

**REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD**

A Public Meeting: 9:30 a.m. Friday, February 19, 2016
DEQ Multipurpose Room
Oklahoma City, Oklahoma

Please turn off cell phones.

1. Call to Order – Jan Kunze, Chair

2. Announcements – Jan Kunze, Chair

Announcements will include the introduction of any new Board members or special guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. Roll Call – Quiana Fields, Board Secretary

4. Approval of Minutes of the November 10, 2015, Regular Meeting

5. Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2016

6. Rulemaking – OAC 252:100 Air Pollution Control

A. The DEQ proposes to amend OAC 252:100-9, Excess Emission Reporting Requirements, to comply with the “State Implementation Plan (SIP) Call to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunctions” (SSM), and to conform with EPA’s restated and updated SSM policy applicable to SIPs.

B. The DEQ also proposes to replace the existing OAC 252:100, Appendix E, Primary Ambient Air Quality Standards and the existing Appendix F, Secondary Ambient Air Quality Standards with a new and updated Appendix E and F in order to maintain consistency with recent federal changes to the primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone.

- Presentation – Gerald Butcher, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

7. Rulemaking - OAC 252:517 Disposal of Coal Combustion Residuals From Electric Utilities [New]

The DEQ proposes to create a new chapter, OAC 252:517, Disposal of Coal Combustion Residuals From Electric Utilities, in response to new federal requirements pertaining to the disposal of coal combustion residuals (CCR) generated from the combustion of coal at electric utilities and independent power producers. DEQ proposes to incorporate the requirements of 40 CFR 257, Subpart D in its entirety and insert, where appropriate, additional language to enable DEQ to permit CCR facilities and enforce the new requirements. This proposed rulemaking is related to the proposed rulemaking described in Item # 8 below regarding OAC 252:515, which excludes disposal of CCR from regulation under OAC 252:515.

- Presentation – Jeffrey Shepherd, Chair, Solid Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

8. Rulemaking - OAC 252:515 Solid Waste Management

The DEQ proposes to amend OAC 252:515-1-1 to exclude from regulation under OAC 252:515 solid waste disposal facilities used exclusively for disposal of coal combustion residuals (CCR or coal ash) generated from the combustion of coal at electric utilities and independent power producers. This proposed rulemaking is related to the rulemaking described in Item # 7 above, where the DEQ is proposing to create a new Chapter OAC 252:517 to regulate coal combustion residual disposal facilities.

- Presentation – Jeffrey Shepherd, Chair, Solid Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

9. Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards

The DEQ proposes to amend OAC 252:606-1-4 to change the date of the incorporation by reference of federal regulations from July 1, 2014 to July 1, 2015. The most significant changes in the updated federal regulations relate to cooling water intake structures at industrial facilities and the Sufficiently Sensitive Methods Rule (SSMR), which requires permittees to use EPA-approved analytical methods that can detect and measure pollutants at or below the water quality criteria.

- Presentation – Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

10. Rulemaking – OAC 252:626 Public Water Supply Construction Standards

The DEQ proposes to amend OAC 252:626, Subchapters 1, 3, 5, 7, 9, and 13. The proposed amendments include: (1) definitions for “25-year flood” and “100 –year flood”; (2) certain other definitions to be consistent with other DEQ and federal regulations; (3) language to require maps, site plans and schematic layout of treatment facilities with engineering reports; (4) clarification that the requirement for standby power and elevated storage is to be based on peak hourly demand; (5) a requirement for a concrete splash pad outside the well house where blow-off valve discharges occur; (6) a requirement that filters be equipped to indicate or otherwise measure head loss; (7) a requirement that each filter unit indicate the instantaneous rate of flow; (8) a requirement that mechanical dewatering of residuals be constructed in accordance with OAC 252:656-15(3), (4) and (5); (9) clarification of the requirements for residual lagoons; (10) a requirement that plant outfalls be designed and constructed in accordance with OAC 252:656-9-3 when wastewater is discharged; and (11) other minor clarifications. The DEQ also proposes to revoke and replace the existing Appendix E with a new, updated Appendix E, Gravel Support for Rapid Rate and Slow Sand Filters.

- Presentation – Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

11. Rulemaking – OAC 252:631 Public Water Supply Operation

The DEQ proposes to amend OAC 252:631, Subchapters 1 and 3 to: (1) replace “Laboratory Certification” with “Laboratory Accreditation” rules; (2) clarify certain definitions; (3) update the date of incorporation by reference of certain federal regulations from July 1, 2014 to July 1, 2015; (4) add language incorporating Subparts S and Y of the microbiological standards in accordance with 40 CFR Section 141.63; (5) replace “turbidity” with “filtration, disinfection, and enhanced treatment” standards in accordance with 40 CFR Sections 141.73 and 141.173; (6) add “lead, copper, and corrosivity standards” in accordance with 40 CFR Part 141, Subpart I; (7) replace “coliform” and “microbiological” requirements in accordance with 40 CFR Section 141, Subparts S and Y; add enhanced treatment requirements in accordance with 40 CFR Sections 141.74 and 141.174, Subparts T and W; add Subparts U and V in accordance

with 40 CFR Part 141; (8) clarify the requirements for laboratory accreditation and validation of data to be consistent with federal requirements; and (9) other minor clarifications.

- Presentation – Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

12. Rulemaking – OAC 252:690 Water Quality Standards Implementation

The DEQ proposes to amend OAC 252:690, Subchapters 1, 3 and 5 and to update Appendix B. The amendments include: (1) the deletion of the term “CFU” (colony forming units) from Subchapters 1 and 3 in accordance with changes made by the Oklahoma Water Resources Board; (2) updating the date of incorporation by reference for federal regulations from July 1, 2013 to July 1, 2015, including the Sufficiently Sensitive Methods Rule (SSMR); (3) correcting a citation in Subchapter 5; and (4) updating Appendix B by revoking the existing Appendix B and replacing it with an updated Appendix B (Priority and Non-priority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening) to implement the SSMR.

- Presentation – Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

13. Executive Director’s Report – Scott Thompson, DEQ Executive Director

Mr. Thompson’s report may include budget and legislative updates as well as significant agency accomplishments and activities since the last Board meeting. This report is for informational purposes only, and no action by the Board is required.

14. Executive Session – Review Relating to Executive Director

Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities and policies of the DEQ. In connection with these responsibilities, the Board has determined that it should conduct a review.

- In open session, discussion by the Board
- In open session, consideration of possible executive session pursuant to Title 25 Oklahoma Statutes Section 307(B)(1) (discussion of employment actions related to any individual

salaried public officer or employee), if authorized by recorded majority vote of a quorum of the Board members present

- In open session, if executive session approved, designation of person to keep minutes in executive session
- In executive session, discussion of the review and of possible actions by the Board relating to the Executive Director

15. Reconvene into open session

- In open session, roll call vote to reconvene regular Board meeting

16. Consider taking action on the following

- In open session, possible roll call vote on specific actions or recommendations as a result of the review relating to the Executive Director

17. New Business (Any matter not known about and which could not have been reasonably foreseen prior to the time of posting of agenda)

18. Next meeting: June 14, 2016, DEQ, Oklahoma City

19. Adjournment

Public Forum – Following Adjournment -- The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak. If necessary to accommodate the public, the Board Chair may make a determination to conduct the Forum prior to the Call to Order.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.