

**MINUTES  
ENVIRONMENTAL QUALITY BOARD  
FEBRUARY 21, 2020  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OKLAHOMA CITY, OK**

Official EQB Approved  
On September 15, 2020

**Notice of Public Meeting** – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 North Robinson Oklahoma 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 16, 2019. The agenda was mailed to interested parties on February 12, 2020 and was posted at the DEQ on February 12, 2020. Mr. Jimmy Kinder, Chair, called the meeting to order. Mr. Kinder talked on safety precautions in case of an emergency. Ms. Fields called roll and a quorum was confirmed.

**MEMBERS PRESENT**

Mark Barton  
Shannon Ferrell  
David Griesel  
Tracy Hammon  
Ken Hirshey  
Alexie Kindrick  
Jan Kunze  
Steve Mason  
Tim Munson  
Homer Nicholson  
Mike Paque  
Billy Sims  
Jimmy Kinder

**DEQ STAFF PRESENT**

Scott Thompson, Executive Director  
Jimmy Givens, Deputy Executive Director  
Rob Singletary, General Counsel  
Michelle Wynn, Legislative Liaison  
Eddie Terrill, Air Quality Division  
Jennifer Boyle, Deputy General Counsel  
Chris Armstrong, State Environmental Laboratory Services  
Kelly Dixon, Land Protection Division  
Patrick Riley, Land Protection Division  
Skylar McElhaney, Office of External Affairs  
Lloyd Kirk, Office of External Affairs  
Mark Hildebrand, Environmental Complaints & Local Services  
Kendal Stegmann, Environmental Complaints & Local Services  
Trevor Hammons, Environmental Attorney  
Karen Jayne, Environmental Attorney  
Lee Dooley, Environmental Attorney  
Pam Dizikes, Environmental Attorney  
Betsey Streuli, Environmental Attorney  
Saba Tahmassebi, Engineering Manager  
Mike Edwards, Land Protection Division  
Greg Carr, Water Quality Division  
Melanie Foster, Air Quality Division  
Beverly Botchlet-Smith, Air Quality Division  
Erin Hatfield, Office of External Affairs  
Shellie Chard, Water Quality Division  
Nicholas Huber, Environmental Complaints & Local Services  
Kathy Aebischer, Administrative Services Division  
Bruce Vande-Lune, Environmental Complaints & Local Services  
Laura Jardine, Environmental Complaints & Local Services  
Travis Mensik, Environmental Complaints & Local Services  
Kole Kennedy, Land Protection Division  
Clifton Hoyle, Land Protection Division  
Matt Pace, Environmental Complaints & Local Services  
Jennifer Handley, Environmental Complaints & Local Services  
Sharon Smith, Executive Director's Office  
Carol Bartlett, Land Protection Division  
Quiana Fields, Board & Council Secretary

**MEMBERS ABSENT**

None

**OTHERS PRESENT**

Jennifer Lewis, Office of the Attorney General  
Laura Lodes, Air Quality Advisory Council  
Todd Adcock, Solid Waste Management Advisory Council

Lee Grater, Hazardous Waste Management Advisory Council  
Brian Duzan, Water Quality Management Advisory Council  
Stephen Baldrige, Office of the Secretary of Energy & Environment  
Judy Thompson, Court Reporter

**Approval of Minutes** – Mr. Sims moved to approve the Minutes of the November 8, 2019 Regular Meeting. Mr. Nicholson made the second.

*transcript pages 4 - 6*

Mark Barton	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Homer Nicholson	Yes
Kenneth Hirshey	Yes	Mike Paque	Yes
Alexandria Kindrick	Yes	Billy Sims	Yes
Jan Kunze	Yes	Jimmy Kinder	Yes

**Election of Officers** – Mr. Kinder called for nominations for Chair. Mr. Griesel nominated Mr. Kinder and Ms. Kunze made the second. Mr. Sims made a motion to cease nominations and Mr. Barton made the second.

*transcript pages 6 - 7*

Mark Barton	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Homer Nicholson	Yes
Kenneth Hirshey	Yes	Mike Paque	Yes
Alexandria Kindrick	Yes	Billy Sims	Yes
Jan Kunze	Yes	Jimmy Kinder	Yes

Mr. Kinder called for nominations for Vice-Chair. Mr. Munson nominated Dr. Hammon and Mr. Paque made the second. Mr. Sims made a motion to cease nomination and Mr. Griesel made the second.

*transcript pages 8 - 9*

Mark Barton	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Homer Nicholson	Yes
Kenneth Hirshey	Yes	Mike Paque	Yes
Alexandria Kindrick	Yes	Billy Sims	Yes
Jan Kunze	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:515 Management of Solid Waste** – Mr. Kinder called upon Mr. Todd Adcock, member of the Solid Waste Management Advisory Council (SWMAC), to present the rule. Mr. Adcock stated that the Department is proposing to amend OAC 252:515, Subchapters 19 and 27 to clarify deadlines related to cost estimates, to specify deadlines for financial assurance mechanisms and to make a minor grammatical change related to dust control. Hearing no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Munson moved to approve and Mr. Sims made the second.

*transcript pages 9 - 12*

Mark Barton	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Homer Nicholson	Yes
Kenneth Hirshey	Yes	Mike Paque	Yes
Alexandria Kindrick	Yes	Billy Sims	Yes
Jan Kunze	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:100 Air Pollution Control** – Mr. Kinder called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC), to present the rule. Ms. Lodes stated that the Department is proposing to amend OAC 252:100, Subchapter 17, Incinerators, to clarify the applicability of Part 9, Commercial and industrial solid waste incineration units (CISWI), to existing air curtain incinerators. Following a question by the Board and none by the public, Mr. Kinder called for a motion. Mr. Nicholson moved to approve and Mr. Paque made the second.

*transcript pages 12 - 15*

Mark Barton	Yes	Steve Mason	Yes
David Griesel	Yes	Tim Munson	Yes
Tracy Hammon	Yes	Homer Nicholson	Yes
Kenneth Hirshey	Yes	Mike Paque	Yes
Alexandria Kindrick	Yes	Billy Sims	Yes
Jan Kunze	Yes	Jimmy Kinder	Yes

**Dr. Ferrell entered the meeting.**

**Rulemaking – OAC 252:205 Hazardous Waste Management** – Mr. Kinder called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC), to present the rules. Mr. Grater stated that the Department is proposing to amend OAC 252:205, Subchapters 3 and 5 to make DEQ's hazardous waste rules consistent with federal regulations. These changes will address the safe management of recalled (vehicle) airbags and revised management standards for hazardous waste pharmaceuticals, which include an amendment to the hazardous waste listing for nicotine. Additionally, minor changes to specific subchapters are required in response to comments received from EPA. These changes regard errors identified during a review of RCRA (Authorizations) Cluster XXV. Following a question by the Board and none by the public, Mr. Kinder called for a motion. Mr. Barton moved to approve and Mr. Munson made the second.

*transcript pages 15 - 20*

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:210 Highway Spill Remediation** – Mr. Grater stated that the Department is proposing to amend OAC 252:210, Subchapter 1 to add definitions, clarify license holder responsibility, create training and reporting minimum requirements, require mandatory final reporting of spill cleanups, add a stricter requirement for authorization of performing remediation services and make other minor clarifications and corrections. Following a lengthy discussion by the Board, DEQ staff and the public, Mr. Kinder called for a motion. Mr. Mason stated that out of respect of Governor Stitt's initiative to reduce regulatory burden by 25 percent and to allow DPS to regulate spilled loads of rock on the highway, which is not an environmentally hazardous item and the vagueness of the definition of "hazardous material" he moved to reject the rule, which will be sent back to the Council to review. Mr. Griesel made the second.

*transcript pages 20 - 41*

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	No
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:641 Individual and Small Public On-Site Sewage Treatment Systems** – Mr. Kinder called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the rules. Mr. Duzan stated that the Department is proposing to amend OAC 252:641, Subchapters 1, 3, 5, 7, 9, 10, 12, 15, 21, 22, 23, Appendix C, E, F and M to clarify definitions, clarify ownership of onsite systems, remove certain construction requirements and adopt the current Oklahoma Plumbing Code, update requirements

of septic tanks, clarify the use of treatment systems for commercial small public facilities, amend construction requirements for ET/A systems, amend drip installation requirements, add closure requirements for lagoons, clarify scores for Certified Installers and Certified Soil Profilers, clarify the refunding of permit fees and make other minor clarifications and corrections. Following questions from the Board and none by the public, Mr. Kinder called for a motion. Mr. Sims moved to approve and Mr. Paque made the second.

*transcript pages 41 - 46*

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:710 Waterworks and Wastewater Works Operator Certification –** Mr. Duzan stated that the Department is proposing to amend OAC 252:710, Subchapters 1, 3, 5, 7, Appendix B and C to enhance the professional development of operators in Oklahoma by increasing training requirements for certification renewal. This will allow DEQ to approve a variety of training opportunities that minimize the financial impact on operators and employers and help rural operators to achieve the required training hours. This rulemaking will allow environmental professionals, such as DEQ staff and consulting engineers, to obtain a special non-operational certification in order to demonstrate a fundamental understanding of operator knowledge and will modify language to change the time of approval and review for training courses from 30 to 42 days. It will also incorporate the language of Senate Bill No. 670 that provides for certification reciprocity for military personnel being transferred to Oklahoma. This rulemaking will promote consistency with relevant statutory language and clarify existing language by adding definitions and modifying unclear rule text. The Department is also proposing to add Appendix C that clarifies the number of Professional Development Hours needed for each certificate level. Following a question from the Board and none by the public, Mr. Kinder called for a motion. Mr. Griesel moved to approve and Mr. Hirshey made the second.

*transcript pages 46 - 51*

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Executive Director's Report –** Mr. Scott Thompson, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting and legislative matters.

*transcript pages 51 - 65*

**Budget Update and Financial Overview (FY 2020) –** Mr. Kinder called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation and update on the FY 2020 budget, for informational purposes only.

*transcript pages 66 - 74*

**New Business –** None

**Next Meeting –** The next regular meeting is scheduled for June 9, 2020 in Oklahoma City, DEQ Multipurpose Room.

**Adjournment** – Mr. Kinder called for a motion to adjourn. Mr. Griesel moved to adjourn and Mr. Munson made the second. Meeting adjourned at 11:06 a.m.

*transcript pages 80 - 81*

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

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

DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENVIRONMENTAL QUALITY BOARD MEETING

FEBRUARY 21, 2020

DEQ BUILDING  
707 NORTH ROBINSON, 1ST FLOOR  
OKLAHOMA CITY, OKLAHOMA 73102

REPORTED BY: JUDY THOMPSON, CSR

<p style="text-align: right;">Page 2</p> <p>1 CHAIRMAN KINDER: Good morning. Thank 2 everyone for being here. It's a little crisp this 3 morning. As a farmer, I get excited this time of 4 year because spring is right around the corner, and 5 we can't wait for it to get here. And it looks like 6 we'll have to go through a few more cool nights, but 7 the daytime is kind of warming up. So we're 8 anticipating a great spring. 9 And I hope winter wasn't too hard on anyone. 10 We've gone through kind of a rough flu season. And, 11 hopefully, the peak of that is behind us. 12 So I'm going to call the meeting to order, 13 the February 21, 2020, Regular Meeting of the 14 Environmental Quality Board has been called, 15 according to the Open Meetings Act, Section 311 of 16 Title 25 of the State Statute. 17 Notice was filed with the Secretary of State 18 on October 16, 2019. Agendas were mailed to 19 interested parties on February 12, 2020, and were 20 posted at the DEQ on February 12, 2020. 21 Only matters appearing on the posted Agenda 22 may be considered. 23 If this meeting is continued or reconvened, 24 we must announce the date, the time and place of the 25 continued meeting. And the Agenda for such</p>	<p style="text-align: right;">Page 3</p> <p>1 continuation will remain the same as today's Agenda. 2 I just want to remind everybody, including 3 myself, to make sure your cell phones are turned off. 4 We'll call the meeting to order. 5 I don't know that we have any guests, that 6 we're aware of. If you're a guest, raise your hand. 7 If we missed you, sorry. We've got a few Board 8 Members showing up; great. 9 Exits are at the back of the room. And the 10 bathrooms are back there, down the hall, if anyone 11 needs to know where that is. 12 Quiana, we'll have roll call. 13 MS. FIELDS: Mr. Barton? 14 MR. BARTON: Here. 15 MS. FIELDS: Dr. Ferrell is absent. 16 Mr. Griesel? 17 MR. GRIESEL: Here. 18 MS. FIELDS: Dr. Hammon? 19 DR. HAMMON: Here. 20 MS. FIELDS: Mr. Hirshey? 21 MR. HIRSHEY: Present. 22 CHAIRMAN KINDER: Ms. Kindrick? 23 MS. KINDRICK: Here. 24 MS. FIELDS: Ms. Kunze? 25 MS. KUNZE: Here.</p>
<p style="text-align: right;">Page 4</p> <p>1 MS. FIELDS: Mr. Mason? 2 MR. MASON: Here. 3 MS. FIELDS: Mr. Munson? 4 MR. MUNSON: Here. 5 MS. FIELDS: Mr. Nicholson? 6 MR. NICHOLSON: Here. 7 MS. FIELDS: Mr. Paque? 8 MR. PAQUE: Here. 9 MS. FIELDS: Mr. Sims? 10 MR. SIMS: Here. 11 MS. FIELDS: Mr. Kinder? 12 CHAIRMAN KINDER: Here. 13 MS. FIELDS: We have a quorum. 14 CHAIRMAN KINDER: Okay. Thank you, very 15 much. 16 Shannon texted me a little while ago and 17 said he'll be here shortly. So we anticipate him 18 coming in at some part of the meeting. 19 The minutes were mailed out, sent to you 20 electronically, also. I've got a packet. So, 21 hopefully, the Board has had a chance to look at 22 that. And what is your pleasure today? 23 MR. SIMS: Motion to approve, as mailed out. 24 MR. NICHOLSON: Second. 25 CHAIRMAN KINDER: Okay. I've got a motion</p>	<p style="text-align: right;">Page 5</p> <p>1 and a second to approve the minutes, as mailed. Any 2 discussion? 3 All those in favor say Aye -- or excuse me. 4 I've got to figure out where I am. Quiana, keep me 5 straight. Roll call, please. 6 MS. FIELDS: Mr. Barton? 7 MR. BARTON: Yes. 8 MS. FIELDS: Mr. Griesel? 9 MR. GRIESEL: Yes. 10 MS. FIELDS: Dr. Hammon? 11 DR. HAMMON: Yes. 12 MS. FIELDS: Mr. Hirshey? 13 MR. HIRSHEY: Yes. 14 MS. FIELDS: Ms. Kindrick? 15 MS. KINDRICK: Yes. 16 MS. FIELDS: Ms. Kunze? 17 MS. KUNZE: Yes. 18 MS. FIELDS: Mr. Mason? 19 MR. MASON: Yes. 20 MS. FIELDS: Mr. Munson? 21 MR. MUNSON: Yes. 22 MS. FIELDS: Mr. Nicholson? 23 MR. NICHOLSON: Yes. 24 MS. FIELDS: Mr. Paque? 25 MR. PAQUE: Yes.</p>

<p style="text-align: right;">Page 6</p> <p>1 MS. FIELDS: Mr. Sims? 2 MR. SIMS: Yes. 3 MS. FIELDS: Mr. Kinder? 4 CHAIRMAN KINDER: Yes. 5 MS. FIELDS: Motion passed. 6 CHAIRMAN KINDER: You'll have to bear with 7 me. I flew in late last night, so I'm a little 8 blurry eyed. So thank you. 9 Next on the Agenda is election of officers. 10 So we're looking for the Chair and the Vice Chair. 11 So, at this time, I'll ask for nominations 12 for the position as Chair. 13 MR. GRIESEL: I nominate James Kinder. 14 MS. KUNZE: I second. 15 CHAIRMAN KINDER: Any more nominations? 16 MR. SIMS: I make a motion that nominations 17 cease. 18 MR. GRIESEL: Make a motion, elected by 19 acclamation. 20 CHAIRMAN KINDER: I've got a motion to elect 21 by acclamation. Do I have a second? 22 MR. BARTON: Second. 23 CHAIRMAN KINDER: Any more discussion? 24 Okay. All in favor of the motion, Quiana? 25 MS. FIELDS: Mr. Barton?</p>	<p style="text-align: right;">Page 7</p> <p>1 MR. BARTON: Yes. 2 MS. FIELDS: Mr. Griesel? 3 MR. GRIESEL: Yes. 4 MS. FIELDS: Dr. Hammon? 5 DR. HAMMON: Yes. 6 MS. FIELDS: Mr. Hirshey? 7 MR. HIRSHEY: Yes. 8 MS. FIELDS: Ms. Kindrick? 9 MS. KINDRICK: Yes. 10 MS. FIELDS: Ms. Kunze? 11 MS. KUNZE: Yes. 12 MS. FIELDS: Mr. Mason? 13 MR. MASON: Yes. 14 MS. FIELDS: Mr. Munson? 15 MR. MUNSON: Yes. 16 MS. FIELDS: Mr. Nicholson? 17 MR. NICHOLSON: Yes. 18 MS. FIELDS: Mr. Paque? 19 MR. PAQUE: Yes. 20 MS. FIELDS: Mr. Sims? 21 MR. SIMS: Yes. 22 MS. FIELDS: Mr. Kinder? 23 CHAIRMAN KINDER: Yes. 24 MS. FIELDS: Motion passed. 25 CHAIRMAN KINDER: Well, thank you. You'll</p>
<p style="text-align: right;">Page 8</p> <p>1 get to put up with me maybe one more year, and then 2 we'll talk about next year. 3 So next is the nominations for Vice Chair. 4 We'll open up the floor for that. 5 MR. MUNSON: Mr. Chair, I nominate Tracy 6 Hammon as Vice Chair. 7 MR. PAQUE: Second. 8 CHAIRMAN KINDER: Any more nominations? 9 MR. SIMS: I make a motion nominations 10 cease, and motion to elect by acclamation. 11 MR. GRIESEL: Second. 12 CHAIRMAN KINDER: We've got a second. We've 13 got a motion to elect by acclamation and a second. 14 Quiana? 15 MS. FIELDS: Mr. Barton? 16 MR. BARTON: Yes. 17 MS. FIELDS: Mr. Griesel? 18 MR. GRIESEL: Yes. 19 MS. FIELDS: Dr. Hammon? 20 DR. HAMMON: Yes. 21 MS. FIELDS: Mr. Hirshey? 22 MR. HIRSHEY: Yes. 23 MS. FIELDS: Ms. Kindrick? 24 MS. KINDRICK: Yes. 25 MS. FIELDS: Ms. Kunze?</p>	<p style="text-align: right;">Page 9</p> <p>1 MS. KUNZE: Yes. 2 MS. FIELDS: Mr. Mason? 3 MR. MASON: Yes. 4 MS. FIELDS: Mr. Munson? 5 MR. MUNSON: Yes. 6 MS. FIELDS: Mr. Nicholson? 7 MR. NICHOLSON: Yes. 8 MS. FIELDS: Mr. Paque? 9 MR. PAQUE: Yes. 10 MS. FIELDS: Mr. Sims? 11 MR. SIMS: Yes. 12 MS. FIELDS: Mr. Kinder? 13 CHAIRMAN KINDER: Yes. 14 MS. FIELDS: Motion passed. 15 CHAIRMAN KINDER: Tracy, do you have your 16 acceptance speech? 17 DR. HAMMON: Thank you all. 18 CHAIRMAN KINDER: Thank you very much for 19 the vote of confidence for us. We'll try to do you 20 proud next year. 21 So we're at Item No. 6 on your Agenda. 22 We'll just move in to rulemaking. I think we've had 23 a change of the presenter, Todd Adcock, from the 24 Solid Waste Advisory Committee. The Advisory Council 25 is here to explain to us some of the rulemaking that</p>



<p style="text-align: right;">Page 10</p> <p>1 he has proposed.</p> <p>2 MR. ADCOCK: Good morning.</p> <p>3 CHAIRMAN KINDER: Good morning.</p> <p>4 MR. ADCOCK: The Department is proposing to</p> <p>5 amend OAC 252:515, to revise potentially confusing</p> <p>6 regulations and to clarify deadlines.</p> <p>7 The gist of the rule is to clarify deadlines</p> <p>8 related to cost estimates, specified deadlines for</p> <p>9 financial assurance mechanisms, and to make a minor</p> <p>10 grammatical change related to dust control.</p> <p>11 The Solid Waste Management Advisory Council</p> <p>12 met on January 16, 2020, and approved the changes to</p> <p>13 OAC 252:515. The Council recommends that the Board</p> <p>14 approve the changes today, as approved by Council.</p> <p>15 CHAIRMAN KINDER: Are there any questions by</p> <p>16 the Board?</p> <p>17 (No questions)</p> <p>18 Questions or discussion by the public?</p> <p>19 (No questions)</p> <p>20 CHAIRMAN KINDER: I'm looking for possible</p> <p>21 action by the Board.</p> <p>22 MR. MUNSON: I move we approve.</p> <p>23 CHAIRMAN KINDER: We've got a motion to</p> <p>24 approve.</p> <p>25 MR. SIMS: Second.</p>	<p style="text-align: right;">Page 11</p> <p>1 CHAIRMAN KINDER: I'll ask for any more</p> <p>2 discussions, to make sure.</p> <p>3 Okay. Roll call vote, please.</p> <p>4 MS. FIELDS: Mr. Barton?</p> <p>5 MR. BARTON: Yes.</p> <p>6 MS. FIELDS: Mr. Griesel?</p> <p>7 MR. GRIESEL: Yes.</p> <p>8 MS. FIELDS: Dr. Hammon?</p> <p>9 DR. HAMMON: Yes.</p> <p>10 MS. FIELDS: Mr. Hirshey?</p> <p>11 MR. HIRSHEY: Yes.</p> <p>12 MS. FIELDS: Ms. Kindrick?</p> <p>13 MS. KINDRICK: Yes.</p> <p>14 MS. FIELDS: Ms. Kunze?</p> <p>15 MS. KUNZE: Yes.</p> <p>16 MS. FIELDS: Mr. Mason?</p> <p>17 MR. MASON: Yes.</p> <p>18 MS. FIELDS: Mr. Munson?</p> <p>19 MR. MUNSON: Yes.</p> <p>20 MS. FIELDS: Mr. Nicholson?</p> <p>21 MR. NICHOLSON: Yes.</p> <p>22 MS. FIELDS: Mr. Paque?</p> <p>23 MR. PAQUE: Yes.</p> <p>24 MS. FIELDS: Mr. Sims?</p> <p>25 MR. SIMS: Yes.</p>
<p style="text-align: right;">Page 12</p> <p>1 MS. FIELDS: Mr. Kinder?</p> <p>2 CHAIRMAN KINDER: Yes.</p> <p>3 MS. FIELDS: Motion passed.</p> <p>4 CHAIRMAN KINDER: That was easy, wasn't it?</p> <p>5 MR. ADCOCK: That was easy. Thank you.</p> <p>6 Jeff will be here next time, I'll make sure.</p> <p>7 CHAIRMAN KINDER: Okay. Thank you for what</p> <p>8 you do.</p> <p>9 Next up is the rulemaking Item No. 7. Laura</p> <p>10 Lodes, thank you. Please present.</p> <p>11 MS. LODES: Good morning, Mr. Chairman and</p> <p>12 Board. I hope everybody is doing well today.</p> <p>13 We have, on the Agenda today, the Department</p> <p>14 is proposing to amend OAC 252:100, Subchapter 17,</p> <p>15 Incinerators, to clarify the applicability of Part 9,</p> <p>16 commercial and industrial solid waste incineration</p> <p>17 units (CISWI), to existing air curtain incinerators.</p> <p>18 The proposed Subchapter 17 rule changes</p> <p>19 follow recent changes to the Federal emission</p> <p>20 guidelines in 40 CFR, Part 60, Subpart DDDD, where</p> <p>21 EPA clarified that air curtain incinerators, or ACIs,</p> <p>22 are CISWI-affected new sources.</p> <p>23 The Department proposed updating the</p> <p>24 language in Subchapter 17 to align with State Rules</p> <p>25 with the changes EPA made to its rules. These</p>	<p style="text-align: right;">Page 13</p> <p>1 proposed changes will ensure the regulated community</p> <p>2 understands the State applicability of the CISWI</p> <p>3 Rules do not vary from the Federal.</p> <p>4 Notice of the proposed rule change was</p> <p>5 published in the Oklahoma Register on December 2,</p> <p>6 2019. The Department received no comments prior to</p> <p>7 or during the January 15, 2020, Air Quality Advisory</p> <p>8 Council meeting, and the Council unanimously approved</p> <p>9 the proposal.</p> <p>10 As Chair of the Air Quality Advisory</p> <p>11 Council, I recommend that the Board adopt the</p> <p>12 proposed changes to Chapter 100-17, Part 9, as</p> <p>13 permanent rules.</p> <p>14 Any questions?</p> <p>15 CHAIRMAN KINDER: Any questions by the</p> <p>16 Board?</p> <p>17 MR. MASON: Do we have any of these existing</p> <p>18 units or proposed units in Oklahoma?</p> <p>19 MS. LODES: They have only identified one</p> <p>20 facility, the Henryetta Pallet that's still subject</p> <p>21 to the CISWI requirement and Chapter 17. And the</p> <p>22 applicable unit is an ACI.</p> <p>23 CHAIRMAN KINDER: Any more questions from</p> <p>24 the Board?</p> <p>25 (No further questions by the Board)</p>

<p style="text-align: right;">Page 14</p> <p>1 Any more questions or comments from the 2 public? 3 (No questions from the public) 4 Seeing none, I'll entertain some action by 5 the Board. 6 MR. NICHOLSON: Move to approve. 7 CHAIRMAN KINDER: We have a motion to 8 approve. 9 MR. PAQUE: Second. 10 CHAIRMAN KINDER: We have a second. 11 Quiana, call roll, please. 12 MS. FIELDS: Mr. Barton? 13 MR. BARTON: Yes. 14 MS. FIELDS: Mr. Griesel? 15 MR. GRIESEL: Yes. 16 MS. FIELDS: Dr. Hammon? 17 DR. HAMMON: Yes. 18 MS. FIELDS: Mr. Hirshey? 19 MR. HIRSHEY: Yes. 20 MS. FIELDS: Ms. Kindrick? 21 MS. KINDRICK: Yes. 22 MS. FIELDS: Ms. Kunze? 23 MS. KUNZE: Yes. 24 MS. FIELDS: Mr. Mason? 25 MR. MASON: Yes.</p>	<p style="text-align: right;">Page 15</p> <p>1 MS. FIELDS: Mr. Munson? 2 MR. MUNSON: Yes. 3 MS. FIELDS: Mr. Nicholson? 4 MR. NICHOLSON: Yes. 5 MS. FIELDS: Mr. Paque? 6 MR. PAQUE: Yes. 7 MS. FIELDS: Mr. Sims? 8 MR. SIMS: Yes. 9 MS. FIELDS: Mr. Kinder? 10 CHAIRMAN KINDER: Yes. 11 MS. FIELDS: Motion passed. 12 MS. LODES: Thank you. 13 CHAIRMAN KINDER: Thank you. 14 Moving right along to Item No. 8, rulemaking 15 on hazardous waste. Lee Grater is who I have down. 16 Good morning, Lee. 17 MR. GRATER: Good morning. I'm Lee Grater, 18 the Chairman of the Hazardous Waste Management 19 Advisory Council. 20 The Council met for a rulemaking meeting on 21 October 10, 2019. The Council voted unanimously to 22 approve DEQ's proposed amendments. No comments 23 regarding this matter have been received as of this 24 date. 25 The purpose of the annual rulemaking is to</p>
<p style="text-align: right;">Page 16</p> <p>1 make DEQ's State Hazardous Waste Rules consistent 2 with the Federal Regulations by incorporating by 3 reference the Regulations found in 40 C.F.R., Parts 4 1, 2, 4, and 260 through 279, realized as of July 1, 5 2019. 6 The Federal Rule changes were required to be 7 incorporated in order to maintain program 8 authorization and includes rules that address safe 9 management of recalled (vehicle) airbags, and revised 10 management standards for hazardous waste 11 pharmaceuticals, which include an Amendment to the 12 hazardous waste listing for nicotine. 13 Additionally, minor changes to specific 14 subchapters of the State rules are required. These 15 housekeeping-type changes will fix errors identified 16 during a recent review of the authorized program by 17 EPA. 18 By fixing those errors and updating the 19 incorporation by reference, the rulemaking ensures 20 the Oklahoma Hazardous Waste Rules are at least 21 equivalent to the Federal Rules, which is required to 22 maintain the authorized Hazardous Waste Program. 23 The Hazardous Waste Management Advisory 24 Council recommends that the Board approve this 25 rulemaking.</p>	<p style="text-align: right;">Page 17</p> <p>1 If anyone has any questions, we'd be happy 2 to answer them. 3 Thank you. 4 CHAIRMAN KINDER: Do you have any questions 5 or comments from the Board. 6 MR. SIMS: This is about, what, the fourth 7 year, the beginning of the fourth year of the 8 requirement to replace a lot of those airbags that 9 were not efficient or not adequate. Where are we at 10 in that whole process? I mean, that all comes from 11 the national and international companies, doesn't it? 12 MR. GRATER: I believe so. Mike, do you 13 have any comment? 14 MR. EDWARDS: There are large warehouses 15 storing millions of airbags, and they don't know what 16 to do with them, because they would normally, 17 possibly, be hazardous waste. So the EPA is offering 18 relief to the people dealing with those warehouses to 19 allow them to manage them in an easier manner. 20 MR. GRATER: Fundamentally, they are 21 explosive. And there is a definite potential for 22 injury, especially if there's any amount of them in 23 one location. 24 I know it's difficult. A lot of hazardous 25 waste processors do not want to accept them.</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. SIMS: Do we have any companies or 2 businesses in Oklahoma that will deal directly with 3 that, or is that all? 4 MR. EDWARDS: No. There are two or three 5 places in the country for those airbags that have 6 been sent from car dealers, not in Oklahoma. 7 MR. GRATER: I'm not familiar with the exact 8 process for disposing of the airbags. You can ask me 9 about most any other hazardous waste, I can tell you. 10 But airbags, I haven't had to deal with them. 11 MR. SIMS: Well, I understand the necessity 12 that we follow the guidelines by the EPA regulations. 13 But it really doesn't have much effect on Oklahoma, 14 probably, as far as having to deal with it. 15 CHAIRMAN KINDER: Any more comments? 16 (No further comments) 17 CHAIRMAN KINDER: Any questions or comments 18 from the public? 19 (No questions or comments from the public) 20 CHAIRMAN KINDER: Seeing none, I'll 21 entertain a motion for action. 22 MR. BARTON: I move to approve. 23 CHAIRMAN KINDER: We've got a motion to 24 approve. 25 MR. MUNSON: Second.</p>	<p style="text-align: right;">Page 19</p> <p>1 CHAIRMAN KINDER: I've got a second. 2 Quiana, roll call, please. 3 MS. FIELDS: Mr. Barton? 4 MR. BARTON: Yes. 5 MS. FIELDS: Dr. Ferrell has entered the 6 building. Dr. Ferrell? 7 DR. FERRELL: Yes. 8 MS. FIELDS: Mr. Griesel? 9 MR. GRIESEL: Yes. 10 MS. FIELDS: Dr. Hammon? 11 DR. HAMMON: Yes. 12 MS. FIELDS: Mr. Hirshey? 13 MR. HIRSHEY: Yes. 14 MS. FIELDS: Ms. Kindrick? 15 MS. KINDRICK: Yes. 16 MS. FIELDS: Ms. Kunze? 17 MS. KUNZE: Yes. 18 MS. FIELDS: Mr. Mason? 19 MR. MASON: Yes. 20 MS. FIELDS: Mr. Munson? 21 MR. MUNSON: Yes. 22 MS. FIELDS: Mr. Nicholson? 23 MR. NICHOLSON: Yes. 24 MS. FIELDS: Mr. Paque? 25 MR. PAQUE: Yes.</p>
<p style="text-align: right;">Page 20</p> <p>1 MS. FIELDS: Mr. Sims? 2 MR. SIMS: Yes. 3 MS. FIELDS: Mr. Kinder? 4 CHAIRMAN KINDER: Yes. 5 MS. FIELDS: Motion passed. 6 CHAIRMAN KINDER: Moving on down to Item No. 7 9, Rulemaking on 252:210. Lee, you're still up. 8 MR. GRATER: Yes. 9 On October 10, 2019, the Hazardous Waste 10 Management Advisory Council met and approved changes 11 to OAC 252:210, Highway Spill Remediation. 12 These changes were presented by 13 environmental complaints and local services in 14 compliance with the permanent rulemaking process. 15 The changes being presented today for the 16 Board include adding definitions for complete 17 remediation and contact agency, clarifying that all 18 licensed holders are responsible for the actions of 19 their subcontractors, creating training requirements 20 for new licenses, creating minimal requirements for 21 the initial reporting of spills to the Department, 22 adding language making the final reporting of spill 23 cleanups to the Department mandatory; adding language 24 to suspend or revoke a license for performing 25 remediation services without authorization from lead</p>	<p style="text-align: right;">Page 21</p> <p>1 officials or responsible parties, and for failing to 2 report spills. 3 We are making other minor clarifications and 4 corrections. 5 I recommend that the Board approve changes 6 to OAC 252:210 today, as approved by the Council. 7 MR. KINDER: Any questions from the Board? 8 DR. HAMMON: I do have some questions. 9 I found some of the changes to be a bit 10 subjective, and I'm always concerned when there's 11 subjectivity involved in rulemaking. 12 One of my two concerns was with the new 13 definition of hazardous material. It left a very 14 broad range of possibilities by this. They used the 15 words "and other pollutants." 16 In addition, the definition of that is if it 17 spilled in a quantity that has a potential to be 18 harmful to humans and the environment. So if someone 19 is making that risk assessment and that judgment as 20 to whether or not that material that has been 21 spilled, in fact, poses a risk. What that risk level 22 could be and whether or not a pollutant is, in fact, 23 hazardous. 24 I was reading the Council minutes, and I'll 25 banter a bit with my concerns. That went on to milk</p>

<p style="text-align: right;">Page 22</p> <p>1 in a waterway or orange juice in a waterway could be 2 hazardous.</p> <p>3 And I wonder about quantities and wonder 4 about requiring HazMat certified folks to go in and 5 clean, you know, the quantity of a cup of orange 6 juice that's sitting on Mr. Sims counter that spilled 7 into a waterway or reporting that, whether that is 8 what this intends to do, to tie up the issues with 9 reporting on very small amounts or how that's 10 intended to be implemented.</p> <p>11 MS. HANDLEY: Good morning. My name is 12 Jennifer Handley. I'm with the Environmental 13 Complaints, the Local Services Division, and I manage 14 the Highway Remediation Program.</p> <p>15 The reason "other pollutants" is kind of 16 vague is to include incidences where we've had tanker 17 loads of orange juice concentrate and milk spilled 18 into waterways, which depletes those waterways of 19 oxygen and kill fish and other aquatic wildlife.</p> <p>20 And so it's those types of incidences that 21 need to be cleaned up. They don't necessarily need 22 to be cleaned up by a HazMat crew, although all of 23 the licensed remediators are HazMat certified. So 24 they have HazMat certified technicians. So they 25 understand how to deal with those. Obviously orange</p>	<p style="text-align: right;">Page 23</p> <p>1 juice is not really a hazardous material if you get 2 it on yourself, but it does pose a significant threat 3 environmentally if released in a quantity into a 4 sensitive area.</p> <p>5 So that's why we wanted to include some 6 language that would allow us to be able to ensure 7 incidences like that are cleaned up properly.</p> <p>8 DR. HAMMONS: Thank you for that 9 clarification.</p> <p>10 One of my other concerns is that the 11 quantities for reporting were based on 25 gallons or 12 more. And that, to me, assumes that it's a liquid 13 spill, not necessarily a solid.</p> <p>14 MS. HANDLEY: That's true. We depend on 15 communication between our licensed remediators who 16 respond to all spills, generally. And our local 17 environmental specialist, our DEQ staff out in the 18 field to discuss what material was spilled, discuss 19 that with a responsible party. And we also work with 20 our Land Protection Division and Risk Management 21 section in that division to determine the best method 22 for cleanup.</p> <p>23 So 25 gallons is kind of a benchmark that we 24 use. And you're right; that is a liquid measurement. 25 However, we look at every spill individually to</p>
<p style="text-align: right;">Page 24</p> <p>1 evaluate what methods are best to clean those up and 2 what parameters need to be met for a site to be 3 considered cleaned up after a spill or a release.</p> <p>4 DR. HAMMON: That requirement, if it is a 5 solid, the requirement to report does not apply 6 unless it's in a waterway.</p> <p>7 MS. HANDLEY: All spills are required to be 8 reported. All spills that our highway remediators or 9 licensees respond to are required to be reported. So 10 the spill would be reported anyway.</p> <p>11 We don't receive reports of spills less than 12 25 gallons; otherwise, we'd be responding to every 13 car crash and fender-bender in the State. And we 14 certainly don't have the resources for that.</p> <p>15 We could certainly talk about maybe adding 16 some solid waste, some solid measurement in the 17 future, if we need to do so, or make a modification, 18 if we need to.</p> <p>19 DR. HAMMON: Sorry, I'm monopolizing just a 20 little bit.</p> <p>21 Another question I had is it appears that 22 the burden of notification is on the licensee and no 23 remediation --</p> <p>24 MS. HANDLEY: That's correct.</p> <p>25 DR. HAMMON: -- and not on the responsible</p>	<p style="text-align: right;">Page 25</p> <p>1 party?</p> <p>2 MS. HANDLEY: We have a lot of responsible 3 parties from out of state. And during a crisis, they 4 generally may not understand that they are required 5 to report.</p> <p>6 The Oklahoma Highway Patrol is part of the 7 Department of Public Safety. It's supposed to do 8 that notification. And they don't always do it 9 either.</p> <p>10 So we've added that into the Rules to ensure 11 that we get notified. We've had several incidences 12 that weren't reported to us. And then three months 13 later or six months later when there's a problem with 14 paperwork elsewhere, we're being contacted and asked 15 for information on spills we were never notified 16 about. But we had highway spill remediators that 17 were involved in those cleanups. So we felt it was 18 best if we required the licensees to report. At 19 least we would get some notification from somebody.</p> <p>20 DR. HAMMON: And then my last question, for 21 right now, is on the recordkeeping and the submittal 22 of the remediation records. The language has changed 23 from results of all analysis to simply sample 24 results. Is the expectation that sample results will 25 exist for all remediation cleanup, or -- the way it</p>

<p style="text-align: right;">Page 26</p> <p>1 was written, prior, indicates that, if we had it 2 available, that would be submitted. Right now, it's 3 the sample results. 4 So what is the intent? 5 MS. HANDLEY: Generally, all spills are 6 required to have some sort of sample analysis. You 7 know, if they spilled diesel fuel, we are requiring 8 TPH and BTEX samples on those to make sure that that 9 material has been cleaned up. 10 We do that with everything. Like I said, 11 every spill is an individual incident that's 12 evaluated. And we work with our risk assessment 13 group to determine which samples need to be pulled 14 and what constitutes cleanup. And most of the spills 15 in this State do require sampling. I'm not sure 16 we've had very many that have not. 17 DR. HAMMON: But there is leeway for some 18 spills that, perhaps typically, are nonhazardous 19 materials, like Coke or orange juice does not require 20 a sample analysis. 21 MS. HANDLEY: No -- yes, there is that 22 potential. 23 DR. FERRELL: I was just wondering -- I 24 tried to find the information in the minutes, but I 25 couldn't get my hands on it, sitting there. I</p>	<p style="text-align: right;">Page 27</p> <p>1 apologize. Could you give us a little bit more 2 detail about what would be entailed in the training 3 for operators under the new rule? 4 MS. HANDLEY: So what we're trying to 5 accomplish with the two hours for new licensees is to 6 ensure that they understand what the requirements 7 under the Rules are, to make sure they understand 8 that sampling, when we talk about sampling for diesel 9 fuel spills, especially. We're not asking just for 10 diesel range organic samples. We need TPH and BTEX 11 for those. 12 There's been confusion, and we've had some 13 issues with some of our licensees trying to make sure 14 they understand what samples need to be pulled. So 15 we're trying to make sure we give that to new 16 licensees upfront, just to help make sure they 17 understand what their needs are. 18 We also want to talk about final reports and 19 items we like to see in those. We have a very, 20 very -- you know, every spill remediation company 21 provides something a little bit different in their 22 reports, which is fine, as long as it's complete and 23 contains the material we need. We just want to make 24 sure they understand what we really need in those. 25 reports and the format that they use is fine.</p>
<p style="text-align: right;">Page 28</p> <p>1 DR. FERRELL: The ECLS felt like two hours 2 of training would be adequate to cover that in 3 sufficient depth? 4 MS. HANDLEY: Yes, we believe so. 5 MR. MASON: I have a follow-up to 6 Ms. Hammons' question about this vagueness, and, 7 specifically, about hazardous material. 8 Before we had a regulatory citation, and now 9 it's a subjective citation? Can it be a statutory 10 citation that has definition? 11 MS. HANDLEY: I apologize. I'm trying to 12 remember what the conversation was around changing 13 that -- I apologize. 14 MR. THOMPSON: Hazardous materials are 15 federally defined under transportation rules. So, 16 commonly, people use the term "hazardous material" or 17 "hazardous waste" or "hazardous substance" kind of 18 vaguely anyway, in terms of -- because they're all 19 under different Federal authorities. 20 But we have a public nuisance statute that 21 applies to any pollution of air, soil or water. And 22 so we can broadly apply for things. 23 What we're trying to do is establish a 24 general description. And I wouldn't read the 25 25 gallons to be limited totally to liquid, unless it</p>	<p style="text-align: right;">Page 29</p> <p>1 says specifically it's liquid only. It could be 2 modified to say "solid or liquid." But in order to 3 set a number, we have to guess at some average 4 density of materials, you know, to say so many 5 pounds, because some things are going to weigh a 6 whole lot less for the same volume. 7 So it's just an attempt to set a de minimis 8 number, regardless. But I would say that it's not 9 intended to be liquid only. And I'm not sure there's 10 a great way to do that absent creating their own list 11 of reportable quantities for specific compounds. And 12 I don't think we want to create that. 13 It is simply to make sure that we get 14 notification of it and that we can evaluate whether 15 or not it's, you know, human health or an 16 environmental hazard and that it's being addressed 17 properly. 18 But on the hazardous materials, maybe we 19 should determine something else, because it could be 20 hazardous materials, and other things just gives us 21 that capability to say it could be a public nuisance 22 and we need to evaluate the potential for it. 23 Terry, do you have something to clarify 24 that? 25 MR. BOBO: Yes.</p>

<p style="text-align: right;">Page 30</p> <p>1 CHAIRMAN KINDER: Terry, you need to 2 introduce yourself. 3 MR. BOBO: Oh, excuse me. I'm sorry. 4 I'm Terry Bobo with Environmental 5 Management. I'm one of the spill remediation 6 contractors. 7 And just to give some examples to the 8 questions about why the definition has changed, I 9 would think the Board would say that butter is not a 10 hazardous material, but you put 30,000 pounds of it 11 on I-40 in August, and it creates a very hazardous 12 situation. 13 MR. MASON: Just to interject, to me, that 14 would be a DPS issue about public safety and not the 15 butter contaminating the environment. 16 MR. BOBO: But it leads to the contractor 17 that has the capabilities of cleaning up and working 18 on the highway areas and highway right-of-ways. 19 And the same thing goes for a load of 20 gravel. We don't think about gravel being hazardous. 21 But when 26 tons of gravel in a truck on a crosstown 22 is laid over and dumped out onto the crosstown and 23 was spilling down below onto the Bass Pro parking 24 lot, it became very hazardous. 25 The same thing with, you wouldn't think</p>	<p style="text-align: right;">Page 31</p> <p>1 honey is very hazardous. But you put about 40 2 thousand pounds of it out on I-35, and it creates a 3 very hazardous situation, which caused numerous 4 wrecks in that process. 5 MR. MASON: And when you're speaking of 6 "hazardous," are you referring to, like, hazardous 7 from an environmental context or a DPS car crashing 8 on -- 9 MR. BOBO: Steve, I'm referring to a 10 hazardous situation, not as a hazardous chemical 11 item. But there are so many items that are hazardous 12 in the situation that they're in, but they're not a 13 hazardous material in that process. 14 And that's why I was in favor of this change 15 to make it so that it was an open item, because it 16 helps to control. Because so many of the companies 17 that are around, especially oilfield companies, if 18 they spill something that they don't feel like is a 19 hazardous material or hazardous waste item, they're 20 going to put their own crews out there on the road, 21 on the highway and clean it up, which, one, most of 22 them aren't properly trained for those type of 23 activities. And it creates more of a dangerous 24 situation. 25 MR. MASON: And I appreciate what you're</p>
<p style="text-align: right;">Page 32</p> <p>1 saying. But, to me, that's a DPS issue, when we have 2 a load of rock on the highway, it's not an 3 environmentally hazardous problem. 4 MR. THOMPSON: These rules are about the 5 folks who are licensed by us who get called in to 6 address these situations. And if there's a concern 7 about where it goes at the end, then that still comes 8 under our regulations. 9 We don't, hopefully, take any responsibility 10 for the traffic situations and those other kinds of 11 hazards that are associated with it. But this is 12 about the folks who are licensed by us that are 13 basically, usually, first in line to get the call to 14 go out onsite. So it's to clarify to them how 15 they're supposed to operate for our part of the 16 Rules. 17 And if we're aware of it, you know, if it's 18 a relatively innocuous substance that causes a 19 physical hazard, then we address that differently 20 than otherwise. And nothing in our Rules, regardless 21 of our de minimis number gets anybody out of the 22 requirements to report federally if the material has 23 a reportable quantity under Federal Regulations of, 24 say, a pound, or ten pounds, or 100 pounds, or 25 whatever.</p>	<p style="text-align: right;">Page 33</p> <p>1 So if we get a notification, we can explain 2 that to folks. This also has a requirement to report 3 to the National Response Center, federally. So you 4 or your clients should take care of that, too. 5 DR. HAMMON: But in the case, some of these 6 examples you've been talking about, there is a 7 requirement now that any person who remediates spills 8 must be certified as a Hazardous Material technician. 9 So I can see in some of these cases where that 10 wouldn't be relevant or necessary. 11 MR. HAMMONS: Mr. Chairman and members of 12 the Board, my name is Trevor Hammons. I'm the 13 supervising attorney for ECLS. 14 And I think one thing that we need to keep 15 in perspective is what these rules are and what these 16 rules aren't. This is not a quote "hazardous waste 17 cleanup program" in the sense that Mr. Edwards' 18 program is cleaning up hazardous waste. These rules 19 are in response to an act to license those people so 20 that, hazardous waste release, that the proper people 21 are cleaning them up. We are regulating -- Mr. Bobo, 22 there he is, right there, and his associates, of 23 those companies that are licensed to go out and clean 24 up materials. 25 And what are we talking about? We're</p>

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1 talking about truck wrecks on highways. And as has  
2 been stated before, you don't know, necessarily, what  
3 it is, unless it's marked. It could be in a  
4 quantity, innocuous butter, honey, whatever it is.  
5 But you don't want, necessarily, Bobby Joe and his  
6 backhoe to go scoop it up and put it on the back 40.  
7 And that's happened. And it happens across the  
8 State. So we have this program where we have  
9 licensed remediators, who are to be trained in case  
10 it's honey or some other horrible -- pick a  
11 substance.  
12 So this is what this Act does. It relates  
13 to the people that are cleaning up highway spills.  
14 And we want those people to be educated and  
15 regulated, and to make it clear what their  
16 responsibilities are to the Department when they  
17 clean up a spill, and reporting those spills, and  
18 then making a report of what happened and where that  
19 material ended up.  
20 MR. THOMPSON: I --  
21 MR. HAMMONS: So again -- sorry, Scott. Go  
22 ahead.  
23 MR. THOMPSON: I would add that it's not  
24 uncommon for the material that's actually spilled to  
25 be reported differently and have the wrong

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1 20 degrees. Someone loses 30 gallons of water on the  
2 highway. What is the correct response to that spill?  
3 MR. HAMMONS: Was it due to a collision? If  
4 it was due to a collision. You've got a tank of  
5 water in your back; it spills out. That is not  
6 something -- I would assume the way to clean that up  
7 is wait for it to get above 32 degrees. But this is  
8 for a collision. So if you -- and also, a collision  
9 is defined as basically something falling off a  
10 vehicle, and it doesn't require a collision with  
11 another vehicle. You hit a curb; you spill  
12 something. If it's a diesel truck, you've only got  
13 20 gallons, these guys aren't going to be required to  
14 respond.  
15 If it's a semi or if you have a tank in the  
16 back and they spill 50 gallons of diesel, it will be  
17 required to be reported to us.  
18 And, again, part of the reason why we do  
19 that, as stated before, because we're talking about  
20 trucks, mostly. And we will -- we don't get notified  
21 of a spill, then we have an insurance company call up  
22 six months later. And they say, we need the report  
23 for that spill that happened on I-40 in February. We  
24 don't have any record of that, at all. And that's  
25 what we're requiring.

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1 information on a manifest. Or you could have mixed  
2 loads, and it's reported there's this one thing  
3 that's spilled; that's the high volume. But there  
4 may be other components to that, that wind up being  
5 regulated differently or have other concerns.  
6 I mean if somebody does something wrong with  
7 a load of butter, we're not going to get too extreme  
8 about our response to it. But we kind of need to  
9 know, was it butter, was it something else.  
10 MR. HAMMONS: And along with that spill of  
11 butter, how much does a solid tank hold? 250  
12 gallons? More than likely, you're going to have 250  
13 gallons of diesel that are spilled, if it's a load of  
14 cotton balls. So you have something innocuous,  
15 something that is potentially hazardous in the  
16 environment.  
17 And what these rules do is we're trying to  
18 clarify how we regulate these gentlemen and their  
19 associates, which are required by statute to respond  
20 to highway spills. That's what we're trying to do,  
21 make it streamlined so that they know what is  
22 expected of them from us, and that it's trying to  
23 make the rules clear.  
24 CHAIRMAN KINDER: So my mind goes to weird  
25 places sometimes, I guess. So this morning, it was

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1 MR. KINDER: Any other questions that we  
2 have?  
3 MR. HIRSHEY: I'm not trying to pile on, but  
4 when I read this, when I go to the General Provisions  
5 and I read the paragraph on licenses required, I  
6 understand the context of basically ensuring that we  
7 have licensed contractors that are properly trained  
8 to handle the collision or the spill.  
9 I would assume, then, I'm just going to ask  
10 a question: Are there other regulations or  
11 procedures that ensures that, whether it's the lead  
12 official that called and enlisted a third party to  
13 engage cleanup because it was an imminent need, or  
14 whether it was the responsible party that called?  
15 But, eventually, the responsible party is fully  
16 financially responsible to remedy and to take on the  
17 cost of the complete cleanup.  
18 I know that's not the intent of this, but  
19 that question comes to my mind is -- and I'm just  
20 asking if those processes are in place where that  
21 responsible party is going to be -- is circled back  
22 to incur the cost of the entire incident.  
23 MR. HAMMONS: Yes. So there's two different  
24 things there. The first thing, public safety is  
25 first and foremost. If the Highway Patrolman is out

<p style="text-align: right;">Page 38</p> <p>1 there and -- pick a county, and there's nobody close, 2 for public safety to get the highway open, to get the 3 cars out of the way, they have the ability, and 4 correct me if I'm wrong, to basically do triage, to 5 make sure that the roadway is safe. 6 After that point, then a mediator comes in, 7 cleans it up properly. The ultimate cost of that is 8 going to be through their insurance. If there's 9 lingering contamination or something that we get 10 involved through DEQ, then yes, the person who caused 11 the wreck or the person who spilled the material is 12 ultimately responsible for that. 13 And we've had those where, I borrowed my 14 cousins semi. His insurance isn't paying for it, 15 but, yet, we're still taking enforcement against the 16 person who spilled the diesel and didn't clean it up 17 properly. Because we have that on every highway. 18 Somebody calls, it doesn't get cleaned up properly. 19 And you have over a hundred TPH on the side of the 20 highway going down the road. 21 CHAIRMAN KINDER: Any other questions or 22 concerns from the Board? 23 (No further questions or concerns from the Board) 24 Any questions or comments from the public? 25 (No questions or comments from the public)</p>	<p style="text-align: right;">Page 39</p> <p>1 Okay. I'll ask the Board to make their 2 actions known. 3 MR. MASON: Mr. Chairman, out of respect of 4 Governor Stitts' initiative to reduce regulatory 5 burden by 25 percent and to allow DPS to regulate 6 spilled loads of rock on the highway, which is, to 7 me, not an environmentally hazardous item, and the 8 vagueness of the definition of "hazardous Material," 9 we went from a statutory definition to vagueness, I 10 move that we reject these rules. 11 CHAIRMAN KINDER: Do I hear a second? 12 MR. GRIESEL: I'll second. 13 CHAIRMAN KINDER: I'll ask for any more 14 comments. 15 (No further comments) 16 At this point, I'll ask -- 17 DR. HAMMON: I have a question. This rule 18 is in existence right now, correct? So the current 19 state is that will continue until such time that 20 council could take a look at the subjective language 21 and, perhaps, come back to us. 22 Thank you. 23 CHAIRMAN KINDER: Any more comments or 24 questions? 25 (No further comments or questions)</p>
<p style="text-align: right;">Page 40</p> <p>1 Quiana, roll call, please. 2 MR. SIMS: What was the motion? 3 CHAIRMAN KINDER: The motion is to reject 4 what is proposed. 5 MR. SIMS: And then come back -- 6 CHAIRMAN KINDER: And they can -- you can 7 send it back to council. 8 Quiana, roll call, please. 9 MS. FIELDS: Mr. Barton? 10 MR. BARTON: Yes. 11 MS. FIELDS: Dr. Ferrell? 12 DR. FERRELL: Yes. 13 MS. FIELDS: Mr. Griesel? 14 MR. GRIESEL: Yes. 15 MS. FIELDS: Dr. Hammon? 16 DR. HAMMON: Yes. 17 MS. FIELDS: Mr. Hirshey? 18 MR. HIRSHEY: Yes. 19 MS. FIELDS: Ms. Kindrick? 20 MS. KINDRICK: Yes. 21 MS. FIELDS: Ms. Kunze? 22 MS. KUNZE: Yes. 23 MS. FIELDS: Mr. Mason? 24 MR. MASON: Yes. 25 MS. FIELDS: Mr. Munson?</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. MUNSON: Yes. 2 MS. FIELDS: Mr. Nicholson? 3 MR. NICHOLSON: Yes. 4 MS. FIELDS: Mr. Pague? 5 MR. PAQUE: No. 6 MS. FIELDS: Mr. Sims? 7 MR. SIMS: Yes. 8 MS. FIELDS: Mr. Kinder? 9 CHAIRMAN KINDER: Yes. 10 MS. FIELDS: Motion passed to reject. 11 CHAIRMAN KINDER: All right. Moving on to 12 Item No. 10. Brian Duzan? 13 MR. DUZAN: Yes. Thank you. 14 My name is Brian Duzan. I'm the chair of 15 the Water Quality Management Advisory Council. 16 On January 7th, the Council met and approved 17 changes to two sets of rules, which are presented in 18 compliance with the permanent rulemaking process by 19 the DEQ staff. 20 The first is OAC 252:641, Individual and 21 Small Public Onsite Sewage Treatment Systems. The 22 changes being presented today for the Board to 23 approve include to clarify the definition of sewage; 24 clarify ownership requirements for individual and 25 small public systems; clarify jurisdictional issues</p>



<p style="text-align: right;">Page 42</p> <p>1 between the current version of these Rules and the 2 construction industry's board, as it applies to sewer 3 line installation; require the installation of access 4 manholes on all septic tanks; allow for the 5 installation of aerobic systems for some small public 6 commercial facilities; make changes to the 7 installation requirements for the evaporation, 8 aspiration/absorption systems and drip irrigation 9 systems; establish closure requirements for small 10 public lagoon systems; define the time frame test. 11 Passing test score will remain valid for 12 certification as an installer or soil profiler. And 13 add language referencing the Agency's rules for 14 issuing refunds. 15 And that's it. 16 CHAIRMAN KINDER: Thank you. 17 Any questions or comments from the Board? 18 DR. HAMMON: One quick question. 19 I saw that your Council was not unanimous in 20 moving this forward. Can you discuss some of the 21 concerns around the perc testing, what their concerns 22 were? 23 MR. DUZAN: For -- I thought we were 24 unanimous on this. 25 DR. HAMMON: Did I look at this wrong?</p>	<p style="text-align: right;">Page 43</p> <p>1 CHAIRMAN KINDER: Well, there was discussion 2 about the perc test. 3 MR. DUZAN: The perc test. 4 CHAIRMAN KINDER: And the perc test. There 5 was a proposal to phase out perc tests over time. 6 MR. DUZAN: Yes. 7 CHAIRMAN KINDER: And that was stricken from 8 this set of rules. 9 DR. HAMMON: Okay. 10 MR. DUZAN: We had a big discussion about 11 perc tests. Oklahoma is one of only a handful of 12 states left that solely can rely on the perc test for 13 septic systems. And they were trying to get out of 14 that into the soil profiler. But this raised some 15 concerns with some of the Indian Nations that were 16 present, to voice their concern that they install a 17 lot of septic system. And they use the perc test for 18 a lot of their installations. And it works well for 19 their geology and what they're doing. 20 So we decided to remove the removal of the 21 perc test so it's still a valid procedure. And 22 Council will probably revisit that later at some 23 time. 24 DR. HAMMON: Thank you for the 25 clarification.</p>
<p style="text-align: right;">Page 44</p> <p>1 CHAIRMAN KINDER: So to help me clarify, 2 you'll have an option of using either the perc test 3 or the soil profile, either one? 4 MR. DUZAN: Correct. 5 CHAIRMAN KINDER: So if one fails and then 6 the other one doesn't, how do we work that in 7 practice? How does that, in practice, work in the 8 field? 9 MR. DUZAN: If it fails, it fails. You 10 don't get to go to the other one. 11 CHAIRMAN KINDER: Okay. 12 MR. DUZAN: So the State recommends the 13 profile method, because it uses, kind of, trained 14 people that look at the whole morphology of what's 15 going on, onsite, not just -- the perc test is highly 16 dependent upon weather conditions, have you had a lot 17 of rain, have you not had rain. So you could do -- 18 if you were so inclined, knowing the weather 19 conditions, you could do your perc test now, knowing 20 it will pass; whereas, if it rains or if it gets 21 cold, it may not. 22 So the soil profile is a much more 23 scientifically defensible procedure, which is what 24 almost all the states have gone to. 25 As I said, I think Oklahoma is one in only a</p>	<p style="text-align: right;">Page 45</p> <p>1 handful of states that even allows the perc test to 2 stand alone. 3 CHAIRMAN KINDER: Is the expectation going 4 to the soil profile test will change the type of 5 systems that are being put in across Oklahoma? 6 MR. DUZAN: It shouldn't. Unfortunately, 7 you know, a lot are aerobic systems today, which I 8 think most people aren't big fans of. 9 But these rules really won't change the 10 scope or the amount of one way or the other. It just 11 kind of clarifies some of that. 12 CHAIRMAN KINDER: Any questions from the 13 Board? 14 (No further questions from the Board) 15 Any questions from the public? 16 (No questions from the public) 17 Not seeing any, I'll ask for action from the 18 Board. 19 MR. SIMS: I make a motion to approve. 20 CHAIRMAN KINDER: And a second? 21 MR. PAQUE: Second. 22 CHAIRMAN KINDER: Quiana, roll call, please. 23 MS. FIELDS: Mr. Barton? 24 MR. BARTON: Yes. 25 MS. FIELDS: Dr. Ferrell?</p>

<p style="text-align: right;">Page 46</p> <p>1 DR. FERRELL: Yes.</p> <p>2 MS. FIELDS: Mr. Griesel?</p> <p>3 MR. GRIESEL: Yes.</p> <p>4 MS. FIELDS: Dr. Hammon?</p> <p>5 DR. HAMMON: Yes.</p> <p>6 MS. FIELDS: Mr. Hirshey?</p> <p>7 MR. HIRSHEY: Yes.</p> <p>8 MS. FIELDS: Ms. Kindrick?</p> <p>9 MS. KINDRICK: Yes.</p> <p>10 MS. FIELDS: Ms. Kunze?</p> <p>11 MS. KUNZE: Yes.</p> <p>12 MS. FIELDS: Mr. Mason?</p> <p>13 MR. MASON: Yes.</p> <p>14 MS. FIELDS: Mr. Munson?</p> <p>15 MR. MUNSON: Yes.</p> <p>16 MS. FIELDS: Mr. Nicholson?</p> <p>17 MR. NICHOLSON: Yes.</p> <p>18 MS. FIELDS: Mr. Paque?</p> <p>19 MR. PAQUE: Yes.</p> <p>20 MS. FIELDS: Mr. Sims?</p> <p>21 MR. SIMS: Yes.</p> <p>22 MS. FIELDS: Mr. Kinder?</p> <p>23 CHAIRMAN KINDER: Yes.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 CHAIRMAN KINDER: Moving on down to Item No.</p>	<p style="text-align: right;">Page 47</p> <p>1 11, Rulemaking 252:710.</p> <p>2 Brian, it looks like you're still up.</p> <p>3 MR. DUZAN: I'm still up.</p> <p>4 Chapter 710 is the Waterworks and Wastewater</p> <p>5 Works Operator Certification. The changes being</p> <p>6 presented today for the Board include an increase in</p> <p>7 training requirements for the professional</p> <p>8 development of operators.</p> <p>9 As we're going through this, I think this is</p> <p>10 one of the things that the DEQ does really, really</p> <p>11 well. Our Council had seen, kind of, the need for</p> <p>12 this, and they kind of formed a subgroup, and they</p> <p>13 brought in all different, you know, large waterworks,</p> <p>14 small waterworks, people from all over. And they</p> <p>15 talked about what the best way to handle this was.</p> <p>16 And they kind of came to a consensus over a year of</p> <p>17 talking to everybody. And the new Rules do such a</p> <p>18 good job in reflecting an increase in hours, but it</p> <p>19 really opens up how they can achieve these hours. It</p> <p>20 gives credit for the people training them at their</p> <p>21 wastewater plant. And it gives them access to do</p> <p>22 more onsite in their operation, because the operators</p> <p>23 really need training on their plants. It doesn't</p> <p>24 really help them as much to go to Oklahoma City or</p> <p>25 Tulsa, to these big plants. It's totally different</p>
<p style="text-align: right;">Page 48</p> <p>1 technology. So it really streamlines that.</p> <p>2 The next thing is to add reciprocity</p> <p>3 language that had been removed in the past because it</p> <p>4 was in a State Statute. And incorporate language in</p> <p>5 Senate Bill 670, which provides for certification</p> <p>6 reciprocity for military personnel.</p> <p>7 And a special certification for nonoperator</p> <p>8 environmental professionals working with water and</p> <p>9 wastewater systems.</p> <p>10 Clarify that a registered helper must work</p> <p>11 under direct supervision of a certified operator, and</p> <p>12 a temporary operator may work alone.</p> <p>13 Clarify language throughout the text</p> <p>14 including adding definitions, cleanup, fee schedules;</p> <p>15 insuring consistency with Statutes OS 27A and OS 59</p> <p>16 language.</p> <p>17 Removing citations to Oklahoma State</p> <p>18 Department of Health, etc., as they clean those up.</p> <p>19 To comply with State Statute OS 59, clarify</p> <p>20 the need to apply for a temporary license within 10</p> <p>21 days employment if you do not already have the</p> <p>22 appropriate certification for work being performed.</p> <p>23 And this is it for 710.</p> <p>24 CHAIRMAN KINDER: Thank you.</p> <p>25 Any comments or questions from the Board?</p>	<p style="text-align: right;">Page 49</p> <p>1 MR. SIMS: I would make this comment:</p> <p>2 Oklahoma rural water has really beefed up our staff.</p> <p>3 Your point about you can bring them in and train</p> <p>4 them, but sometimes, each system is unique enough,</p> <p>5 you need people on the ground with that operator to</p> <p>6 actually do that training. And we have stepped up</p> <p>7 our personnel in our program to help accomplish that</p> <p>8 so this could be properly carried out.</p> <p>9 MR. DUZAN: Thank you.</p> <p>10 CHAIRMAN KINDER: Any other comments or</p> <p>11 questions from the Board?</p> <p>12 (No further comments or questions from the Board)</p> <p>13 Any comments or questions from the public?</p> <p>14 (No comments or questions from the public)</p> <p>15 Seeing none, I'll ask for a roll call vote,</p> <p>16 please.</p> <p>17 MS. FIELDS: Motion.</p> <p>18 MR. GRIESEL: I make a motion.</p> <p>19 MR. HIRSHEY: Second.</p> <p>20 CHAIRMAN KINDER: Oh, I almost took Billy's</p> <p>21 for a motion. Sorry about that. Thank you for the</p> <p>22 catch.</p> <p>23 We have a motion and a second now. Now,</p> <p>24 then, we can ask for a roll call.</p> <p>25 MS. FIELDS: Mr. Barton?</p>

<p style="text-align: right;">Page 50</p> <p>1 MR. BARTON: Yes. 2 MS. FIELDS: Dr. Ferrell? 3 DR. FERRELL: Yes. 4 MS. FIELDS: Mr. Griesel? 5 MR. GRIESEL: Yes. 6 MS. FIELDS: Dr. Hammon? 7 DR. HAMMON: Yes. 8 MS. FIELDS: Mr. Hirshey? 9 MR. HIRSHEY: Yes. 10 MS. FIELDS: Ms. Kindrick? 11 MS. KINDRICK: Yes. 12 MS. FIELDS: Ms. Kunze? 13 MS. KUNZE: Yes. 14 MS. FIELDS: Mr. Mason? 15 MR. MASON: Yes. 16 MS. FIELDS: Mr. Munson? 17 MR. MUNSON: Yes. 18 MS. FIELDS: Mr. Nicholson? 19 MR. NICHOLSON: Yes. 20 MS. FIELDS: Mr. Paque? 21 MR. PAQUE: Yes. 22 MS. FIELDS: Mr. Sims? 23 MR. SIMS: Yes. 24 MS. FIELDS: Mr. Kinder? 25 CHAIRMAN KINDER: Yes.</p>	<p style="text-align: right;">Page 51</p> <p>1 MS. FIELDS: Motion passed. 2 CHAIRMAN KINDER: Thank you. 3 I will say thank you to the Advisory Council 4 for all the work you do. You help make our job 5 tremendously more easy. And there's great value in 6 the work that you all do, do the heavy lifting and 7 then bringing those recommendations to this Board. 8 It makes our job a little easier sometimes. So we 9 just thank you again for all that you do in the 10 meeting and the work that you do to bring those 11 reports to us. 12 Executive Director, would you give us a 13 report, please, sir? 14 MR. THOMPSON: Thank you, Mr. Chairman. 15 Legislation this session, there's a bill to 16 extend Sunset for Advisory Council. I think, 17 currently, it still says six years. So we're keeping 18 an eye on that. And, of course, that'll have to go 19 to the Senate, and we'll have to work on that issue 20 over there, try to get that through. 21 But we have done a lot to try to make people 22 aware of the importance of the Advisory Councils and 23 that our process is definitely the most open 24 transparent rulemaking process that I know of, that 25 I've ever seen in Government. And I think it ought</p>
<p style="text-align: right;">Page 52</p> <p>1 to be the model, as we're doing things to look at. 2 How many boards and councils and commissions the 3 State has. I think, if you want to talk about how to 4 make rules, I think this is the best way to do it, 5 because there's so many opportunities for public 6 comment, it minimizes our likelihood of adopting 7 something that's going to cause an unintended 8 consequence or us not to understand the potential 9 impacts of that. And that assists greatly with this 10 Board meeting, because we cover such broad areas, not 11 every one person can be an expert in everything we 12 do. 13 So we really appreciate the role of the 14 Advisory Councils. 15 There is a bill up that the Legislature can 16 amend agency rules on their own, like immediately. 17 And so that could be problematic. I would think a 18 lot of folks out there would prefer a more stable 19 environment in terms of -- I don't think someone 20 decided to radically change an agency rule at the end 21 of session, maybe without a real understanding of 22 what they're doing or what the impacts could be of 23 those changes -- necessarily the wisest move. 24 But this kind of stuff has been proposed 25 before, and has not come out the other end. So I'm</p>	<p style="text-align: right;">Page 53</p> <p>1 not certain on the likelihood of this one. But I 2 would be a little bit surprised if this were to pass 3 all the way through. But you guys might want to take 4 a look at some of those. Jimmy can get you a list of 5 the bills, bill numbers, T-bills and watches that we 6 have, if you want it. 7 There's a move to create a longer time for 8 the Legislature to review rules. So they set a much 9 earlier date. I believe it's in December, is what's 10 proposed, to have rules to the Legislature for the 11 next session. So that will greatly impact our timing 12 of Council meetings and Board meetings and when rules 13 could go. 14 For example, this meeting would have to be 15 the fall meeting in order to make sure we try to meet 16 that deadline. So we'd have to push everything back. 17 There are so many time frames now specified for what 18 we have to do with draft rules and who we have to 19 notify in the very beginning of considering the rules 20 Councils. And if you go through two or three Council 21 meetings, it can easily take a year, a year and a 22 half to institute a new rule, even if it's a much 23 better rule, even if that makes the rule much better 24 for everybody and reduces costs, etc. 25 So we prefer not to see those change, just</p>

<p style="text-align: right;">Page 54</p> <p>1 because our system would be impacted. If it happens, 2 we will adjust to it.</p> <p>3 I wouldn't mind them saying that any rules 4 that are already adopted should come to them by 5 December. So that will give them one set of rules 6 early. And then, as we adopt some that we still meet 7 the current deadline during the session and we can 8 submit the rest of those rules to them. But we'll 9 see if we can talk to some folks.</p> <p>10 But, again, it could make it much harder to 11 adopt a Federal rule in a timely manner or to adopt 12 some significant improvements to the rules in a 13 timely Manner.</p> <p>14 There is a bill -- several bills about 15 individual septic systems, sewage systems. And I 16 think a couple of those are gone. And the one that's 17 going to remain is the one that is a House Bill by 18 Representative Russ that directs us to do emergency 19 rulemaking by October 1st. Obviously, there could be 20 some changes in that. But we anticipate what that is 21 in regard to is we've been doing some research with 22 OSU, we've been doing some work on our own to 23 reconsider how long lateral lines need to be in parts 24 of Oklahoma and how large the spray zones for aerobic 25 systems need to be. And we're trying to do a better</p>	<p style="text-align: right;">Page 55</p> <p>1 job of tying those to some objective standards or to 2 some bases in terms of have we had any significant 3 problems, failures, complaints that are really 4 related to the design of these systems or the size of 5 these systems.</p> <p>6 And so I anticipate that that will result in 7 some reductions in those areas, which will make it a 8 lot better for the average citizen and make systems 9 function just fine on the same size property.</p> <p>10 Obviously, you still have to use the right amount of 11 water that your system is designed for.</p> <p>12 So we may wind up giving people a range, or 13 something, that we recommend, here's the minimum, but 14 you might increase your water capacity and the size 15 of your family, house and whatnot, you may wish to 16 add some length early, just so you have plenty of 17 capacity. I think there's room to move on that. And 18 Senator Allen is likely to be the author in the 19 Senate on that.</p> <p>20 The Governor's Executive Order on Rules, it 21 says two out for one in. But then it really sets a 22 25 percent goal for the reduction. So that's a 23 little different than two out for one in. So I think 24 we're going to focus on the 25 percent first, see if 25 we can get there, how fast. And I explained to the</p>
<p style="text-align: right;">Page 56</p> <p>1 Governor in a brief conversation that we've already 2 gone through our rules a couple of times to re-write 3 the wrong and to correct things to bring them up to 4 speed. But I'm sure that we can find things that we 5 can fix.</p> <p>6 But I'm also going to try to explain, like, 7 if we improve the requirements for individual sewage 8 systems that benefit the public and citizens without 9 sacrificing environmental quality or their quality of 10 life from their neighbors' potential impacts, that 11 should count, too. It won't be a two for one unless 12 we strike this rule and adopt a whole new section.</p> <p>13 If we just modify a section, we're greatly 14 improving the rule, but it's not necessarily going to 15 the elimination of the rule.</p> <p>16 And then Secretary Wagner is well aware of 17 that. Many of our rules are federally required. And 18 there's not any real latitude to strike those without 19 giving up jurisdiction and having the Federal 20 Government step in, in our place. So, we'll work 21 through that.</p> <p>22 But we're going to also list especially any 23 changes we've made that have been very positive over 24 the last year. We'll highlight those to kind of show 25 that we've already done some of that.</p>	<p style="text-align: right;">Page 57</p> <p>1 The new programs going on, Secretary Wagner 2 has pushed us to do some things, lead programs in 3 schools. So our water folks have always worked with 4 schools and stuff on that, and the land program folks 5 have done lead remediations for structures, etc.</p> <p>6 But we're offering free testing in January 7 for lead in drinking water for public schools and 8 public and private daycare child care centers.</p> <p>9 So we sought some Federal funds under the 10 WIIN Act for that with the assistance of the 11 Secretary's office. And so we anticipate being able 12 to go out and do a better job of identifying, be able 13 to sample more facilities than we have in the past.</p> <p>14 Usually, if you have an issue, it relates to a 15 specific drinking fountain and the components inside 16 that drinking fountain, but, occasionally, you might 17 find something else. That way, we can identify it 18 and the school can replace it.</p> <p>19 The schools will probably do their own 20 sampling. We cover the materials, the shipment cost. 21 So there's some strings attached to any of the 22 schools or one of our facilities who want to 23 participate, must agree to implement EPA's three Ts, 24 guidance, training, testing and taking action.</p> <p>25 So it's one of those things that may start</p>

<p style="text-align: right;">Page 58</p> <p>1 out a little slow. But once it gets going, I'm sure 2 we'll have tons of systems signing on, in addition to 3 the ones that we've historically worked with. 4 So there will be guidelines and standards 5 that we work with people on how to fix things that 6 were real problems, etc. There's follow-up sampling 7 to ensure that a successful --, any of the results are 8 published online. So far, we have a handful of 9 schools that are participating. But I think that 10 will happen. 11 We may be able to provide technical 12 assistance so the solutions are not extremely costly. 13 Everybody is always worried. We're going to get into 14 what the cost is going to be, can we afford it. But 15 I don't really anticipate extreme costs associated 16 with identifying these issues. 17 The DEQ and the Secretary of Environment's 18 office provided technical and financial support to 19 develop a sustainable scorecard program to web-based 20 tool to guide and assess the organization's 21 sustainability practices. The goal is to promote the 22 understanding that good sustainable practices are 23 also good business practices, along the lines of some 24 of our pollution prevention efforts over the years. 25 An organization's scores are assessed in</p>	<p style="text-align: right;">Page 59</p> <p>1 four main categories of communication and promotion 2 of the organizational mission envision. So 3 benchmarking of energy, water use and waste 4 generation, having a healthy work environment, 5 community stewardship of that environment and some 6 material management. 7 So far, we have documented results for some 8 of the participants, 45 companies, three schools 9 participated in 2019. The Community Stewardship 10 actions reported they accounted for more than \$3.1 11 million, and 28,000 volunteer hours donated locally 12 through 2018 and '19. And waste reduction and 13 efficiency programs completed account for more than 14 \$842,000 in savings in '18 and '19. 15 So we have also assessed ourselves in our 16 own levels of sustainable achievement. We only 17 scored the silver level. This is kind of unusual 18 with Government to actually, you know, measure 19 ourselves. 20 So we're working on that. We're going to 21 try to improve some of our practices, etc., for this 22 current year. 23 We met with some folks from ODOT to explore 24 their Engineer Develop Program. They recruit 15 25 engineers a year. Now, they're a much larger agency</p>
<p style="text-align: right;">Page 60</p> <p>1 than we are. 2 But these new engineers rotate through 3 divisions over a 12-month period. And the rotation 4 is not to develop technical competency in every area, 5 but provide exposure and familiarity with all the 6 engineering programs. And then once someone 7 completes the 12-month period, they go before the 8 Engineer Development Council, in-house in ODOT, kind 9 of a mentor group, to pick which division they will 10 land in. And recruits are hired as unclassified. So 11 ODOT can go to a college campus, meet with people, 12 get resumes, get transcripts, talk to them and 13 recruit them directly. And I think that's a great 14 idea. I can see that being very beneficial. But it 15 gives you a better shot of getting the individuals 16 you wouldn't otherwise be able to pick up through the 17 normal systems. 18 So we're looking into that. That's a 19 possibility for us, but I think some other events 20 will kind of overtake some of that, but we like the 21 approach, and we've considered something similar in 22 the past, but we would have to do a much more scaled 23 down version if we were able to do this. But it's 24 probably a really good idea. 25 And at this time, I'd like to recognize the</p>	<p style="text-align: right;">Page 61</p> <p>1 folks that have been Employee of the Quarter and 2 Employee of the Year. These individuals have gone 3 far and beyond their job duties. And we feel that 4 we're very fortunate to have them as part of our 5 team. And I'll remind you that the nominations for 6 Employee of the Quarter are done by their peers. 7 And then there's an Employee Committee that 8 selects who wins the Employee of the Quarter. And 9 then out of the Employee of the Quarter, the Division 10 Directors select the Employee of the Year. This is 11 mostly a recognition by peers of who has done an 12 outstanding job in the Agency, which helps us because 13 we don't always see that at some of our levels or 14 have the interactions to recognize who's really 15 getting what done. So I really like this process. 16 But Rick Felty is here. He does our web 17 stuff, our brand-new website. You can thank him for 18 it. 19 Laura Jardine, she's working on interesting 20 issues around Kingfisher and that area. 21 Cory Beights. And Pam Baldwin; Pam is also 22 the Employee of the Year. And this is where I'd like 23 to call for a speech, but she won't give one. 24 So, anyway, if you get a chance, 25 congratulate those folks and thank them for their</p>

<p style="text-align: right;">Page 62</p> <p>1 excellence.</p> <p>2 (Applause)</p> <p>3 MR. MASON: Scott, would you give a speech</p> <p>4 on behalf of Pam?</p> <p>5 MR. THOMPSON: Well, you know Pam does a lot</p> <p>6 of things. There is something on the web. I pretty</p> <p>7 much told them not to tell me about social media</p> <p>8 stuff we do, just keep me out of it. But she did a</p> <p>9 science-in-60-seconds bit, which I think was very</p> <p>10 well received. I don't know if we have multiples,</p> <p>11 how many of those we have. There's a few. So you</p> <p>12 can find her on the website. That'll give you a</p> <p>13 little bit of an idea.</p> <p>14 But she does a lot of things. She works out</p> <p>15 of our laboratory section. And she's done a lot of</p> <p>16 field work, blue green algae sampling, done some of</p> <p>17 the fish stuff that we do, the report on advisories</p> <p>18 on fish consumption, etc. I don't know what else,</p> <p>19 Pam.</p> <p>20 Just a wild variety of things. She's a</p> <p>21 trooper. She'll get out there and, you know, I've</p> <p>22 seen her having to take off on a late afternoon and</p> <p>23 go run out somewhere and pull samples so we can tell</p> <p>24 if this lake is blooming with blue green algae or</p> <p>25 it's just normal stuff. She's done great. And,</p>	<p style="text-align: right;">Page 63</p> <p>1 again, she's nominated by her peers.</p> <p>2 So, thank you, Pam.</p> <p>3 CHAIRMAN KINDER: Okay. At this point, I</p> <p>4 think we can go to Kathy for the budget.</p> <p>5 MS. KUNZE: Can I jump in on this?</p> <p>6 CHAIRMAN KINDER: Yes.</p> <p>7 MS. KUNZE: And anybody that's been around</p> <p>8 me has heard me talk about Science Fest. It's an</p> <p>9 education that focuses on hands-on STEM activities,</p> <p>10 gets some education and resource material into</p> <p>11 classrooms, targets fourth and fifth graders.</p> <p>12 And to kind of tap into what Scott is</p> <p>13 saying, the heavy lifting is done here at the DEQ.</p> <p>14 We started the event in 2001. This year, we've got</p> <p>15 3,500 fourth and fifth graders from all over the</p> <p>16 State coming. So it's real important.</p> <p>17 I want to thank what the Director of Air</p> <p>18 Quality does. And it comes up on May 7th. And so</p> <p>19 we're into hefty planning and getting ready. And</p> <p>20 I've had the opportunity to work with DEQ members on</p> <p>21 that for a number of years.</p> <p>22 I want to say thanks for all they're doing.</p> <p>23 And then maybe add pitch. We've got about another</p> <p>24 week to get volunteers signed up so that we can get</p> <p>25 assignments made and the T-shirts and all that. So</p>
<p style="text-align: right;">Page 64</p> <p>1 thank anybody that's able to help to support our</p> <p>2 event.</p> <p>3 And, again, thanks to all of the kids who</p> <p>4 make this thing happen. It's a variety of different</p> <p>5 agencies that come together and partnership on it.</p> <p>6 MR. THOMPSON: And there's some corporate</p> <p>7 folks who participate, have booths and things like</p> <p>8 that.</p> <p>9 MS. KUNZE: Right.</p> <p>10 MR. THOMPSON: So Board Members are welcome</p> <p>11 to volunteer, too. It's really a pretty cool event.</p> <p>12 I think we'll have a good time, if you can make it.</p> <p>13 MS. KUNZE: I was going to say we'll have</p> <p>14 about 50 different agencies and entities that come</p> <p>15 and do these hands-on activities. But we also extend</p> <p>16 education, STEM education, and material back to the</p> <p>17 school.</p> <p>18 And when you think about future employees of</p> <p>19 our agencies and stuff, we have kind of a career</p> <p>20 development. Hey, here's some ideas. So it touches</p> <p>21 a lot of bases.</p> <p>22 But I want to thank everybody that helped</p> <p>23 make that happen. And if any of the Board Members</p> <p>24 would like to come, it's May 7th at the Fairgrounds</p> <p>25 in Oklahoma City. Let me know, and I'll get you</p>	<p style="text-align: right;">Page 65</p> <p>1 information and some passes that will make it easier</p> <p>2 to get in and out. When you bring in that many</p> <p>3 school buses and stuff, it will probably help you if</p> <p>4 you get some passes.</p> <p>5 MR. THOMPSON: I'm sure that, you know,</p> <p>6 everything I've seen from our volunteers, they're</p> <p>7 very enthusiastic about it. I figured it raises</p> <p>8 their job satisfaction level every year.</p> <p>9 So thank you for that.</p> <p>10 CHAIRMAN KINDER: Thank you, Scott, for your</p> <p>11 report.</p> <p>12 I will say I'm impressed you documented</p> <p>13 28,000 volunteer hours. And kudos to you guys, as a</p> <p>14 little bit of a Facebook junkie and watching your</p> <p>15 efforts on social media, especially some of the more</p> <p>16 comical ones that I appreciate.</p> <p>17 I think the public also appreciates putting</p> <p>18 a face behind the DEQ emblem, so to speak. So</p> <p>19 there's real people behind that, that really do care</p> <p>20 what they're doing and really do get up in the</p> <p>21 mornings, wanting to do what's best for Oklahoma.</p> <p>22 I was a little bit disappointed that Scott</p> <p>23 did not volunteer for the polar bear club and did not</p> <p>24 jump into the water. I was a little disappointed, so</p> <p>25 I'm going to ask him to raise his game next year,</p>

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1 although he says that he can't swim.  
2 MR. THOMPSON: I have a heart condition.  
3 CHAIRMAN KINDER: You have a heart  
4 condition.  
5 But I appreciate -- you know, we all laugh  
6 about that. But as you all know, that's what keeps  
7 people coming to look at you, and they may learn  
8 something in the meantime.  
9 So thank you for what you do and -- the car,  
10 being in the car, and if you've not been there, you  
11 ought to look it up, or have your kids look it up.  
12 It is quite comical. We've got some social media  
13 stars in the room, so to speak. So thank you.  
14 Kathy, I'm looking for you. There you are.  
15 I'm getting this thing in my eye. So will you please  
16 come forward and give us the finance report?  
17 MS. AEBISCHER: Good morning, Mr. Chairman  
18 and Board Members. Kathy Aebischer, Chief Financial  
19 Officer for DEQ.  
20 I'm going to go through the finances through  
21 the first half of our fiscal year, which ended  
22 December 31st.  
23 It's not working.  
24 (Video not working)  
25 In our revenues for the first half of the

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1 We also received the second one you see, the  
2 rural water, sustainable infrastructure for \$500,000.  
3 That's the water loss audit. That's been very  
4 successful. So the first half of the year was  
5 everybody getting geared up. But those expenditures  
6 should be rolling in the second half.  
7 As you can see, the Federal funds, your four  
8 -- 40,000 series, we just expended \$7.2 million. I  
9 don't have any major concerns. We were kind of  
10 expecting revenues to be down, and we had planned for  
11 it, and we continue. Some of those revenues will  
12 probably be down next year.  
13 We are currently in the process of divisions  
14 preparing their budgets for 2021. And so we'll see,  
15 with the results of this legislative session, what  
16 happens. But we're in the planning processes right  
17 know.  
18 Does anybody have any question on this  
19 information?  
20 DR. FERRELL: Kathy, is there any particular  
21 reason for the slow down of the Federal grant pool  
22 process? Is it just backlogged, lack of personnel on  
23 task, or just the Federal Government, and that's all  
24 the explanation we need.  
25 MS. AEBISCHER: Does anybody want to speak

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1 year, while the revenues appear to be more than last  
2 year, if we adjust it for the Volkswagen Settlement  
3 Fund of \$3.6 million, we've actually received a  
4 little over \$400,000 less than last year, which we're  
5 projecting that revenues are going to be lower this  
6 year than they were last year.  
7 If we go through our expenditures, we've  
8 been experiencing an unusual extended length of time  
9 for our grants to be approved through EPA. Just the  
10 approval process has been longer this year. So our  
11 expenditures are running a little bit behind,  
12 especially on the Federal funds.  
13 We're still expecting to be awarded these  
14 funds. It's just going to be later in the fiscal  
15 year, which we'll just roll over to our next year's  
16 budget. If you look at our expenditures, we are a  
17 little bit behind.  
18 If we look at the sources of funds, the  
19 first one, the lab equipment appropriation, which the  
20 Legislature gave us \$500,000 to purchase lab  
21 equipment, those should be going out to bid this  
22 month. And we expect to have them in the Agency  
23 installed and in training and everything by the end  
24 of the fiscal year. That's a little bit longer  
25 process, just because of the complex equipment.

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1 to this?  
2 MR. THOMPSON: That was not meant to be a  
3 loaded question, by the way.  
4 Federal grants are always running on  
5 different time scales. It all depends on which  
6 program it is, what year it is. It's not infrequent  
7 that we're supposed to get a Federal grant, say,  
8 October 1, at the beginning of the Federal fiscal  
9 year, but might not actually be awarded the money for  
10 six or nine months, something like that.  
11 But every grant program tends to run on a  
12 different schedule. And so it's not -- we try to  
13 predict for budgeting purposes and expenditure  
14 purposes. For example, super fund sites,  
15 occasionally, those get wound up, and we don't get  
16 funding for a year or two. And so we have to replan  
17 and repurpose that money, etc.  
18 So it's quite a challenge. But we have some  
19 block grants, but we have some individual ones, too.  
20 So there's not one answer for all of it. You'd have  
21 to ask about each specific one and then we'd get,  
22 perhaps, to explain that situation as best we  
23 understand it. But mostly the third option.  
24 CHAIRMAN KINDER: The Special Appropriations  
25 you got from the State for water and also for the

<p style="text-align: right;">Page 70</p> <p>1 labs were half a million a piece. Is it your 2 anticipation that those will be spent? 3 MS. AEBISCHER: Oh, definitely. 4 MR. THOMPSON: I think I'm surprised. We 5 need to double check on the expenditures. 6 MS. AEBISCHER: Well, that was for December, 7 too. 8 MR. THOMPSON: Because I'm pretty sure many 9 of those expenditures have been made, so they just 10 haven't rolled through the system. And we can check 11 that. 12 But I'm curious, you know, the most recent 13 numbers I've seen, but I think we have even newer 14 ones, that actual dollar savings the systems that 15 have gone through our program as of 26 systems, or 16 something like that. \$1.2 million for the year for 17 water that's not being wasted, basically. And then 18 we've done some additional calculations. And we will 19 get those to you, if we don't have them today. I 20 might mail it out to you. But the numbers have gone 21 way up in terms of actual savings or opportunity for 22 savings down the road. 23 Systems have only implemented a small amount 24 of the things that we can identify they could 25 implement to cause these savings. And, you know,</p>	<p style="text-align: right;">Page 71</p> <p>1 hundreds of thousands or millions of gallons of water 2 a year that's being saved in reality. 3 There's some nuances to it, you know. It 4 probably would be a good idea to do one of these, do 5 a big presentation on the whole thing, and an update 6 at some point for you all. Just go through that. 7 But it's a very successful program. 8 Right now, it looks like those funds aren't 9 included in the Governor's budget proposal for this 10 year. But I think, as we show people, the return on 11 investment numbers will be great. But, Shellie, will 12 you talk on that? 13 MS. CHARD: Yes. Shellie Chard, Water 14 Quality Division Director. 15 So what we show here are just the general 16 revenue specific numbers. We also have another 17 contract with rural water. And just because of the 18 timing, all of that money has already been expended. 19 And then this was the second part of that project. 20 Just looking at the general revenue part, 21 we're looking at every one dollar spent is about 22 \$2.59 rate of return on what we're seeing with water 23 savings and operational cost savings for the water 24 systems. And if we put all of the numbers together, 25 it's an exponential increase from what you're seeing</p>
<p style="text-align: right;">Page 72</p> <p>1 in these numbers that are just specific to the 2 general revenue. 3 We would love to do a presentation at a 4 Board meeting, maybe where there's not a lot of 5 agenda items, then everybody can see what that meant 6 in the partnership. And we even had one of our 7 systems, a Water for 2016 Award from them taking the 8 basic work we had done and then how they have 9 continued that in their water system. 10 MR. THOMPSON: This is, by far, the most 11 effective that we're doing in the State of Oklahoma 12 for water conservation and to try to meet the goals 13 for the water for the 2060 plan. It's really 14 impressive. So we need to get the word out there 15 more. 16 MR. SIMS: I'd make this comment, if you'll 17 fight through a little bit. I live on a rural water 18 system that was put in, in '72 and '73 and built in 19 two or three phases. And we put 2,000 miles of 20 plastic underground to distribute that water. And 21 those lines, the estimated life is about 30 years. 22 So we're nearly 50 years down the road. And, as we 23 work with those water systems and our rural water 24 associations, we're trying to go get the boards to 25 get their heads around the fact that, as water loss</p>	<p style="text-align: right;">Page 73</p> <p>1 has gone up with those systems age, they've got to 2 have a program to sustain and repeat that system up 3 to par and stop that water loss, because a lot of 4 systems buy that water, and if they don't get to sell 5 it through some meter, that's just a large cost of 6 operations, and it's not productive. 7 So we have really geared up personnel-wise, 8 and they're doing some things -- of course, we have 9 to work with one system at a time, get them to 10 understand the need and convince them to participate. 11 But they understand, financially. It's essential 12 that they do. 13 So we're really proud of our relationship 14 with DEQ and the teams that we're putting together on 15 both sides of this to be so effective. And, as Scott 16 said, probably the return on investments is one of 17 the best and quickest things we can do on return on 18 investment. 19 MR. THOMPSON: I did hear an anecdotal story 20 this week. I'm not sure it's fully vetted yet. But 21 we have a town in Oklahoma buying water from a city 22 in Arkansas. And they couldn't figure out why their 23 waste water bill was so high. And it appears that 24 the waterline coming in from Arkansas is leaking into 25 the sewer line going back to Arkansas. And the town</p>



<p style="text-align: right;">Page 74</p> <p>1 is getting billed both ways.</p> <p>2 So if that turns out to be the case, their</p> <p>3 bill will reduce pretty substantially with correcting</p> <p>4 that situation.</p> <p>5 CHAIRMAN KINDER: I'll agree with Billy.</p> <p>6 I'm on a rural water system, and we've seen similar</p> <p>7 affects from a program. So we thank you for your</p> <p>8 efforts.</p> <p>9 Thank you, Kathy.</p> <p>10 I was going to do this earlier, but we want</p> <p>11 to welcome Rob Singletary back as General Counsel.</p> <p>12 It's a little bit intimidating to chair whenever you</p> <p>13 bring six inches of reference material in front of</p> <p>14 you. But I'm hoping that you don't have to open that</p> <p>15 a whole lot. But welcome back. A lot of us remember</p> <p>16 Rob whenever he was here before.</p> <p>17 MR. SINGLETARY: Thank you.</p> <p>18 CHAIRMAN KINDER: Kind of a familiar face.</p> <p>19 At this point, this is where I ask for new</p> <p>20 business, if there's any business that could not be</p> <p>21 put on the Agenda. And so I'll just ask for any new</p> <p>22 business.</p> <p>23 MR. NICHOLSON: It may not be new business</p> <p>24 but can you give us an update on the parking garage?</p> <p>25 MR. THOMPSON: Sure. Clear as mud.</p>	<p style="text-align: right;">Page 75</p> <p>1 CHAIRMAN KINDER: We don't have one yet.</p> <p>2 MR. THOMPSON: We are doing temporary</p> <p>3 repairs on the parking garage. The 6th floor is not</p> <p>4 likely to be useable again without massive repairs or</p> <p>5 replacement. So we do have some temporary parking</p> <p>6 nearby. We're not guaranteed any specific time for</p> <p>7 that parking.</p> <p>8 Our cost estimate is \$13 million to</p> <p>9 construct a new garage from the ground up, which is</p> <p>10 probably the most effective thing to do, better than</p> <p>11 repair our existing garage.</p> <p>12 We have had some discussions with neighbors</p> <p>13 about the possibility of public/private partnerships</p> <p>14 to get a bigger footprint to build a bigger garage.</p> <p>15 It's possible it could go where our current one is,</p> <p>16 in which case, we'd need much more temporary parking</p> <p>17 for a couple of years. But there's not, really, much</p> <p>18 parking available nearby.</p> <p>19 So, currently, our bond bill is still alive.</p> <p>20 And we've asked for that to continue, as an option.</p> <p>21 I'm going to be visiting with the Commissioners of</p> <p>22 the Land Office about funding opportunities for</p> <p>23 either a parking garage or a building.</p> <p>24 There is a bill that the Speaker has</p> <p>25 introduced to direct us to consider the sale of this</p>
<p style="text-align: right;">Page 76</p> <p>1 building. They've made it clear this is the start of</p> <p>2 discussion with us. So we've sat down and talked</p> <p>3 with the Speaker's office. And we've been working</p> <p>4 with the Governor's office about all these kinds of</p> <p>5 options about whether or not new construction</p> <p>6 somewhere else would make sense.</p> <p>7 The numbers from the Office of Management</p> <p>8 and Enterprise Services, I'm not sure that they did</p> <p>9 this calculation for the capital cost to construct a</p> <p>10 building to replace ours, was \$80 million. And I'm</p> <p>11 not sure that that had -- how much parking that had</p> <p>12 in it. So if you had to build a new parking garage</p> <p>13 at a new location, that's another \$13 million,</p> <p>14 minimum, for what we would need for parking.</p> <p>15 So we took some of OMES current numbers,</p> <p>16 cost per square foot for lab space, which is very</p> <p>17 substantial. Laboratory space is a premium,</p> <p>18 especially if you include the air handling that you</p> <p>19 must do. Because if we get down, you know, in low</p> <p>20 parts per billion or, these days, we're headed to</p> <p>21 parts per trillion levels that we have to measure</p> <p>22 things at, you cannot afford to have false positives</p> <p>23 and have people reacting to something that's not</p> <p>24 really there. That could cause major economic harm.</p> <p>25 So we have to do everything we can, not to</p>	<p style="text-align: right;">Page 77</p> <p>1 get false data, and have air mixing from one</p> <p>2 laboratory to another or some constituent that shows</p> <p>3 up that's not really necessarily in the data. So</p> <p>4 it's really critical. You cannot make good</p> <p>5 decisions with bad data.</p> <p>6 But the office space number, ballpark, is at</p> <p>7 \$350 a square foot now. So looking at current usage</p> <p>8 of this facility, we could be in the hundred million</p> <p>9 dollar range for replacement cost. Those are iffy</p> <p>10 until you do an actual engineering design, etc.</p> <p>11 So from ground up, construction is probably</p> <p>12 in that \$80 to \$100 million, give or take some real</p> <p>13 estate costs or additional parking costs, depending</p> <p>14 on the exact situation.</p> <p>15 So I think the State is looking into a lot</p> <p>16 of options. There's other agencies renting space</p> <p>17 that might want to consider a campus approach. But a</p> <p>18 long-term project like that, it can go quick; it</p> <p>19 could be four or five years or more to get that done.</p> <p>20 And I don't think we have a tremendous amount of time</p> <p>21 to try to deal with our parking situation here. So</p> <p>22 construction of a new garage, if we get going, would</p> <p>23 be a couple of years. So that's where we're at.</p> <p>24 And there's a lot of things going on. We're</p> <p>25 doing a lot of talking to folks. And the Governor</p>

<p style="text-align: right;">Page 78</p> <p>1 and the Legislature, at some point, we'll have to get 2 together on how we want to do this. But I think 3 evaluation found out what's really feasible, what 4 time is appropriate for which staff, etc. And if 5 there's a long-term goal to move somewhere else, 6 that's fine. But we don't really have the funding to 7 pay for that. We're making that pretty clear. We 8 live very cheaply in this building. The cost is 9 about \$1.2 million a year to live here, and to do 10 some repairs, pay our utilities, etc. 11 So if we had to add that cost, plus rent 12 somewhere else or capital costs, paying off a bond, 13 etc., I don't see how we can do it with our current 14 budget and funding situation. So it would take a lot 15 more appropriated dollars or a lot higher fees to pay 16 for that. 17 I think these things will go along, and 18 we'll see how things turn out. But we're just trying 19 to paint an objective picture for where we're at, 20 what costs. 21 Our focus is on, you know, we're trying to 22 serve folks for current costs. We try to minimize 23 the need to increase our agency costs and still be 24 able to get our job done. 25 MR. NICHOLSON: Thank you.</p>	<p style="text-align: right;">Page 79</p> <p>1 CHAIRMAN KINDER: Any more questions? 2 Go ahead. 3 DR. FERRELL: Not necessarily I have new 4 business, but I just wanted to follow up with the 5 suggestion that the Director and Shellie had with 6 respect to -- at a meeting where we had a more left- 7 open Agenda, to have a presentation about the savings 8 that we've realized that those water audit 9 replacements, because I think that's an important 10 story for us to hear, but, also, I think an important 11 story for the Department to develop and have 12 available to tell others, as well. 13 So not to add something to their plate. But 14 if that was readily available, that would be 15 something I'd certainly enjoy seeing. 16 MR. THOMPSON: It could be at another type 17 of event. We could have a forum or something like 18 that. But we will be publishing the numbers and 19 sharing those pretty quickly, whatever the most 20 current numbers are, and share that with you folks. 21 But I do think sitting here with a full presentation 22 on how that process works is very educational and 23 enlightening. 24 And the more word we get out there, the more 25 systems sign up, the more good we do.</p>
<p style="text-align: right;">Page 80</p> <p>1 CHAIRMAN KINDER: Okay. Any more 2 discussion? 3 Then I'll ask if -- I don't know if we have 4 any new business, but if there is any new business? 5 Seeing none, we've come to the end of our 6 Agenda. The next meeting will be here, I guess 7 Tuesday, June 9th at 9:30 in this room. 8 If there are not any other items before the 9 Board to address, I'll entertain a motion to adjourn. 10 MR. GRIESEL: So moved. 11 MR. MUNSON: Second. 12 CHAIRMAN KINDER: The motion is seconded to 13 adjourn. 14 Do a roll call vote, please. 15 MS. FIELDS: Mr. Barton? 16 MR. BARTON: Yes. 17 MS. FIELDS: Dr. Ferrell? 18 DR. FERRELL: Yes. 19 MS. FIELDS: Mr. Griesel? 20 MR. GRIESEL: Yes. 21 MS. FIELDS: Dr. Hammon? 22 DR. HAMMER: Yes. 23 MS. FIELDS: Mr. Hirschey? 24 MR. HIRSHEY: Yes. 25 MS. FIELDS: Ms. Kindrick?</p>	<p style="text-align: right;">Page 81</p> <p>1 MS. KINDRICK: Yes. 2 MS. FIELDS: Ms. Kunze? 3 MS. KUNZE: Yes. 4 MS. FIELDS: Mr. Mason? 5 MR. MASON: Yes. 6 MS. FIELDS: Mr. Munson? 7 MR. MUNSON: Yes. 8 MS. FIELDS: Mr. Nicholson? 9 MR. NICHOLSON: Yes. 10 MS. FIELDS: Mr. Pague? 11 MR. PAQUE: Yes. 12 MS. FIELDS: Mr. Sims? 13 MR. SIMS: Yes. 14 MS. FIELDS: Mr. Kinder? 15 CHAIRMAN KINDER: Yes. 16 MS. FIELDS: Motion passed. 17 CHAIRMAN KINDER: Did we have anyone sign up 18 for public comment? So I'll just ask if there's any 19 public comment from the gallery? 20 (No public comments) 21 Seeing none, thank for your time. Be safe 22 going home. And see you in a few months. 23 (Meeting adjourned at 11:06) 24 25</p>





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