

**MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 16, 2018
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA**

**Official EQB Approved
On September 11, 2018**

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 18, 2017. The agenda was mailed to interested parties on February 7, 2018, and was posted at the DEQ and the facility on February 13, 2018. Mr. Tim Munson, Chair, called the meeting to order. Mr. Munson then talked on safety precautions in case of an emergency. Mr. Munson welcomed new Board member, Ken Hirshey to the Board. Also, Mr. Clayton Eubanks will be taking a new position so he introduced the new assistant Attorney General, Jennifer Lewis who will be taking his position at the Board meetings. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Daniel Blankenship
Shannon Ferrell
David Griesel
Tracy Hammon
Jimmy Kinder
Jan Kunze
Tim Munson
Homer Nicholson
Billy Sims
Mike Paque
Steve Mason
Ken Hirshey

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
Beverly Botchlet-Smith, Air Quality Division
Chris Armstrong, State Environmental Laboratory Services
Kelly Dixon, Land Protection Division
Lloyd Kirk, Office of External Affairs
Skylar McElhaney, Office of External Affairs
Kole Kennedy, Land Protection Division
Richard McDaniel, Environmental Complaints & Local Services
Erin Hatfield, Office of External Affairs
Bruce Vande Lune, Environmental Complaints & Local Services
Shellie Chard, Water Quality Division
Terry Lyhane, Water Quality Division
Mark Hildebrand, Water Quality Division
Saba Tahmassebi, Engineering Manager
Patty Thompson, Water Quality Division
Karen Steele, Water Quality Division
Michael Moe, Water Quality Division
Patrick Riley, Land Protection Division
Greg Carr, Water Quality Division
Michael King, Office of External Affairs
Travis Couch, Environmental Attorney
Sarah Penn, Deputy General Counsel
Lee Dooley, Environmental Attorney
Wendy Sheets, Water Quality Division
Karen Jayne, Environmental Attorney
Pam Dizikes, Environmental Attorney Supervisor
Dawell Wright, Building Operations Manager
Betsey Streuli, Environmental Attorney Supervisor
Cindy Przekurat, Executive Director's Office
Kathy Aebischer, Administrative Services Division
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT
None

OTHERS PRESENT
Clayton Eubanks, Office of the Attorney General
Jennifer Lewis, Office of the Attorney General
Carly Cordell, Office of the Secretary of Energy & Environment
Brenda Merchant, Solid Waste Management Advisory Council
Brian Duzan, Air Quality Advisory Council
Jennifer Kaelin, Court Reporter

Approval of Minutes – Mr. Munson asked for a motion to approve the November 7, 2017 Minutes. Mr. Griesel stated on page 53 line 14 of the transcript the wording says “people who meet these water rights” instead it should read “people who lease these water rights.” Mr. Paque moved to approve with the changes. Mr. Nicholson made the second.

transcript pages 6 - 8

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Abstain	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2018 – Mr. Munson called for nominations for Chair. Mr. Sims nominated Mr. Tim Munson as Chair and Mr. Blankenship made the second. Mr. Griesel nominated Mr. Steve Mason as Chair and Mr. Nicholson made the second. Mr. Kinder made a motion to cease nominations and have the election and Ms. Kunze made the second. After a majority vote for Mr. Munson, he was elected as Chair and there was no need to proceed to vote for Mr. Mason.

transcript pages 8 - 12

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Abstain
David Griesel	No	Homer Nicholson	Abstain
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Abstain	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

Mr. Munson then called for nominations for Vice-Chair. Mr. Griesel nominated Mr. Mason and Ms. Kunze nominated Mr. Blankenship. Mr. Kinder made a motion to cease nominations and Dr. Hammon made the second. After a majority vote for Mr. Blankenship, he was elected as Vice-Chair.

transcript pages 12 - 14

Daniel Blankenship	No	Jan Kunze	No
Shannon Ferrell	No	Steve Mason	Abstain
David Griesel	Yes	Homer Nicholson	No
Tracy Hammon	No	Mike Paque	No
Kenneth Hirshey	Abstain	Billy Sims	No
Jimmy Kinder	No	Tim Munson	No

transcript pages 14 - 15

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Abstain
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Abstain	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

Rulemaking – OAC 252:515 Management of Solid Waste – Ms. Brenda Merchant, Vice-Chair of the Solid Waste Management Advisory Council stated that the DEQ proposes to amend OAC 252:515, Subchapters 3, 21 and 27. The proposed changes are in response to legislative changes regarding tires that fall under the scope of the Used Tire Recycling Program and are also intended to correct citations and clarify language throughout Chapter 515. The proposed rule would

amend the current regulations to reflect the statutes and also remove outdated references, incorrect citations and clarify language throughout Chapter 515. Following no questions or comments by the Board or the public, Mr. Munson called for a motion. Mr. Blankenship moved to approve and Mr. Ferrell made the second.

transcript pages 15 - 18

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

Rulemaking – OAC 252:517 Disposal of Coal Combustion Residuals from Electric Utilities

– Ms. Merchant stated that the Department is proposing to amend OAC 252:517, Subchapters 1, 9, 11, 13, 15, 17 and 19, to correct invalid citations and typos throughout this Chapter and make other non-substantive administrative changes. The rule would amend OAC 252:517 to remove invalid or nonexistent citations, ensure the CCR rules are consistent with the Oklahoma Administrative Rules (OAR) formatting requirements, and clarify the program’s compliance with federal regulations. Following questions and comments by the Board but none by the public, Mr. Munson called for a motion. Mr. Blankenship moved to approve and Dr. Hammon made the second.

transcript pages 18 - 24

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

Rulemaking - OAC 252:628 Indirect Potable Reuse for Surface Water Augmentation - Mr.

Munson called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC) to present the rule. Mr. Duzan stated that the Department is proposing to create a new Chapter, OAC 252:628 (Indirect Potable Reuse for Surface Water Augmentation), to provide a regulatory structure for an indirect potable reuse (IPR) program. This Chapter addresses new discharges of treated municipal wastewater to existing Public Water Supply (PWS) surface waterbodies for the purpose of augmenting the existing volume of water available for PWS purposes. The proposed Chapter would enable the DEQ to issue permits to those who wish to undertake an IPR project. The Chapter establishes, among other requirements, a multi-step permitting process, and requirements for the construction and operation of an IPR project. The Chapter requires appropriate testing and modeling to ensure that a project is feasible and that the waterbody is protected. In addition, the Chapter establishes the fees associated with IPR permitting and operations. Following questions and comments by the Board and the public, Mr. Munson called for a motion. Mr. Mason moved to approve and Mr. Kinder made the second.

transcript pages 24 - 35

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

Executive Director’s Report – Mr. Thompson, Executive Director of the DEQ, discussed current agency activities, legislative updates, and recognized certain DEQ employees for their accomplishments. Mr. Thompson then called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, who gave an update on the FY 2018 budget.

transcript pages 35 - 49

Budget Update and Financial Overview (FY 2018) – Kathy Aebischer, DEQ Chief Financial Officer – Ms. Aebischer gave an update and overview of DEQ’s current FY 2018 budget.

transcript pages 49 - 61

Resolution related to the Use of Fees and Revolving Funds – Mr. Munson stated that at the November Board meeting Mr. Bud Ground, President of the Environmental Federation of Oklahoma, requested that the Board put together a resolution for DEQ’s need for fees. Mr. Rob Singletary, General Counsel of the DEQ, prepared a draft resolution for discussion and consideration of, and possible action on, proposed resolution supporting the DEQ’s need for fees and revolving funds to be utilized for the purposes for which they were collected. Following questions and comments by the Board and none by the public, Mr. Blankenship moved to approve the resolution with the changes to the first paragraph ending in “and wastewater treatment.” Dr. Hammon made the second.

transcript pages 61 - 66

Daniel Blankenship	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Steve Mason	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes

New Business – None

Next Meeting – The next regular meeting is scheduled for June 12, 2018 in Oklahoma City, DEQ Multipurpose Room.

Adjournment – Mr. Munson called for a motion to adjourn. Mr. Griesel moved to adjourn and Mr. Nicholson made the second. Meeting adjourned at 10:58 a.m.

transcript page 67

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

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD
PUBLIC MEETING
FEBRUARY 16, 2018 - 9:30 A.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, OK

REPORTED BY: JENNIFER PAYNE KAELIN, CSR

Page 2

1 BOARD MEMBERS PRESENT:
2 MR. TIM MUNSON, CHAIRMAN
3 MR. DANIEL BLANKENSHIP, VICE CHAIR
4 MR. DAVID GRIESEL
5 MR. JIMMY KINDER
6 MS. JAN KUNZE
7 MR. STEVE MASON
8 MR. HOMER NICHOLSON
9 MR. MIKE PAQUE
10 MR. BILLY SIMS
11 MR. KENNETH HIRSHEY
12 MR. SHANNON FERRELL
13 DR. TRACY HAMMON
14 ALSO PRESENT:
15 Ms. Quiana Fields, Secretary of Board and Council
16 Mr. Patrick Riley, Environmental Programs Manager
17 Mr. Rob Singletary, General Counsel
18 Mr. Greg Carr, Water Quality Division Chief Engineer
19 Ms. Brenda Merchant, Vice-Chair of Solid Waste
20 Management Advisory Council
21 Mr. Brian Duzan, Chairman of the Water Quality
22 Management Advisory Council
23 Mr. Scott Thompson, Executive Director of DEQ
24 Ms. Kathy Aebischer, DEQ Chief Financial Officer
25 Mr. Clayton Eubanks, Assistant Attorney General
Ms. Jennifer Lewis, Assistant Attorney General
Mr. Ken Komiske, Director of Utilities for the City of Norman.

Page 3

1 CALL TO ORDER - 9:30 A.M.
2 CHAIRMAN TIM MUNSON: We'll go ahead and call
3 the meeting to order. I appreciate y'all being here
4 and making it through the battle zone out in front of
5 the building here today.
6 (Laughter.)
7 CHAIRMAN TIM MUNSON: Everybody knows in the
8 case we need to leave in a hurry, go out this door to
9 the right. Bathrooms are through that door, through
10 the lobby and down the hall.
11 I think Clayton had somebody he wanted to
12 recognize.
13 MR. CLAYTON EUBANKS: Yeah. We have a new
14 Assistant Attorney General in the room today. Her name
15 is Jennifer Lewis.
16 Jennifer, would you please stand?
17 (Ms. Lewis stood.)
18 MR. CLAYTON EUBANKS: I have taken another
19 position inside our office representing the Oklahoma
20 Department of Wildlife Conservation and also the
21 Veterinarian's Board. That's a new opportunity for me.
22 I just want to say I've really, really enjoyed
23 representing this board and the DEQ for the, I don't
24 know, nine, ten years of being here. So I'm going to
25 continue attending these board meetings through this

Page 4

1 year to get Jennifer acclimated and get her squared
2 away.
3 So please say "hi" to her after the meeting or on
4 a break. And you'll find she's a really hardworking
5 lawyer. She's been a quick study, so she'll do a good
6 job.
7 CHAIRMAN TIM MUNSON: All right. Thank you.
8 All right. I'll go ahead and the call meeting to
9 order. The February 16th, 2018, regular meeting of the
10 Environmental Quality Board has been called according
11 to the Oklahoma Open Meeting Act, Section 311 of
12 Title 25 of the Oklahoma Statutes. Notice was filed
13 with the Secretary of State October 18th, 2017.
14 Agendas were mailed to interested parties on
15 February 7th, 2018, or posted at DEQ on February 13,
16 2018. Only matters appearing on a posted agenda may be
17 considered today.
18 If this meeting is continued or reconvened, we
19 must announce today the date, time and place of the
20 continued meeting and the agenda for such continuation
21 will remain the same as today's Agenda.
22 We have a new board member today, Kenneth Hirshey.
23 We'd like to welcome you to the Board.
24 MR. KENNETH HIRSHEY: Thank you.
25 CHAIRMAN TIM MUNSON: We appreciate you being

Page 5

1 here. Would you like to make a comment or tell us a
2 little bit about yourself? Put him on the spot right
3 away.
4 (Multiple speakers.)
5 MR. KENNETH HIRSHEY: Okay. I'm Ken Hirshey.
6 I've lived in Tulsa for about 25 years, had an
7 architectural engineering firm there. And my
8 background is engineering. I'm a civil engineer,
9 transportation, just, you know, basic civil,
10 structural, that kind of thing, and heavy into project
11 management. So I'm just glad to be on the Board and
12 see if I can help out.
13 CHAIRMAN TIM MUNSON: Glad to have you here.
14 Appreciate your willingness to serve.
15 At this point, we'll move to item three, the roll
16 call. Quiana.
17 MS. QUIANA FIELDS: Mr. Blankenship?
18 MR. DANIEL BLANKENSHIP: Present.
19 MS. QUIANA FIELDS: Mr. Ferrell?
20 MR. SHANNON FERRELL: Present.
21 MS. QUIANA FIELDS: Mr. Griesel?
22 MR. DAVID GRIESEL: Here.
23 MS. QUIANA FIELDS: Dr. Hammon?
24 DR. TRACY HAMMON: Here.
25 MS. QUIANA FIELDS: Mr. Hirshey?

Page 6

1 MR. KENNETH HIRSHEY: Here.
2 MS. QUIANA FIELDS: Mr. Kinder?
3 MR. JIMMY KINDER: Here.
4 MS. QUIANA FIELDS: Ms. Kunze?
5 MS. JAN KUNZE: Here.
6 MS. QUIANA FIELDS: Mr. Mason?
7 MR. STEVE MASON: Here.
8 MS. QUIANA FIELDS: Mr. Nicholson?
9 MR. HOMER NICHOLSON: Here.
10 MS. QUIANA FIELDS: Mr. Paque?
11 MR. MIKE PAQUE: Here.
12 MS. QUIANA FIELDS: Mr. Sims?
13 MR. BILLY SIMS: Here.
14 MS. QUIANA FIELDS: Mr. Munson?
15 CHAIRMAN TIM MUNSON: Here.
16 MS. QUIANA FIELDS: We have a quorum.
17 CHAIRMAN TIM MUNSON: All right. Thank you.
18 You've all been given a copy of the minutes from
19 our November meeting, had a chance to review those, I
20 assume. Are there any comments, changes, corrections?
21 MR. DAVID GRIESEL: Actually on Line 14,
22 Page 53, the wording says "people who meet these water
23 rights." That should be lease. "Lease these water
24 rights."
25 CHAIRMAN TIM MUNSON: Oh, okay.

Page 7

1 MR. DAVID GRIESEL: And I didn't use the
2 microphone last time, like I'm not doing now. I'm sure
3 that's part of the problem.
4 CHAIRMAN TIM MUNSON: There lies the problem.
5 All right.
6 MR. DAVID GRIESEL: Going to be in trouble.
7 CHAIRMAN TIM MUNSON: Okay. All right. So
8 we'll make those corrections.
9 Anything else?
10 (No response.)
11 CHAIRMAN TIM MUNSON: Okay. If not, I'd
12 entertain a motion to approve.
13 MR. MIKE PAQUE: So moved.
14 MR. HOMER NICHOLSON: Second.
15 CHAIRMAN TIM MUNSON: A motion and a second.
16 Quiana.
17 MS. QUIANA FIELDS: Mr. Blankenship?
18 MR. DANIEL BLANKENSHIP: Yes.
19 MS. QUIANA FIELDS: Mr. Ferrell?
20 MR. SHANNON FERRELL: Yes.
21 MS. QUIANA FIELDS: Mr. Griesel?
22 MR. DAVID GRIESEL: Yes.
23 MS. QUIANA FIELDS: Dr. Hammon?
24 DR. TRACY HAMMON: Abstain.
25 MS. QUIANA FIELDS: Mr. Hirshey?

Page 8

1 MR. KENNETH HIRSHEY: Yes.
2 MS. QUIANA FIELDS: Mr. Kinder?
3 MR. JIMMY KINDER: Yes.
4 MS. QUIANA FIELDS: Ms. Kunze?
5 MS. JAN KUNZE: Yes.
6 MS. QUIANA FIELDS: Mr. Mason?
7 MR. STEVE MASON: Yes.
8 MS. QUIANA FIELDS: Mr. Nicholson?
9 MR. HOMER NICHOLSON: Yes.
10 MS. QUIANA FIELDS: Mr. Paque?
11 MR. MIKE PAQUE: Yes.
12 MS. QUIANA FIELDS: Mr. Sims?
13 MR. BILLY SIMS: Yes.
14 MS. QUIANA FIELDS: Mr. Munson?
15 CHAIRMAN TIM MUNSON: Yes.
16 MS. QUIANA FIELDS: Motion passed.
17 CHAIRMAN TIM MUNSON: Thank you.
18 All right. We'll move on to item five, Election
19 of Officers. It's our annual time to do this. I would
20 open up the floor for nominations for Chairman.
21 MR. BILLY SIMS: I'll nominate Mr. Munson.
22 CHAIRMAN TIM MUNSON: Excuse me?
23 MR. BILLY SIMS: Nominate Mr. Munson.
24 CHAIRMAN TIM MUNSON: Okay.
25 MR. DAVID GRIESEL: I nominate Steve Mason.

Page 9

1 CHAIRMAN TIM MUNSON: Okay. Two nominations.
2 Do I have a second?
3 MR. DANIEL BLANKENSHIP: I'll second.
4 CHAIRMAN TIM MUNSON: Which?
5 MR. DANIEL BLANKENSHIP: Your -- Mr. Munson.
6 CHAIRMAN TIM MUNSON: Okay. We have a motion
7 and a second. Call for a roll call.
8 MS. QUIANA FIELDS: Mr. Blankenship?
9 MR. DANIEL BLANKENSHIP: Yes.
10 MS. QUIANA FIELDS: Mr. Ferrell?
11 MR. SHANNON FERRELL: Yes.
12 MS. QUIANA FIELDS: Mr. Griesel?
13 MR. DAVID GRIESEL: Wait, whoa, whoa.
14 (Multiple speakers.)
15 MR. CLAYTON EUBANKS: We have a nomination
16 for a Chairman and a Vice-Chair or two Chairmen?
17 (Multiple speakers.)
18 MR. DANIEL BLANKENSHIP: He just made a
19 nomination for a chairman and so did --
20 MR. CLAYTON EUBANKS: So we need to have a
21 second for the nomination of Mr. Mason as chairman and
22 then we can vote on whether Mr. Munson is the Chairman
23 or whether Mr. Mason is the Chair.
24 CHAIRMAN TIM MUNSON: So we had a second by
25 Dan for me.

Page 10

1 MR. DANIEL BLANKENSHIP: For you. We need a
2 second for Mr. Mason.
3 CHAIRMAN TIM MUNSON: Do we have a second for
4 David's nomination for Mr. Mason?
5 MR. HOMER NICHOLSON: I'll second.
6 MR. JIMMY KINDER: I'm sorry. I'm confused.
7 Maybe I'm a little bit slower here. What --
8 CHAIRMAN TIM MUNSON: We've had two
9 nominations.
10 MR. JIMMY KINDER: Yes, I know. You got a
11 nomination for Chairman, which do not require a second.
12 And then we'll have to have an election, correct?
13 CHAIRMAN TIM MUNSON: Correct.
14 MR. CLAYTON EUBANKS: Yes.
15 MR. JIMMY KINDER: Okay.
16 CHAIRMAN TIM MUNSON: Okay. So we have two
17 nominations and two seconds.
18 MR. CLAYTON EUBANKS: I don't think we've
19 ever ran into this before.
20 (Multiple speakers.)
21 BOARD MEMBER: But we do need a motion that
22 nominations cease.
23 CHAIRMAN TIM MUNSON: Yeah. Nominations to
24 cease and then a vote.
25 MR. JIMMY KINDER: I'll make a motion the

Page 11

1 nomination cease and we have the election.
2 MS. JAN KUNZE: And I second that.
3 CHAIRMAN TIM MUNSON: Okay. So how do we
4 proceed with this?
5 MR. CLAYTON EUBANKS: Take a roll call vote
6 on Mr. Munson for Chairman and then take a roll call
7 vote for Mr. Mason as Chairman is the only way I know
8 to do it.
9 CHAIRMAN TIM MUNSON: Okay. Quiana, would
10 you please do a roll call vote for the motion and
11 second for nomination of Tim Munson for Chairman?
12 MS. QUIANA FIELDS: For Tim Munson.
13 Mr. Blankenship?
14 MR. DANIEL BLANKENSHIP: Yes.
15 MS. QUIANA FIELDS: Mr. Ferrell?
16 MR. SHANNON FERRELL: Yes.
17 MS. QUIANA FIELDS: Mr. Griesel?
18 MR. DAVID GRIESEL: No.
19 MS. QUIANA FIELDS: Dr. Hammon?
20 DR. TRACY HAMMON: Yes.
21 MS. QUIANA FIELDS: Mr. Hirshey?
22 MR. KENNETH HIRSHEY: Abstain. I have no
23 idea.
24 MS. QUIANA FIELDS: Mr. Kinder?
25 MR. JIMMY KINDER: Yes.

Page 12

1 MS. QUIANA FIELDS: Ms. Kunze?
2 MS. JAN KUNZE: Yes.
3 MS. QUIANA FIELDS: Mr. Mason?
4 MR. STEVE MASON: Abstain.
5 MS. QUIANA FIELDS: Mr. Nicholson?
6 MR. HOMER NICHOLSON: Abstain.
7 MS. QUIANA FIELDS: Mr. Paque?
8 MR. MIKE PAQUE: Yes.
9 MS. QUIANA FIELDS: Mr. Sims?
10 MR. BILLY SIMS: Yes.
11 MS. QUIANA FIELDS: Mr. Munson?
12 CHAIRMAN TIM MUNSON: Yes.
13 MS. QUIANA FIELDS: Motion passed.
14 CHAIRMAN TIM MUNSON: Okay. So now we
15 move --
16 MR. CLAYTON EUBANKS: I mean, you have a
17 majority vote.
18 CHAIRMAN TIM MUNSON: Okay. So need to go to
19 the second one. Okay. All right. We'd open it up now
20 for nominations for Vice-Chairman.
21 MS. JAN KUNZE: I --
22 MR. DAVID GRIESEL: Steve Mason.
23 MS. JAN KUNZE: Okay. And I'm going to
24 nominate Dan Blankenship. I think there's some synergy
25 in being able to do a second term, and I appreciate the

Page 13

1 time you guys have put in.
2 CHAIRMAN TIM MUNSON: Okay. We have two
3 nominations.
4 MR. JIMMY KINDER: I'll make it easy. I'll
5 make a motion that the nominations cease and we have
6 the election.
7 DR. TRACY HAMMON: I'll second.
8 CHAIRMAN TIM MUNSON: Okay. All right. So
9 we'll have a roll call for the Vice-Chair. Mr. Mason
10 first.
11 MS. QUIANA FIELDS: Mr. Blankenship?
12 MR. DANIEL BLANKENSHIP: No.
13 MS. QUIANA FIELDS: Mr. Ferrell?
14 MR. SHANNON FERRELL: No.
15 MS. QUIANA FIELDS: Mr. Griesel?
16 MR. DAVID GRIESEL: Yes.
17 MS. QUIANA FIELDS: Dr. Hammon?
18 DR. TRACY HAMMON: No.
19 MS. QUIANA FIELDS: Mr. Hirshey?
20 MR. KENNETH HIRSHEY: Abstain.
21 MS. QUIANA FIELDS: Mr. Kinder?
22 MR. JIMMY KINDER: No.
23 MS. QUIANA FIELDS: Ms. Kunze?
24 MS. JAN KUNZE: No.
25 MS. QUIANA FIELDS: Mr. Mason?

Page 14

1 MR. STEVE MASON: Abstain.
2 MS. QUIANA FIELDS: Mr. Nicholson?
3 MR. HOMER NICHOLSON: No.
4 MS. QUIANA FIELDS: Mr. Paque?
5 MR. MIKE PAQUE: No.
6 MS. QUIANA FIELDS: Mr. Sims?
7 MR. BILLY SIMS: No.
8 MS. QUIANA FIELDS: Mr. Munson?
9 CHAIRMAN TIM MUNSON: No.
10 MS. QUIANA FIELDS: Motion not passed.
11 CHAIRMAN TIM MUNSON: Okay. Now, we will
12 have a roll call for the nomination of Vice-Chair for
13 Dan Blankenship.
14 MS. QUIANA FIELDS: Mr. Blankenship?
15 MR. BLANKENSHIP: Yes.
16 MS. QUIANA FIELDS: Mr. Ferrell?
17 MR. SHANNON FERRELL: Yes.
18 MS. QUIANA FIELDS: Mr. Griesel?
19 MR. DAVID GRIESEL: Yes.
20 MS. QUIANA FIELDS: Dr. Hammon?
21 DR. TRACY HAMMON: Yes.
22 MS. QUIANA FIELDS: Mr. Hirshey?
23 MR. KENNETH HIRSHEY: Abstain.
24 MS. QUIANA FIELDS: Mr. Kinder?
25 MR. JIMMY KINDER: Yes.

Page 15

1 MS. QUIANA FIELDS: Ms. Kunze?
2 MS. JAN KUNZE: Yes.
3 MS. QUIANA FIELDS: Mr. Mason?
4 MR. STEVE MASON: Abstain.
5 MS. QUIANA FIELDS: Mr. Nicholson?
6 MR. HOMER NICHOLSON: Yes.
7 MS. QUIANA FIELDS: Mr. Paque?
8 MR. MIKE PAQUE: Yes.
9 MS. QUIANA FIELDS: Mr. Sims?
10 MR. BILLY SIMS: Yes.
11 MS. QUIANA FIELDS: Mr. Munson?
12 CHAIRMAN TIM MUNSON: Yes.
13 MS. QUIANA FIELDS: Motion passed.
14 CHAIRMAN TIM MUNSON: Thank you very much.
15 All right. Now that we've got that behind us, we'll
16 move on to item number six. We have a Rulemaking,
17 Management of Solid Waste. I believe Jeffrey Shepherd
18 is the Chair, and he will make a presentation to the
19 Board.
20 MS. BRENDA MERCHANT: Well, obviously, I'm
21 not Jeff Shepherd.
22 (Laughter.)
23 MS. BRENDA MERCHANT: I'm Brenda Merchant and
24 I serve on the Solid Waste Management Advisory Council,
25 and I'm here on behalf of Jeff Shepherd, who can't make

Page 16

1 it.
2 Good morning, Madam (sic) Chair and members of the
3 Board.
4 CHAIRMAN TIM MUNSON: Mr. Chair.
5 MS. BRENDA MERCHANT: Mr. Chair. Sorry.
6 CHAIRMAN TIM MUNSON: A lot of confusion
7 around here this morning.
8 (Laughter.)
9 MR. CLAYTON EUBANKS: That was a little more
10 awkward than the last item.
11 (Multiple speakers.)
12 CHAIRMAN TIM MUNSON: Let's see where this is
13 going to go next.
14 MS. BRENDA MERCHANT: Pardon me.
15 The Department is proposing to amend OAC 252,
16 Chapter 515, Management of Solid Waste in response to
17 legislative changes regarding tires that fall under the
18 scope of the used tire recycling program. The
19 Department is also proposing to correct citations and
20 clarify language throughout Chapter 515. The gist of
21 the rule is to amend the current regulations to reflect
22 the statutes and also remove outdated references and
23 correct citations and clarify language throughout
24 Chapter 515.
25 CHAIRMAN TIM MUNSON: Okay. Any questions or

Page 17

1 discussion by the Board?
2 (No response.)
3 CHAIRMAN TIM MUNSON: Any questions or
4 comments by the public?
5 (No response.)
6 CHAIRMAN TIM MUNSON: Do we have a motion for
7 the recommendation?
8 MR. DANIEL BLANKENSHIP: So moved.
9 MR. SHANNON FERRELL: Second.
10 CHAIRMAN TIM MUNSON: We have a motion and a
11 second.
12 Roll call, please, Quiana.
13 MS. QUIANA FIELDS: Mr. Blankenship?
14 MR. BLANKENSHIP: Yes.
15 MS. QUIANA FIELDS: Mr. Ferrell?
16 MR. SHANNON FERRELL: Yes.
17 MS. QUIANA FIELDS: Mr. Griesel?
18 MR. DAVID GRIESEL: Yes.
19 MS. QUIANA FIELDS: Dr. Hammon?
20 DR. TRACY HAMMON: Yes.
21 MS. QUIANA FIELDS: Mr. Hirshey?
22 MR. KENNETH HIRSHEY: Yes.
23 MS. QUIANA FIELDS: Mr. Kinder?
24 MR. JIMMY KINDER: Yes.
25 MS. QUIANA FIELDS: Ms. Kunze?

Page 18

1 MS. JAN KUNZE: Yes.
2 MS. QUIANA FIELDS: Mr. Mason?
3 MR. STEVE MASON: Yes.
4 MS. QUIANA FIELDS: Mr. Nicholson?
5 MR. HOMER NICHOLSON: Yes.
6 MS. QUIANA FIELDS: Mr. Paque?
7 MR. MIKE PAQUE: Yes.
8 MS. QUIANA FIELDS: Mr. Sims?
9 MR. BILLY SIMS: Yes.
10 MS. QUIANA FIELDS: Mr. Munson?
11 CHAIRMAN TIM MUNSON: Yes.
12 MS. QUIANA FIELDS: Motion passed.
13 CHAIRMAN TIM MUNSON: Thank you.
14 All right. Brenda, will you be speaking about
15 seven, as well?
16 MS. BRENDA MERCHANT: Yes.
17 CHAIRMAN TIM MUNSON: Okay. Thank you.
18 MS. BRENDA MERCHANT: Okay. Rulemaking
19 OAC 252, Chapter 517, Disposal of Coal Combustion
20 Residuals from Electric Utilities. The Department is
21 proposing to Amend OAC 252, Chapter 517, Disposal of
22 Coal Combustion Residuals from Electric Utilities to
23 correct invalid citations and typos throughout this
24 chapter and make other non-substantive administrative
25 changes. The gist of the rule is to amend OAC 252:517

Page 19

1 to remove invalid or nonexistent citations to ensure
2 the coal combustion residuals, also referred to as CCR
3 rules, are consistent with the Oklahoma Administrative
4 Rules formatting requirements to qualify the program's
5 compliance with federal regulations.
6 EPA established federal standards for the
7 construction, operation and closure of CCR disposal
8 facilities. The federal rule gives states the option
9 to develop their own CCR permitting programs, if the
10 state can demonstrate its permitting program will be as
11 protective as the federal requirements.
12 DEQ opted to develop its own CCR permitting
13 program, which is why Chapter 517 was promulgated on
14 January 16th, 2018. EPA published its proposal to
15 approve DEQ's CCR permitting program.
16 EPA held a public hearing at DEQ this week to
17 receive comments on the proposal. A fact sheet about
18 DEQ's CCR permit program has been provided as a
19 supplement to your packets.
20 Did you all get -- did the notes -- the fact sheet
21 make your packets? Because it might not have. And if
22 it did not, we have some in the back. It looks like
23 this. (Indicating.)
24 CHAIRMAN TIM MUNSON: I don't believe we did.
25 (Multiple speakers.)

Page 20

1 MS. BRENDA MERCHANT: It might not have made
2 your packet. We'll get you -- can we pass those out?
3 CHAIRMAN TIM MUNSON: Yes. Thank you.
4 MR. DANIEL BLANKENSHIP: Mr. Chair, are you
5 ready for questions?
6 CHAIRMAN TIM MUNSON: Has everybody got one
7 of these and had a chance to take a quick look at it?
8 Yeah, we'll go ahead and open it up for questions.
9 MR. DANIEL BLANKENSHIP: Okay. As I
10 understand it, this will be a new permitting program,
11 is that correct?
12 MS. BRENDA MERCHANT: Patrick, you want to --
13 MR. PATRICK RILEY: Sure.
14 MS. BRENDA MERCHANT: -- come up here and
15 visit about this a little bit?
16 MR. DANIEL BLANKENSHIP: It's something that
17 we're -- the agency is not permitting or doing a --
18 there's not a permitting process for right now?
19 MR. SCOTT THOMPSON: Patrick can lay it out a
20 little more clearly in the timeline, but this is an
21 existing program.
22 MR. DANIEL BLANKENSHIP: Okay.
23 MS. BRENDA MERCHANT: Yes.
24 MR. PATRICK RILEY: Federal rule was passed
25 previously. We went through the process to create a

Page 21

1 state program, and then recently it was a federal law
2 that was passed that directed EPA to delegate this
3 program or offer delegations to states. So since we'd
4 previously adopted the federal rule, we've applied for
5 that delegation.
6 MR. DANIEL BLANKENSHIP: Is there -- is there
7 funding that comes along with it from the Feds?
8 MR. SCOTT THOMPSON: No.
9 MR. DANIEL BLANKENSHIP: Is there fees for
10 the application that will cover the cost of providing
11 it?
12 MR. PATRICK RILEY: No. It's covered under
13 the existing solid waste fees is how we're paying for
14 it. And really, it's not a new program and it's not a
15 new rule. The only thing that we're asking today is to
16 correct a few typos that were --
17 MR. DANIEL BLANKENSHIP: Oh.
18 MR. PATRICK RILEY: -- in the original rule
19 that we passed a few years ago. But we wanted to let
20 you know that the recent hearing from EPA, that they
21 gave us authority to operate in lieu of federal rules
22 happened this week. So you may have seen it -- seen it
23 on the news, and we wanted to provide this fact sheet
24 as a supplement.
25 MR. SCOTT THOMPSON: Right. But EPA has not

Page 22

1 made a final determination on that.
2 MR. PATRICK RILEY: No. They had their
3 hearing this week.
4 MR. SCOTT THOMPSON: So they just had their
5 hearing. They're holding the public comment period
6 longer. Regardless of that, we need to do this.
7 MR. DANIEL BLANKENSHIP: Okay. So this
8 action is to make some corrections in the existing
9 language?
10 MR. SCOTT THOMPSON: Correct.
11 MR. PATRICK RILEY: Correct.
12 MR. DANIEL BLANKENSHIP: And I'll just
13 voice -- go on the record, I think we're going to talk
14 about this later, about our budget situation and, you
15 know, taking on any new types of -- I think we're
16 looking at, you know, possibly paring back services
17 that -- and just be very cautious about taking on any
18 new programs that aren't self-funded or provide funding
19 to cover that.
20 CHAIRMAN TIM MUNSON: Any other comments?
21 MR. DANIEL BLANKENSHIP: Thank you.
22 CHAIRMAN TIM MUNSON: Questions?
23 (No response.)
24 CHAIRMAN TIM MUNSON: Any comments or
25 questions on the part of the public?

Page 23

1 (No response.)
2 CHAIRMAN TIM MUNSON: Do we have a motion to
3 approve?
4 MR. DANIEL BLANKENSHIP: So moved.
5 DR. TRACY HAMMON: Second.
6 CHAIRMAN TIM MUNSON: We have a motion and a
7 second.
8 Quiana, would you please do a roll call?
9 MS. QUIANA FIELDS: Mr. Blankenship?
10 MR. BLANKENSHIP: Yes.
11 MS. QUIANA FIELDS: Mr. Ferrell?
12 MR. SHANNON FERRELL: Yes.
13 MS. QUIANA FIELDS: Mr. Griesel?
14 MR. DAVID GRIESEL: Yes.
15 MS. QUIANA FIELDS: Dr. Hammon?
16 DR. TRACY HAMMON: Yes.
17 MS. QUIANA FIELDS: Mr. Hirshey?
18 MR. KENNETH HIRSHHEY: Yes.
19 MS. QUIANA FIELDS: Mr. Kinder?
20 MR. JIMMY KINDER: Yes.
21 MS. QUIANA FIELDS: Ms. Kunze?
22 MS. JAN KUNZE: Yes.
23 MS. QUIANA FIELDS: Mr. Mason?
24 MR. STEVE MASON: Yes.
25 MS. QUIANA FIELDS: Mr. Nicholson?

Page 24

1 MR. HOMER NICHOLSON: Yes.
2 MS. QUIANA FIELDS: Mr. Paque?
3 MR. MIKE PAQUE: Yes.
4 MS. QUIANA FIELDS: Mr. Sims?
5 MR. BILLY SIMS: Yes.
6 MS. QUIANA FIELDS: Mr. Munson?
7 CHAIRMAN TIM MUNSON: Yes.
8 MS. QUIANA FIELDS: Motion passed.
9 CHAIRMAN TIM MUNSON: Thank you.
10 All right. We'll move on to Agenda item number
11 eight, Rulemaking Regarding Indirect Potable Reuse for
12 Surface Water Augmentation. I believe we have
13 Brian Duzan, Chair of the Water Quality Management
14 Advisory Council.
15 MR. BRIAN DUZAN: Good morning. This
16 proposal is for the new chapter, which is going to be
17 628 for Indirect Potable Reuse for Surface Water
18 Augmentation.
19 As a lot of you know, Oklahoma has been subject to
20 droughts here recently and they said, you know,
21 southwest Oklahoma still hasn't had rain for over 100
22 days now. So this proposal of the new chapter is a
23 result of the Oklahoma Legislature's mandate that the
24 Board of Environmental Quality promulgate rules for the
25 indirect potable reuse of treated wastewater

Page 25

1 27A-2-6-109.B.
2 The new chapter, which is 628, Indirect Potable
3 Reuse of Surface Water Augmentation, IPR, describes how
4 DEQ will regulate the discharge of treated municipal
5 wastewater to existing public water supply, surface
6 waterbodies for the purpose of augmenting their volume
7 of water available to the public water supply.
8 The proposed rules address the requirements for
9 the discharge and construction permits for IPR
10 projects, establish effluent water quality benchmarks
11 and permit implementation procedures, treatment
12 standards, fees and IPR receiving waterbody monitoring
13 requirements.
14 These proposed rules create cooperative by a
15 committee of national technical experts, municipal
16 leaders and state agencies. They were first discussed
17 with the Water Quality Management Advisory Council by
18 DEQ in October of 2015. And they were presented in
19 three informal public meetings across the state in the
20 latter half of last year.
21 But there's been a whole lot of meetings. Every
22 time our board has met over the past -- since 2015,
23 we've gotten constant updates about where it's going,
24 and there's always been lots of available public
25 comment. I think we've had at least four or five

Page 26

1 presentations on this.
 2 The proposed rules were then presented to the
 3 Water Quality Management Advisory Council for
 4 discussion on October 2017, and then they were
 5 unanimously approved on January 11th of this year.
 6 During the January meeting, the City of Norman
 7 Council presented a resolution that the proposed IPR
 8 rules are a necessary step to ensure the stated goal of
 9 the Water for 2060 Act, that these rules are a
 10 collaborative effort of DEQ, OWRB, municipalities and
 11 technical experts and that these IPR rules should be
 12 adopted. And now we are asking for the DEQ Board to
 13 adopt these rules.
 14 Thank you.
 15 CHAIRMAN TIM MUNSON: Thank you.
 16 Do we have any questions or discussion on the part
 17 of the board?
 18 MR. DANIEL BLANKENSHIP: Mr. Chairman, I
 19 believe I saw Ken Komiske with the City of Norman here
 20 this morning. If he wouldn't mind stepping up and
 21 sharing with us maybe a little bit of the history and
 22 their position on this matter.
 23 CHAIRMAN TIM MUNSON: Okay.
 24 MR. DANIEL BLANKENSHIP: And I believe he
 25 also represents the municipalities as a member of the

Page 27

1 Oklahoma Municipal Utility Providers.
 2 CHAIRMAN TIM MUNSON: Okay.
 3 MR. KEN KOMISKE: Thank you.
 4 MR. DANIEL BLANKENSHIP: You're welcome.
 5 Thank you, Ken.
 6 MR. KEN KOMISKE: My name is Ken Komiske.
 7 I'm with the City of Norman. And yes, our City Council
 8 did provide a resolution in support of reuse rules
 9 and -- excuse me. I'd like to really start with the
 10 appreciation of many, many, many communities in
 11 Oklahoma for these new rules. It gives us a clear
 12 direction.
 13 And with your organization, with the leadership of
 14 Scott Thompson and Saba and your staff that put in
 15 many, many hours to develop these rules, it shows great
 16 leadership because now we have a good direction and we
 17 are a leader in the country, really, for developing
 18 specific IPR rules.
 19 And if you think of, you know, what does that
 20 mean? Why do we do this? Any community, wherever
 21 you're from, eventually you're going to need more
 22 water, whether it's the increased population or
 23 economic development or even agriculture.
 24 And that's what we've done in Norman is we've put
 25 together our 50-year plan for additional water. And we

Page 28

1 had public meetings. We had six public meetings. We
 2 had an ad hoc committee. And overwhelming, at the end
 3 of that two-year process, our direction we -- let me
 4 back up a little bit.
 5 The City of Norman gets its water from
 6 Lake Thunderbird, which is permitted out. There is no
 7 more water available there. And we also use wells, and
 8 that's not an infinite supply of water. So we had to
 9 look at some other choice. And having IPR, Indirect
 10 Potable Reuse, in our long-term plan, is our direction.
 11 That's going to be able to supply us water. Because
 12 otherwise, you're looking further and further and
 13 further away from your communities for where you're
 14 going to get your next water supplies. So this means a
 15 lot to many communities in Oklahoma. Thank you.
 16 CHAIRMAN TIM MUNSON: Thank you, Ken.
 17 Does anybody have any questions or comments for
 18 Ken?
 19 (No response.)
 20 CHAIRMAN TIM MUNSON: Do we have any other
 21 comments, or anybody else in the public would like to
 22 speak to this?
 23 (No response.)
 24 MR. BILLY SIMS: I've got a question about
 25 fees. How did you arrive -- on Page 3, it says new

Page 29

1 facilities and major modification that alter the
 2 original design or the design capacity of \$18,000.
 3 That's initiation fee for y'all to review the plans.
 4 Is that -- did I understand that correctly?
 5 MR. GREG CARR: If I may. Thank you, sir.
 6 My name is Greg Carr. I'm the Water Quality Division
 7 Chief Engineer.
 8 With the fees, that was part of the thing that we
 9 discussed in our committee with the municipalities and
 10 with consulting engineers. And we went through a
 11 review with -- with the Indirect Potable Reuse, we've
 12 got the lake monitoring. There's a whole lot more
 13 monitoring involved. We basically surveyed our staff.
 14 We compared it to what we're doing currently on a -- on
 15 a plan review and we extrapolated it out.
 16 We've got a worksheet that works through basically
 17 for a professional engineer for one of our planning
 18 review engineers, the manager and then you've got
 19 administrative assistant. And it is extrapolated out.
 20 But we went through a worksheet, and I've got some
 21 copies if you care to look at those.
 22 MR. BILLY SIMS: Well, I guess the question
 23 is, it's just a flat stated fee, not based on size of
 24 the project or as a percentage of the project? The fee
 25 is not based on that, it's just --

Page 30

1 MR. GREG CARR: And I -- sorry. I couldn't
2 hear completely when I was walking up. Is this for --
3 so we've got the three fees. There's the discharge
4 permitting, there's -- is this for the construction
5 permit?
6 MR. BILLY SIMS: Yeah.
7 MR. GREG CARR: Yes, sir. It was just based
8 on -- there's -- the only difference is basically a new
9 permit or a minor -- or a major modification or a minor
10 modification. That's how our current fees are set up
11 for construction permitting. We just modeled it after
12 that.
13 MR. BILLY SIMS: So that applies to a new
14 project or a major modification?
15 MR. GREG CARR: Yes, sir. And then there's
16 another -- I believe it's a 15 percent for the minor.
17 Basically, 15 percent of the major. Does that answer
18 your question, sir?
19 MR. BILLY SIMS: Okay. Well, that's -- I
20 guess my question, how is those fees arrived at? Is it
21 a percentage of the project or just a base charge,
22 minimum charge?
23 MR. GREG CARR: It's a base charge. We
24 basically looked at manhours.
25 MR. BILLY SIMS: Okay.

Page 31

1 MR. GREG CARR: Basically, we talked with our
2 human resources and how much it costs to basically
3 compensate one of our professional engineers,
4 consulting engineers or one of our in-house
5 professional engineers, PEs, and then admin assistant
6 and, basically, just worked up an example of what we
7 would typically do.
8 And it's -- these will be large projects. I -- I
9 don't expect to see any small projects on this, so we
10 looked at a typical large project and extrapolated from
11 that how much it would be.
12 MR. BILLY SIMS: Yeah.
13 MR. GREG CARR: But I don't expect to see any
14 small projects on this, at least any time soon.
15 MR. BILLY SIMS: Sure.
16 MR. GREG CARR: Thank you, sir.
17 MR. BILLY SIMS: Yeah.
18 CHAIRMAN TIM MUNSON: All right. Any other
19 questions or comments?
20 DR. TRACY HAMMON: I have a quick question,
21 just for my education on this. I'm assuming that these
22 treated wastewaters used to be released into the old
23 tributaries and streams nearby. Is there any impact
24 for diverting these into the surface water, lakes, on
25 those ecosystems?

Page 32

1 MR. GREG CARR: Well, we would have to
2 evaluate that on a case-by-case basis. And some of
3 these projects could be released upstream of an intake.
4 I mean, in reality, you have releases upstream of
5 intakes now that are other people's further downstream.
6 But we would -- so this could apply to a lake situation
7 or a stream situation.
8 So we would evaluate each one on its own merits.
9 And, for example, the kinds of things that we've
10 thought about are that we would like a combination of
11 modeling and actual monitoring in the lake for whatever
12 constituents are of concern. And if we hit some
13 threshold that might cause the water to become harder
14 to treat or to be problematic from the beneficial uses,
15 then we cease the discharge. Maybe we reduce the
16 discharge first and then you cease discharge later.
17 But we will build those into the permits.
18 DR. TRACY HAMMON: Okay. Thank you.
19 CHAIRMAN TIM MUNSON: Any other questions or
20 comments?
21 Mike.
22 MR. MIKE PAQUE: So I was still -- excuse
23 me -- I was still on the Water Quality Management
24 Advisory Council when we initiated these discussions,
25 although I didn't vote. I've been on this Board for

Page 33

1 seems like a while, but not quite a year.
2 (Laughter.)
3 MR. MIKE PAQUE: So anyways, I've got some
4 background on it. And I think this is another tool
5 that put -- that we can put in the pocket of our
6 municipalities and water supplies across the
7 United States. It's akin to the Aquifer Storage and
8 Recovery rules that we passed a meeting or so ago,
9 again, arming us against drought. This drought isn't
10 going away any time soon. I saw in the paper today we
11 had 130 days, for most of the state, without any
12 measurable precipitation. We hope that changes.
13 But, for one, I fully support this rule and the
14 effort by the DEQ to give the municipalities and public
15 and private water suppliers another tool to augment
16 water supplies. I think it's in the best interest of
17 water supply.
18 CHAIRMAN TIM MUNSON: Thank you, Mike.
19 Any other comments, questions?
20 (No response.)
21 CHAIRMAN TIM MUNSON: Okay. Do we have a
22 motion?
23 MR. STEVE MASON: I move approval.
24 MR. JIMMY KINDER: I'll second.
25 CHAIRMAN TIM MUNSON: We have a motion and a

Page 34

1 second.
2 Quiana, would please do the roll call?
3 MS. QUIANA FIELDS: Mr. Blankenship?
4 MR. DANIEL BLANKENSHIP: Yes.
5 MS. QUIANA FIELDS: Mr. Ferrell?
6 MR. SHANNON FERRELL: Yes.
7 MS. QUIANA FIELDS: Mr. Griesel?
8 MR. DAVID GRIESEL: Yes.
9 MS. QUIANA FIELDS: Dr. Hammon?
10 DR. TRACY HAMMON: Yes.
11 MS. QUIANA FIELDS: Mr. Hirshey?
12 MR. KENNETH HIRSHEY: Yes.
13 MS. QUIANA FIELDS: Mr. Kinder?
14 MR. JIMMY KINDER: Yes.
15 MS. QUIANA FIELDS: Ms. Kunze?
16 MS. JAN KUNZE: Yes.
17 MS. QUIANA FIELDS: Mr. Mason?
18 MR. STEVE MASON: Yes.
19 MS. QUIANA FIELDS: Mr. Nicholson?
20 MR. HOMER NICHOLSON: Yes.
21 MS. QUIANA FIELDS: Mr. Paque?
22 MR. MIKE PAQUE: Yes.
23 MS. QUIANA FIELDS: Mr. Sims?
24 MR. BILLY SIMS: Yes.
25 MS. QUIANA FIELDS: Mr. Munson?

Page 35

1 CHAIRMAN TIM MUNSON: Yes.
2 MS. QUIANA FIELDS: Motion passed.
3 CHAIRMAN TIM MUNSON: Thank you.
4 All right. We'll move on to item number nine,
5 Executive Director's Report. Scott.
6 MR. SCOTT THOMPSON: Thank you.
7 Well, we had our budget hearing on January 24th.
8 It went fine. It was a combination of Senate and
9 House, and it was not terribly traumatic. It was -- we
10 went first, but they asked more questions than I
11 thought they would at that early in the morning, but it
12 went well.
13 So we also have some key bills that we're
14 tracking, and I'll mention a few of those. There's
15 House Bill 3421 that authorizes bonds for our parking
16 garage that we've offered up, and we're trying to get
17 pushed this year. I don't know if we'll be successful
18 in that or not, but --
19 There is an optional tour after this meeting of
20 our parking garage. And I was too lazy to bring the
21 five-gallon bucket of rubble from -- but this is a
22 piece that has flaked off of the concrete in the
23 parking garage and exposed rebar probably, which you
24 can see that a lot of the rebar is rusting. We have a
25 lot of poor water drainage. And somebody, to

Page 36

1 facilitate more water drainage, drilled some holes
2 through some of the decking, which didn't really help
3 in terms of long-term lifespan of the parking garage.
4 But it's beyond its designed life significantly and --
5 so if any of you want to hang around and go on that
6 tour, it will be relatively informal.
7 And we do have a guy that goes around once a week
8 or so in the evenings, maybe more often sometimes, and
9 picks the loose stuff off the ceiling so it doesn't
10 fall on people's heads or cars during the daytime. So
11 anyway, that's what that's about.
12 There's also Senate Bill 1033. It's Department of
13 mines being consolidated into DEQ, and that was not a
14 request of ours. That's something that Senator Bice
15 has introduced. And she's doing it, I think, just for
16 efficiency. So we will be neutral on that. We're not
17 going to go request it or -- but, you know, we're not
18 going to oppose it. If the Legislature tells us to do
19 it, we'll do it. We'll do whatever we need to do to
20 apply the law properly, so...
21 The Senate Bill 1352, DEQ uses data for net
22 evaporation zones by Senator Allen. I think Senator
23 Allen -- we've talked to Senator Allen. We're going to
24 work with him on what his concerns are. It has to do
25 with aerobic systems and whether or not their

Page 37

1 requirements are -- are clear for the folks out there
2 being regulated or maybe even consistent on our part.
3 So we're going to try to make sure that we have clarity
4 and consistency on that and, perhaps, adopt this. But
5 I don't think that we need a statutory fix, if we need
6 a fix. We can probably do it through rulemaking, and
7 he's amendable to that.
8 Senate Bill 1147, our Quality Standards
9 Implementation is a bill that relates to aquifer
10 storage recovery, and some of the other things we might
11 do, like groundwater cleanups, to clarify that -- we,
12 and the Water Board, believe that we have the authority
13 to pass our own implementation rules and make practical
14 decisions about how to implement State and water
15 quality standards for groundwater or for aquifer
16 storage.
17 So it's -- I don't anticipate much trouble there.
18 I think there's some support across the board. And it
19 would just make it clear for the folks, who might try
20 to do those projects, that we definitely have the
21 authority when we direct them on how to do it or equip
22 them on how to set up those projects. So I think
23 that's a good bill.
24 And then Senate Bill 1412 caps used tire money
25 going to DEQ and the Tax Commission. That's a bill

Page 38

1 that is an attempt, by the Senate, to get a handle on
2 what they call off-the-top money. It is apportioned
3 funds where you get apportionment from that. And
4 essentially, the way we read it now, it would give us
5 what our average is for the last three years. And
6 anything that was raised above that then would go into
7 the general fund and make it appropriated. So I think
8 that's bearable if it stays like that. If it changes,
9 it could be problematic for us, significantly
10 problematic.
11 But it basically puts a limit on growth, is the
12 way I read it, that they're not going to cut that
13 funding source to us. They're going to take any new
14 increases and use those elsewhere, so that might be
15 okay. I don't know what the likelihood of it passings
16 is, at this point, but we'll see.
17 Then -- okay. There's a -- speaking about fees
18 that -- that are appropriated. We had an oversight
19 when we had you guys pass the ASR rules that there's
20 requirement for the new fees to be passed when the
21 legislature is in session. Although weren't they in
22 special session?
23 CHAIRMAN TIM MUNSON: They were.
24 MR. SCOTT THOMPSON: Doesn't that count?
25 CHAIRMAN TIM MUNSON: I don't know.

Page 39

1 MR. SCOTT THOMPSON: The ASR rules had some
2 fees in them. And instead of referencing existing
3 fees, I guess they kind of created a new category of
4 fee, so we're going -- we're not asking you to vote on
5 it at this time. But we're going to do a little
6 housekeeping with the Governor's office and folks, and
7 we may have to revote on those fees at a later date to
8 reinstitute them. So I think we can let the rule go
9 through -- or ask them to have the rule go through and
10 strike that fee portion for the moment.
11 And there's also some language that we have that I
12 don't know if you guys got a copy of it, but we have
13 that language on the notification. Last one we did
14 pass the ASR rules for storage and recovery rules that
15 we had a request for -- I see it there. The -- to
16 improve the notification requirements to people who
17 have water rights in the area. And I think there's
18 been some work on that, and I think we have a
19 reasonable draft of that to go back through a council
20 and back to you guys, so that's available for review.
21 And it's not for a vote at this point in time. If
22 you guys were really very interested in seeing that
23 adopted quicker, then -- and with the fee situation. I
24 just thought of this, so Rob may correct me if I'm
25 wrong. But you guys could have a special meeting just

Page 40

1 to deal with that issue, if you wished, and get it done
2 during the session in time for it. But we'd have some
3 notification requirements if the Governor's office had
4 a time before we could have a meeting. I don't think
5 we'd have adequate time to go through the council
6 meeting and then set up a Board meeting. We'd have to
7 have a special council meeting, special Board meeting
8 both. But you could consider this notification
9 language, as well as the fee portion of the deal, and
10 that might correct it.
11 Would that be possible?
12 MR. ROB SINGLETARY: During a special
13 session?
14 MR. SCOTT THOMPSON: If they had a special
15 meeting like in a month or in a few weeks.
16 MR. ROB SINGLETARY: Yeah, I think we'd have
17 to go through the -- we would have to go through the
18 notices for rulemaking and put stuff in the
19 Oklahoma Register, but we'd have to schedule the --
20 like you said, the council meeting and then the Board
21 meeting. But it possibly could be done within the
22 legislative session.
23 MR. SCOTT THOMPSON: All right. And I'm not
24 advocating for that necessarily. I'm just throwing it
25 out as a possibility.

Page 41

1 MR. MIKE PAQUE: Scott, question.
2 MR. SCOTT THOMPSON: Yes.
3 MR. MIKE PAQUE: So if we don't -- if we did
4 do that, did I just hear you say we -- it probably
5 wouldn't be acted on during this legislative session by
6 the Legislature?
7 MR. SCOTT THOMPSON: Well, I think if we did
8 in time. What's the deadline for submitting it?
9 MR. ROB SINGLETARY: It's like March 1st.
10 (Multiple speakers.)
11 MR. SCOTT THOMPSON: Oh, yeah, so we would --
12 never mind.
13 MR. CLAYTON EUBANKS: I didn't want to cut
14 you off, but --
15 MR. SCOTT THOMPSON: Okay. Well, you should
16 have.
17 Anyways, that language talks about notifying the
18 landowner and property owners that border the ASR
19 facility or recovery structure boundaries, irrigation,
20 industrial, commercial and public water supply permit
21 holders or water right owners in the area that could be
22 affected hydrologically, groundwater associations,
23 associations that represent oil-and-gas operators. So
24 anyway, we will deal with that in the standard manner.
25 Okay. The new EPA regional administrator,

Page 42

1 Anne Idsal, came here for a visit, and I've had a
2 couple other discussions with her. She worked most
3 recently for Texas Land Office, ran that, and was –
4 worked at the TCEQ, you know, our sister agency in
5 Texas, basically. Before that, she's an attorney. I
6 was very impressed with her. I think she's going to be
7 really great to work with and I think she's going to
8 get things done. So I'm happy about that, and so I
9 thought that went very well.

10 We had some headquarter staff here. Our TWPC
11 folks had a UIC conference in Tulsa that was great. I
12 got to go to that and visit a little bit. And
13 Peter Grevatt, who was the acting AA for water and, I
14 guess – have we appointed a permanent – a new AA?
15 MR. MIKE PAQUE: (Nodded head.)
16 MR. SCOTT THOMPSON: Okay. So Peter is back
17 to being Deputy. But Peter is an outstanding person,
18 great public servant. And so he was here along with
19 some of the other EPA staff, and we got to take them
20 out and visit some of the smaller water systems in the
21 area. We went to – had them going to South Delaware
22 County Regional Water Authority. That's a unique
23 regional drinking water project with a number of
24 systems and funding agencies involved.
25 Shellie Chard, our Water Quality Director,

Page 43

1 arranged this trip. And there's a water authority
2 being formed to include five public water supply
3 systems from that region and serve customers in a 125
4 mile – square mile area. The project includes
5 construction of a new water treatment plant, raw water
6 line, three pump stations, two storage tanks and other
7 related equipment. The estimated cost is about
8 \$16 million. And the DWSRF program, their revolving
9 fund for drinking water, provided about 3.7 million of
10 that and 2 million of that will be principal
11 forgiveness. The rest of the funds will be provided by
12 the rural development and Indian Health Services and
13 the Cherokee Nation. So that's a good project.

14 You know, as the rules get tougher and tougher,
15 it's harder for small systems to make it, so
16 regionalization is good. It's a voluntary approach
17 that everybody is taking. Because if you try to force
18 people to regionalize, you'll really get pushed back.
19 But I think that's a good project.

20 And it's really good to get EPA out of their
21 offices to see real systems and to wrestle with that,
22 because these smaller systems can't take much more.

23 But when you do this regionalization, you know,
24 you can get more funding and you can get a greater fee
25 base to try to cover the costs of delivering water.

Page 44

1 But you also increase the potential for disinfection
2 byproducts and a few things like that. So it makes
3 some things easier, but it also makes it a little more
4 challenging to stay in compliance on other rules, so –
5 but we'll have to try to help those folks and keep an
6 eye on that and see if there's – keep pushing EPA for
7 technological solutions to these rather than just new
8 rules all the time.

9 So we also met with the Cherokee Nation this week,
10 had a good meeting with them and we talked about
11 general environmental stuff, and I thought that was
12 very productive. And I – we're going to continue to
13 work with the Cherokees and try to do some
14 potentially – collaborate a little more, run a pilot
15 on trying to work with them on complaints and let them
16 know about significant complaints in their area that
17 they might have concerns about and/or be able to bring
18 resources to help with, if needed, so –

19 And we probably will reach out to some of the
20 other tribes in a similar manner. But we'll take that
21 one as a pilot and make it – see how we get it to work
22 and then we'll – we'll move on from there.

23 And we recently had a meeting with the Oklahoma
24 military installations, their environmental folks at
25 these installations. And we did that last year. So

Page 45

1 this is the second year we've had that. We plan to do
2 it every year. I'm going to try get out and visit some
3 of those folks, because I was elsewhere when this one
4 occurred, but I need to go visit some of the
5 facilities. I've been to several of them, but there's
6 a couple of them I haven't really been – spent much
7 actual time on the military base.

8 We have a new Agency Mission Statement. I guess
9 it's up on the screens, so you might have to strain
10 your neck. We'll leave it up there. And, you know,
11 they didn't write it here so that I could read it.

12 But it's the mission of the Oklahoma Department of
13 Environmental Quality to protect people through the air
14 we breathe, the water we drink and the land on which we
15 thrive, helping to make Oklahoma an even better place
16 to live. So I think that's going to be a positive
17 thing. It was time to update our Mission Statement,
18 and I think that's good.

19 So the – oh, we have to recognize Cindy, my
20 secretary, the Executive Secretary, Cindy Przekurat.
21 This is her last meeting. She's going to retire and
22 have a lot of fun while the rest are still stuck here.
23 So it's – and actually, Jimmy and I are in big trouble
24 because she keeps us straight. She's outstanding. So
25 I'd just really like to thank her for her time here.

Page 46

1 (Applause.)
2 MR. SCOTT THOMPSON: So if I don't show up
3 where I'm supposed to after she leaves -- which I think
4 April Fool's Day is her last day. So I don't know what
5 that means. But, you know, it's -- it's because Cindy
6 abandoned me, that's why.
7 I also want to take a few minutes to recognize
8 some employee accomplishments. I think we've talked a
9 little bit before about our energy conservation efforts
10 here at our main office, retrofitting and removing old
11 light fixtures and replacing a lot with -- we're pretty
12 much LED everywhere or almost all light sources are
13 LED. There's a few that are not. We're still looking
14 to upgrade those.
15 But we saved a ton of money. We received a total
16 of \$102,000-plus in energy rebates from OG&E. Of that
17 amount, we got one big check of \$75,600 for the most
18 recent efforts, which the OG&E person, who presented us
19 the big foam check, told us that's the biggest check
20 he's seen given out to anybody. So that's pretty
21 impressive.
22 And Dawell Wright and Karl Heinzig are here.
23 These guys did a lot of work. Come up on up here and
24 stand.
25 (Applause.)

Page 47

1 MR. SCOTT THOMPSON: We're going to take some
2 pictures over by the -- okay. We'll hold that for just
3 a second. You guys can take some pictures, but then
4 we'll have a couple more folks come up.
5 So you also have seen, I think, a lot of the news
6 stories. We got a lot of media attention, a lot of
7 interest in our new license plates and I just think
8 they're outstanding. To me, the biggest thing about
9 that is those were designed in-house. We didn't hire
10 someone else to do that and pay a lot of money to do
11 it. It was our folks who did the design. And I even
12 heard that one of our local newscasters lamented that
13 the new state tag wasn't like one of these. So we
14 might sell quite a few. And that money goes to help,
15 you know, environmental education efforts with schools
16 and kids.
17 So I think I'm missing a page here. But the --
18 oh, there were approximately 450 news stories
19 generated, including U.S. News and World Report and
20 Seattle Times as far out as that.
21 So we asked the public to vote on these. Our
22 in-house graphic artists who designed these, I want to
23 recognize Grant Thompson, Jim Ward, and you guys come
24 up, too.
25 (Applause.)

Page 48

1 MR. SCOTT THOMPSON: Money from the sale of
2 these tags is used in our grant programs, like I said,
3 and help schools and other youth organizations across
4 the state with environmental projects. So that's just
5 awesome. I love this. This is the kind of stuff I
6 like to see people do is in-house, being innovative,
7 stepping out and being creative. I mean, that's just
8 outstanding. Thanks, guys. Thanks to all of y'all.
9 And our -- I don't want to forget. We got a bunch
10 of energy champs to also help with a lot of our savings
11 on energy costs over the years, so those folks are --
12 we had folks from each division participate in that.
13 We're going to do an in-house newsletter to
14 recognize additional employees throughout the year, so
15 we'll distribute that to you guys when that's
16 available, which will be fairly soon. So I'm pretty
17 happy about that.
18 The other folks, I don't know that they're here
19 today. If you are, you have to stand up. But we had
20 some employees of the quarter and employees of the
21 year. These included Heather Mallory, Sara Ivey,
22 Karen Steele, and David Mercer was our most recent
23 employee of the year, so those guys deserve some
24 thanks, too. I don't see any of them here. Are they?
25 MS. QUIANA FIELDS: There's one.

Page 49

1 MR. SCOTT THOMPSON: There's one.
2 (Applause.)
3 MR. SCOTT THOMPSON: Thank you. So thank you
4 guys for all your dedication.
5 Now I'd like to turn it over to Kathy for the
6 budget, the next item on the Agenda. Or is that all of
7 my report?
8 CHAIRMAN TIM MUNSON: Thank you for your
9 report, Scott. And we'll move -- anybody have any
10 questions for Scott?
11 (No response.)
12 CHAIRMAN TIM MUNSON: All right. Thank you,
13 Scott.
14 We'll move on to the budget update with DEQ's CFO
15 Kathy Aebischer.
16 MS. KATHY AEBISCHER: Good morning. I'll
17 give you a financial overview of what's happened since
18 our last meeting. As Scott mentioned, we met with the
19 Joint Appropriate and Budget Committee to go over DEQ.
20 I just wanted to show you some financial slides that we
21 showed them.
22 And you've seen this before. For FY '18, we
23 currently get seven percent of our budget is State
24 appropriations. Even though that's not a lot of money,
25 it's very important to this agency. It funds those

Page 50

1 activities that we don't charge for, that we don't have
2 fees for. That's environmental complaints, that's
3 technical assistance. So it's a very important piece
4 to DEQ.
5 We also mentioned to them that since FY 2009, DEQ
6 has seen a 41 and a half percent cut in our State
7 appropriations, which is about \$4 million. So the
8 impact to DEQ has been significant.
9 We also wanted to let them know that we wanted to
10 be part of the solution, too. So as Scott mentioned,
11 we have some energy savings that the Agency did. We
12 also have started an Agency-wide program, which we've
13 discussed in our Board meetings before that we are
14 looking at what the priorities of the Agency are and
15 making sure every program is aligned with those
16 priorities.
17 So we're on step three of this project, and we're
18 currently establishing a valuation criteria, which
19 we're going to take every program of the Agency and run
20 it through this criteria. We're going to prioritize.
21 We're going to see where we can have some efficiencies
22 gained. We're going to make sure we're not duplicating
23 any programs among divisions or even outside of our
24 agency. So it's pretty intensive, but we're involving
25 everybody in the agency just to make sure that we are

Page 51

1 as efficient as we can be.
2 So our budget update, as of December 31st, we're
3 halfway through the fiscal year. We're in pretty good
4 shape revenue-wise. Water looks like it's negative of
5 \$282,000, but we reduced this year's projections by
6 171,000, so it's not as far down as it looks. We think
7 that with the economy picking back up, we should see
8 the revenue catching back up. So we're not really
9 concerned in that area.
10 If you look at land, the negative 569, really
11 there's a -- if you adjust for tire reimbursement
12 pass-through, so it's just -- if we do a project, we
13 get reimbursed. We did 714,000 last year. So if you
14 adjust for that, they're really above their projections
15 of about 144,000.
16 So every division looks pretty good on the
17 revenue. We don't have any concerns at this point.
18 Have any questions on the revenue.
19 (No response.)
20 MS. KATHY AEBISCHER: So if we look at the
21 expenditures -- and this is all funding sources. Of
22 our budget of 83 million, we have spent almost 28. We
23 would like to be a little bit further. We are having
24 some major projects that should be expending out this
25 spring. They were out to bid and finalizing those

Page 52

1 contracts, so we should be having some expenditures in
2 the spring.
3 And if we look at all the sources of funds, it
4 breaks down the portion that we've spent in each of
5 those funding categories.
6 Okay. Any questions? All right.
7 MR. STEVE MASON: I have a question.
8 MS. KATHY AEBISCHER: Uh-huh.
9 MR. STEVE MASON: My understanding of some of
10 the problems in the State Health Department is that
11 within the agency they were shifting funds from
12 different areas inappropriately and many people within
13 the agency were unaware of that, and the Board was
14 certainly unaware of that.
15 What safeguards do we have in place to make sure
16 that the collected funds are used appropriately and we
17 aren't moving them to other areas to make a budget
18 balance?
19 MS. KATHY AEBISCHER: Yes. DEQ is one of the
20 few agencies that's on the -- what they call Phase 2
21 PeopleSoft, and that's the -- we use the project
22 costing module of PeopleSoft that tracks it down to the
23 fund project level. So we have very detailed
24 accounting of what funds are being used and where. So
25 they're separated. We don't borrow any federal funds

Page 53

1 separate, so our accounting is pretty robust. And we
2 have auditors from the feds in here many times. Don't
3 have any audit issues.
4 So we have a totally different accounting system
5 than the Health Department does. The Health Department
6 was not on PeopleSoft. They had their internal system.
7 MR. STEVE MASON: So unlike the
8 Health Department, there's some outsiders, that while
9 we trust you, come in and audit your work?
10 MS. KATHY AEBISCHER: Yes.
11 MR. STEVE MASON: Okay.
12 MS. KATHY AEBISCHER: And we also have
13 regular monthly meetings with the directors and
14 assistant directors of each division where we go
15 through their financials and any questions and
16 strategies and that. So on the financial side, we're
17 very open with the management, with what's going on
18 with the money, revenue side, expenditure side.
19 MR. STEVE MASON: Okay. So as you've
20 observed the Health Department process, are there any
21 additional safeguards or audit procedures you wish you
22 had to make sure that doesn't happen in this agency?
23 MS. KATHY AEBISCHER: Let me just clarify I
24 used to work at the Health Department --
25 MR. STEVE MASON: Okay.

Page 54

1 MS. KATHY AEBISCHER: -- a very short time.
2 But I would say the major issue at the
3 Health Department is cultural. They would not let the
4 CFO even speak at the Board meeting, nor would the
5 Board have access to the financial people. So that's
6 not happening at all here.
7 Our books are very open. Scott is very open. The
8 managers and divisions have access to finance, so DEQ
9 is not culturally the same as the Health Department.
10 We have a lot of auditors that come in that also
11 review, you know, the books of DEQ, from the feds, EPA,
12 so I don't have any concerns here.
13 MR. STEVE MASON: Okay. Thank you.
14 MR. HOMER NICHOLSON: Through the efforts of
15 IT consolidation, do we have any concerns or is there
16 any threats to our PeopleSoft software to change to
17 some other software or any concerns through that failed
18 effort?
19 MS. KATHY AEBISCHER: As it relates to the
20 PeopleSoft financials, right now, I don't know if
21 they're planning on replacing it with something else.
22 I know they're in the middle of a projection for the
23 human resources side of things. So as it relates to
24 PeopleSoft, I say I don't have any concerns.
25 MR. HOMER NICHOLSON: Thank you.

Page 55

1 CHAIRMAN TIM MUNSON: Any other questions for
2 Kathy?
3 (No response.)
4 MS. KATHY AEBISCHER: Okay. I thought since
5 we've been having the federal shutdown kind of thing
6 happening, it might be worth kind of explaining to you
7 what that means to DEQ. So far -- EPA has a
8 contingency plan, and their contingency plan is that
9 recipients of funded grants can continue on their work
10 and projects while EPA is shut down. Because EPA sees
11 DEQ as fiscally responsible, we do have the authority
12 to continue to draw down, through their system, ASP
13 system, to -- to continue our projects.
14 The only thing that would be delayed would be
15 projects that aren't funded yet or if we have project
16 reviews or modifications that we were waiting on EPA.
17 That would delay project initiation, but we would still
18 be able to continue financially with projects that are
19 already been awarded and funded.
20 As Scott mentioned, the parking garage, we did --
21 last year we were approved to proceed with the project
22 but there wasn't funding attached to it. So this year,
23 we have to come back through and request funding. So
24 they recommended bonds be issued for DEQ in order for
25 us to proceed with the project.

Page 56

1 So if it's passed, appropriately the payment would
2 be 750,000 a year or 63,000 a month for 15 years. But
3 until we know final costs, if it's passed or not -- but
4 I thought I'd kind of give you a ballpark figure of
5 what that could mean to DEQ.
6 MR. STEVE MASON: What's the total cost of
7 the project?
8 MS. KATHY AEBISCHER: Right now, the
9 engineering studies is where we got our estimate, and
10 it's estimating about nine million. But I would say we
11 don't really know until we get into the design and get
12 a really good estimate.
13 Okay. Any more questions?
14 (No response.)
15 CHAIRMAN TIM MUNSON: Do you have any more
16 questions for Kathy? Comments?
17 (No response.)
18 CHAIRMAN TIM MUNSON: Thank you very much.
19 And just to Steve's point or his questions, I
20 personally, having been involved with this Board for
21 the last four or five years, I consider the information
22 that the Board has provided, from a financial
23 standpoint, to be of extremely good quality, and I
24 think that we have access to information that should
25 give us all a great deal of comfort. We have a lot of

Page 57

1 information at our fingertips and I've never had any
2 issues asking Scott or Kathy a question. I feel like
3 anybody on the Board should have that same feeling.
4 So I'll move on to --
5 MR. STEVE MASON: I think -- I do want to say
6 I think they do a great job and, yes, we trust them
7 and, yes, they share information with us. But, you
8 know, as citizens, none of us really have a strong
9 accounting background, we're really only as good as the
10 information they share with us.
11 CHAIRMAN TIM MUNSON: Right. And I think
12 that --
13 MR. STEVE MASON: Outsiders looking into
14 State agencies is good idea, whether it's EPA that
15 comes down here to audit them. We trust them all, yes.
16 But outside eyes are a good idea. And we are not
17 accountants.
18 MR. SCOTT THOMPSON: Sure. And when I took
19 over, they did a -- the State Auditor did an auditor o
20 the Agency. Anytime a director leaves, they do that
21 routinely. So that was about four years ago roughly.
22 And it took them a little while to complete it, though,
23 so -- I don't think they completed it until like
24 October of '14. But I think we're due for our next
25 routine audit this year.

Page 58

1 So it depends on if the auditor has time given the
2 other issues they're juggling at the moment, so -- but
3 if they do, we're fine. We'll do it when they're
4 ready.

5 MR. STEVE MASON: You know, it's amazing, I
6 think, with the state -- really all I know is what I've
7 read in the paper. You know, there's an issue there of
8 diversion of federal funds. And what's curious to me
9 is while EPA audits us, whatever federal agency that
10 was sending money to that health department, apparently
11 was not auditing those funds.

12 MR. SCOTT THOMPSON: I can't speak to that.
13 But I would say we are audited by EPA. We track -- you
14 know, I came from the Superfund Program, and so we
15 had -- even when we were part of the Health Department,
16 we had a program code for where that money came from,
17 to what grant. We had activity codes, like whether
18 there was an investigation or -- even to a remedial
19 investigation, feasibility study, that sort of stuff,
20 we had those identified in different codes all the way
21 down to the site level.

22 So even when I was doing preliminary
23 investigations for Superfund projects, we tracked
24 everything to the site that we worked on, so -- and
25 we'd continue that in our program. And our -- I think

Page 59

1 our federal programs are all set up like that so that
2 we're tracking the dollars by program code by activity
3 or whatever. And so there's not really a chance to
4 take federal funds from this project and put it over
5 here.

6 We do have a block grant that allows us to do that
7 with funds that are in that grant, to shift them, but
8 we have the authority to do that, and we work with EPA
9 in that regard to make sure we're meeting our grant
10 commitments, et cetera. So I think we're pretty good
11 there.

12 But I have zero problem with you guys looking into
13 things and discussing things. I think it's a good
14 idea. And again, if you have any questions, give me a
15 shout or I'll probably hook you up with Kathy.
16 Sometimes I ask Kathy, just so I know what the answer
17 is, but...

18 MR. STEVE MASON: We've come a long way in
19 four years. We used to never have a presentation.

20 MR. SCOTT THOMPSON: Right.

21 MR. STEVE MASON: So adding Kathy to your
22 staff and making this part of our Agenda, that's an
23 important improvement from what we were told before.

24 MR. SCOTT THOMPSON: Yeah. I think it's a
25 lot more open and clear now. I don't think -- even

Page 60

1 when there was not that much information available to
2 you guys, it -- we were still tracking the money
3 properly, especially the federal dollars. And there's
4 not -- we were always very sensitive to statutory
5 authority, which grant and things had to be used
6 because we don't want to go to jail, basically.

7 (Laughter.)

8 MR. SCOTT THOMPSON: So, you know -- anyway,
9 so I think we're good there.

10 MR. STEVE MASON: Thank you.

11 MR. DANIEL BLANKENSHIP: Mr. Chairman, if I
12 may. I just want to say that I agree wholeheartedly
13 with Mr. Mason. You know, I think that, you know, this
14 is public money in every shape and form and that we
15 need to be transparent. And I do very much appreciate
16 the information that we have received since Scott has
17 become the director. And having the report not only on
18 this Agenda, but having those numbers reviewed with us
19 in subcommittee meetings and so --

20 But I'd also encourage you to welcome, you know,
21 any scrutinizing eye that may come along because it
22 is -- it is public money, and we should be as
23 transparent as -- we should just be absolutely
24 transparent about it.

25 CHAIRMAN TIM MUNSON: Sure.

Page 61

1 MR. DANIEL BLANKENSHIP: So thank you very
2 much.

3 CHAIRMAN TIM MUNSON: Thank you.
4 Any other comments?
5 (No response.)

6 CHAIRMAN TIM MUNSON: Okay. Thank you.
7 We'll move on to item 11. At our November Board
8 meeting, during the -- actually, before I get to that,
9 I neglected to mention at the beginning of the meeting,
10 we will have an opportunity for a public forum after
11 the Board meeting adjourns. If you would like to
12 speak, please sign up at the back. I meant to do that
13 earlier. I forgot.

14 So at our November Board meeting, during the
15 forum, Bud Ground, the President of the Environmental
16 Federation of Oklahoma, requested the Board to consider
17 putting together a resolution, something -- somewhere
18 along the lines of resolutions that had previously been
19 passed by the Air Quality Council, Solid Waste
20 Management Advisory Council.

21 Basically, the resolution would state our support
22 as a Board of the agency and the importance of the
23 Agency's work and how we feel that the Agency work is
24 important; and that the revolving funds and fees, that
25 the Agency collects, should remain within the Agency

Page 62

1 and be utilized for the specific purposes for which
2 they were collected and intended.
3 I visited with Scott and we asked the staff to
4 prepare a draft resolution for the Board's
5 consideration. Rob has prepared a draft. You-all have
6 a copy of it in your package. Should have it in front
7 of you. And I would like to open it up for comments in
8 regards to that resolution on the part of the Board.
9 There was a -- I think just an addition to that.
10 MR. SCOTT THOMPSON: Well, on the resolution,
11 there's the first paragraph at the end. It says,
12 "wastewater treatment," and it just says "drinking."
13 Does that mean -- should it say drinking water or
14 should --
15 MR. ROB SINGLETARY: It should.
16 MR. SCOTT THOMPSON: Okay.
17 MR. ROB SINGLETARY: So we would need to add
18 at the end of that first paragraph, "wastewater
19 treatment and drinking water."
20 CHAIRMAN TIM MUNSON: Any comments?
21 Questions?
22 (No response.)
23 CHAIRMAN TIM MUNSON: Discussion on the draft
24 resolution?
25 (No response.)

Page 63

1 MR. ROB SINGLETARY: Scott, I take that back.
2 I think that "drinking" should be stricken.
3 MR. SCOTT THOMPSON: Okay.
4 CHAIRMAN TIM MUNSON: Can you clarify that
5 again, Rob?
6 MR. ROB SINGLETARY: First paragraph, the
7 last word is "drinking." And we had just discussed
8 inserting drinking water, and I think that "drinking"
9 should be stricken.
10 (Multiple speakers.)
11 CHAIRMAN TIM MUNSON: Okay.
12 MR. DANIEL BLANKENSHIP: Wastewater treatment
13 drinking.
14 MR. ROB SINGLETARY: Yeah.
15 (Laughter.)
16 MR. ROB SINGLETARY: So we'll end in "and
17 wastewater treatment."
18 (Multiple speakers.)
19 CHAIRMAN TIM MUNSON: All right.
20 MR. DANIEL BLANKENSHIP: Mr. Chairman, I just
21 want to voice my support of the resolution, and I think
22 that we have -- once again, in the spirit of
23 transparency, when we collect fees that are for a
24 specific reason, we have an obligation to those who we
25 have collected those fees from, we have a legal

Page 64

1 obligation to spend that money in those -- in those
2 areas, how those fees were established. So I think
3 this is -- I think that, you know, we're -- I believe
4 we're legally obligated to do that, but I think this is
5 a reaffirmation and a show of transparency that we
6 believe in that obligation that we have.
7 So I'm in favor of it and would be happy to make a
8 motion to approve.
9 CHAIRMAN TIM MUNSON: Okay. Thank you.
10 MR. STEVE MASON: Dan, you raised a really
11 good point. When the Legislature takes funds, that
12 were specific and collected for a purpose from
13 ratepayers and they get diverted to somewhere else,
14 maybe we should encourage those ratepayers to sue us
15 for diverting their funds illegally.
16 (Laughter.)
17 MR. STEVE MASON: Just an idea?
18 MR. DANIEL BLANKENSHIP: Yeah.
19 MR. STEVE MASON: I mean, if you're a
20 municipality and you're paying water fees to us --
21 MR. DANIEL BLANKENSHIP: Right.
22 MR. STEVE MASON: -- and it goes elsewhere --
23 MR. DANIEL BLANKENSHIP: That's my life.
24 MR. STEVE MASON: That's a good point you
25 just raised.

Page 65

1 MR. DANIEL BLANKENSHIP: Thank you.
2 MR. SCOTT THOMPSON: Maybe not us.
3 MR. STEVE MASON: Yeah.
4 (Laughter.)
5 (Multiple speakers.)
6 MR. STEVE MASON: Sue the Legislature. Sue
7 somebody.
8 (Laughter.)
9 MR. STEVE MASON: Because you're right -- we
10 are -- funds are being diverted that were collected for
11 other purposes.
12 MR. CLAYTON EUBANKS: A new practice area.
13 CHAIRMAN TIM MUNSON: Okay. Any other
14 comments?
15 Move for a second?
16 DR. TRACY HAMMON: I'll second.
17 CHAIRMAN TIM MUNSON: Okay. We have a motion
18 and a second. Quiana, would you please do a roll call?
19 MS. QUIANA FIELDS: Mr. Blankenship?
20 MR. DANIEL BLANKENSHIP: Yes.
21 MS. QUIANA FIELDS: Mr. Ferrell?
22 MR. SHANNON FERRELL: Yes.
23 MS. QUIANA FIELDS: Mr. Griesel?
24 MR. DAVID GRIESEL: Yes.
25 MS. QUIANA FIELDS: Dr. Hammon?

Page 66

1 DR. TRACY HAMMON: Yes.
2 MS. QUIANA FIELDS: Mr. Hirshey?
3 MR. KENNETH HIRSHEY: Yes.
4 MS. QUIANA FIELDS: Mr. Kinder?
5 MR. JIMMY KINDER: Yes.
6 MS. QUIANA FIELDS: Ms. Kunze?
7 MS. JAN KUNZE: Yes.
8 MS. QUIANA FIELDS: Mr. Mason?
9 MR. STEVE MASON: Yes.
10 MS. QUIANA FIELDS: Mr. Nicholson?
11 MR. HOMER NICHOLSON: Yes.
12 MS. QUIANA FIELDS: Mr. Paque?
13 MR. MIKE PAQUE: Yes.
14 MS. QUIANA FIELDS: Mr. Sims?
15 MR. BILLY SIMS: Yes.
16 MS. QUIANA FIELDS: Mr. Munson?
17 CHAIRMAN TIM MUNSON: Yes.
18 MS. QUIANA FIELDS: Motion passed.
19 CHAIRMAN TIM MUNSON: Thank you.
20 Are there any – is there any new business that we
21 need to be made aware of?
22 (No response.)
23 CHAIRMAN TIM MUNSON: Okay. I'll move on to
24 the next item. The next regular meeting of the
25 Environmental Quality Board is scheduled to be held on

Page 67

1 Tuesday, June the 12th, 2018, at 9:30. It will be in
2 Oklahoma City here at the Oklahoma Department of
3 Environmental Quality in this room.
4 At this point, I believe our business has ended.
5 I'll entertain a motion to adjourn.
6 MR. DAVID GRIESEL: So moved.
7 MR. HOMER NICHOLSON: Second.
8 CHAIRMAN TIM MUNSON: A motion and second.
9 Meeting is adjourned.
10 (Adjournment 10:58 a.m.)
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Page 68

1 CERTIFICATION
2 I, Jennifer Payne Kaelin, a Certified
3 Shorthand Reporter within and for the State of
4 Oklahoma, do hereby certify that I was present at the
5 Environmental Quality Board Meeting had February 16,
6 2018; that I recorded in stenotype notes all of said
7 proceedings; and that I thereafter transcribed my notes
8 so taken and reduced same to typewritten form; and that
9 foregoing transcript of proceedings is full, true,
10 correct and complete, to the best of my skill and
11 ability, along with corrections made by the Department
12 of Environmental Quality's staff.
13 I further certify that I am not an attorney
14 for nor relative of any of said parties or otherwise
15 interested in the outcome or event of said action.
16
17 IN WITNESS WHEREOF, I have hereunto set my
18 hand and affixed my official seal this 27th day of
19 February, 2018.
20
21
22 _____
23 Jennifer Payne Kaelin, CSR#1748
24 Official Court Reporter
25

CERTIFICATION

I, Jennifer Payne Kaelin, a Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that I was present at the Environmental Quality Board Meeting had February 16, 2018; that I recorded in stenotype notes all of said proceedings; and that I thereafter transcribed my notes so taken and reduced same to typewritten form; and that foregoing transcript of proceedings is full, true, correct and complete, to the best of my skill and ability, along with corrections made by the Department of Environmental Quality's staff.

I further certify that I am not an attorney for nor relative of any of said parties or otherwise interested in the outcome or event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 27th day of February, 2018.

Jennifer R. Payne Kaelin

Jennifer Payne Kaelin, CSR#1748
Official Court Reporter



Jennifer R. Payne
State of Oklahoma
Certified Shorthand Reporter
CSR # 1748

My Certificate Expires 12-31-18



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
February 16, 2018
Oklahoma City, Oklahoma

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Address and/or Phone and/or E-Mail

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Lloyd Kirk	DEQ
Brian Dusan	GET
Mark Hildebrand	DEQ
Jimmy Kide	DEQ BOAR
Ken Kunkle	City of Norman
Kelly Dixon	DEQ
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Alan Smith	
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DEPARTMENT OF ENVIRONMENTAL QUALITY

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