down the pike from EPA, what we're proposing in
 22 terms of legislation, and what we're looking for in
 23 terms of budget.

24 The Annual Report that we have the card about
 25 that's online is kind of a look back at FY-16. So two

50

1 MR. JAMES KINDER: Yes.

2 MS. QUIANA FIELDS: Mr. Mason?

3 MR. STEVE MASON: Yes.

4 MS. QUIANA FIELDS: Mr. Munson?

5 VICE CHAIRMAN TIM MUNSON: Yes.

6 MS. QUIANA FIELDS: Mr. Nicholson?

7 MR. HOMER NICHOLSON: Yes.

8 MS. QUIANA FIELDS: Mr. Sims?

9 MR. BILLY SIMS: Yes.

10 MS. QUIANA FIELDS: Ms. Turner?

11 MS. LORETTA TURNER: Yes.

12 MS. QUIANA FIELDS: Mr. Wendling?

13 MR. JOHN WENDLING: Yes.

14 MS. QUIANA FIELDS: Ms. Kunze?

15 CHAIRMAN JAN KUNZE: Yes.

16 MS. QUIANA FIELDS: Motion passed.

17 CHAIRMAN JAN KUNZE: Thank you. Now, Scott,
 18 I'm going to turn it over to you for the Executive
 19 Director's Report.

20 MR. SCOTT THOMPSON: All right. And thank
 21 you.

22 And I wanted to start off with I've been
 23 participating in ECOS, Environmental Council of the
 24 States, quite a bit over the last three years.
 25 Recently, I went to a meeting in West Virginia in

52

1 September. That organization, it's a really good
 2 organization. Colonel Teague attends that as well.
 3 And it's one of the best ways we have to interface
 4 with upper management in EPA and other states and try
 5 to get some more practical considerations into policy
 6 or realistic considerations as to how things actually
 7 work out, you know, outside the beltway.

8 And so, I was struck at that by the number of
 9 people that we've been working with for several years
 10 from EPA who were appointees. Several of them I knew
 11 were appointees, but there was a whole layer of folks
 12 that I thought were EPA staff who were actually
 13 appointees. And we've -- over the last several years
 14 we've developed a very good working relationship with
 15 a set of those folks that attend that meeting.

16 And so, you know, we're going to have to
 17 start all over again basically with a new set of
 18 folks. And it's going to change the dynamic in sort
 19 of a probably unpredictable way somewhat. And it's
 20 just going to be a very interesting time to try to
 21 educate some of the folks.

22 Now, maybe the staff that we get will have a
 23 little more practical experience. I think one of the
 24 bigger problems in federal and state government is
 25 everybody with experience who's been out and actually

53

1 worked at facilities, worked for cities, done
 2 inspections in the programs, they're all retiring.
 3 And we're getting new sets of folks moving in, and
 4 occasionally in our office as well, that that's their
 5 first real job. And so, it's hard to get that
 6 perspective of how difficult it is, you know, for some
 7 of the folks that we regulate to implement some of
 8 these rules and which ones are really practical or not
 9 or maybe you can implement in a way that makes it much
 10 easier for that.

11 So that's going to be, you know, obviously
 12 going into next year, one of the bigger challenges is
 13 to try to understand what the new dynamic is within
 14 EPA and who is going to be in charge of what and how
 15 we're going to like try to work together with other
 16 states and EPA.

17 And then next week I'm going to attend a
 18 legislative study hosted by Senator Thompson about
 19 OMES and the IT consolidation and how that's working
 20 or not working for us. And we're going to be very
 21 honest and direct about some of the issues we've had
 22 and some of the success stories that we've had. And I
 23 may try to reach out to Bo Reese over at OMES this
 24 week, if I get the time, and just have a discussion
 25 with him.

54

1 I think none of the things we're going to
 2 talk about are going to be a surprise, because we've
 3 been meeting with them on a regular basis. But, for
 4 example, we initially had some major problems with
 5 e-mail because their servers were not maintained.
 6 Their answer is to move us to their servers. You
 7 know, I've talked to them about my concern is, look,
 8 if you're not demonstrating that you're going to take
 9 care of me now, why would I assume that the next step
 10 is going to be much better.

11 But there is some basic things, I think, they
 12 can do for us and other large agencies. I think the
 13 concept needs to be reevaluated a little bit, because,
 14 you know, it was, you know, some armchair quarterback
 15 ideas and some things they heard from other states
 16 about about consolidating IT saving millions and
 17 millions of dollars. Well, a lot of those savings are
 18 virtual, they're not real. They're budgetary money
 19 that might not have ever been spent, might not even
 20 exist.

21 So and while the smaller agencies didn't have
 22 the resources to take care of themselves, it was
 23 probably beneficial to them to have centralized IT.
 24 For some of those, you know. We were actually
 25 delivering too high quality of service to ourselves

55

1 apparently. We got a letter from OMES to that effect
 2 at one point that, you know, we could expect a lower
 3 quality of service.

4 And the -- and I think that's kind of what
 5 we've gotten in some cases. And I was never -- I
 6 thought we did a really good job of running our
 7 network and keeping things maintained and having basic
 8 functions work very well, keeping our hardware up to
 9 date.

10 We struggled greatly, like almost everybody
 11 does, with new development of IT projects, of
 12 software, data bases, et cetera, how to move data from
 13 a CPA. So that's not just our struggle, that's
 14 everybody's struggle.

15 So I would hope that they would step back and
 16 reassess the model that they've created and make sure
 17 that it's really going to meet our needs, as well as
 18 some other agencies' needs, and that maybe we need to
 19 be allowed to take care of some of our own things that
 20 are unique, because I don't see that they're going to
 21 be able to staff up adequately to really support some
 22 of the unique things we do.

23 We're a very large agency. We have a very --
 24 a very diversified set of programs, as well as a wide
 25 variety of ways that we use technology.

56

1 For example, our laboratory, almost every
 2 instrument is hooked up to some kind of server,
 3 computer software, et cetera, as part of the way those
 4 things work now. And it's very sophisticated and
 5 unique. It is not something that everybody else does.
 6 And so the challenge of trying to keep our systems
 7 working, et cetera, is quite large.

8 But we'll see. I think that's on November
 9 14th. So it's going to be, probably, an interesting
 10 day. And you know, I think there is hope for us to
 11 work together with OMES to make things better. But
 12 it's got to be a two-way street certainly to truly
 13 assess what's working and what's not working and how
 14 can we make things work better.

15 We -- as Jimmy mentioned, we have 45 new
 16 Legislators as of today. And those folks will be
 17 moving into office in a month or so. I can't remember
 18 what the date is. But Michelle is going to be very
 19 busy trying to meet all the new folks.

20 And we are going to do a DEQ 101 outreach
 21 with -- and invite all of these new legislators and
 22 maybe some of the folks who aren't that familiar with
 23 us that are assisting legislators that may want to
 24 come and attend and sort of give them a snapshot of
 25 who we are and what we do. Because we need folks who

57

1 there is an anomaly coming down the stream, et cetera.
 2 But with the work that was done this year, we probably
 3 spent \$10,000 ourselves, not including what other
 4 agencies spent, trying to investigate this one fish
 5 kill.

6 And it appears that it's most likely caused
 7 by golden algae, which is not an uncommon thing to
 8 have occur in saltier waters. We have golden algae
 9 blooms and events on the river occasionally. So but
 10 we're going to continue the monitoring. We're going
 11 to continue to work with the other agencies and try to
 12 enhance any sort of, you know, a response to
 13 observations of anything unusual that may be occurring
 14 in the area, et cetera. So we'll see.

15 We've also worked with a couple of
 16 universities over the last year. One is an ongoing
 17 partnership with Dr. Bob Nairn at OU. He has
 18 constructed a passive treatment system in Commerce,
 19 Oklahoma. And he was treating -- able to treat and it
 20 was one of the largest passive treatment systems ever
 21 attempted, I think, for passive water drainage. And
 22 it's been more successful than anticipated. He really
 23 thought he might not be able to take all the zinc out
 24 of the water, but he was able to achieve that with his
 25 system and I don't think it's even at maximum capacity

59

1 move into that office without having real experience
 2 with us and understanding how much we work with cities
 3 and industry and other folks and even environmentally
 4 to representing our Councils and our Board.

5 So the -- and, you know, any time you get
 6 that many new folks, it's really going to be
 7 interesting to watch the dynamic. And we're getting a
 8 whole new set of leadership in the Legislature, which,
 9 frankly, I'm kind of looking forward to. I think it
 10 will be -- financially it will not be a pleasant
 11 session again, but, otherwise, I think, you know,
 12 perhaps it will be -- we'll be able to be more focused
 13 on things we can get done.

14 Up here in this area, one event that occurred
 15 this summer was we had another fish kill on the Salt
 16 Fork River in August. And we've worked with -- and
 17 there were previous fish kills on that river, some of
 18 which we couldn't identify the source, because by the
 19 time we find out about it, get people up here, got all
 20 our samples, whatever was moving down river causing
 21 the fish kill was already gone.

22 So we worked with the Water Resources Board,
 23 the Wildlife Department, the Corporation Commission to
 24 install some monitors so we could get some realtime
 25 monitoring for constituents to try to identify if

58

1 at this point. So that's pretty interesting.

2 We are using some settlement funds to help
 3 add another unit up there, a whole other system to
 4 take another part of the discharge that it's not
 5 currently able to be handled by the existing system.
 6 It's right up there across the road from the baseball
 7 field in Commerce, which is, you know, Mickey Mantle
 8 Park, that area. And so and we've done a lot of work
 9 in that area.

10 But Dr. Nairn is going to build a new set of
 11 passive water treatment systems up there. And so, we
 12 look forward to that. And the construction of it was
 13 already underway. At least the contracting was
 14 already underway. So we anticipate that getting done
 15 and we're pushing pretty hard to get it done before
 16 the Legislature takes another look at how much money
 17 we have sitting in the bank, because we cannot use
 18 that, that settlement funds, for anything else.

19 We're also working at OSU with Dr. Sergio
 20 Abit. I went up and toured his demonstration facility
 21 the other day. I was really impressed. I think it's
 22 a great tool. They are going to be able to do some
 23 training for folks up there and we're working on a --
 24 we were working with him on trying to fund some more
 25 studies to look at whether or not our rules could be

60

1 tweaked either way. Do we need to get more stringent?
2 Could we be a little more relaxed in some parts of the
3 state on the kind of systems or ecosystems you had to
4 put in.

5 And unfortunately, because of the budgetary
6 stuff that occurred last session, we had to cancel
7 that project. But I think postpone is probably what
8 I'm looking at now. I'm looking to try to still fund
9 that project, because I do think it's of value.

10 And one idea I've had, and I've discussed it
11 a little bit with some of the ECLS folks, is that I
12 would like to set up a deal where if we have a
13 installer who has a significant problem, violations,
14 maybe we see a pattern there, that, if we wind up
15 fining him, that the critical portion of that fine, if
16 they would attend a course up there and get
17 certification from Dr. Abit that they had been through
18 it too, because, you know, a few of the folks need to
19 be updated on the most modern technologies and
20 different ways.

21 And one problem we've had, in Western
22 Oklahoma in particular, is that it is more profitable
23 to put in an aerobic system, a non-standard system,
24 where you're using the sprinklers to spray the water
25 out after it's treated and chlorinated in a tank.

61

1 also working with the Department of Commerce
2 routinely. As new businesses look at the state, or
3 businesses in the state look to expand, we help
4 people, we meet them and help them understand the
5 permitting requirements to do so, et cetera. And
6 that's been fairly successful.

7 There's always some new folks looking.
8 There's always big projects that could come here to
9 Oklahoma. And I think that we're doing a good job.
10 And external affairs coordinates that, but there's
11 additional staff of experts that come in and actually
12 talk to people direct and give them a pretty good idea
13 of what it takes to comply with the rules.

14 And again, most all of our rules are adopted
15 federal rules by reference. So, you know, people know
16 what it would take. And that's not going to be an
17 obstacle. That's not going to be the reason they
18 choose not to come to Oklahoma.

19 And just last week we met with the military
20 folks in Oklahoma, the military installations. We met
21 with the regional military leaders and some of the
22 staff who do the environmental work at McAlester, at
23 Tinker, and Altus Air Force Base. I can't recall if
24 Vance had someone present.

25 But we used to have a group like that that

63

1 That's a lot quicker install and a little more
2 profitable, as opposed to be putting in a standard
3 system, which might take, you know, all day to do, or
4 a day and a half.

5 Although, in reality, we prefer the standard
6 system in soils that can take it, but the people are
7 skipping the soils test and their installer is
8 advising them to go the other way. And there's a few
9 people that are upset with us because that costs a
10 little more and we're not doing that.

11 So we're trying to get the word out and
12 educate people more. We're trying to figure out how
13 to get that word out to the public that, you know, you
14 are better off getting that soil test and putting in a
15 standard system, rather than going with the more
16 newfangled system that requires some maintenance.

17 But, whatever. I'm just encouraged that that
18 facility exists and we've got that expertise here in
19 Oklahoma. And I think we need to take advantage of it
20 more.

21 Some other partnerships that we have going on
22 with other agencies, in addition to the one I already
23 mentioned on the Salt Fork monitoring, we work closely
24 with the Water Board on a routine basis and the
25 Corporation Commission on certain cases. But we're

62

1 met routinely years ago. And the military approached
2 us and wanted to restart that and I thought it was a
3 very healthy exercise. And we were able to sit down
4 and work through some issues, like, since Oklahoma is
5 not in compliance with the Federal ID Act at this
6 point, how are we going to get on base and do
7 inspections. And so, I think we've worked through a
8 process to be able to do that to get approvals to do
9 that. So either that or everybody has to go out and
10 get a passport.

11 So -- and so I think that's healthy. We're
12 going to look forward to doing that on an annual basis
13 and working it out. You know, it's just things go a
14 lot better if you sit down face-to-face and have some
15 discussions when an issue arises. You know, people
16 know who to talk to.

17 All right. As was mentioned earlier, we have
18 a card that shows you how to get to our electronic
19 Annual Report. And we no longer produce big, slick
20 copies, hard copies of that, although there is one
21 just to show you what it looks like, which we can
22 leave back on the table and people can peruse through,
23 if they wish. But so here is the one printed copy
24 that we have.

25 And I think, you know, as you look through

64

1 that it's a great report, very impressive. It gives
2 you a pretty good background of the state of the
3 agency and the things that we've done over the last
4 year.

5 And thanks again to Erin Hatfield and her
6 staff for working on this and creating it. I don't
7 think the online version is quite as resource
8 intensive as it was last year. There's not so many
9 graphics and moving parts. I haven't actually logged
10 on it personally yet, I have just seen drafts. So I
11 think it will be easier on your iPhone, or whatever
12 you choose to try to view it with.

13 And then last, I would like to go over the
14 agency goals that we're going to look into for 2017.
15 One, Jon Roberts, who's heading up the strategic plan
16 for the agency. And we've looked at how some other
17 states have recently done strategic planning. And
18 Jimmy and I's first response to this was we really
19 don't like strategic plans. But Jon sat us down and
20 talked us through the processes, the modern approach
21 to this kind of strategic plan that I think are going
22 to be very useful. It involves several inputs. And I
23 think some of you or all of you may get surveys to
24 respond to about different things that the agency is
25 doing or directions you might want us to go, as well

65

1 We have a similar contract in place for
2 emergency response services or emergency disposal for
3 hazardous waste. And any local government can access
4 this statewide contract. But we will have to work
5 with the OMES group to do that, the contracting folks,
6 to try to develop that and put it in place.

7 But it's a use-it-if-you-need-it. There's
8 not a commitment to use it. And it will be available,
9 not only, to the agency, but other folks as well,
10 other agencies and local governments. So that would
11 give people a quick way to access that.

12 We're looking to potentially modify our Minor
13 Public Water Supply rules. Staff is working on that.
14 They'll work through the Water Quality Council to look
15 at ways to update those. And I think you know there
16 was a -- just kind of an old fashion "I don't like
17 rules when I read them and I don't know what to do."
18 So I would hope that the rules would be more
19 consistent and clear cut and that both folks outside
20 the agency, as well staff, especially newer staff that
21 are coming on board, that it will be better to read
22 the rules and understand how to apply them and what
23 the requirements would be for the folks that have to
24 comply with them on the outside.

25 And I'm assuming that is going to be bit of a

67

1 as we're doing internal surveys and other external
2 surveys.

3 So I'm pretty optimistic that this strategic
4 plan will not be like, you know, our parents'
5 strategic plans of old. So and I think it will be
6 good for the agency to go through. So you will be
7 hearing more about that.

8 We have had some internal discussions in ECLS
9 and Air Quality. Gary and Eddie got together. We had
10 some requirements that I don't think were totally
11 practical in this day and age with everybody's
12 financial constraints for rural towns to be able to
13 deal with brush and for everybody to have to have an
14 air curtain incinerator all the time. It would be
15 great if people did and they understood how to use it,
16 because we do struggle with people not using them
17 right and having problems and burning up their units,
18 et cetera. And it's kind of a pricey unit to burn up.

19 So we've looked at some ways to make more
20 practical changes to that and work through that
21 process, as well as to -- well, one of the things
22 we're going to look into is doing a statewide contract
23 for services of air curtain incinerators, chipping and
24 grinding services, and see if we can put that in
25 place.

66

1 challenge, but we will develop better guidance and
2 stuff so that we can be more consistent and apply
3 those across, you know, across the board the same way
4 statewide. And so, those rules were due for an
5 update.

6 And I don't have the list in front of me, but
7 we've developed some action items as a result of the
8 employee survey that we presented at the last meeting.
9 And we're working through divisions and offering them
10 some evaluations of kind of what showed up in their
11 division and their staff and things they could work
12 on.

13 A lot of it overall boils down to better
14 communication across the agency, both agencywide and
15 within divisions, et cetera, and just, you know,
16 trying to make sure we have more information flow and
17 people understand why we're doing what we're doing,
18 what's coming out of it and have some more
19 opportunities for input.

20 So we're working on those things. And I
21 wouldn't say that, you know, we've settled on all the
22 agency goals for 2017. So we'd welcome your input
23 into that and we look forward to having some
24 interaction. And if you have any good ideas or
25 criticisms or whatever, we're happy to hear them and

68

1 try to work on them and improve things.
2 So and now I would like to turn this over to
3 Kathy to go over the finance, our report on that for
4 the first quarter, I believe.

5 MS. KATHY AEBISCHER: Good morning. I'm
6 going to go over the financial information for State
7 Fiscal Year '17. The first three months, the first
8 quarter, is complete.

9 On the revenue side, we're pretty close to
10 what we've collected last fiscal year. We are down
11 approximately 500,000. SELS is down 300,000. It's a
12 timing difference in an invoice, so we think we'll
13 recover all of that.

14 On Air and Water, we're down from the
15 previous year. But we, on our projections for this
16 fiscal year, we projected that we would get less. So
17 we're actually on target with what our projections
18 are.

19 On the expenditure side, our total budget
20 with all funds of 84 million, we are on target. First
21 quarter kind of is a little slow. With our large
22 projects, we're spending time with putting the bids
23 out, reviewing the bids. And so, you'll be seeing an
24 increase second and third quarter, because we're
25 awarding contracts and projects are underway.

69

1 explanation on the next agenda item. We, as a Board,
2 have certain statutory duties. And one of those is to
3 assist the DEQ in conducting reviews periodically and
4 with their planning activities related to goals or
5 objectives or priorities and the policies that they
6 have at the DEQ.

7 And as you listened to Scott's report, you
8 heard some of the plans for the agency coming up for
9 the year 2017.

10 But in connection with those duties that we
11 have as a Board, we have determined that we need to do
12 a annual performance review of the executive director.
13 And we are allowed by Title 25 of the Oklahoma
14 Statutes, Section 307(B)(1), to go into and have
15 discussion of employment actions related to any
16 individual salaried officer or employee. We are
17 allowed to go into executive session to have that
18 discussion.

19 And I'm going to ask the Board if they would
20 like to do that. This is the time of year when we
21 would routinely do Scott's annual performance review.

22 MR. DAVID GRIESEL: So move.

23 MR. JAMES KINDER: Second.

24 CHAIRMAN JAN KUNZE: I have a motion and a
25 second that we go into executive session.

71

1 There is no concerns at this time. We -- the
2 state funds, we've had two months of below projections
3 come in. August came above the state-projected
4 revenue. October hasn't been released yet. So we're
5 hopeful there won't be a revenue failure, but at this
6 point we're just going along as we're going to keep
7 our budget for this year.

8 Okay. So these are our funding sources, the
9 General Appropriations. We've expended almost a
10 million. And then our Revolving Fund.

11 We have the Federal Funds, which is your 4000
12 series, you'll see that the last column is not
13 committed, about 8.5 million. And that's because all
14 the federal awards haven't come in, because they're on
15 a different fiscal year. So no concerns there.

16 And at this point things are looking good.
17 Do we have any questions?

18 CHAIRMAN JAN KUNZE: It's a little scary to
19 me when the budget slides go black. But --

20 MS. KATHY AEBISCHER: I know.

21 CHAIRMAN JAN KUNZE: Does anybody have any
22 questions for Kathy? Or any questions or discussions
23 on the information Scott presented?

24 With that, I'll thank you both.

25 All right. I'd like to do a little bit of an

70

1 Quiana, if we could do a roll call?
2 MS. QUIANA FIELDS: Mr. Blankenship?
3 MR. DANIEL BLANKENSHIP: Yes.
4 MS. QUIANA FIELDS: Mr. Ferrell?
5 MR. SHANNON FERRELL: Yes.
6 MS. QUIANA FIELDS: Mr. Griesel?
7 MR. DAVID GRIESEL: Yes.
8 MS. QUIANA FIELDS: Dr. Hammon?
9 DR. TRACY HAMMON: Yes.
10 MS. QUIANA FIELDS: Mr. Kinder?
11 MR. JAMES KINDER: Yes.
12 MS. QUIANA FIELDS: Mr. Mason?
13 MR. STEVE MASON: Yes.
14 MS. QUIANA FIELDS: Mr. Munson?
15 VICE CHAIRMAN TIM MUNSON: Yes.
16 MS. QUIANA FIELDS: Mr. Nicholson?
17 MR. HOMER NICHOLSON: Yes.
18 MS. QUIANA FIELDS: Mr. Sims?
19 MR. BILLY SIMS: Yes.
20 MS. QUIANA FIELDS: Ms. Turner?
21 MS. LORETTA TURNER: Yes.
22 MS. QUIANA FIELDS: Mr. Wendling?
23 MR. JOHN WENDLING: Yes.
24 MS. QUIANA FIELDS: Ms. Kunze?
25 CHAIRMAN JAN KUNZE: Yes.

72

1 MS. QUIANA FIELDS: Motion passed.
 2 CHAIRMAN JAN KUNZE: And as we go into
 3 executive session, I would like to ask if there's a
 4 volunteer from the Board that would take the minutes
 5 of that executive session? And I think you know I'm
 6 not afraid just to call on somebody.
 7 MS. LORETTA TURNER: I volunteer.
 8 CHAIRMAN JAN KUNZE: Loretta, thank you. It
 9 will be a good time for -- there can be a break. I'd
 10 ask the Board members to take a short break and I
 11 probably need some help, Quiana or Martha, as to what
 12 room we would go to for our executive session.
 13 MS. MARTHA PENISTEN: We will show you.
 14 CHAIRMAN JAN KUNZE: Okay. Cindy can direct
 15 us back there. But let's all take a quick break and
 16 then meet in the executive room.
 17 RECESS - 11:00 A.M.
 18 (Whereupon, at 11:00 A.M. the Board recessed
 19 to go into executive session, after which the
 20 following occurred:)
 21 RECONVENED - 12:35 P.M.
 22 CHAIRMAN JAN KUNZE: I want to thank
 23 everybody for their patience in the break that we had.
 24 It was a great opportunity.
 25 I want to reconvene back in the open session.

73

1 We had a good discussion with Scott. And
 2 it's a great opportunity for us to sit down and be
 3 able to have that conversation on some of his goals
 4 and his accomplishments.
 5 We're a Board that has -- we come from a
 6 variety of backgrounds and geographically we're spread
 7 across the state. So we all have a little bit of
 8 different interests and we also hear other things from
 9 our counterparts on how the DEQ is doing.
 10 And I want to make it clear that all that is
 11 positive and that the Board has -- wants to make it
 12 clear that we totally support Scott. We appreciate
 13 the culture change that he is making in the agency and
 14 his strategic planning efforts that will continue to
 15 make the DEQ strong in the future, protecting the
 16 Oklahoma environmental resources.
 17 This positive feedback that we are hearing
 18 from the public, that's a big deal to us. And we
 19 appreciate what the agency is doing to make that
 20 happen.
 21 I'd also like to say that we want to reaffirm
 22 that the raise that we recommended in November of '15
 23 of three percent for Scott, we still strongly believe
 24 that that's appropriate. And our plans would be to
 25 take that request back to Secretary Teague so that --

75

1 And I want to ask, Quiana, can you do a roll call?
 2 MS. QUIANA FIELDS: Mr. Blankenship?
 3 MR. DANIEL BLANKENSHIP: Yes.
 4 MS. QUIANA FIELDS: Mr. Ferrell?
 5 MR. SHANNON FERRELL: Yes.
 6 MS. QUIANA FIELDS: Mr. Griesel?
 7 MR. DAVID GRIESEL: Yes.
 8 MS. QUIANA FIELDS: Dr. Hammon?
 9 DR. TRACY HAMMON: Yes.
 10 MS. QUIANA FIELDS: Mr. Kinder?
 11 MR. JAMES KINDER: Yes.
 12 MS. QUIANA FIELDS: Mr. Mason?
 13 MR. STEVE MASON: Yes.
 14 MS. QUIANA FIELDS: Mr. Munson?
 15 VICE CHAIRMAN TIM MUNSON: Here.
 16 MS. QUIANA FIELDS: Mr. Nicholson?
 17 MR. HOMER NICHOLSON: Yes.
 18 MS. QUIANA FIELDS: Mr. Sims?
 19 MR. BILLY SIMS: Here.
 20 MS. QUIANA FIELDS: Ms. Turner?
 21 MS. LORETTA TURNER: Here.
 22 MS. QUIANA FIELDS: Mr. Wendling?
 23 MR. JOHN WENDLING: Yes.
 24 MS. QUIANA FIELDS: Ms. Kunze?
 25 CHAIRMAN JAN KUNZE: Yes.

74

1 at its earliest opportunity. If that can be
 2 accomplished, we support that.
 3 And I would like to ask the Board if I have a
 4 motion to approve that?
 5 MR. DANIEL BLANKENSHIP: I will make that
 6 motion.
 7 VICE CHAIRMAN TIM MUNSON: Second.
 8 CHAIRMAN JAN KUNZE: I have a motion and a
 9 second. Quiana, can you do a roll call?
 10 MR. STEVE MASON: Can we do a discussion?
 11 Just for discussion, can you restate the motion? It
 12 seemed to be -- Well, I'm not sure what the motion
 13 is.
 14 CHAIRMAN JAN KUNZE: That's probably fair.
 15 Thank you.
 16 MR. STEVE MASON: Probably briefer than what
 17 you just said.
 18 CHAIRMAN JAN KUNZE: I was going to say, Dan,
 19 do you --
 20 MR. DANIEL BLANKENSHIP: Yes.
 21 CHAIRMAN JAN KUNZE: Do you want to clear up
 22 what I said?
 23 MR. DANIEL BLANKENSHIP: Sure. You want me
 24 to clarify my motion?
 25 CHAIRMAN JAN KUNZE: I was trying to capture

76

1 our support of Scott. And it can be shorter in the
 2 motion.
 3 MR. DANIEL BLANKENSHIP: Right. In response
 4 to Scott's performance over the last year, we'd like
 5 to reaffirm our recommendation or reaffirm our
 6 approval of a raise for Scott for last year and
 7 recommend that that be considered by the Secretary to
 8 be implemented.
 9 CHAIRMAN JAN KUNZE: Okay. We have that
 10 motion. Do we have a second?
 11 VICE CHAIRMAN TIM MUNSON: Second.
 12 CHAIRMAN JAN KUNZE: Is there any discussion
 13 on that item by the Board? With that then, let's take
 14 a roll call.
 15 MS. QUIANA FIELDS: Mr. Blankenship?
 16 MR. DANIEL BLANKENSHIP: Yes.
 17 MS. QUIANA FIELDS: Mr. Ferrell?
 18 MR. SHANNON FERRELL: Yes.
 19 MS. QUIANA FIELDS: Mr. Griesel?
 20 MR. DAVID GRIESEL: Yes.
 21 MS. QUIANA FIELDS: Dr. Hammon?
 22 DR. TRACY HAMMON: Yes.
 23 MS. QUIANA FIELDS: Mr. Kinder?
 24 MR. JAMES KINDER: Yes.
 25 MS. QUIANA FIELDS: Mr. Mason?

77

1 CHAIRMAN JAN KUNZE: Don't go there. I just
 2 came through Stillwater coming up here.
 3 I want to remind everybody that at the
 4 February meeting, this is important, at the February
 5 meeting is when we discuss the officers and that
 6 rotation. And it also will be an opportunity to
 7 relook at the composition of the subcommittee. So I
 8 ask Board members to have that on their minds and any
 9 role that they might like to take in that. So that
 10 opportunity will be at the beginning of the February
 11 meeting.
 12 And with that, I'll ask: if we have a motion
 13 to adjourn?
 14 VICE CHAIRMAN TIM MUNSON: So moved.
 15 CHAIRMAN JAN KUNZE: I have a motion. Do I
 16 have a second?
 17 MR. SHANNON FERRELL: Second.
 18 CHAIRMAN JAN KUNZE: Motion and seconded.
 19 I'm not going to ask for a discussion. I'll ask for a
 20 roll call.
 21 MS. QUIANA FIELDS: Mr. Blankenship?
 22 MR. DANIEL BLANKENSHIP: Yes.
 23 MS. QUIANA FIELDS: Mr. Ferrell?
 24 MR. SHANNON FERRELL: Yes.
 25 MS. QUIANA FIELDS: Mr. Griesel?

79

1 MR. STEVE MASON: Yes.
 2 MS. QUIANA FIELDS: Mr. Munson?
 3 VICE CHAIRMAN TIM MUNSON: Yes.
 4 MS. QUIANA FIELDS: Mr. Nicholson?
 5 MR. HOMER NICHOLSON: Yes.
 6 MS. QUIANA FIELDS: Mr. Sims?
 7 MR. BILLY SIMS: Yes.
 8 MS. QUIANA FIELDS: Ms. Turner?
 9 MS. LORETTA TURNER: Yes.
 10 MS. QUIANA FIELDS: Mr. Wendling?
 11 MR. JOHN WENDLING: Yes.
 12 MS. QUIANA FIELDS: Ms. Kunze?
 13 CHAIRMAN JAN KUNZE: Yes.
 14 MS. QUIANA FIELDS: Motion passed.
 15 CHAIRMAN JAN KUNZE: Thank you.
 16 Thank you, Scott.
 17 MR. SCOTT THOMPSON: Thank you.
 18 CHAIRMAN JAN KUNZE: At this point is there
 19 any new business that could not have been known about
 20 before the posting of this agenda? Does anybody have
 21 any new business?
 22 I want to announce that our next meeting is
 23 planned for February 17th, 2017. And that meeting
 24 will be held in Oklahoma, in Norman, Oklahoma.
 25 MR. DANIEL BLANKENSHIP: As opposed to what?

78

1 MR. DAVID GRIESEL: Yes.
 2 MS. QUIANA FIELDS: Dr. Hammon?
 3 DR. TRACY HAMMON: Yes.
 4 MS. QUIANA FIELDS: Mr. Kinder?
 5 MR. JAMES KINDER: Yes.
 6 MS. QUIANA FIELDS: Mr. Mason?
 7 MR. STEVE MASON: Yes.
 8 MS. QUIANA FIELDS: Mr. Munson?
 9 VICE CHAIRMAN TIM MUNSON: Yes.
 10 MS. QUIANA FIELDS: Mr. Nicholson?
 11 MR. HOMER NICHOLSON: Yes.
 12 MS. QUIANA FIELDS: Mr. Sims?
 13 MR. BILLY SIMS: Yes.
 14 MS. QUIANA FIELDS: Ms. Turner?
 15 MS. LORETTA TURNER: Yes.
 16 MS. QUIANA FIELDS: Mr. Wendling?
 17 MR. JOHN WENDLING: Yes.
 18 MS. QUIANA FIELDS: Ms. Kunze?
 19 CHAIRMAN JAN KUNZE: Yes.
 20 MS. QUIANA FIELDS: Motion passed.
 21 CHAIRMAN JAN KUNZE: Now that we've
 22 adjourned, we have the opportunity for the public
 23 forum. The advantage of us being in a different
 24 location is we like to have the opportunity to hear
 25 the concerns of any Oklahomans over the environmental

80

1 issues.
 2 I am not aware of anybody that signed up for
 3 the public forum. Is that correct?
 4 Is there anybody here that would like to
 5 speak? And if not, there will be no public forum and
 6 we are through. Thank you, guys.

7 ADJOURNMENT - 12:40 P.M.

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1 ** CERTIFICATE **

2 STATE OF OKLAHOMA)
 3 COUNTY OF OKLAHOMA) SS:

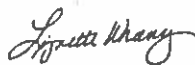
4
 5 I, Lynette Wrany, a Certified Shorthand Reporter
 6 within and for the State of Oklahoma, do hereby
 7 certify that I reported all of the foregoing meeting,
 8 and that I later reduced it to typewritten form, as
 9 the same appears herein.

10 I further certify that I am not a relative of,
 11 nor attorney for, nor clerk or stenographer for any
 12 party to this meeting, and that I am not otherwise
 13 interested in the event of the same.

14 I further certify that the above and foregoing
 15 typewritten pages contain a full, true and correct
 16 transcript of my stenographic notes so taken, during
 17 said meeting.

18 WITNESS my hand and seal this the 15th day of
 19 November, 2016.

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LYNETTE WRANY, C.S.R.
 Oklahoma Certified Shorthand Reporter
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 Expiration Date: December 31, 2016

1 * * C E R T I F I C A T E * *

2 STATE OF OKLAHOMA)
3 COUNTY OF OKLAHOMA) SS:

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5 I, Lynette Wrany, a Certified Shorthand Reporter
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18 WITNESS my hand and seal this the 15th day of
19 November, 2016.

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LYNETTE WRANY, C.S.R.
Oklahoma Certified Shorthand Reporter
Certificate No. 1167
Expiration Date: December 31, 2016

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25



O K L A H O M A
DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD

Attendance Record
November 9, 2016
Ponca City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Quiana Fields	DEQ
Cindy Penickreat	DEQ
Alisha A. Barber	DEQ
Kathy Aebischer	DEQ
Shellee Howard	DEQ
Martha H. Weston	DEQ
Chris Amundson	DEQ
Billie Sims	DEQ
Erin Tapp	DEQ
Bruce Vander Lende	DEQ
Jimmy Givens	DEQ
Grady Collins	DEQ
Richard McDaniel	DEQ
Lloyd Kiell	DEQ
Gerald Brecher	WFEC
Kelly Dixon	DEQ
John Wendling	DEQ BD
Tracy Hammon	DEQ Board
Skylar McElhoney	DEQ
ERIN Hatfield	DEQ
Jan Kunze	EQ
Mike Edwards	DEQ
Dan Blankenship	EAB
Clayton EUBANKS	OAG
Tim Munson	DEQ
CARL PORTER	PC



O K L A H O M A
DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY
BOARD

Attendance Record
November 9, 2016
Ponca City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

David Horinek	PC
Shannon L. Ferrell	EQB
Grisa Davidk	EQB
Stephen Margaret	Blackwell City Council
APRIL SACHA	Plobo
GEORGE MacDURMON	OU HEALTH SCI. CENTER
ROZANN Sebor	
BRIAN McQuinn	OGRE ENERGY
Bad Ground	EFO
Loretta Turner	DEQBO
Allen Hardesty	Piawade environmental
Jon Roberts	DEQ
Todd Smith	City of PC
Lee Grafer	Hogwarts Adminy Council.
ALBERT Bantel	OKLAHOMA CITY
Hong Fu	City of Ponca
Catherine Sharp	ODEQ
Jim Quers	PSO
Michael Wiggins	WQMAC.
Michelle Wynn	DEQ
R. Mark Stouff	Chesapeake
Mark Hildebrand	DEQ
Saba Tachmassob	~
Thomas Wickham	City Ponca City