

**MINUTES  
ENVIRONMENTAL QUALITY BOARD  
NOVEMBER 10, 2020  
OKLAHOMA COMMONS BUILDING  
OKLAHOMA CITY, OKLAHOMA**

Official EQB Approved  
On February 19, 2021

**Notice of Public Meeting** – The Environmental Quality Board (Board) convened for a Regular Meeting at 10:00 a.m., at the Oklahoma Commons Building (formerly SandRidge Energy, 123 Robert S. Kerr Avenue, 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 11, 2018. The agenda was mailed to interested parties on October 16, 2019 and was posted at the DEQ and the facility on November 9, 2020. Mr. Jimmy Kinder, Chair, called the meeting to order. Mr. Kinder talked on safety precautions in case of an emergency and welcomed Secretary Ken Wagner to the meeting. Ms. Fields called roll and a quorum was confirmed.

**MEMBERS PRESENT**

Mark Barton  
John Easton  
Shannon Ferrell  
David Griesel  
Tracy Hammon  
Alexandria Kindrick  
Jan Kunze  
Tim Munson  
Mike Paque  
Jimmy Kinder

**DEQ STAFF PRESENT**

Scott Thompson, Executive Director  
Jimmy Givens, Deputy Executive Director  
Rob Singletary, General Counsel  
Michelle Wynn, Legislative Liaison  
Jennifer Boyle, Deputy General Counsel  
Nicholas Huber, Environmental Complaints & Local Services  
Mark Hildebrand, Environmental Complaints & Local Services  
Erin Hatfield, Office of External Affairs  
Kathy Aebischer, Administrative Services Division  
Trevor Hammons, Legal Services Division  
Quiana Fields, Board & Council Secretary

**MEMBERS ABSENT**

Ken Hirshy  
Steve Mason  
Billy Sims

**OTHERS PRESENT**

Jennifer Lewis, Office of the Attorney General  
Secretary Ken Wagner, Office of the Secretary of Energy & Environment  
Stephen Baldridge, Office of the Secretary of Energy & Environment  
Carly Cordell, Office of the Secretary of Energy & Environment  
Bud Ground, EFO  
Lindsey Troiani, Court Reporter

**Approval of Minutes** – Mr. Paque moved to approve the Minutes of the September 15, 2020 Regular (virtual) Meeting. Dr. Hammon made the second.

*transcript pages 6 - 7*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

**Employee Disclosures** – Mr. Rob Singletary, General Counsel of the DEQ, stated the Environmental Quality Code requires DEQ employees involved in reviewing, issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. The DEQ is required to submit these disclosures to the Board and make them part of the minutes. This year there are two employees that updated their disclosures: Cristi Andrews and Steve Reid.

*See transcript pages 7 - 8*

**Emergency Rulemaking – OAC 252:641** – Mr. Kinder 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 emergency changes to Chapter 641 to amend and establish certain definitions; allow a reduction of the minimum size of subsurface absorption fields for individual on-site sewage treatment systems under certain conditions; establish sizing criteria for manufactured media systems and revise and combine the minimum spray area size for aerobic systems. These changes generally will result in a reduction of overall application areas. Following no questions or comments by the Board or the public, Mr. Kinder called for a motion. Dr. Ferrell moved to approve and Mr. Griesel made the second.

*transcript pages 9 - 12*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

**Item #7 was moved after the Budget Update and Financial Overview**

*See transcript page 12*

**Executive Director’s Report** – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative or related matters.

*transcript pages 12 - 25*

**Mr. Kinder called upon, Secretary Wagner to give an update on the Office of Secretary Environment and Energy.**

*transcript pages 25 - 31*

**Budget Update and Financial Overview (FY 2021)** – Mr. Kinder called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2021 budget update.

*transcript pages 32 - 35*

**Consideration of and Action on the Annual Environmental Quality Report** – Mr. Kinder called upon Mr. Jimmy Givens, Deputy Executive Director of the DEQ. Mr. Givens gave a presentation on the Annual Environmental Quality Report which must be approved by the Board prior to its submission to the Governor, Speaker of the House and Senate President Pro Tempore by January 1. The purpose of this report is to outline DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates and summarize DEQ-recommended statutory changes. The Environmental Quality Board is authorized to review, amend (as necessary) and approve the report. Following a question by the Board and none by the public, Dr. Ferrell made a motion to approve the Annual Environmental Quality Report and Mr. Munson made the second.

*transcript pages 36 - 48*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

**Executive Session – Annual Performance Review of Executive Director** – Among the statutory duties of the Board are the 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. Mr. Kinder called for a motion to enter into executive session pursuant to 25 Oklahoma Statutes Section 307(B)(1). Mr. Griesel moved

to approve and Mr. Paque made the second. Ms. Kunze was designated as the scribe for executive session.

*See transcript 48 - 50*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

In open session, Mr. Kinder called for a motion to reconvene the Regular Board meeting. Mr. Munson moved to approve and Mr. Paque made the second.

*See transcript pages 50 - 51*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

Mr. Kinder called for a motion on a specific action taken due to the Executive Director's annual performance review. Mr. Griesel made a motion to increase the salary of the DEQ Executives Director by five percent. Mr. Munson made the second.

*See transcript pages 51 - 52*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

**New Business – None**

**Next Meeting** – The next regular meeting is scheduled for February 19, 2021 in Oklahoma City, DEQ Multipurpose Room.

**Adjournment** – Mr. Kinder called for a motion to adjourn. Mr. Munson moved to adjourn and Mr. Paque made the second. Meeting adjourned at 12:30 p.m.

*transcript pages 54 - 55*

Mark Barton	Yes	Alexandria Kindrick	Yes
John Easton	Yes	Jan Kunze	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Jimmy Kinder	Yes

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

REGULAR MEETING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OKLAHOMA ENVIRONMENTAL QUALITY BOARD  
TUESDAY, NOVEMBER 10TH, 2020  
OKLAHOMA CITY, OKLAHOMA

REPORTED BY: Lindsey Troiani, CSR

Page 2

1 BOARD MEMBERS PRESENT:  
 2 James Kinder, Chair  
 3 Tracy Hammon, Vice-Chair  
 4 Perry Barton  
 5 John Easton  
 6 Shannon Ferrell  
 7 David Griesel  
 8 Alexandria Kindrick  
 9 Jan L. Kunze  
 10 Tim Munson  
 11 Michel Paque  
 12 BOARD MEMBERS ABSENT:  
 13 Kenneth Hirshey  
 14 Billy Sims  
 15 Steve Mason  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 4

1 distanced and for the public. We have marked off every  
 2 other row and left three seats between each seat open.  
 3 When we break for executive session, the  
 4 board members will remain in the auditorium and the  
 5 public may adjourn to the outdoor lobby or across the  
 6 way to the bottom floor of the adjacent tower. During  
 7 this time, we implore you to remain socially distanced  
 8 and to wear your mask.  
 9 Well, thank you, everyone, for being here.  
 10 Thank the, Board, for being here. I'm glad to see  
 11 everyone that can make it. I apologize for you all  
 12 being polled so many times, but I wanted to make sure  
 13 that we had a quorum when we showed up, and, hopefully,  
 14 we will have.  
 15 I will say that I have lived through the 70s,  
 16 the 80s, the 90s, the decade the Aught's, the Teens,  
 17 and now I can proudly proclaim I've lived through the  
 18 months of 2020. We do live in interesting times. And  
 19 so with that, thank you for being here.  
 20 A couple of housekeeping chores. I'm told  
 21 that the exits are at the back of the auditorium and so  
 22 are the restrooms, and so if anyone needs to make  
 23 yourselves available for that.  
 24 Thank you, everyone, for being here. Thank  
 25 you for wearing your masks. Things are kind of ramping

Page 3

1 MR. KINDER: Well, good morning. Glad to see  
 2 everyone here. This is a strange path and strange  
 3 place. And I just want to make sure everybody had a  
 4 chance to come in that needs to be here. So I'm going  
 5 to call the meeting to order today. The November 10th,  
 6 2020, regular meeting of the Environmental Quality  
 7 Board has been called according to the Oklahoma  
 8 Meetings Act, Section 311 of Title 25 of the Oklahoma  
 9 Statutes. Notice was filed with the Secretary of State  
 10 on October 16th, 2019. Agenda's were e-mailed to  
 11 interested parties October 21st, 2020, and were posted  
 12 at the DEQ and the former Sandridge building on  
 13 November 9th, 2020.  
 14 Only matters appearing on the posted agenda  
 15 may be considered. After today's meeting is adjourned,  
 16 there will be a public forum. If you would like to  
 17 speak during the public forum, please sign up to do so  
 18 at the table just outside the auditorium. I will then  
 19 call on you when it's time to speak.  
 20 I would like to mention that we are adhering  
 21 to recommended safety precautions as related to the  
 22 COVID-19 pandemic. Masks will be worn by everyone at  
 23 all times and we ask that you keep a minimum of six  
 24 feet between yourself and others. We have measured to  
 25 ensure that all board members are approximately

Page 5

1 up. Thank you, Secretary Wagner for being here today.  
 2 We're going to call on you in a little bit to add to  
 3 the program if you don't mind. And it's always nice to  
 4 have the Secretary here to give his input.  
 5 With that, I think we'll have a roll call  
 6 from Quiana.  
 7 MS. FIELDS: Mr. Barton?  
 8 MR. BARTON: Here.  
 9 MS. FIELDS: Mr. Easton?  
 10 MR. EASTON: Here.  
 11 MS. FIELDS: Dr. Ferrell?  
 12 DR. FERRELL: Here.  
 13 MS. FIELDS: Mr. Griesel?  
 14 MR. GRIESEL: Here.  
 15 MS. FIELDS: Dr. Hammon?  
 16 DR. HAMMON: Here.  
 17 MS. FIELDS: Mr. Hirshey is absent.  
 18 Ms. Kendrick?  
 19 MS. KENDRICK: Here.  
 20 MS. FIELDS: Ms. Kunze?  
 21 MS. KUNZE: Here.  
 22 MS. FIELDS: Mr. Mason is absent.  
 23 Mr. Munson?  
 24 MR. MUNSON: Here.  
 25 MS. FIELDS: Mr. Paque?

Page 6

1 MR. PAQUE: Here.  
2 MS. FIELDS: Mr. Sims is absent. Mr. Kinder?  
3 MR. KINDER: Here.  
4 MS. FIELDS: We have a quorum.  
5 MR. KINDER: Thank you, Quiana. And like I  
6 said, thank you, Board, for being here so we can take  
7 care of some needed business. We have -- you know,  
8 been having some Zoom calls, and I note that there are  
9 limitations with the Zoom calls. And later on today,  
10 we're going to go into executive session, and it just  
11 makes it -- in-person makes this a little bit easier in  
12 person to go into executive session.  
13 So next on the agenda is we have approval of  
14 minutes that were sent out from our September 15th  
15 meeting. And so I'm open for a motion to approve those  
16 minutes as mailed.  
17 MR. PAQUE: So move.  
18 DR. HAMMON: Second.  
19 MR. KINDER: We've got a motion and second.  
20 Roll call, please?  
21 MS. FIELDS: Mr. Barton?  
22 MR. BARTON: Yes.  
23 MS. FIELDS: Mr. Easton?  
24 MR. EASTON: Yes.  
25 MS. FIELDS: Dr. Ferrell?

Page 8

1 disclose any financial interest that they hold in  
2 entities regulated by the agency. All DEQ employees  
3 are required to make initial disclosures when they  
4 begin working for the agency and to update those  
5 disclosures annually if there is a material change in  
6 their financial interest. We, the Agency, are then  
7 required by statute to annually submit these  
8 disclosures to the Board.  
9 This year, we have two employees that updated  
10 their disclosures. Cristi Andrews with the General  
11 Counsel's Office has indicated ownership of stock in  
12 Continental Resources Incorporated; and Steve Reid from  
13 the Water Quality Division has indicated ownership of  
14 stock of Oklahoma Gas and Electric. Neither of these  
15 employees are allowed to work on permits or enforcement  
16 matters related to the entities in which they have a  
17 financial interest and their supervisors have been  
18 informed.  
19 No other updates were received this year so  
20 all previous disclosures remain in effect. Thank you.  
21 MR. KINDER: Thank you very much. No action  
22 has to be taken, but we just need to have that  
23 disclosure. Thank you for taking care of that.  
24 Next is something that we've been kind of  
25 putting off, not for us, because we wanted to be sure

Page 7

1 DR. FERRELL: Yes.  
2 MS. FIELDS: Mr. Griesel?  
3 MR. GRIESEL: Yes.  
4 MS. FIELDS: Dr. Hammon?  
5 DR. HAMMON: Yes.  
6 MS. FIELDS: Ms. Kendrick?  
7 MS. KENDRICK: Yes.  
8 MS. FIELDS: Ms. Kunze?  
9 MS. KUNZE: Yes.  
10 MS. FIELDS: Mr. Munson?  
11 MR. MUNSON: Yes.  
12 MS. FIELDS: Mr. Paque?  
13 MR. PAQUE: Yes.  
14 MS. FIELDS: Mr. Kinder?  
15 MR. KINDER: Yes.  
16 MS. FIELDS: Motion passed.  
17 MR. KINDER: Thank you, everyone. Next up on  
18 our agenda, Item No. 5, is Rob Singletary, our general  
19 counsel, will give a disclosure, I guess, a report.  
20 MR. SINGLETARY: Good afternoon, Mr. Chairman  
21 and members of the board -- or good morning I should  
22 say.  
23 Section 23.101(c) of the Environmental  
24 Quality Code requires all DEQ employees involved in the  
25 reviewing, issuing, and enforcing of permits to

Page 9

1 we did this emergency rule-making justice. Brian  
2 Duzan, thank you for coming here today. It looks like  
3 you guys have been busy for about a year now working on  
4 this.  
5 MR. DUZAN: Yes, we have. On September 22nd,  
6 2020, the Water Quality Advisory Council met and  
7 approved changes to OAC 252:641, individual and small  
8 public on-site sewage treatment systems. These changes  
9 were presented in compliance with the emergency  
10 rule-making process by environmental complaints and  
11 local services.  
12 This emergency action is due, in part, to  
13 House Bill 3461, which was presented to the 2020  
14 legislature; however, due to the health emergency of  
15 2020, the House Bill did not become a law.  
16 As we continue to evaluate many of the  
17 proposed changes, it became apparent that these  
18 amendments would address a perceived prejudice to the  
19 public interest as it relates to their ability to make  
20 use of their property. These proposed changes will  
21 allow Oklahomans more freedom in use of their property  
22 and continue to provide for the protection of human  
23 health and the environment.  
24 These changes being presented today for the  
25 board approval include a new definition of manufacture

Page 10

1 media systems, the removal of the definition of  
 2 chamber, and the amendment to the definition of Zone 1.  
 3 Language is also being proposed that will establish an  
 4 optimum reduction in sizing for conventional subsurface  
 5 absorption systems for parts of the state and a sizing  
 6 equivalent for all manufactures' media systems.  
 7 The final proposed changes will include  
 8 sizing amendments for local treatment systems, the  
 9 establishment of small public aerobic system disbursal  
 10 sizing, and the update of the related appendices.  
 11 And so that's kind of what we're at and  
 12 if you have any questions, if you have any technical  
 13 questions, we have Nicholas Huber here from the DEQ.  
 14 So that's where we're at now.  
 15 MR. KINDER: Okay. Thank you very much. Any  
 16 questions by the board? I understand this is kind of  
 17 modeled off of Kansas, some of this stuff that we're  
 18 seeing today?  
 19 MR. DUZAN: Correct. And as I said, most of  
 20 this stuff has probably already been through the board  
 21 previous, and we'll be back, I think, in January for  
 22 permanent rule making.  
 23 MR. KINDER: No questions from the board?  
 24 Any questions or comments from the public?  
 25 (No response.)

Page 12

1 MR. KINDER: Yes.  
 2 MS. FIELDS: Motion passed.  
 3 MR. KINDER: Thank you. Okay. I've been  
 4 told that there is going to be a presentation -- a  
 5 video presentation and the screen's going to come down  
 6 from up above and we're going to have to come off the  
 7 stage and sit -- come down and sit in the gallery. And  
 8 so because of that, and we're going to have to do this  
 9 twice, so I'm going to try to do it once. So I'm going  
 10 to move Item 7 down to behind Kathy's financial report.  
 11 And that's just to make it easier for the  
 12 board so we won't be jumping up back and forth and down  
 13 the stage just to kind of be clear there. So if you're  
 14 following along, we're going to move No. 7 down to  
 15 below 9.  
 16 So with that, we'll just ask for the  
 17 executive report, Scott, and I'm going to turn it over  
 18 to you and you can give your report, please.  
 19 MR. THOMPSON: All right. Thank you. Well,  
 20 obviously, we continue to deal with COVID-19 impacts.  
 21 The central office and local offices remain mostly  
 22 closed outside certain people that really needed to be  
 23 there and get something directly.  
 24 But we've also granted extensions to a number  
 25 of licenses that were expiring and tried to work around

Page 11

1 MR. KINDER: Seeing none, I will have  
 2 possible action by the board.  
 3 MR. FERRELL: Motion to approve.  
 4 MR. GRIESEL: Second.  
 5 MR. KINDER: We've got a motion to approve  
 6 and a second. Okay. Quiana, roll call?  
 7 MS. FIELDS: Mr. Barton?  
 8 MR. BARTON: Yes.  
 9 MS. FIELDS: Mr. Easton?  
 10 MR. EASTON: Yes.  
 11 MS. FIELDS: Dr. Ferrell?  
 12 DR. FERRELL: Yes.  
 13 MS. FIELDS: Mr. Griesel?  
 14 MR. GRIESEL: Yes.  
 15 MS. FIELDS: Dr. Hammon?  
 16 DR. HAMMON: Yes.  
 17 MS. FIELDS: Ms. Kendrick?  
 18 MS. KENDRICK: Yes.  
 19 MS. FIELDS: Ms. Kunze?  
 20 MS. KUNZE: Yes.  
 21 MS. FIELDS: Mr. Munson?  
 22 MR. MUNSON: Yes.  
 23 MS. FIELDS: Mr. Paque?  
 24 MR. PAQUE: Yes.  
 25 MS. FIELDS: Mr. Kinder?

Page 13

1 the fact that we couldn't get in-person training  
 2 anymore, at least for a while. And many of those  
 3 extensions are now expiring.  
 4 As you may be aware, one of the things that  
 5 happened recently is -- well, this year, of course,  
 6 that the legislature passed some statute that allowed  
 7 for a lot of cases of the Open Meetings Act to allow  
 8 virtual meetings and those are expiring this month.  
 9 So we still have some latitude through the  
 10 Governor's executive order, but you know, I don't  
 11 expect that to get changed much until maybe this  
 12 session and then we'll return more opportunities for  
 13 virtual meetings. There's still some capacity to do  
 14 that, but it's more complicated than when we did it the  
 15 last time. So that remains to be seen how exactly that  
 16 will shake out now.  
 17 You know, we're still processing drinking  
 18 water samples. Our lab is still operating. And there  
 19 was kind of a lull during the beginning of the  
 20 pandemic, but things are going strong now. And so I  
 21 think we have quite a few samples in and it's not as  
 22 easy to run shifts because of the sample load as it was  
 23 earlier. So we're just trying to deal with that and  
 24 that's one of our primary goals is to minimize the  
 25 exposure to workplace to laboratory folks but keep the

Page 14

1 laboratory function in as long as possible as well as  
 2 possible.

3 So we're still, I believe, in the  
 4 neighborhood about 80 percent or mostly working  
 5 remotely, but anybody can come into the office and get  
 6 anything they need. So they will come to the office to  
 7 make sure that they have adequate information resources  
 8 to get their job done. But roughly about 20 percent  
 9 are in the office routinely in the lab and finance and  
 10 a few other folks.

11 So -- and given the state of the COVID  
 12 impacts right now, I don't see that changing. We do  
 13 not have a definite plan for when to, kind of, move  
 14 back to a normal workplace. We're just going to base  
 15 it on the way things are going.

16 We are continuing to process permit  
 17 applications. I think water, in particular, is seeing  
 18 some improvement in permit timelines as long as our IT  
 19 stuff is functioning. And I think we're still  
 20 currently, this week, have a server that's been acting  
 21 up for several weeks and trying to get that switched  
 22 over to a different sever. So when that happens, I  
 23 think it will improve things, but to the degree we can,  
 24 I think the work is getting done pretty well.

25 And ECLS continues to respond to complaints,

Page 16

1 team on this stuff. And CDC is looking for state  
 2 partners to assist with monitoring rural areas, travel  
 3 facilities, and areas designated as disadvantaged.

4 So some of the other things that are going  
 5 on, we are still heavily engaged in national  
 6 organizations. And, you know, most of those meetings  
 7 are continuing virtually across the country. In fact,  
 8 in a way, it seems like there's more meetings than  
 9 perhaps during the normal year. So Secretary Wagner's  
 10 over there smirking because he gets to attend a bunch  
 11 of those meetings as well.

12 And Shellie has been selected to serve on the  
 13 Board of Trustees for the Water Environment Federation,  
 14 which is great. They're a not-for-property technical  
 15 and educational organization of 35,000 folks, 75 member  
 16 associates -- associations representing water quality  
 17 professionals around the world. They have been around  
 18 since 1928 working on public health and the  
 19 environment.

20 And, you know, their mission is connect water  
 21 professionals; enrich the expertise of water  
 22 professionals; and to increase the awareness of the  
 23 impact and value of water. And I'm sure that most of  
 24 us here can relate to that. And they also provide a  
 25 platform for water sector innovation.

Page 15

1 requests for services. You know, invoices and payments  
 2 are being processed still. We're still answering  
 3 records requests and we're handling that in an  
 4 appropriate manner and timely manner.

5 And so for the pandemic response assistance,  
 6 we were asked to work with OSDH, OU, the OU Health  
 7 Science Center to identify and track any existence of  
 8 the COVID virus as it relates to water. So we have  
 9 contributed to those folks to help and track the  
 10 quantity, help identify hot spots where you might do  
 11 more intensive following-up testing.

12 The testing is currently being done at OU in  
 13 Norman, the OU Health Science Center campus in  
 14 Anadarko, and also the City of OKC.

15 The Department of Corrections has experienced  
 16 several outbreaks and so they recently sought the  
 17 assistance from OSDH who asked us for input onto that  
 18 to assist with monitoring COVID. And, you know, we  
 19 don't have necessarily all the equipment we would need  
 20 to run that specific test, but we run similar tests.  
 21 So our folks have kept up with how that testing is  
 22 being done so we can provide some assistance.

23 Shellie Chard worked with the Water  
 24 Environment Federation folks to arrange for their chief  
 25 medical officer and the CDC to meet with the Oklahoma

Page 17

1 In the Land Division, Tom Bergman is the  
 2 president of the National Association SARA Title III  
 3 Program Officials. And that's an organization of State  
 4 and Tribal Emergency Response Commissions, the Local  
 5 Emergency Planning Commissions, federal agencies and  
 6 industries committed to the safe handling and storage  
 7 or hazardous materials.

8 So Tom has done a great job in that program,  
 9 and he's been a national leader in that for many, many  
 10 years. Tom and another state person are on a beta  
 11 testing team for a lot of the software. And unlike  
 12 most government projects that involve programming  
 13 software, Tom and the other state representative, work  
 14 directly with NOAA and an EPA person. And whenever they  
 15 recommend changes to the programs so we could sort the  
 16 data a different way and we could do this, it can get  
 17 done in, like, three weeks.

18 They can put the tests out there, test it,  
 19 and if it really works well or if they need to tweak  
 20 it, they can go fight over it in a very short period of  
 21 time without having to pay millions of dollars and take  
 22 a year or two. So that's just outstanding.

23 And Tom -- I've heard a lot from local folks  
 24 about the service that Tom provides to both the local  
 25 government entities as well as industry in terms of



Page 18

1 trying to work with SARA Title III.  
 2 So in the lab, Kyle Welser is on the  
 3 executive committee of NELAC, the Institute for  
 4 Laboratory Accreditation System and the NELAP  
 5 Accreditation Council.  
 6 Chris Armstrong is a member of the American  
 7 Public Health Laboratory. Jeff Armstrong -- that's a  
 8 typo. I'm assuming it's Jeff Franklin, the assistant,  
 9 of the lab is an affiliate member of the North American  
 10 Waste Management Society.  
 11 Jay Wright is our lead technical  
 12 representative on Natural Resources Data Assessment  
 13 Plans, which the separate area is the trustee for that.  
 14 And so our folks contribute greatly to try and work on  
 15 those issues. And most of our lab staff are members of  
 16 one of those organizations.  
 17 This last year, we instituted the Community  
 18 Program where funding of local governments help  
 19 revitalize old government buildings that contain lead  
 20 paint or asbestos, most likely the armory projects.  
 21 And so we're soliciting applications and those are  
 22 currently being accepted. So we expect to make the  
 23 next set of selections by July 1st of next year,  
 24 assuming funding is still there.  
 25 We had a major milestone where we celebrated

Page 20

1 got great return on investment for the legislature to  
 2 solve leaks in systems, to the extent and in many cases  
 3 they don't need to look for additional water supplies  
 4 or new sources of water or spend great amount of money  
 5 on a new treatment plant because they have adequate  
 6 water and they have adequate treatment, they just  
 7 didn't know how much of it they were losing. So that's  
 8 really a great partnership with a lot of teamwork  
 9 between those entities to do that.  
 10 You know, in FY 2020, we had three systems go  
 11 through the Long-Range Sustainability Program:  
 12 Cherokee Rural Water District 7, Lincoln Rural Water  
 13 District 4, and Dewar -- which if you know where Dewar  
 14 is, it's just north of Henryetta, you don't feel like  
 15 you've even left Henryetta.  
 16 We conducted 32 water loss audits over the  
 17 past year. That nets, like, two billion gallons per  
 18 year in real loss and 130 million gallons per year in  
 19 loss in accurate water meters, DAFT data management,  
 20 etc.  
 21 So the leak detection that was conducted at  
 22 ten public water supply systems has resulted in those  
 23 systems who actually repaired some of those resulting  
 24 in a savings valued at about \$319,600-something. And  
 25 if they didn't fix those, that would be an annualized

Page 19

1 our 20th anniversary of becoming a Nuclear Regulatory  
 2 Commission agreement state that gave us the authority  
 3 to license and regulate most radioactive material use  
 4 in Oklahoma in lieu of the NRC.  
 5 Our program, again in 1966, when Governor  
 6 Bellmon notified NRC of our intent to become a green  
 7 state, but it took a number of years for us to actually  
 8 achieve that status. And so I believe it was, you  
 9 know, in 2000 that we were actually in a pretty good  
 10 state.  
 11 So, recently, we received a Reason 6 Data  
 12 Quality award for excellence in recording as a result  
 13 of water quality in the laboratory working diligently  
 14 to ensure drinking water data recorded to EPA is of the  
 15 highest quality. I think that's really important. You  
 16 cannot make good decisions with bad data. It is really  
 17 critical to get the best data that we can.  
 18 Other things that have happened, we were part  
 19 of the Strategic Alliance Agreement with the Office of  
 20 the Secretary of Environment and Energy, the Oklahoma  
 21 Water Resources Board, the Oklahoma Rural Water  
 22 Association to get together and work to help Oklahoma's  
 23 rural and small community water systems upgrade their  
 24 aging infrastructure, to solve problems basically.  
 25 That's the program that we have gone out and

Page 21

1 loss. So this really has an impact.  
 2 We worked on 17 rate studies. And this is  
 3 really important because rural water folks are out  
 4 there teaching these systems, how to actually conduct  
 5 the business of managing their system and planning and  
 6 making sure that their rates are reasonable and that  
 7 they're going to be able to afford and continue to  
 8 maintain the system as opposed to episodically saying,  
 9 oh, we're really behind the eight ball, so we better go  
 10 get one for this one project. It's really going to  
 11 help their system stay sustainable. And I've heard  
 12 some of their discussions with systems and they're  
 13 teaching those guys that they're a forever business.  
 14 They never have a goal to get in what they have to do.  
 15 They have to keep going. So it's important for them to  
 16 really build in good management of their funding.  
 17 So the public water supply systems operation  
 18 improved by 36 percent in the participating systems.  
 19 Seven systems moved from insolvency to physical  
 20 sustainability and we awarded disadvantaged communities  
 21 grants.  
 22 Talking through the mask is kind of a  
 23 challenge to me.  
 24 So over \$1 million was used for  
 25 sustainability improvements in assistance of public

Page 22

1 water supplies most in need of health. That's 600,000  
 2 in federal funding and 409,000 in general revenue, so  
 3 in addition to the money that basically the rural water  
 4 health is getting from the legislature to expand that  
 5 program. Our water folks identified some additional  
 6 federal dollars that we could chase and increase the  
 7 assistance we could get through these systems.  
 8 The strategic alliance recognized the need to  
 9 create awareness for its programs and, you know, get  
 10 everybody to really work together for planning. We're  
 11 setting up a joint website I believe.  
 12 So I think that's a critical change. I don't  
 13 know of any other state agency in Oklahoma that's ever  
 14 done such an alliance. And so I think it's an alliance  
 15 agreement like that. And I think it's really paying  
 16 off well. We may do some additional things like that  
 17 in the future.  
 18 So one program not too many people are aware  
 19 of, we have a Clean Marina Program that encourages our  
 20 marinas that are sitting right on our lakes that are  
 21 very important, not just for the specs, but many of  
 22 them are water supplies.  
 23 So we're helping those guys go, you know,  
 24 address regulatory compliance to protect the lakes.  
 25 And there's a program from the U.S. Fish and Wildlife

Page 24

1 status and allow for reconciliation of finance and  
 2 divisional licensing systems.  
 3 And responses from divisional staff  
 4 communication is important and we need additional  
 5 communication between finance and individual staff.  
 6 So really part of the key to all of this is  
 7 that many of our divisions licensing systems are  
 8 outdated and unable to provide quality information or  
 9 communicate with the licensing activity, you know,  
 10 communicate that to management to provide quality  
 11 information for internal use.  
 12 So, basically, a lot of our systems are  
 13 outdated. And that's going to be a challenge because  
 14 of corrected, updated, new software purchased, etc.,  
 15 during this time when, you know, we have a lot of  
 16 financial uncertainty.  
 17 It's always a challenge anytime we need to  
 18 get that stuff done. So we'll do what we can to  
 19 improve those areas, but we may or may not be able to  
 20 achieve the additional IT fixes that are needed in the  
 21 short term, but we're going to strive for that.  
 22 And our agency end reports posted on the DEQ  
 23 website, you guys may want to take a look at that.  
 24 And, you know, our graphic artists put that together,  
 25 Jim Ward and Grant Thompson, and they've done a great

Page 23

1 Service, the Clean Vessel Act Grant Program and the  
 2 marinas can apply for grants to help upgrade some of  
 3 their infrastructure. The reimbursement of grants make  
 4 federal dollars cover 75 percent of the cost of the  
 5 approved projects.  
 6 And for FY 2020, three marinas will receive  
 7 over \$230,000 in federal funding to upgrade pump-out  
 8 stations and make other improvements. Two of them are  
 9 on Lake Tenkiller; one is on Grand Lake.  
 10 And, currently, we're accepting applications  
 11 -- or U.S. Fish and Wildlife is, for FY 2021 grants.  
 12 And six marinas have expressed interest. So we are  
 13 working with those folks and trying to publicize that  
 14 and that industry here, again, to get additional  
 15 resources committed.  
 16 We recently had an audit from the State  
 17 Auditor's Office. And some of the findings there are  
 18 that out divisional licensing process needs improvement  
 19 to ensure adequate controls are in place and can be  
 20 easily documented and communicated to include  
 21 validation of payment prior to licensing issuance,  
 22 monthly divisional reconciliation of license issuances  
 23 and payments received to create individual specific  
 24 license issuance policies and procedures to ensure  
 25 adequate system reports are in place to communicate

Page 25

1 job of putting that together as always. So get online  
 2 and take a look at that when you have the opportunity.  
 3 Are there any questions?  
 4 MR. KINDER: Any questions for Scott?  
 5 (No response.)  
 6 MR. KINDER: I think this kind of dovetails  
 7 right into the report a little bit. I was going to ask  
 8 Secretary Wagner if he would come up and just kind of  
 9 give an update on what he's been doing the last couple  
 10 of days and how he's in a phase with the department.  
 11 SECRETARY WAGNER: Thank you members of the  
 12 board. It's great to see you all. And as usual, thank  
 13 you for your service during these tough times.  
 14 I would love to recognize somebody I consider  
 15 an integral part of the energy environment team,  
 16 Assistant Attorney General Jennifer Lewis. She is --  
 17 we're blessed to have her on our team. She supports us  
 18 in ways that are very helpful. So thank you, Jennifer.  
 19 So Scott gave a lengthy report, but I do want  
 20 to point out that the Water Environment Federation, the  
 21 WEF, is quite a big deal nationally. And I wasn't very  
 22 familiar with the organization until I was at EPA. And  
 23 I can tell you that in the water world, that's one of  
 24 the biggest, and if not, the most respected. And so  
 25 for Shellie to be on the board is quite a feather in

Page 26

1 our cap here in Oklahoma. So I did want to recognize  
2 that.

3 And I think that's emblematic that the  
4 Department of Environment Quality really does have  
5 nations-leading division programs and things that are  
6 going on here. And we take them for granted, but when  
7 you see them nationally where we -- how we do things  
8 and how we compare nationally, I think you all can be  
9 very proud of how you help administer those programs as  
10 the board and the governance of that.

11 So what we're doing, I know a lot of tribal  
12 relations right now that are going on behind the  
13 scenes. I'm particularly gratified that the areas that  
14 we are responsible for, you know, ensuring clean air,  
15 clean land, and safe and viable drinking water are not  
16 political issues. And that's the way this department,  
17 this agency has approached that. That's the way that I  
18 have approached that with Director Thompson.

19 We've continued to foster those relationships  
20 both at the, you know, agency personnel level and all  
21 the way up to leadership. We recently met with the  
22 Creeks and the Quapaw. The Quapaw was more about our  
23 super-fun joint project up in Tar Creek, that little  
24 project you've seen up there.

25 But what we -- the message that you're

Page 28

1 where we clash. And so I think, you know, there's lots  
2 to work on in our tribal and state relationship, but on  
3 the environmental side of things, I think we've managed  
4 to put politics for the most part behind us.

5 And while publicly the tribes don't like that  
6 the State invoked the safety protections, I think they  
7 understand and they understand that we're not looking  
8 to impose our will on their tribal lands, but we want  
9 to provide certainty to systems like municipal drinking  
10 water systems that may fall within historical  
11 preservation boundaries like the city of Tulsa  
12 municipal drinking water system or, you know, the  
13 Delaware regional system that we so wonderfully got an  
14 Aquarius award today, or we at least acknowledged that  
15 with EPA today.

16 So I think there are good things happening on  
17 the tribal front. And Scott is a catalyst in that, so  
18 thank you for that. And we're going to continue moving  
19 forward in that.

20 One of the projects that I love and is dear  
21 to my heart is the lead in schools. Brandon Bowman and  
22 Shellie and her division has led that effort. And  
23 we're teed up to just make a difference here in the  
24 state to go and identify all of the areas where  
25 vulnerable populations, vulnerable children are exposed

Page 27

1 getting from us is that yes, we did invoke the  
2 protections under the safety amendments to continue to  
3 regulate non-tribal-owned land and non-tribal trust  
4 land as though we did prior to the McGirt decision.

5 And my message to them is that -- our message  
6 to them is that never before has our cooperation and  
7 their input been more valuable. And the way that I say  
8 that and the way that I believe it to be true is that  
9 if EPA sees a divided tribal and state government, and  
10 local government for that matter, then they're going to  
11 lose confidence in our ability to understand. And when  
12 EPA loses confidence, they come in and impose their  
13 will.

14 And so these tribes are Oklahomans just like  
15 all of us, and so if we can go in with a plan that  
16 works for Oklahoma, then EPA is going to have greater  
17 confidence in what we do. So we think it's more  
18 important than ever to get their input. And I think  
19 we're working on, kind of, semi-annual meetings with  
20 the tribes, particularly the big five who McGirt tends  
21 to be more relevant to.

22 And so that's been received quite well. At  
23 least, you know, I'm working on hunting and fishing  
24 compacts with two of the tribes. Those discussions are  
25 going well. We see more commonality than we see areas

Page 29

1 to lead for all pathways and we can't get in the  
2 schools because of COVID, so it's quite frustrating.

3 So, you know, we had a thought that maybe we  
4 could do some disinfection consulting at the schools  
5 and then test for lead while we were there with CARES  
6 money, but unfortunately, that hasn't materialized  
7 because the CARES money has been pretty much all spoken  
8 for. I'm still, you know, pitching away at that.

9 Scott and his team have done a marvelous job.  
10 I would be remiss to not recognize the Deputy Secretary  
11 Carly Cordell and Stephen Baldrige, our Senior  
12 Counsel, are here. They've been working with all the  
13 agencies to improve just good government as far as  
14 reducing permitting times and visual management, lean  
15 management.

16 DEQ is the model agency in the state as far  
17 as I'm concerned on that. We don't get to tout that  
18 because of COVID and people aren't convalescing  
19 together, so those are some of the things.

20 As far as where DEQ fits as far as, kind of,  
21 state agencies being back, I would tell you that we're  
22 probably in the upper third. There are some agencies  
23 like Public Safety and DHS that, you know, they don't  
24 have the capabilities to do as much remotely and so  
25 there's a higher level of -- corrections and people

Page 30

1 like that.

2       So the agencies that have a lot of

3 discretion, I think DEQ is doing a fine job. You all

4 are managing through it. We're not seeing things

5 really fall behind the wayside. We're not getting

6 criticized by EPA for the work that's being done, which

7 I think is important. So I'm pleased to report that I

8 find that we're in the well-above average category for

9 where we should be.

10       Of course, I feel maybe a little inadequate

11 talking to Tracy Hammon that Phillips is all the way

12 back to work and state government is, you know, 20 to

13 30 percent I think is probably the mean of what's going

14 on. So we're, you know, managing through it.

15       We're on COVID updates every day with the

16 Governor. And, you know, I think it's important to

17 note that when you look at statistics and people put

18 numbers in the paper that they don't really paint the

19 whole picture, which is that our state has been

20 transacting business nearly in full since April. And

21 we tend to be in kind of the middle, which is where we

22 are for population. We kind of fit that category.

23       So I'm proud of the fact that we're trying to

24 protect our citizens and keep our economy running. I

25 think there's a delicate balance, and I think we're

Page 32

1 either, so that's good. So we're going to -- Kathy, I

2 think we're going to have you come up and I think that

3 we need to probably disperse to the first couple of

4 rows. Is that correct? Okay. So make your way off to

5 the seats below.

6       MS. AEBISCHER: Good morning. Well, we

7 finished the first quarter of this fiscal year, so I'm

8 going to report on the status from that.

9       I would just like to kind of give you some

10 more background on the audit. We're considered a low

11 risk agency just because of previous audits. And so we

12 were supposed to get audited, like, three years ago.

13 And then if you remember, the Department of Health went

14 through some of their issues.

15       So we finally got selected and they audited

16 us for six years worth, so that's my whole tenure. But

17 it was a really good audit. I'm proud of my staff.

18 You should be proud of the financial management of the

19 agency because they didn't find any instance of any

20 issue, but they just felt that some of the divisional

21 licensing systems need some more reporting and some

22 things in it.

23       So I just wanted to kind of highlight that,

24 but I'm very proud of my staff because that was really

25 the only finding we had.

Page 31

1 managing through that and DEQ's a big part of that.

2       I would be happy to take any questions of

3 things. That's kind of a rambling short. I wasn't

4 really anticipating giving a post-mortem of the year.

5 But I am every day thankful for our state employees

6 that protect human health and the environment. And

7 they do it willingly. They -- you know, I really have

8 it better than all the other cabinet members.

9       MR. KINDER: Thank you very much. Any

10 questions? What a glowing report actually. Of course,

11 it's something that I've been hearing also, so it's

12 nice to hear it from someone else that things are on

13 task and it's also great to hear that the staff filling

14 national positions of leadership in their fields that

15 they're in. It makes us feel good that Oklahoma is a

16 top ten state.

17       SECRETARY WAGNER: Yes. And I can tell you,

18 I don't get called to the principal's office very

19 often, which is, I think, a testament to the fact that

20 our environmental quality is good and that our people

21 take care of business. And I don't like getting called

22 to the principal's office.

23       MR. KINDER: Thank you very much.

24       SECRETARY WAGNER: Thank you.

25       MR. KINDER: I don't like taking phone calls

Page 33

1       Also, if you remember Director Thompson

2 indicated that because of the current situation, pretty

3 much all state agencies extended due dates for

4 licenses, also did not charge any late fees. So we

5 were kind of concerned of what the first quarter would

6 look like. And, actually, I am pretty surprised and

7 glad because we've really -- in total, the net, we're

8 about 173,000 less if we compare it to last year, which

9 I think with the situation we're in, I am very

10 surprised.

11       I also looked, we just closed October and

12 we're continuing to gain on that and I think we're just

13 a net 50,000. So very, very glad and kind of impressed

14 that people are still paying and the revenues are still

15 coming in. In some areas, we're actually getting more

16 revenue than we have in previous years.

17       So only -- the lab is 300,000 over what

18 they've collected last year. And something about that,

19 last year was the best year for our lab. So continuing

20 to watch them, but surprisingly the revenue's coming

21 in. And also as Director Scott indicated, they're at

22 the office, they're working at about 80 percent trying

23 to manage the workload and bringing in the revenue for

24 their division.

25       ECLS is also collecting more funds than if we

Page 34

1 compare it to last year. Some of their funding sources  
 2 -- I don't know if it was because of the extra payments  
 3 we got in taxpayers if people are putting in septic  
 4 tanks or spending that money on that, but their revenue  
 5 is also more than compared to last year.  
 6 Our air is 300,000 less, but that's because  
 7 some of the agencies are paying later. They're taking  
 8 advantage and having to pay their payments a little bit  
 9 later. And as I looked at October, that's catching up.  
 10 So and then water, we have some funding  
 11 sources that are less than last year. So just kind of  
 12 with the economy watching what happens with that.  
 13 And land, they're about 200,000 less. But  
 14 when I was looking at that, it's a timing issue. We  
 15 had a delay from '19 that rolled into '20. So they  
 16 look like they're doing good too.  
 17 Our expenditures, if you look at our budget  
 18 of 103, the carryover of 285, if you remember last  
 19 fiscal year, the legislature gave DEQ additional funds  
 20 to purchase lab equipment. Part of that lab equipment,  
 21 we had some bid delays so it pushed the actual purchase  
 22 into this year, but that's moved. But that's what the  
 23 285,000 we just carried over those funds into this  
 24 year.  
 25 Expenditures have been a little bit slow just

Page 36

1 you get finished with your report, I'll ask the board  
 2 if they have any questions, and then we'll go up for  
 3 any possible action.  
 4 MR. GIVEN: Thank you, Mr. Chairman, members  
 5 of the board, and those in the audience. If you're not  
 6 familiar with the Environmental Quality Report, it is  
 7 required by statute that each year we, basically, take  
 8 a look ahead. We're trying to kind of predict what's  
 9 coming down the pike.  
 10 Every four to eight years that becomes a  
 11 little bit more difficult and we're in one of those  
 12 years. But I will say that even when we have a change  
 13 in administration, there is a certain impetus behind  
 14 what is already going on. It's kind of like a ship,  
 15 you can't turn it on a dime. So even some of the  
 16 things that we're talking about here, if they might  
 17 change to some degree, probably are not going to change  
 18 greatly over the course of the next few years.  
 19 Let me also mention that I will be brief. I  
 20 know this is a meeting where we don't want it to be  
 21 more protractive than necessary. I want to answer  
 22 whatever questions we have, but I will go through this  
 23 rather quickly. If there are any questions that are  
 24 such that you feel your approval of the report would be  
 25 dependent on answering them, we will certainly, even if

Page 35

1 because of the situation we're in, but everything looks  
 2 good. I don't see any issues.  
 3 And these are the expenditures based on  
 4 funding sources. Again, everything is going as  
 5 planned. A little bit behind, but it's due to the  
 6 situation that we're currently in with getting  
 7 contractors and getting our projects going.  
 8 So that's the results of the first quarter.  
 9 Anybody have any questions?  
 10 MR. KINDER: Any questions?  
 11 (No response.)  
 12 MR. KINDER: Okay. This is just for  
 13 informational purposes only, so it doesn't take any  
 14 board action. Thank you very much. It does -- Kathy,  
 15 you've got to feel good that anytime you have something  
 16 like COVID shows up and your budget that you put  
 17 together a year prior to actually kind of came together  
 18 and you made some of your -- actually did better than  
 19 you thought you were going to. And it's always great  
 20 because we had new rules this year. So it's good to  
 21 see that financially we got pretty close. Thank you  
 22 very much.  
 23 Next, we're going to have Jimmy Givens to  
 24 give us an Annual Environmental Quality report that  
 25 will require action. I think what I'll do is, Jimmy,

Page 37

1 we have to take a recess for a minute and find out the  
 2 answer for you if it's more a matter of curiosity or  
 3 something we can cover later, we may tell you that  
 4 we'll have to get back to you on that if we don't know  
 5 the answer offhand.  
 6 By statute, there are three parts to the  
 7 Environment Quality Report, one is the budget request.  
 8 We really don't have to cover that again because you  
 9 approved that in September. Federal mandates looks at  
 10 what is coming along that we predict will have a fairly  
 11 major impact on DEQ and on environmental matters within  
 12 the state. And then legislative recommendations is  
 13 simply what we as DEQ are proposing to take to the  
 14 legislature as possible request bills.  
 15 As I mentioned, the budget request was  
 16 already approved in September and we are looking at  
 17 asking for \$8 million for FY22 which will begin on July  
 18 1st of calendar year 2021. That's about a million  
 19 dollars more than what -- or about  
 20 800-some-odd-thousand more than what we got this year,  
 21 mostly for trying to fill some positions that need to  
 22 be filled and is about the same as what we got two  
 23 fiscal years ago -- or I should say last fiscal year.  
 24 Federal mandates, what are we looking at the  
 25 EPA is working on or has worked on that we're now

Page 38

1 responsible for. We divided it up by major divisions.  
2 First of all, the air quality, you already probably  
3 know about the Volkswagen Mitigation Trust. That is  
4 part of the settlement with the federal government that  
5 some funding goes to the states and we are receiving,  
6 over the course of several years, about a little over  
7 \$20 million.  
8       The first round of that is going to  
9 alternative fuels in school buses and for electric  
10 charging infrastructure throughout the state. We're  
11 well down the road on getting some of that work done.  
12       The next round will be looking more at trucks  
13 and buses and the work process is just getting started  
14 on that.  
15       Ozone is always something of interest in  
16 Oklahoma. We, fortunately, have had a couple of pretty  
17 good years now, a couple pretty good summers. So we  
18 are sitting in good shape. As you well know, it only  
19 takes one bad summer to throw us kind of off kilter,  
20 but so far so good on ozone.  
21       Regional haze, we have another report due in  
22 July of 2021 about how we are progressing to make sure  
23 that there's no visibility impairment or to take care  
24 of any visibility impairment in the Wichita Mountains  
25 area. That's the one class, one area in Oklahoma. We

Page 40

1       First that was mentioned here on your land  
2 protection is, it will affect cleanups. EPA has some  
3 screening levels and PRGs, Preliminary Remediation  
4 Goals, that they've come out with. And that will  
5 impact what we look at when we're trying to evaluate  
6 cleanups in superfund sites or other sorts of  
7 remediation sites. We don't know exactly how that will  
8 play out, but that's something we are going to have to  
9 take into account.  
10       Likewise, toxic release inventory, there are  
11 172 PFAS chemicals that have been added to that. We do  
12 not yet know how many facilities in Oklahoma that will  
13 affect, but we will be finding that out over the course  
14 of the next several months.  
15       And then I'll combine water quality, the lab,  
16 and ECLS because so much of what you're talking about  
17 here, while it's water quality driven, it affects all  
18 three of these divisions.  
19       First of all, the Effluent Limitation  
20 Guidelines for Oil and Gas, E&P, we will become -- DEQ  
21 will become the permitting authority when Region 6  
22 approves that delegation. We don't yet know when that  
23 will happen. We're making progress on that, but we  
24 will have to take into account those ELGs when we issue  
25 discharge permits for oil and gas E&P discharges.

Page 39

1 expect to meet that reasonable progress goal submittal  
2 end of summer of next year.  
3       The ACE Rule, the Affordable Cleaning Energy  
4 Rule replaced the Clean Power Plan. It is more inside  
5 of the fence focused. We also have a submittal due on  
6 it in the relatively near future in July of 2022 and we  
7 believe we are on target to meet that. Whether there  
8 will be any changes to this rule under the apparent new  
9 administration, we do not know yet. We will have to  
10 see if that will change anything about what we have to  
11 do upon our state implementation plan submittal.  
12       With respect to our Land Protection Division,  
13 just a few things I want to mention. Many of you know  
14 that we were the first state in the nation to get  
15 approval for our coal combustion residual program  
16 delegated from EPA. There have been some changes at  
17 the EPA level, because of court rulings primarily. So  
18 we're going to be coming back to you in the foreseeable  
19 future probably for some rule changes to match what EPA  
20 has done in that regard.  
21       Superfund, boy, if you've been paying  
22 attention at all in the environmental arena, you know  
23 that the big deal right now is PFAS. And you will see  
24 at least three different mentions in this update about  
25 PFAS chemicals.

Page 41

1       Water Reuse Action Plan is not a mandate. It  
2 is something, though, that is being working on at the  
3 national level that we were heavily involved in. EPA  
4 finalized their plan in February and I would say that  
5 Oklahoma -- and this is one of those areas where we're  
6 ahead of the curve because we were already working and  
7 had already accomplished much on aquifer storage and  
8 recover non-potable reuse, indirect potable reuse. All  
9 of those have rules in place now will continue to  
10 develop over time and we already had rules in place on  
11 all of those.  
12       Revised Lead and Copper Rule could literally  
13 come out any day now. That is going to look at lines,  
14 the corrosion of lines that produce higher lead  
15 concentrations in drinking water. That will be  
16 something that will impact several systems, maybe many  
17 systems in our state probably. Not as bad as some  
18 other states, but it is something that we will have to  
19 implement as well.  
20       Microbial and Disinfection Byproducts Rules,  
21 these are a series of rules that EPA is looking at.  
22 Again, we don't know exactly what will come out and we  
23 don't know whether it will be effected by the election  
24 or not. But we do know that they're looking especially  
25 at disinfection byproducts more closely. I think it's

Page 42

1 possible some additional byproducts would be added to  
2 the list of things that are regulated. That remains to  
3 be seen.

4 The next couple of names I want to mention  
5 are congressional actions, American's Water  
6 Infrastructure Act, and I know that Secretary Wagner  
7 already alluded to lead testing in schools and  
8 daycares. This, again, is not mandatory but it is high  
9 on the list of important things for us to be taking a  
10 look at. As you can imagine, there is not more  
11 critical place to be looking for lead than in schools  
12 and daycares because younger kids are most impacted.

13 We've done the pilot program, and as  
14 Secretary Wagner mentioned, there will have to be more  
15 funding to really go pull more on that. So we will be  
16 looking for opportunities to get funding to really  
17 implement that on a widespread scale.

18 A couple of other things that I'm not going  
19 to spend any time on, they relate primarily to smaller  
20 water systems, asset management plans, risk and  
21 resilience assessments. What they're trying to do is  
22 make sure that these smaller systems have the capacity  
23 both to maintain their infrastructure to do the  
24 planning that's necessary to make sure that they know  
25 what needs to be fixed and kept up to date and all that

Page 44

1 with respect to those particular things.

2 And, finally, as far as my presentation  
3 legislative recommendations, what we're looking for in  
4 the 2021 legislative session, we only have one bill  
5 that we are intending to go in proposing as a request  
6 bill. As you well know if you've been around very  
7 long, that doesn't mean that there won't be a host of  
8 other bills that we will somehow have involvement in  
9 because we're asked our opinion on them or because they  
10 come up and we realize that we need to weigh in on it.

11 But the only one that we're actually going to  
12 the legislature that this one asks for is something  
13 that, again, relates to PFAS. How do we ensure that we  
14 minimize risk of disposal of PFAS chemicals in  
15 Oklahoma?

16 And one of the things that we think might be  
17 necessary is legislation that emphasizes that the  
18 agency has the authority and the responsibility to go  
19 to whatever sites or facilities proposed in disposal of  
20 PFAS waste and ensure that they have the capacity to do  
21 that safely.

22 So that really is all this bill is proposed  
23 to do. We do not have language yet. We have until  
24 early December to actually formally request the bill,  
25 and then we will have until mid January to actually

Page 43

1 sort of thing and how do they recover when something  
2 bad happens.

3 And this is something that they require a lot  
4 of assistance with, understandably. So, again, this is  
5 part of the AWIA that we will be spending quite a bit  
6 of time working on.

7 And Water Infrastructure Improvements for the  
8 Nation Act, again, this is a congressional action that  
9 provides some grants for us to assist smaller systems.  
10 We're primarily focused on what's call TMF capacity,  
11 Technical Managerial Financial. Again, how do we make  
12 sure these systems know what they need to do and  
13 they're keeping up with planning and their maintenance  
14 and they technically know what is required of them.

15 Again, back to PFAS, we talked about it  
16 earlier with respect to land production. Now with  
17 respect to water and some of the other divisions, we're  
18 looking at it in terms of drinking water MCLs, for  
19 example. Will there be drinking water MCLs  
20 established?

21 There's quite a bit of pressure on EPA to  
22 work that in and it branches off into wastewater and  
23 biosolvent application as well. As you can imagine,  
24 that means that if these do happen, we will be coming  
25 back to you in the coming years with more rule making

Page 45

1 come up with the exact language but these are the  
2 concepts we're kicking around right now.

3 So with that, let me stop and see if there  
4 are any questions. I know we kind of went through that  
5 quickly, but that's the gist of what we are asking you  
6 to approve. It is simply an overview of what you have  
7 in your packet in fuller form, and hopefully you had a  
8 chance to look at that again.

9 So, Mr. Chairman, I will turn it back to you.

10 MR. KINDER: Sure. Got any questions from  
11 the board?

12 (No response.)

13 MR. KINDER: You all are atypically quiet  
14 behind the masks. I do have one question with the lead  
15 mitigation program. Will there be any monies available  
16 to the institutions when you do find a problem? The  
17 schools and the daycares, is there any money for them  
18 to correct in that program or is it just for discovery?

19 MR. GIVENS: I'm going to give a preliminary  
20 answer and then I'm going to ask Shellie Chard,  
21 Director of Water Quality, to elaborate. I think the  
22 answer is basically not yet.

23 MS. CHARD: Okay. So, literally, that is the  
24 \$64,000 question. We do not have any dedicated funds  
25 from the federal government at this time that can go to

Page 46

1 the individual schools. There are some creative  
2 financing that can be done. We do have approval from  
3 EPA where a water utility would be able to obtain  
4 funding and then use that money to assist the schools,  
5 but it would be that water system. It has to be a  
6 public water supply that applies for that funding.  
7 We are hopeful that we may get some funding  
8 in the next congress, you never know, as part of some  
9 of the infrastructure funding that we've heard floated  
10 out there. As an agency, we are kind of exploring  
11 options including applying a philosophy that we used  
12 several years ago that where we dedicate certain  
13 penalty or fine money that's paid to the agency, that  
14 that money be earmarked for schools replacing their  
15 equipment.  
16 Anything that is on the city or utility-owned  
17 side, there is funding available for that. What's on  
18 the school-owned side is where it gets a little more  
19 complicated. But we do think we've identified a couple  
20 of potential funding sources.  
21 We do have a work group formed with the  
22 Secretary's office, Department of Education, Department  
23 of Human Services, the state PTA organization working  
24 on funding and having a partner to make the most of the  
25 money that we do have.

Page 48

1 MR. BARTON: Yes.  
2 MS. FIELDS: Mr. Easton?  
3 MR. EASTON: Yes.  
4 MS. FIELDS: Dr. Ferrell?  
5 DR. FERRELL: Yes.  
6 MS. FIELDS: Mr. Griesel?  
7 MR. GRIESEL: Yes.  
8 MS. FIELDS: Dr. Hammon?  
9 DR. HAMMON: Yes.  
10 MS. FIELDS: Ms. Kendrick?  
11 MS. KENDRICK: Yes.  
12 MS. FIELDS: Ms. Kunze?  
13 MS. KUNZE: Yes.  
14 MS. FIELDS: Mr. Munson?  
15 MR. MUNSON: Yes.  
16 MS. FIELDS: Mr. Paque?  
17 MR. PAQUE: Yes.  
18 MS. FIELDS: Mr. Kinder?  
19 MR. KINDER: Yes.  
20 MS. FIELDS: Motion passed.  
21 MR. KINDER: All right. Thank you. I  
22 believe the next item that we have is the executive  
23 session, Item No. 10. So for that to go into executive  
24 session, I need a motion.  
25 MR. GRIESEL: So move.

Page 47

1 SECRETARY WAGNER: I would add too that I've  
2 talked to, preliminarily, some philanthropic  
3 organizations that showed interest. And so I think  
4 that's -- you know, anytime you're talking about the  
5 most vulnerable populations, young children, I think  
6 there's opportunity for philanthropy to help. So it's  
7 really a cobbling together. But identifying the  
8 problem will, I think, help bring light to it and the  
9 need for funding.  
10 MR. KINDER: Thank you very much. Opened up  
11 a can of worms it sounds like. Any questions from the  
12 public?  
13 (No response.)  
14 MR. KINDER: If not, I'll just ask the board  
15 to go back to your stations and we'll take it from  
16 there.  
17 Okay. The annual Environmental Quality  
18 Report does take action from the board so I'll be open  
19 to any action.  
20 MR. FERRELL: Mr. Chairman, I move to approve  
21 the report.  
22 MR. MUNSON: Second.  
23 MR. KINDER: I got a motion and second.  
24 Quiana roll call, please?  
25 MS. FIELDS: Mr. Barton?

Page 49

1 MR. PAQUE: Second.  
2 MR. KINDER: I've got a motion and second.  
3 UNKNOWN SPEAKER: Mr. Chairman, do we want to  
4 take a short break before we go into executive session?  
5 MR. KINDER: Yeah. That's what I thought we  
6 might do that.  
7 MS. LEWIS: Excuse me, Mr. Chairman, could we  
8 also designate someone to take the notes before we take  
9 a break for the executive session?  
10 MR. KINDER: Sure. We've got a volunteer,  
11 Jan. Thank you, Jan. Okay. We have a motion and  
12 second to go into executive session and we have Jan as  
13 our secretary in the executive session. So a roll call  
14 vote, please?  
15 MS. FIELDS: Mr. Barton?  
16 MR. BARTON: Yes.  
17 MS. FIELDS: Mr. Easton?  
18 MR. EASTON: Yes.  
19 MS. FIELDS: Dr. Ferrell?  
20 DR. FERRELL: Yes.  
21 MS. FIELDS: Mr. Griesel?  
22 MR. GRIESEL: Yes.  
23 MS. FIELDS: Dr. Hammon?  
24 DR. HAMMON: Yes.  
25 MS. FIELDS: Ms. Kendrick?



Page 50

1 MS. KENDRICK: Yes.  
 2 MS. FIELDS: Ms. Kunze?  
 3 MS. KUNZE: Yes.  
 4 MS. FIELDS: Mr. Munson?  
 5 MR. MUNSON: Yes.  
 6 MS. FIELDS: Mr. Paque?  
 7 MR. PAQUE: Yes.  
 8 MS. FIELDS: Mr. Kinder?  
 9 MR. KINDER: Yes.  
 10 MS. FIELDS: Motion passed.  
 11 MR. KINDER: Okay. We're going to take about  
 12 a ten-minute break in case anyone needs to go outside  
 13 for a bit. I'll ask Secretary Wagner to stick around  
 14 for the board executive session. We'll meet back right  
 15 where we are and we'll ask the public to go out in the  
 16 foyer.  
 17 (At 11:19 a.m. the Board recessed for  
 18 executive session, returning at 12:20 p.m.)  
 19 MR. KINDER: Okay. I would entertain a  
 20 motion to come out of executive session?  
 21 MR. MUNSON: So move.  
 22 MR. PAQUE: Second.  
 23 MR. KINDER: We have a motion and second.  
 24 Quiana, roll call, please?  
 25 MS. FIELDS: Mr. Barton?

Page 52

1 percent.  
 2 MR. MUNSON: Second.  
 3 MR. KINDER: We have a motion and second.  
 4 Quiana, please?  
 5 MS. FIELDS: Mr. Barton?  
 6 MR. BARTON: Yes.  
 7 MS. FIELDS: Mr. Easton?  
 8 MR. EASTON: Yes.  
 9 MS. FIELDS: Dr. Ferrell?  
 10 DR. FERRELL: Yes.  
 11 MS. FIELDS: Mr. Griesel?  
 12 MR. GRIESEL: Yes.  
 13 MS. FIELDS: Dr. Hammon?  
 14 DR. HAMMON: Yes.  
 15 MS. FIELDS: Ms. Kendrick?  
 16 MS. KENDRICK: Yes.  
 17 MS. FIELDS: Ms. Kunze?  
 18 MS. KUNZE: Yes.  
 19 MS. FIELDS: Mr. Munson?  
 20 MR. MUNSON: Yes.  
 21 MS. FIELDS: Mr. Paque?  
 22 MR. PAQUE: Yes.  
 23 MS. FIELDS: Mr. Kinder?  
 24 MR. KINDER: Yes.  
 25 MS. FIELDS: Motion passed.

Page 51

1 MR. BARTON: Yes.  
 2 MS. FIELDS: Mr. Easton?  
 3 MR. EASTON: Yes.  
 4 MS. FIELDS: Dr. Ferrell?  
 5 DR. FERRELL: Yes.  
 6 MS. FIELDS: Mr. Griesel?  
 7 MR. GRIESEL: Yes.  
 8 MS. FIELDS: Dr. Hammon?  
 9 DR. HAMMON: Yes.  
 10 MS. FIELDS: Ms. Kendrick?  
 11 MS. KENDRICK: Yes.  
 12 MS. FIELDS: Ms. Kunze?  
 13 MS. KUNZE: Yes.  
 14 MS. FIELDS: Mr. Munson?  
 15 MR. MUNSON: Yes.  
 16 MS. FIELDS: Mr. Paque?  
 17 MR. PAQUE: Yes.  
 18 MS. FIELDS: Mr. Kinder?  
 19 MR. KINDER: Yes.  
 20 MS. FIELDS: Motion passed.  
 21 MR. KINDER: Thank you. And now I'll  
 22 consider any action that the Board would take because  
 23 of the performance review?  
 24 MR. GRIESEL: I would like to motion to  
 25 increase Executive Director Thompson's salary by five

Page 53

1 MR. KINDER: Thank you. Scott, I'll just say  
 2 and to the staff that we're just highly satisfied with  
 3 what you've been doing. Some of the things that I  
 4 wrote down as I was listening to you is your  
 5 flexibility in COVID and the flexibility you built into  
 6 the department to be able to pivot on something that no  
 7 one ever knew how to pivot on. The fact that you --  
 8 your staff and you yourself are highly regarded in  
 9 national circles also bodes well for the department.  
 10 The other thing that some of us old timers  
 11 have been on here for a while, the financial  
 12 transparency that we've got, I think someone said that  
 13 we went from being overwhelmed with the information  
 14 that Kathy and you have been able to give to us and the  
 15 transparency that you have in management that I don't  
 16 feel like -- we don't feel like there's anything going  
 17 on that's not supposed to be going on. We just think  
 18 that you very much have a steady keel going forward  
 19 with the department.  
 20 We encourage you to keep on doing what you're  
 21 doing. Don't be discouraged and we just applaud you  
 22 for that, so thank you.  
 23 MR. THOMPSON: Thank you. I appreciate it.  
 24 MR. KINDER: So we come to any new business.  
 25 Anything that's on the agenda for new business -- or

Page 54

1 that wasn't on the agenda? Excuse me.  
 2 (No response.)  
 3 MR. KINDER: Not seeing any new business, our  
 4 next meeting is February 19th of 2021 here in Oklahoma  
 5 City, hopefully without the masks. We will just pray  
 6 for that. And that's all that I have except for  
 7 adjournment. So I guess I will open for motion to  
 8 adjourn.  
 9 MR. MUNSON: So moved.  
 10 MR. PAQUE: Second.  
 11 MR. KINDER: We got a motion and second to  
 12 adjourn. Let's vote. Quiana?  
 13 MS. FIELDS: Mr. Barton?  
 14 MR. BARTON: Yes.  
 15 MS. FIELDS: Mr. Easton?  
 16 MR. EASTON: Yes.  
 17 MS. FIELDS: Dr. Ferrell?  
 18 DR. FERRELL: Yes.  
 19 MS. FIELDS: Mr. Griesel?  
 20 MR. GRIESEL: Yes.  
 21 MS. FIELDS: Dr. Hammon?  
 22 DR. HAMMON: Yes.  
 23 MS. FIELDS: Ms. Kendrick?  
 24 MS. KENDRICK: Yes.  
 25 MS. FIELDS: Ms. Kunze?

Page 55

1 MS. KUNZE: Yes.  
 2 MS. FIELDS: Mr. Munson?  
 3 MR. MUNSON: Yes.  
 4 MS. FIELDS: Mr. Paque?  
 5 MR. PAQUE: Yes.  
 6 MS. FIELDS: Mr. Kinder?  
 7 MR. KINDER: Yes.  
 8 MS. FIELDS: Motion passed.  
 9 MR. KINDER: Okay. We stand adjourned. At  
 10 this time, we are open for public forum and this is the  
 11 opportunity. I'm seeing a no. No one is signed up. I  
 12 don't see anyone. Is there anyone who wants to speak  
 13 here today?  
 14 (No response.)  
 15 MR. KINDER: I do not see anyone, so thank  
 16 you very much. Thank you everyone for coming. Be  
 17 safe. Good luck. And we'll see you, if not  
 18 beforehand, hopefully we'll see you in February.  
 19 (The meeting is concluded at 12:24 p.m.)  
 20  
 21  
 22  
 23  
 24  
 25

Page 56

1 CERTIFICATE  
 2 STATE OF OKLAHOMA )  
 ) SS:  
 3 COUNTY OF OKLAHOMA )  
 4 I, LINDSEY TROIANI, Certified Shorthand  
 5 Reporter within and for the State of Oklahoma, do  
 6 hereby certify that meeting was by me taken in  
 7 shorthand and thereafter transcribed; and that I am not  
 8 a party nor relative of any of said parties or  
 9 otherwise interested in the event of said meeting.  
 10 IN WITNESS WHEREOF, I have hereunto set me  
 11 hand and seal this December 30th, 2020.  
 12  
 13  
 14 \_\_\_\_\_  
 Lindsey Troiani, CSR  
 No. 1956  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25



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

# ENVIRONMENTAL QUALITY BOARD

Attendance Record

November 10, 2020

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Trevor Hammons	DEQ	trevor.hammons@dep.ok.gov
Quana Fields	DEQ	
Kathy Aebischer	DEQ	
Erin Hatfield	DEQ	
Alexie Kindrick	EAB	
John Easton	EAB	
Mike Paque	EQB	
David K. Griesel	EQB	
Brian Dugan	GT	
Shelle R. Chard	WQD-DEQ	
Bad Ground	EFO	
Rob Singler	DEQ	
Jan L. Kunze	EQ	
Dwight	DEQ	
Ken Wagner	OSEP	
Carly Cordell	OSE	
Shannon L. Ferrell	EQB	
Stephen Billings	OSEP	
Mark Bartoy	EQB	
Jennifer Lewis	OAG	
Tim Munson	DEQ	
Nicholas Huber	DEQ	
TYLER FIXLEY - LAGOON WATER MIDSTREAM		TYLER.FIXLEY@LAGOONWATER.COM
Tracy Hammon	EQB	
Mark Hildebrand	ECLS-DEQ	
Jimmy Givens	DEQ	